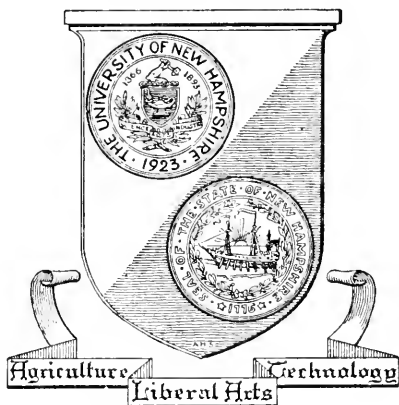




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# LAWS

OF THE  
STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1939

LEGISLATURE CONVENEED JANUARY 4,  
ADJOURNEED JUNE 17.



CONCORD, N. H.

1939

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# STATE OFFICERS

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<i>Governor</i> .....	Francis P. Murphy
<i>Councilors</i> .....	Harold K. Davison Oren V. Henderson Thomas A. Murray Arthur T. Appleton George H. Rolfe
<i>Adjutant-General</i> .....	Charles W. Howard
<i>Agriculture, Commissioner of</i> .....	Andrew L. Felker
<i>Bank Commissioner</i> .....	Clyde M. Davis
<i>Comptroller</i> .....	Charles T. Patten
<i>Education, State Board of</i> .....	Orton B. Brown Joseph W. Epply Alice S. Harriman Robert T. Kingsbury Ruth S. Kirk James A. Wellman
<i>Commissioner of</i> .....	James N. Pringle
<i>Fish and Game Department, Director</i>	Robert H. Stobie
<i>Forester, State</i> .....	John H. Foster
<i>Forestry and Recreation Commission</i> .....	Benjamin K. Ayers W. Robinson Brown Harry K. Rogers
<i>Health, State Board of, Secretary</i> ...	Travis P. Burroughs
<i>Highway Commissioner</i> .....	Frederic E. Everett
<i>Insurance Commissioner</i> .....	Arthur J. Rouillard
<i>Labor Commissioner</i> .....	John S. B. Davie
<i>State Board of Conciliation and Arbitration</i> .....	Walter F. Duffy John R. McLane Karl E. Merrill
<i>Librarian, State</i> .....	Thelma Brackett
<i>Liquor Commission, State</i> .....	John S. Hurley William A. Jackson Walter G. White
<i>Motor Vehicles, Commissioner of</i> ..	John F. Griffin
<i>Planning and Development, State</i>	
<i>Planning Director</i> .....	Frederick P. Clark
<i>Publicity Director</i> .....	Donald D. Tuttle

Nov 27 '39

<i>Police, State, Superintendent of</i> . . . . .	George A. Colbath
<i>Public Service Commission</i> . . . . .	{ William H. Barry Nelson L. Smith Claude H. Swain
<i>Public Welfare, Board of</i> . . . . .	{ William J. Britton John J. Hallinan Leo L. Osborne
<i>Commissioner</i> . . . . .	Harry O. Page
<i>Purchasing Agent</i> . . . . .	Harold Cheney
<i>Secretary of State</i> . . . . .	Enoch D. Fuller
<i>Deputy</i> . . . . .	Harry E. Jackson
<i>Tax Commission, State</i> . . . . .	{ John G. Marston Dudley W. Orr John R. Spring
<i>Treasurer, State</i> . . . . .	F. Gordon Kimball
<i>Deputy</i> . . . . .	John J. Scammon
<i>Weights and Measures, Commis- sioner of</i> . . . . .	William H. Marcotte, Jr.

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## SUPREME COURT

<i>Chief Justice</i> . . . . .	John E. Allen
<i>Associate Justices</i> . . . . .	{ Oliver W. Branch Thomas L. Marble Elwin L. Page Peter Woodbury
<i>Attorney-General</i> . . . . .	Thomas P. Cheney
<i>Assistant</i> . . . . .	Frank R. Kenison
<i>State Reporter</i> . . . . .	Crawford D. Hening
<i>Clerk of the Supreme Court</i> . . . . .	George O. Šhovan

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## SUPERIOR COURT

<i>Chief Justice</i> . . . . .	Henri A. Burque
<i>Associate Justices</i> . . . . .	{ Aloysius J. Connor Warren W. James Francis W. Johnston H. Thornton Lorimer Oscar L. Young

# THE LEGISLATURE OF 1939

## SENATE

*President*—Robert O. Blood, Concord, r.  
*Clerk*—Benjamin F. Greer, Grasmere, r.  
*Assistant Clerk*—Frank M. Ayer, Alton, r.  
*Sergeant-at-Arms*—Raymond B. Lakeman, Laconia, r.  
*Messenger*—Benjamin H. Bragg, Alstead, r.  
*Assistant Messenger*—Paul Amos Mansur, Concord, r.  
*Doorkeeper*—William W. Allen, Concord, r.

## SENATORS

Albert C. Lazure, Berlin, d.	Aldege A. Noel, Nashua, d.
John H. Finley, Colebrook, r.	Clarence J. Avery, Goffstown, r.
Lester E. Mitchell, Campton, r.	Robert O. Blood, Concord, r.
Harry P. Smart, Ossipee, r.	Ernest H. Bond, Manchester, r.
Frank J. Bryant, Lebanon, r.	Denis F. Mahoney, Manchester, d.
Curtis H. Page, Gilmanton, r.	Thomas B. O'Malley, Manchester, d.
Oliver H. Munroe, Andover, r.	Horace J. Brouillette, Manchester, d.
Harold G. Fairbanks, Newport, r.	Edmond J. Marcoux, Rochester, d.
Charles F. Butler, Hillsborough, r.	T. Jewett Chesley, Dover, r.
Marquis O. Spaulding, Keene, r.	William M. Cole, Derry, r. and d.
William Weston, Hancock, r.	A. Ralph Estabrook, Newton, r.
Stanley James, Nashua, r.	Charles M. Dale, Portsmouth, r.

## HOUSE OF REPRESENTATIVES

*Speaker*—Ansel N. Sanborn, Wakefield, r.  
*Clerk*—Cyril J. Fretwell, Concord, r.  
*Assistant Clerk*—Percy S. Congdon, Colebrook, r.  
*Sergeant-at-Arms*—Guy S. Neal, Acworth, r.  
*Chaplain*—H. Raymond Danforth, Acworth, r.  
*Doorkeeper*—Sherman L. Greer, Manchester, r.  
*Doorkeeper*—Clifton B. Tarlson, Lakeport, r.  
*Doorkeeper*—Lenne C. Twombly, Hill, r.  
*Doorkeeper*—Harry S. Yeaton, New Castle, r.

## ROCKINGHAM COUNTY

<i>Auburn</i> , Harvey F. Stowe, r.	<i>East Kingston</i> , Frank A. J. Avery, r.
<i>Brentwood</i> , Bart E. Havicau, r.	<i>Epping</i> , Thomas W. Fecteau, d.
<i>Candia</i> , Karl J. Persson, r. and d.	<i>Exceter</i> , Helen D. Bourn, r.
<i>Chester</i> , Preston E. Goodrich, r.	Walter O. Pennell, r.
<i>Deerfield</i> , Woodbury L. Rand, r.	Renfrew A. Thomson, r.
<i>Derry</i> , Robert W. Burbank, r.	Willard K. Tozier, r.
Harold W. Corson, r.	<i>Fremont</i> , Clifton H. Beede, r.
George H. Grinnell, r.	<i>Greenland</i> , James L. Miller, r.
Oliver H. Hepworth, r.	<i>Hampstead</i> , Frank W. Emerson, r.

ROCKINGHAM COUNTY—*Continued*

- Hampton*, Charles Francis Adams, r.  
*Hampton Falls*, Forrest B. Creighton, r.  
*Kingston*, Warren S. Keay, r.  
*Londonderry*, Frank A. Nesmith, r.  
*Newfields*, Daniel R. Smith, r.  
*Newington*,  
 Jackson Manning Hoyt, r. and d.  
*Newmarket*, Arthur A. Labranche, d.  
 George N. Willey, d.  
*Nexton*, Robert S. Prescott, r.  
*North Hampton*, Forrest E. Knowles, r.  
*Northwood*, Melvin W. Rowell, r.  
*Plaistow*, John A. Palmer, r.  
*Portsmouth*,  
 Ward 1, Americo J. Fransoso, r.  
 Ernest E. Fredrickson, r.  
 Arthur J. Reinhart, d.  
 Ward 2, Harry H. Foote, r.  
 Edwin W. Gray, r.  
 Everett L. Marston, r.  
 John H. Yeaton, r.  
 Ward 3, William S. Cauty, d.  
 William Cogan, d.  
 Ward 4, William H. Palfrey, r. and d.  
 Ward 5, John Burkhardt, r.  
 Leo Liberson, r.  
*Raymond*, Walter E. Quimby, r.  
*Rye*, Ernest A. Tucker, r.  
*Salem*, William Barron, r.  
 Leonard B. Peever, r.  
*Scabrook*, Howard E. Smith, r.  
*South Hampton*,  
 Earle M. Currier, r. and d.  
*Stratham*, George C. Jewell, r.  
*Windham*,  
 George H. Butterfield, Jr., r. and d.

## STRAFFORD COUNTY

- Barrington*, Bertha G. Hayes, r. and d.  
*Dover*,  
 Ward 1, Clifton R. Hayes, r.  
 Frank P. Loughlin, r.  
 Albert P. Sherry, r.  
 Ward 2, Daniel J. Cronin, d.  
 John Patrick King, d.  
 Armand J. Ouellette, d.  
 Ward 3, Frank F. Fernald, r.  
 George W. Garland, r.  
 Ward 4, Benjamin A. Brown, r.  
 Ernest L. Lucas, r.  
 Mark J. Pilgrim, r.  
 Ward 5, Edward Durnin, d.  
*Durham*, J. Guy Smart, r.  
*Farmington*, Carl C. Blanchard, r.  
 Leon R. Hayes, r.  
*Madbury*, Richard G. Hale, r. and d.  
*Milton*, Lyman Plummer, r.  
*Rochester*,  
 Ward 1, George A. Pray, r.  
 Ward 2, John F. Conrad, d.  
 George Y. Emerson, r.  
 Ward 3, Ashbel J. Young, r.  
 Ward 4, Aurelle Beaudoin, d.  
 George J. Potvin, d.  
 Ward 5, Joshua Studley, r.  
 Ward 6, Sara E. Greenfield, r.  
 Ralph F. Seavey, r.  
*Rollinsford*, Forrest L. Nutter, d.  
*Somersworth*,  
 Ward 1, Placide J. Lagueux, d.  
 Ward 2, Napoleon A. Habel, d.  
 Ward 3, Alfred J. Boucher, d.  
 Ward 4, Edmund G. Hebert, d.  
 Romeo St. Laurent, d.  
 Ward 5, Onesime J. Dubois, d.  
*Strafford*, Ellsworth H. Berry, r.

## BELKNAP COUNTY

- Alton*, Charles A. Rollins, r.  
*Barnstead*, Harry K. Hier, d.  
*Belmont*, Herbert C. Adams, r. and d.  
*Gilford*, Arthur H. Lord, r.  
*Gilmanton*, Amos R. Price, d.  
*Laconia*,  
 Ward 1, David O'Shan, r.  
 George W. Tarlson, r.  
 Ward 2, Alfred L. Guay, d. and r.  
 Fortunat A. Normandin,  
 d. and r.  
 Ward 3, Elmer S. Tilton, r. and d.  
 Ward 4, Joseph H. Roucher, r.  
 Frederick A. Tilton, r.  
 Ward 5, Howard K. Ballou, r.  
 Harry J. Rivers, r.



## BELKNAP COUNTY—Continued

## Laconia—Continued

Ward 6, Clarence E. Greene, r.  
Charles L. Simpson, d.  
Meredith, Shepherd F. Brown, r.  
J. Frank Neal, r.

New Hampton, Joseph W. Smith, d.  
Sanbornton, Nathan T. Morse, r. and d.  
Tilton, Hooper R. Goodwin, r.

## CARROLL COUNTY

Bartlett, Scott C. W. Simpson, r.  
Conway, Elmer H. Downs, r.  
Perley W. Mudgett, r.  
George W. Russell, r.  
Effingham, Willis D. Gale, d.  
Jackson, Leonard A. Fernald, r.  
Madison, Guy W. Nickerson, r.  
Moultonborough, Edith D. Banfield, r.

Ossipee, Chester E. Mellow, r.  
Sandwich, Perley C. Knox, r.  
Tamworth, Leonard H. Vittum, r. and d.  
Tuftonboro, Royal P. Young, r.  
Wakefield, Ansel N. Sanborn, r.  
Wolfeboro, Ralph G. Carpenter, 2nd,  
r. and d.  
Raymond E. Jewell, r.

## MERRIMACK COUNTY

Allenstown, Narcisse V. Guilbeault, d.  
Andover, Gladys E. MacPhee, r.  
Boscawen, Maurice S. Nichols, r.  
Bow, Frank E. Woodbury, d.  
Bradford, Joseph H. Trow, d.  
Canterbury, Charles Elliott Morrill, d.  
Chichester, Leon A. Sanborn, r.  
Concord,  
Ward 1, Charles P. Coakley, d.  
George F. McGirr\*, d.  
Ward 2, Roger Dunlap, r.  
Ward 3, George W. Kemp, r.  
Ward 4, Albert S. Baker, r.  
Louis P. Elkins, r.  
Parker L. Hancock, r.  
Ward 5, George A. Conlon, r.  
George H. Nash, r.  
Ward 6, Winslow H. Osborne, r.  
Donald W. Saltmarsh, r.  
Arthur F. Sturtevant, r.  
John C. Tilton, r.  
Ward 7, John E. Buntin, r.  
Allen M. Freeman, r.  
Frank E. George, r.  
George Azro Maxham, r.  
Ward 8, William H. Hoyt, r.

Ward 9, John T. Harrison, r.  
John Payeglio, r.  
Danbury, Eugene L. Collins, r.  
Dunbarton, Henry Millburn, r.  
Epsom, Albert J. Yeaton, d. and r.  
Franklin,  
Ward 1, Lester C. Maxfield, r.  
Ward 2, Emile Carignan, d.  
Eusebe P. Lemire, d.  
Ward 3, John P. Dempsey, d.  
James S. Shaw, d.  
Henniker, Charles J. Burnham, r.  
Hooksett, Edward M. DuDevoir, d.  
Alphonse Lafond, d.  
Hopkinton, Lewis A. Nelson, r.  
Loudon, Charles L. Merrill, r.  
Newbury, Albert W. Cheney, r. and d.  
New London, Herbert D. Swift, r.  
Northfield, Lucien F. Batchelder, r.  
Pembroke, Oscar I. Boisvert, d.  
Antonio Dupont, d.  
Pittsfield, John H. Perkins, d.  
Robert H. Sanderson, d.  
Salisbury, Sydney Clark, r.  
Sutton, Fred M. Anderson, r.  
Warner, Alfred S. Cloues, r.  
Wilmot, Ernest Stuart, r.

\* Died.

## HILLSBOROUGH COUNTY

- Amherst*, Ralph C. Bills, r.  
*Antrim*, Hugh M. Graham, r. and d.  
*Bedford*, Ralph M. Wiggin, r.  
*Bennington*, Arthur J. Pierce, r. and d.  
*Brookline*, Llewellyn S. Powers, r.  
*Deering*, Stuart Michie, r.  
*Francestown*, Carroll F. Clark, d.  
*Goffstown*, John W. Brown, r.  
     A. Kenneth Hambleton, r.  
     Arthur E. Pattee, r.  
*Greenville*, Bernadette E. Charois, d.  
*Hancock*, Maurice S. Tuttle, r.  
*Hillsborough*, George W. Boynton,  
     r. and d.  
     Frank D. Gay, r.  
*Hollis*, Henry A. Wilson, r. and d.  
*Hudson*, Fred T. Goodwin, r.  
     Arthur W. Smith, r.  
*Litchfield*, John A. Reid, r. and d.  
*Manchester*,  
     *Ward 1*, Harry W. Bergholtz, r.  
         Stoddard B. E. Chase, r.  
         Joel S. Daniels, Sr., r.  
         Edward T. Knowlton, r.  
     *Ward 2*, Charles Henry Barnard, r.  
         Perley W. Gage, r.  
         Victor C. Johnson, r.  
         Charles V. Kimball, r.  
         Charles E. Woodbury, r.  
     *Ward 3*, Joseph M. Barry, d.  
         Michael J. Dwyer, d.  
         James J. Shea, Jr.†, d.  
         Michael A. Talty\*, d.  
         Marjorie S. Woodbury, r.  
     *Ward 4*, James S. Duffley, r.  
         John J. Frain, d.  
         Thomas J. McGowan, d.  
         D. Frank O'Neil, d.  
     *Ward 5*, Joseph J. Betley, d.  
         Napoleon Dulac, d.  
         George T. Healy†, d.  
         George E. Houle, d.  
         Arthur J. Lacroix, d.  
         Martin L. Mahoney, d.  
         John C. O'Brien, d.  
     *Ward 6*, Richard J. Barry, d.  
         William J. Booth, d.  
         John G. Clancy, d.  
         Paul J. Connolly, d.  
         Frank M. Fox, Jr.†, d.  
         John J. Sullivan, d.  
     *Ward 7*, Armand J. Benoit, d.  
         Alecide R. Gagnon, d.  
         Joseph C. Gaumont, d.  
         Arthur J. Jean, d.  
         P. Romeo Poirier, d.  
         Gedeon A. Turcotte, d.  
     *Ward 8*, Edmond Benoit, d.  
         Edward F. Bouthiette, d.  
         George A. Brousseau, d.  
         George N. Constant, d.  
         Michael S. Donnelly, d.  
         Joseph O. Gelinac, r. and d.  
         John J. Kane, d.  
         Michael P. Wedick, d.  
     *Ward 9*, Leo Boisvert, d.  
         John F. Driscoll, d.  
         Lionel E. Plante†, d.  
     *Ward 10*, William N. Brown, d.  
         Mary L. Caron, d.  
         Paul L. Gilmartin†, d.  
         Louis J. Head, r.  
     *Ward 11*, Hubert T. Carroll, d.  
         John B. Mullen, d.  
         Francis H. Sweeney, d.  
         Joseph J. Roukey, d.  
     *Ward 12*, Joseph P. Aubin, d.  
         Charles A. Caron, d.  
         J. Charles Durette, d.  
         Alpha J. Letendre, d. and r.  
         Louis J. Soucy, d.  
     *Ward 13*, Adolphe Duval, d.  
         Lorenzo L. Gauthier, d.  
         George I. Ladouceur, d.  
         Hector J. Rousseau, d.  
         Arthur Thibodeau, d.  
*Mason*, Albert C. Whitaker, r.  
*Merrimack*, Edward W. Carter, r.  
*Milford*, Charles S. Emerson, r.  
     George R. Foster, r.  
     Fred T. Wadleigh, r.  
*Mont Vernon*, Arvid G. Erlando, r. and d.

\* Died.

† Resigned.

HILLSBOROUGH COUNTY—Continued

*Nashua,*

- Ward 1,* Blaylock Atherton, r.  
Mabel Thompson Cooper, r.  
George W. Underhill, r.  
Charles I. Woodbury, r.
- Ward 2,* Patrick J. Duclos, r.  
Grace M. Griswold, r.
- Ward 3,* Wilfred J. Belanger, d.  
Octave J. Goulet, d.  
Hector Trombley, d.
- Ward 4,* Thomas F. Sullivan, d.  
Timothy J. Sullivan, d.
- Ward 5,* J. Adelard Berube, d.  
Emile E. Marquis, d.  
Joseph A. Moussette, d. and r.
- Ward 6,* Eulalie L. Fournier, d.  
Robert St. Francois, d.

- Frank B. Shea, d.
- Ward 7,* Aimable B. Goyette, d.  
John A. Ledoux, d.  
Frank A. Lougee, d.
- Ward 8,* Rodolphe Cormier, d.  
Wilfred Grandmaison, d.  
Anthony W. Joyce, d.  
John D. Wilcox, d.
- Ward 9,* William R. Hurbonovich, d.  
Auguste Senechal, d.
- New Boston,* Albert E. Shedd, r. and d.
- New Ipswich,* William T. Thompson,  
r. and d.
- Pelham,* Albert H. Jones, d.
- Peterborough,* Perkins Bass, r.  
George A. Myhaver, r.
- Ware,* Frank H. Peaslee, r.
- Wilton,* Peter J. Dugan, r.

CHESHIRE COUNTY

- Alstead,* Donald W. Moore, r.
- Chesterfield,* E. James Winslow, r.
- Dublin,* Charles R. Thomas, r.
- Fitzwilliam,* George F. Miller, r.
- Gilsum,* Pauline I. Hanson, r.
- Harrisville,* John N. Clark, d. and r.
- Hinsdale,* Abbie H. Robertson, r. and d.
- Jaffrey,* George H. Duncan, d.  
Jason C. Sawyer, r. and d.
- Keene,*
- Ward 1,* James H. Batchelder, r.  
Russell F. Batchelor, r.  
Francis P. Callahan, r.  
George F. Knowlton, r.
- Ward 2,* Sidney S. Frissell, r.  
Clifford W. Martiu, r.
- Ward 3,* Wakefield Dort, r.  
Wilder F. Gates, r.

- Ward 4,* Lawrence C. Ellery, r.  
Harry C. Lichman, r.
- Ward 5,* John M. Duffy, d.  
Carl D. Roche, d.
- Marlborough,* Ray E. Tarbox†, r.
- Marlow,* Albert W. Phelps, d.
- Richmond,* Stephen A. Bullock, d. and r.
- Rindge,* Harris H. Rice, r. and d.
- Stoddard,* William F. Lane, r. and d.
- Swanzey,* Arthur B. Perry, r.  
Bert W. Wheeler, r.
- Troy,* Elwin Smith, r.
- Walpole,* Albert F. Chickering, r.  
James T. Relihan, d.
- Westmoreland,* Glenn E. Britton, r. and d.
- Winchester,* Frederick H. Ingham, r.  
Luman R. Nelson, r.

SULLIVAN COUNTY

- Charlestown,* Charles S. Hutchins, r.
- Claremont,* Herbert J. Babcock, r.  
Sydney B. Converse, r.  
Clarence B. Etsler, r.  
James E. Holt, r.  
Earl F. Howe\*, r.  
Perl L. Hutchins, r.

- Charles B. Officer, r.
- Charles H. Putnam, r.
- Oney Russell, r.
- George C. Warner, r.
- Cornish,* Harry D. Witherill, r.
- Croydon,* Herbert D. Barton, r. and d.
- Grantham,* George W. Hastings, r. and d.

\* Died.

† In place of Leon E. Wiswall who died.

## SULLIVAN COUNTY—Continued

*Langdon*, William Hall, r.  
*Newport*, Richard P. Donovan, d.  
 Leon E. Kempton, d.  
 Edward J. Maley, d.  
 Irving W. Rowell, r.

*Plainfield*, John W. Whitney, r.  
*Sunapee*, Leo L. Osborne, d.  
*Unity*, George S. Callum, r.  
*Washington*, Arthur H. Davison, d. and r.

## GRAFTON COUNTY

*Ashland*, Charles N. Swayne, d.  
*Bath*, Adelbert W. Bailey, r.  
*Benton*, Charles H. Tyler, d.  
*Bethlehem*, George T. Noyes, r.  
*Bristol*, John W. Coolidge, r.  
*Campton*, Bertram W. Pulsifer, r.  
*Canaan*, Allen C. Campbell, d.  
*Dorchester*, Herbert H. Ashley, r. and d.  
*Enfield*, Herbert E. Walbridge, r.  
*Franconia*, William P. Hodge, r.  
*Grafton*, Shirley C. Leonard, r.  
*Hanover*, Grace F. Batchelder, r.  
 Edgar H. Hunter, r.  
 Francis V. Tuxbury, r.  
*Haverhill*, Ernest E. Craig, r.  
 Frank R. Dean, r.  
 George L. Strobbridge, r.  
*Hebron*, Florence B. Smith, r.  
*Holderness*, Mark K. Marden†, r.

*Lebanon*, William J. B. Cannell, r.  
 Harold C. French, d.  
 Frank F. Hough, r.  
 Leon M. Howard, d.  
 Florence Ward Hoyt, r.  
 Robert G. Dow, r.  
*Lincoln*, James A. Legassie, Sr., d.  
*Lisbon*, James E. Collins, r.  
 Arthur L. Hamilton, r.  
*Littleton*, Robert E. Bowker, r.  
 Jacob F. Hildebrand, r.  
 Ada Agnes Soper\*, r.  
 Henry F. Whitcomb, r.  
*Lyman*, Clyde B. Santy, d.  
*Lyme*, Frank H. Bailey, r. and d.  
*Orford*, Edgar C. Lufkin, r.  
*Plymouth*, Kenneth G. Bell, r.  
 Harry A. Merrill, d. and r.  
*Rumney*, John Z. Taylor, r.  
*Warren*, Samuel H. Dreghorn, r. and d.  
*Woodstock*, Harry D. Sawyer, d. and r.

## COOS COUNTY

*Berlin*,  
*Ward 1*, Margaret H. Barden, d.  
 Edward F. Hinchey, d.  
 Elisabeth H. Mason, d.  
 George R. Paine, d.  
 Henry A. Smith, d.  
*Ward 2*, Aristide T. Montminy, d.  
 Albert G. Palmer, d.  
 Clarence D. Smith, d.  
 Georgianna Trottier, r.  
*Ward 3*, Louis Bisson, r.  
 Marie A. Christiansen, r.  
 Raoul L. Ramsey, d.  
*Ward 4*, Esther C. Bixby, d.  
 Guy J. Fortier, d.  
 Rebecca Gagnon, d.  
 Victor N. Laforce, d.  
*Colebrook*, James F. Congdon, r.

Oscar G. Kelsea, r.  
*Columbia*, John R. Jackson, d.  
*Dalton*, William O. Emerson, r.  
*Dummer*, Bessie G. Stiles, r. and d.  
*Gorham*, George H. Keough, r. and d.  
 Merton M. Willis, r.  
*Jefferson*, William A. Crawford, d.  
*Lancaster*, Arthur C. Cryan, r. and d.  
 Harvey W. Hartford, r. and d.  
*Milan*, Elden J. Peabody, d. and r.  
*Northumberland*, Donald W. Marshall, d.  
 William F. Rowden, r.  
*Pittsburg*, Harvey H. Converse, r.  
*Randolph*, John H. Boothman, Jr., r.  
*Stark*, George J. Phelan, r.  
*Stewartstown*, Fred H. Noyes, r.  
*Stratford*, Harvey L. Hinman, r.  
*Whitefield*, Charles McIntyre, r.

\* Died.

† In place of Lester M. Avery who died.

LAWS  
OF THE  
STATE OF NEW HAMPSHIRE  
PASSED JANUARY SESSION, 1939

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CHAPTER 1.\*

AN ACT PROVIDING FOR EMERGENCY USE OF MOTOR VEHICLE  
TRUCKS FOR TIMBER SALVAGING.

SECTION

1. Non-resident motor trucks; special registration.
2. Resident motor trucks; special registration.
3. Motor vehicle commissioner.

SECTION

4. Agricultural trucks.
5. Laws suspended.
6. Credit on fees paid.
7. Takes effect.

WHEREAS an emergency exists within the state owing to the great amount of fallen timber and the insufficiency of equipment within the state to salvage the same, therefore

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

**1. Non-resident Motor Trucks; Special Registration.** Any motor vehicle truck owned by a non-resident who has complied with the laws of his state, district or country relating to registration and licensing of motor vehicles, engaged within this state in hauling logs or logging equipment, if the owner thereof has secured from the motor vehicle commissioner a special certificate of registration, may be operated upon the ways of this state for said purposes for a period from the date of the issue of said certificate until July 1, 1939 upon the payment of the required fee as herein provided. The amount of the fee for such certificate shall be one third of the amount which would otherwise be required for one year's registration for such motor truck under the provisions of sections 21-a, 21-c, 22 or 29-a of chapter 100 of the Public Laws, as amended, or under section 1 of chapter 102 of the Public Laws, as amended.

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\* See chapter 200, *post*.

**2. Resident Motor Trucks; Special Registration.** Any motor truck, which has not been registered for the fiscal year 1938-1939, owned by a resident, which is to be operated in hauling logs or logging equipment, upon the payment of the required fee as herein provided, may, if the owner thereof has secured from the motor vehicle commissioner a special certificate of registration, be operated upon the ways of this state for the period from the date of issue of said certificate until July 1, 1939. The amount of the fee for such certificate shall be one third of the amount which would otherwise be required for one year's registration for said motor truck under the provisions of section 1 of chapter 102 of the Public Laws, as amended. Provided that for such special registration the owner shall not be required to obtain a permit for registration from the city or town wherein he resides and shall not be required to pay the fee for such municipal permit. Any motor truck, owned by a resident, which has already been registered for the fiscal year 1938-1939 or which shall be registered for the fiscal year 1939-1940, may be registered for the period from date of application and July 1, 1939, to carry an increased gross tonnage, over its declared tonnage for other uses, for the sole purpose of hauling logs or logging equipment, upon the payment to the motor vehicle commissioner of a fee equal to one third of the amount by which such fee would otherwise be increased because of such increased gross tonnage, under the provisions of chapter 102 of the Public Laws, as amended.

**3. Motor Vehicle Commissioner.** The motor vehicle commissioner is hereby authorized to issue the special certificates of registration herein provided in such form as he may determine. Motor trucks registered under the provisions of sections 1 and 2 hereof may be operated for the purposes therein specified and for no other purposes. All fees received by the motor vehicle commissioner for such special certificates shall be credited to the highway department for the maintenance of highways.

**4. Agricultural Trucks.** Any motor truck properly registered or to be registered to be used for agricultural purposes only, in accordance with the provisions of paragraph III of section 1 of chapter 102 of the Public Laws, as amended by chapter 45 of the Laws of 1935, may be used for hauling logs

or logging equipment of the owner thereof on any public highway during the period from the date of the passage of this act and July 1, 1939, without the payment of any additional registration fee other than that required by said paragraph III as amended by said chapter 45.

**5. Laws Suspended.** Until July 1, 1939, the provisions of chapters 100 and 102 of the Public Laws relative to the registration of trucks by residents and non-residents inconsistent with the provisions hereof are hereby suspended and made inoperative so far as they relate to the registration of motor trucks engaged in hauling logs or logging equipment.

**6. Credit on Fees Paid.** All moneys paid to the motor vehicle commissioner for special registration certificates under the provisions hereof shall be credited to the owner of any motor truck specially registered hereunder who shall, during the fiscal year 1939-1940, desire to register such motor truck for general use in accordance with the provisions of chapter 102 of the Public Laws, as amended; and the fee payable in such case under said chapter 102 shall be reduced by the amount already paid for a special registration certificate under this act. This section shall not be construed to relieve any person from the payment of any fees otherwise required.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved February 7, 1939.]

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## CHAPTER 2.

### AN ACT RELATING TO EMERGENCY PUBLIC WORKS.

SECTION	SECTION
1. Extension of authority to issue bonds.	2. Takes effect.

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

**1. Extension of Authority.** Amend section 29 of chapter 113 of the Laws of 1935 as amended by chapter 9 of the Laws of 1937 by striking out the figures "1939" in the last line and inserting in place thereof the figures 1941, so that said section as amended shall read as follows: **29. Termination of Power to Issue Bonds.** Except in pursuance of any contract or

agreement theretofore entered into by and between any municipality, or school district or village district and any federal agency, no municipality, or school district or village district shall borrow any money or deliver any bonds pursuant to the provisions of this act after December 31, 1941.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 15, 1939.]

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### CHAPTER 3.

AN ACT PROHIBITING THE PUBLICATION BY COUNTY OFFICIALS OF NAMES OF PERSONS RECEIVING SOLDIERS' AID.

SECTION

1. Soldiers' aid.
2. Inspection of county reports.

SECTION

3. Takes effect.

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

**1. Soldiers' Aid.** Amend section 16 of chapter 106 of the Public Laws as amended by chapter 94 of the Laws of 1931 by inserting before the word "selectmen" in the first line the words, county officials, and by inserting before the word "towns" in the third line the word counties, so that said section as amended shall read as follows: **16. Publication.** County officials, selectmen of towns, and the mayor and aldermen of cities shall not publish or allow to be published in the annual reports of counties, towns, or cities, the name of any soldier or sailor, his wife, widow, or minor children who have received such aid, but may enter the items under the heading of aid furnished soldiers and sailors.

**2. Amendment.** Amend section 17 of chapter 106 of the Public Laws by inserting before the word "town," each time it occurs in said section, the word county, so that said section as amended shall read as follows: **17. Inspection.** Any taxpayer of a county, town or city shall be allowed to see the itemized account of such aid furnished, as it appears on the record books of the county, town or city, by making demand of the county, town or city officials.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved February 15, 1939.]



## CHAPTER 4.

## AN ACT RELATING TO CITY AND TOWN TAX COLLECTORS' ASSOCIATION.

## SECTION

1. Payment of expenses to yearly meeting.

## SECTION

2. Takes effect.

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

**1. Payment of Expenses.** Amend chapter 47 of the Public Laws as amended by section 1 of chapter 62 of the Laws of 1929 by adding after section 11-a the following: **11-b. City and Town Tax Collectors' Association.** Town and city tax collectors shall be entitled to receive the actual expenses incurred by them in attending the yearly meeting of the New Hampshire City and Town Tax Collectors' Association, the same to be audited by the selectmen of towns and the finance committee of cities, respectively, and paid out of the town or city treasury.

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

[Approved February 15, 1939.]

## CHAPTER 5.\*

## AN ACT CLOSING ROBINSON POND IN THE TOWN OF HUDSON TO ALL FISHING.

## SECTION

1. Closed to all fishing.

## SECTION

2. Takes effect.

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

**1. Closed to All Fishing.** Amend section 7 of chapter 155 of the Laws of 1935, by adding after paragraph X, as inserted by section 32, chapter 188 of the Laws of 1937, the following new paragraph: XI. Robinson pond in the town of Hudson

\* See chapters 35 and 169, *post*.

for a period of two years from the date of the passage of this act.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1939.]

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## CHAPTER 6.\*

AN ACT RELATING TO PICKEREL FISHING IN RUST POND IN WOLFEBORO AND MIRROR LAKE IN TUFTONBORO AND WOLFEBORO.

SECTION

1. Rust pond, pickerel fishing.
2. Mirror lake, pickerel fishing.

SECTION

3. Takes effect.

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

**1. Rust Pond, Pickerel Fishing.** Amend paragraph V, section 4, chapter 155 of the Laws of 1935, as inserted by chapter 96 of the Laws of 1937, by striking out in line two the words, "Rust pond in Wolfeboro," so that said paragraph as amended shall read as follows: V. Pemigewasset river, Post pond in Lyme, Rocky pond in Wentworth, Round pond in Lyman.

**2. Mirror Lake, Pickerel Fishing.** Amend paragraph III, section 4, chapter 155 of the Laws of 1935, as inserted by chapter 96 of the Laws of 1937, by striking out in lines two and three the words, "Mirror lake in Tuftonboro and Wolfeboro," so that said paragraph as amended shall read as follows: III. Mason pond in Orford, Merrymeeting lake in New Durham, Middleton reservoir in Middleton, Mirror lake in Woodstock.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1939.]

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\* See chapter 169, *post*.

## CHAPTER 7.\*

AN ACT RELATING TO TAKING PICKEREL IN LAKE WENTWORTH  
IN WOLFEBORO.

SECTION	SECTION
1. Lake Wentworth in Wolfeboro.	2. Takes effect.

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

**1. Lake Wentworth in Wolfeboro.** Amend section 12 of chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, and as amended by chapter 2 of the Laws of 1937, by striking out the word "and" in the fourth line and by adding after the word "Winnisquam" in the fourth line the words, and Lake Wentworth in Wolfeboro, so that said section as amended shall read as follows: **12. Pickerel.** Pickerel not less than twelve inches in length may be taken and possessed from June first to January sixteenth, except that in Lake Winnepesaukee, Lake Massabesic, Squam Lake, Lake Winnisquam and Lake Wentworth in Wolfeboro pickerel of not less than twelve inches in length may be taken and possessed from June first to April first. A person may take not more than ten pounds of pickerel in one day, provided that so long as he has taken less than ten pounds he shall be entitled to one additional fish.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1939.]

## CHAPTER 8.

AN ACT TRANSFERRING THE ADMINISTRATION OF AID TO THE  
DEAF FROM THE BOARD OF PUBLIC WELFARE TO THE  
BOARD OF EDUCATION.

SECTION	SECTION
1. Duties of state board of education.	4. State aid for blind.
2. Use of funds.	5. Duties: state board of public welfare.
3. Transfer of authority.	6. Takes effect.

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

**1. Duties of the State Board of Education.** Amend section 11 of chapter 116 of the Public Laws by inserting after para-

\* See chapter 169, *post*.

graph XII the following new paragraph: XIII. Education for the Deaf. Prepare, develop and administer plans to provide educational facilities for the deaf.

2. **Use of Funds.** Amend section 14 of chapter 116 of the Public Laws by inserting after paragraph IX the following new paragraph: X. Education for the Deaf. For the expense of providing educational facilities for the deaf.

3. **Transfer of Authority.** Amend section 2 of chapter 115 of the Public Laws by striking out the words, "and for the deaf and dumb" in the second line so that said section as amended shall read as follows: 2. **Industrial Aid.** The board may act as a bureau of information and industrial aid for the blind and for this purpose may furnish materials and tools to any blind person, and may assist such blind persons as are engaged in home industries in marketing their products, in finding employment and in developing home industries for them; and may ameliorate the condition of the blind by devising means to facilitate the circulation of books, by promoting visits among the aged or helpless blind in their homes, and by such other methods as it may deem expedient; provided, that the board shall not undertake the permanent support or maintenance of any blind person.

4. **Amendment.** Amend section 3 of chapter 115 of the Public Laws as amended by chapter 202, Laws of 1937, by striking out the words "deaf and dumb or" so that said section as amended shall read as follows: 3. **State Aid; How Granted.** Upon the recommendation of the board of public welfare, assistance shall be furnished to such blind persons, in such amounts and at such asylums, schools or other institutions designed for the purpose, as the governor and council shall direct.

5. **Amendment.** Amend paragraph I of section 6 of chapter 202 of the Laws of 1937 by striking out the word "deaf" in the second line so that said paragraph as amended shall read as follows: I. General. Develop plans to provide assistance to needy aged, blind, tuberculous persons and dependent children; administer or supervise the administration of these activities, the activities of the state's veteran officer, child

welfare services, social service index and other activities hereinafter mentioned.

**6. Takes Effect.** This act shall take effect July 1, 1939.  
[Approved March 1, 1939.]

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## CHAPTER 9.

### AN ACT RELATING TO MUNICIPAL FINANCES.

#### SECTION

1. Temporary provisions.
2. Emergency town appropriation.

#### SECTION

3. Takes effect.

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

**1. Temporary Provisions.** Every municipality which has at the time when this act takes effect outstanding notes payable on demand, overdue notes issued in anticipation of taxes, notes issued to pay for damage caused by flood and wind during 1938, or which has used the principal of trust funds and has not restored the same, may provide for the payment of such notes and for the restoration of such trust funds in whole or in part in the tax levy of 1939 or 1940, and shall borrow not exceeding in the aggregate the amount, if any, required for paying the balance of such notes and restoring the balance of such trust funds, and issue bonds or notes therefor payable serially in the manner provided in chapter 59 of the Public Laws covering a period not exceeding fifteen years from the date of issue. With money so provided said notes shall be paid and said trust funds restored in 1939 or 1940.

**2. Emergency Town Appropriation.** Money lawfully may be raised at the regular town meetings in 1939 for the purpose of paying or refunding notes issued to pay for damage caused by flood and wind during 1938, notwithstanding the fact that no article dealing with such an appropriation may have been inserted in the warrant warning the meeting.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 1, 1939.]

CHAPTER 10.

AN ACT RELATING TO THE PRACTICE OF VETERINARY MEDICINE.

SECTION		SECTION
1. Practice of veterinary medicine.		2. Takes effect.

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

**1. Veterinary Medicine, Practice of.** Amend section 9 of chapter 209 of the Public Laws, as amended by section 3, chapter 87, Laws of 1929, by striking out said section and inserting in place thereof the following: **9. Examinations.** Before such application is granted, said board shall require the applicant to submit to an examination as to his qualifications for such practice, in manner and form and on such subjects as are prescribed by said board. Provided, however, that no applicant shall be eligible for such examination until he has satisfied the board that he is a graduate of a veterinary college recognized as such by the American Veterinary Medical Association and by the Bureau of Animal Industry, United States Department of Agriculture, and having a course of study of not less than four school years of not less than six months each. Should an applicant fail to pass a satisfactory examination he shall not be eligible for a second examination within six months.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 1, 1939.]

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CHAPTER 11.

AN ACT TO INCREASE THE SALARY OF THE COUNTY TREASURER OF SULLIVAN COUNTY.

SECTION		SECTION
1. Salary of county treasurer of Sullivan county.		2. Takes effect.

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

**1. Salary of County Treasurer.** Amend section 12, chapter 39 of the Public Laws as amended by chapter 104 of the Laws of 1935 and chapter 100 of the Laws of 1937, by strik-

ing out the word "two," after the word "Sullivan" in the twelfth line, and inserting in place thereof the word four, so that said section as amended shall read: **12. Salaries and Expenses.** The annual salaries of the treasurers of the several counties, to be in full for their services and allowances of every kind, except as hereinafter provided, shall be as follows:

In Rockingham, eight hundred dollars.

In Strafford, four hundred dollars.

In Belknap, three hundred dollars.

In Carroll, four hundred dollars.

In Merrimack, four hundred dollars.

In Hillsborough, twelve hundred dollars.

In Cheshire, two hundred dollars.

In Sullivan, four hundred dollars.

In Grafton, three hundred dollars.

In Coos, four hundred dollars.

To the foregoing sums shall be added a reasonable sum for all necessary expenses upon order of the county commissioners.

**2. Takes Effect.** This act shall take effect April 1, 1939. [Approved March 1, 1939.]

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## CHAPTER 12.

AN ACT RELATIVE TO PERMANENT IMPROVEMENT AND ADDITIONAL FACILITIES AT THE TRAMWAY.

SECTION

1. Tramway on Cannon mountain.

SECTION

2. Takes effect.

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

**1. Tramway on Cannon Mountain.** Amend section 10 of chapter 130 of the Laws of 1937 by striking out said section and inserting in place thereof the following: **10. Revenue.** There shall be collected for carriage upon the tramway provided for herein and for other services made available therewith such fares, tolls and charges as the commission shall deem reasonable. Such sums as are so collected shall be deposited with the state treasurer who shall keep the same in a separate account. Operating expenses, depreciation and upkeep of said tramway and services shall be charged to or paid from

said account and from the balance of said account after the deductions hereby authorized the governor, with the approval of the council, shall pay the interest and principal of the bonds or notes issued hereunder as the same become due, and payable. From the balance of said special account after the payment of expenses, depreciation, upkeep and services, and the annual interest and bond or note charges, a sum not to exceed ten thousand dollars (\$10,000) for each of the fiscal years ending June 30, 1939, 1940, 1941 and 1942 may be retained in said account and paid out by the commission, with the approval of the governor and council, for permanent improvements and additional facilities at the tramway. During the construction of the tramway the governor may, if necessary, draw his warrant upon the general fund to pay the interest due upon any bonds or notes that have been issued in accordance with the provisions hereof, but reimbursement for such payments shall be made to the general fund from revenue in the special fund herein created. When the principal and interest of all notes and bonds authorized hereunder have been paid or sufficient money has accumulated in said special fund to pay the same the balance of the special fund herein provided, after the payment of charges as herein authorized, shall be paid at such times as the governor and council shall direct into the general funds of the state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 7, 1939.]

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### CHAPTER 13.

AN ACT RELATING TO REPORT TO REGISTER OF DEEDS OF SALE OF  
REAL ESTATE FOR TAXES.

SECTION

1. Sale of real estate for taxes.

SECTION

2. Takes effect.

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

**1. Sale of Real Estate for Taxes.** Amend section 24 of chapter 66 of the Public Laws by striking out the word "two" in the first line thereof and inserting in place thereof the word six, so that said section as amended shall read as follows: **24.**



**Report of Sale.** Each tax collector, within six days after selling any real estate for taxes, shall deliver or forward by registered mail to the register of deeds for the county in which the real estate is situated a statement of the following facts relating to each parcel of real estate sold, certified by him under oath to be true: To whom the real estate was taxed, as it appears in the tax list committed to him; the description of the property as it appears in said list; the amount of the taxes for which the sale was made and the person against whom they were assessed; the date of the sale; the name of the purchaser; the sum paid or to be paid by the purchaser; a description of the parcel or interest sold; and a statement of the officer's fees and expenses in giving notices, making the sale and delivering the same to the register, which statements shall be recorded and indexed by the register as provided in section 29.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 7, 1939.]

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## CHAPTER 14.\*

### AN ACT CLOSING WASH POND IN HAMPSTEAD TO ICE FISHING.

SECTION

1. Closed to ice fishing.

SECTION

2. Takes effect.

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

**1. Closed to Ice Fishing.** Amend paragraph VI of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96, Laws of 1937, by inserting after the word "Alstead" the words, Wash pond in Hampstead, so that said paragraph as amended shall read as follows: VI. Warren lake in Alstead, Wash pond in Hampstead, White's pond in Pelham, Winnipauket lake in Webster, Zephyr lake in Greenfield.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 7, 1939.]

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\* See chapter 169, *post*.

## CHAPTER 15.

## AN ACT RELATING TO HORSE RACING AND CREATING A STATE RACING COMMISSION.

## SECTION

1. Pari mutuel pools.
2. Tax on pari mutuel pools.
3. Prohibition.

## SECTION

4. Distribution of tax.
5. Takes effect.

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

**1. Pari Mutuel Pools.** Amend section 14, chapter 27, Laws of 1935, by striking out the said section and inserting in place thereof the following: **14. Pari Mutuel Pools.** Within the enclosure of any race track where is held a race or race meet licensed and conducted under this act, but not elsewhere, the sale of pari mutuel pools by the licensee under such regulations as may be prescribed by said commission is hereby permitted and authorized during the calendar years 1939 to 1942, inclusive. Commissions on such pools shall in no event and at no track exceed eleven per cent (11%) of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered exceeding a sum equal to the next lowest multiple of ten, known as "breakage" one half of which "breakage" shall be retained by the licensee and the balance shall be paid to the state treasurer for the use of the state in accordance with the provisions of section 2 of chapter 27 of the Laws of 1935. Said maximum shall include the four and one-half per cent tax hereinafter prescribed.

**2. Pari Mutuel Pools.** Amend section 15 of said chapter 27 by striking out said section and inserting in place thereof the following: **15. Tax.** Each person, association or corporation licensed to conduct a race or race meet under this act shall pay to the state treasurer a sum equal to four and one-half per cent of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under this act. Of the amount so paid to the state treasurer a sum equal to four and one-quarter per cent of said total contributions shall be distributed in accordance with the provisions of section 2 of chapter 27 of the Laws of 1935, and a sum equal to one quarter of one per cent of said total contributions shall be expended for the promotion of agriculture in

the state under the direction of the commissioner of agriculture. Each person, association or corporation licensed to conduct a race or race meet under this act shall also pay to the city or town treasurer in which the racing plant is located the sum of two hundred and fifty dollars for each day of racing, provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct races or race meets for less than eight days during the year for which the license is issued, the per diem fee to be paid to the city or town treasurer shall be determined by the commission.

**3. Prohibition.** Amend said chapter 27 by inserting after section 21 the following new section: **21-a. Prohibition.** No person, association or corporation conducting a racing plant under the provisions of this act, nor the commission, shall employ at said racing plant, during the time in which the general court is in session, any person who is a member of said general court.

**4. Distribution of Tax.** Amend said chapter 27 by inserting after section 16 the following new section: **16-a. Agricultural Fairs.** The portion of the tax on pari mutuel pools to be distributed for the promotion of agriculture, as provided in section 15, shall be distributed by the commissioner of agriculture in accordance with the following plan to all agricultural fairs incorporated under the laws of New Hampshire holding yearly exhibitions and paying premiums of five hundred dollars or more annually. Each year a payment of one hundred dollars shall be paid to all such agricultural fairs. The balance of said fund shall be divided *pro rata* to said fairs based on the amount of competitive or educational agricultural premiums paid the preceding calendar year by said fair. In determining the premiums paid the commissioner shall take into consideration premiums paid for contests, exhibits or displays of domestic livestock, household products, farm crops and those made by 4-H clubs or other similar groups. The commissioner of agriculture shall make such rules and regulations relative to reports as to premiums as may be necessary to enable him to determine the *pro rata* distributions to be made of the sums hereinbefore provided.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved March 8, 1939.]

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## CHAPTER 16.

AN ACT TO CHANGE THE NAME OF CRYSTAL LAKE TO CANAAN STREET LAKE.

SECTION

1. Canaan Street Lake, name given.

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

**1. Canaan Street Lake, Name Given.** That the name of the body of water, situate in the town of Canaan and adjoining the village of Canaan Street, known as Harts pond or Crystal lake, be, and the name hereby is, changed to Canaan Street lake.

[Approved March 9, 1939.]

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## CHAPTER 17.

AN ACT ESTABLISHING GENERAL JOHN STARK DAY.

SECTION

1. General John Stark Day.

SECTION

2. Takes effect.

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

**1. General John Stark Day.** The governor is hereby authorized and directed to issue annually a proclamation declaring that the seventeenth day of June be known as General John Stark day and directing that appropriate ceremonies be held on said day in commemoration of the patriotic devotion which this outstanding New Hampshire hero gave to his country.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 9, 1939.]

## CHAPTER 18.

## AN ACT RELATING TO THE SALARY OF THE JUSTICE OF THE MUNICIPAL COURT OF MILFORD.

## SECTION

1. Salaries, justices of municipal courts.

## SECTION

2. Takes effect.

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

**1. Salaries, Justices Municipal Courts.** Amend paragraph I, section 32, chapter 323 of the Public Laws, as inserted by chapter 47 and amended by chapter 154 of the Laws of 1933 and chapter 87 of the Laws of 1935 by adding at the end thereof the words: In Milford, four hundred dollars, so that said paragraph as amended shall read as follows:

1. In Manchester, two thousand four hundred dollars;
- In Nashua, two thousand dollars;
- In Concord, one thousand eight hundred dollars;
- In Portsmouth, one thousand eight hundred dollars;
- In Dover, one thousand five hundred dollars;
- In Laconia, one thousand two hundred dollars;
- In Keene, one thousand two hundred dollars;
- In Claremont, one thousand two hundred dollars;
- In Berlin, one thousand two hundred dollars;
- In Lebanon, eight hundred dollars;
- In Newport, seven hundred dollars;
- In Exeter, six hundred dollars;
- In Somersworth, five hundred dollars;
- In Franklin, six hundred dollars;
- In Rochester, nine hundred dollars;
- In Littleton, six hundred dollars;
- In Milford, four hundred dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 9, 1939.]

**CHAPTER 19.**

AN ACT IN RELATION TO TIMBER SALVAGE.

SECTION	SECTION
1. Town appropriation for timber salvage.	3. Takes effect.
2. Exception.	

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

**1. Town Appropriations.** Amend section 4, chapter 42 of the Public Laws by adding after paragraph XXVIII, as inserted by section 2, chapter 119 of the Laws of 1937, a new paragraph as follows: XXIX. Timber Salvage. To defray the expense of building approaches other than public highways to bodies of water and other sites where timber is to be stored, designated by the Northeastern Timber Salvage Administration for storage and manufacture of down timber, and of leasing whatever land may be necessary to facilitate the storage and preservation of down timber and lumber manufactured therefrom. The provisions of this paragraph shall be in effect until January 1, 1945.

**2. Exception.** Appropriations under the provisions of paragraph XXIX of section 4 of chapter 42 of the Public Laws may be made at the town meeting of March 14, 1939, without a special article being inserted in the warrant calling such meeting.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 9, 1939.]

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**CHAPTER 20.**

AN ACT RELATIVE TO TOWN APPROPRIATIONS.

SECTION	SECTION
1. Town appropriation for veterans conventions.	2. Takes effect.

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

**1. Town Appropriations.** Amend section 4 of chapter 42 of the Public Laws by inserting after paragraph XXIX, as inserted by an act approved March 9, 1939,\* the following new

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\* See chapter 19, *ante*.

paragraph: XXX. Veterans Conventions. Any town in the state wherein is held the annual state convention of any state organization of veterans who have served in the army or navy of the United States, in time of war, may by vote contribute money towards the expenses of such annual convention, but in no case shall such contribution exceed six hundred dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 9, 1939.]

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## CHAPTER 21.

### AN ACT RELATING TO WARNING TOWN MEETINGS.

SECTION

1. Warning town meetings.

SECTION

2. Takes effect.

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

**1. Town Meetings.** Amend sections 8, 9, and 10 of chapter 45 of the Public Laws by striking out all of said sections and inserting the following: **8. Warning, Upon Neglect.** If the selectmen unreasonably neglect or refuse to warn a meeting, or to insert any article in their warrant, a justice of the superior court, upon application in writing of twenty-five or more voters or of one sixth part of the voters of such town, may issue a warrant for such meeting, or order the insertion of an article in the warrant. **9. Other Cases.** If the biennial or annual meeting in any town shall not have been held, or if there has never been any legal meeting of the town; or if, by reason of death, removal from the town, disability or resignation of the board of selectmen, no member of the board remains in office, a justice of the superior court, on application of twenty-five voters, or of one sixth part of the voters of the town, may issue a warrant for such meeting. **10. Warrant.** The warrant of a justice of the superior court for a town meeting shall be under his hand, directed to the sheriff or a deputy sheriff of the county in which the town is situate; it shall specify the time, place and object of such meeting and shall be served and returned in the same manner as warrants issued by selectmen.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 9, 1939.]

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## CHAPTER 22.

### AN ACT RELATING TO LICENSES AND EXAMINATIONS OF DOMESTIC INSURANCE COMPANIES.

SECTION	SECTION
1. Local insurance companies, licenses.	4. Repeal.
2. Licenses now in force.	5. Takes effect.
3. Examination of domestic insurance companies.	

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

**1. Local Insurance Companies.** Amend section 11 of chapter 273 of the Public Laws by striking out said section and inserting in place thereof the following: **11. Licenses.** On compliance with the foregoing conditions, and if the company is found upon examination made by or under the direction of the commissioner to have complied with the laws of the state applicable to it, a license to transact the kind of business specified therein shall be issued until April first thereafter; and annually thereafter, on April first, such license may be renewed so long as the company shall comply with the requirements of the law and the commissioner shall regard it as safe, reliable and entitled to confidence. Any such license, or any renewal thereof, unless surrendered or revoked, shall expire on April first next after its issue.

**2. Licenses Now in Force.** All licenses of insurance companies organized under the laws of this state, heretofore issued under provisions of section 11 of chapter 273 of the Public Laws, now in force, unless surrendered or revoked by due process of law, shall expire as of April 1, 1939.

**3. Domestic Insurance Companies.** Amend section 31 of chapter 273 of the Public Laws by striking out said section and inserting in place thereof the following: **31. Examinations.** At the close of each calendar year the commissioner, in person or by deputy, shall examine and verify the assets and liabilities of all domestic insurance companies with their



annual statements required by the following section, and, in addition thereto, shall make a thorough examination of the affairs of every domestic insurance company once every three years. The expense of such triennial examinations shall be borne by the company examined. Provided, that whenever it shall appear to the commissioner that any domestic insurance company is insolvent or that there is gross waste, misconduct or negligence in the management of its affairs he shall make or cause to be made a thorough examination of such company forthwith.

4. **Repeal.** Sections 19 and 20 of chapter 278 of the Public Laws, relative to examination of domestic life insurance companies, are hereby repealed.

5. **Takes Effect.** This act shall take effect upon its passage.

[Approved March 9, 1939.]

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## CHAPTER 23.

### AN ACT RELATING TO TAXATION OF FOREIGN INSURANCE COMPANIES.

#### SECTION

1. Tax on foreign insurance companies.
2. Annual statements.

#### SECTION

3. Takes effect.

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

1. **Foreign Insurance Companies.** Amend section 59 of chapter 275 of the Public Laws, as amended by chapter 103 of the Laws of 1929, by striking out said section and inserting in place thereof the following: **59. Tax, Fire Insurance, etc.** Every such fire, marine, fidelity and casualty insurance company shall pay to the state treasurer, within one month after receiving notice from the commissioner of the amount thereof, a tax of two per cent upon all gross direct premiums written, less return premiums, upon property or risks located or persons resident in this state, during the year ending on the preceding December thirty-first, as assessed by the commissioner, and a further deduction in the case of all mutual fire, casualty, fidelity and boiler insurance companies, taxable under the pro-

visions of this section, of the amount of all unabsorbed premium deposits actually returned or credited to policyholders upon business in this state during the year for which the tax is determined.

**2. Annual Statements.** Amend section 55 of chapter 275 of the Public Laws, as amended by chapter 14 of the Laws of 1929, by striking out the whole of said section and inserting in place thereof the following: **55. Annual Statements.** Every such insurance company doing business in this state shall, on or before March first in each year, transmit to the commissioner a statement, under oath, of its president and secretary, of the whole amount of premiums written during the year ending on the preceding December thirty-first, for insurance on property or risks located or persons resident in this state; also giving its assets, liabilities, amount of capital stock actually paid in, amount of outstanding risks and the business standing and affairs of the company generally; in accordance with blanks to be furnished by the commissioner, adapted to the business of the company.

**3. Takes Effect.** This act shall take effect upon its passage and shall apply to the business of the year ending December 31, 1938, and all subsequent years.

[Approved March 9, 1939.]

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## CHAPTER 24.

AN ACT RELATING TO DOCUMENTS IN THE OFFICE OF THE INSURANCE COMMISSIONER.

SECTION

1. Disposal of reports and records  
in insurance department.

SECTION

2. Takes effect.

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

**1. Insurance Department.** Amend chapter 271 of the Public Laws by inserting after section 21 the following new section: **22. Disposal of Reports and Records.** The commissioner may destroy, at the end of ten years from the date of filing, reports and records of insurance companies which have been filed with the insurance department and which, in his opinion, are no longer of any value to the state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

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## CHAPTER 25.

AN ACT RELATING TO INCORPORATION OF INSURANCE COMPANIES.

SECTION

1. Collision insurance.
2. Mutual insurance companies.

SECTION

3. Takes effect.

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

**1. Collision Insurance.** Amend paragraph VI of section 1, chapter 272, Public Laws, as amended by chapter 135 of the Laws of 1931, by adding after the word, "glass," in the seventh line the words, and against loss or damage resulting from collision, so that said paragraph as amended shall read as follows: VI. On property and rents and use and occupancy, against loss or damage and against liability of the insured therefor from explosions of steam boilers, tanks and engines, their connections and machinery connected therewith, and breakage of flywheels and machinery, and to make inspections thereof; and against loss from burglary, theft or forgery, and against loss or damage by the breakage of glass and against loss or damage resulting from collision.

**2. Mutual Companies.** Amend section 5 of chapter 272 of the Public Laws by inserting after the word "stock" in the second line the words, or mutual, so that said section as amended shall read as follows: **5. Combinations of Business.** The articles of agreement of such a stock or mutual company may provide for the transaction of the following combinations of business: That specified in paragraph I of section 1 with that specified in paragraph II; that specified in paragraphs III, IV and V or in any two of said paragraphs; that specified in paragraphs IV, V, VI and VII or in any two or more of said paragraphs.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

## CHAPTER 26.

AN ACT RELATIVE TO THE ESTABLISHMENT OF A GAME REFUGE  
ON PROPERTY OF ST. PAUL'S SCHOOL.

SECTION

1. St. Paul's School game refuge.

SECTION

2. Takes effect.

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

**1. Game Refuge.** Amend chapter 202 of the Public Laws, as inserted by section 6, chapter 124 of the Laws of 1935 by inserting after section 11 the following new section: **11-a. St. Paul's School Game Refuge.** The limitation as to distance between state fish and game refuges, provided for in the preceding section 11, shall not prohibit the establishment of such a game refuge on premises belonging to St. Paul's School in the city of Concord, provided the owners and abutters consent to the establishment of such a refuge, under the procedure set forth in section 11. If such a refuge is established the boundary on the north of said refuge shall be the Hopkinton road and the expense of policing the refuge shall be assumed by St. Paul's School.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

## CHAPTER 27.\*

AN ACT TO REGULATE THE TAKING OF BROOK TROUT IN TRIO  
PONDS IN ODELL.

SECTION

1. Brook trout.

SECTION

2. Takes effect.

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

**1. Brook Trout.** Amend paragraph III of section 2, chapter 155 of the Laws of 1935 as inserted by section 1, chapter 144 of the Laws of 1937 by striking out the entire paragraph and inserting in place thereof the following: III. Pine river in Effingham, Wakefield and Ossipee, Pleasant pond in Deer-

\* See chapter 169, *post*.

field, Poverty pond in Hill, Robartwood lake in Campton, Rocky Bound pond in Croydon, Round pond in Pittsburg and Trio ponds in Odell.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

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## CHAPTER 28.

### AN ACT RELATING TO NON-RESIDENT FUR DEALERS.

SECTION		SECTION
1. Repeal.		3. Takes effect.
2. Non-resident fur buyers.		

1. Repeal.
2. Non-resident fur buyers.

3. Takes effect.

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

**1. Repeal.** Paragraph II of section 13 of chapter 203 of the Public Laws, as inserted by section 7, chapter 124, Laws of 1935, and as amended by section 2, chapter 156, Laws of 1937, relative to fees for licenses for non-resident fur buyers, is hereby repealed.

**2. Non-resident Fur Buyers.** Amend section 203 of the Public Laws, as inserted by section 7, chapter 124, Laws of 1935, by inserting after section 14 the following new section: **14-a. No License Required.** A non-resident of this state may at any time engage in this state in the business of buying the furs or skins of fur-bearing animals from resident licensed fur buyers without a license so to do.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

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## CHAPTER 29.

### AN ACT REGARDING TAX LIENS ON REAL ESTATE.

SECTION		SECTION
1. Extension of lien on real estate.		2. Takes effect.

1. Extension of lien on real estate.

2. Takes effect.

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

**1. Extension of Lien.** Amend section 17 of chapter 66 of the Public Laws by striking out the word "July" in the fourth

line and inserting in place thereof the word, October, so that said section as amended shall read as follows: **17. Lien.** The real estate of every person or corporation shall be holden for all taxes assessed against the owner thereof; and all real estate to whomsoever assessed shall be holden for all taxes thereon. All such liens shall continue until one year from October first following the assessment.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

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## CHAPTER 30.

### AN ACT RELATING TO TAX COLLECTORS' BONDS.

#### SECTION

1. Bonds for constables.
2. Bonds for tax collectors.

#### SECTION

3. Takes effect.

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

**1. Constables.** Amend section 29 of chapter 47 of the Public Laws by striking out the words "collector or" in the first line of said section so that said section as amended shall read as follows: **29. Bonds.** Every constable shall, within six days after his election or appointment, give bond, with sufficient sureties to the acceptance of the town or selectmen, for the faithful performance of the duties of his office, in form like that of county officers, and in default thereof the office shall become vacant.

**2. Collector of Taxes.** Amend said chapter 47 by adding after section 29 the following new section: **29-a. Bond Required.** Each tax collector before entering upon his duties shall, within thirty days of his election or appointment unless said period of thirty days has been extended by the tax commission for good cause shown, give bond for the faithful performance of his duties. Such bond shall be approved in writing by the tax commission.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

## CHAPTER 31.

## AN ACT RELATING TO ADVERTISING IN SO-CALLED TOURIST GUIDES.

SECTION

1. Tourists guides.

SECTION

2. Takes effect.

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

**1. Tourist Guides.** Amend section 1 of chapter 113 of the Laws of 1933 by inserting after the word "public" in the tenth line the words, any form of advertising to be published in so-called tourist guides or like publications, or, so that said section as amended shall read as follows: **1. Motor-Vehicle Road Service and Tourist Service.** No individual, firm, association or corporation shall perform, or offer to perform, in this state, for a stipulated fee covering a certain period, any form of road or other service relating to the repair, operation and care of automobiles or protection and assistance of automobile owners or drivers, other than by insurance, or to furnish or offer to furnish tourist service by selling or offering to sell to any proprietor of any so-called roadside house or camp furnishing or offering to furnish meals and/or lodging to the traveling public, any form of advertising to be published in so-called tourist guides or like publications, or any form of sign or other insignia indicating that said roadside house or camp has been approved by any individual, firm, association or corporation, without being licensed therefor by the insurance commissioner.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

## CHAPTER 32.

## AN ACT RELATIVE TO LEGAL HOLIDAYS.

SECTION

1. Legal holidays.

SECTION

2. Takes effect.

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

**1. Legal Holidays.** Amend section 3 of chapter 313 of the Public Laws by striking out the word "six" in the first line

and inserting in place thereof the word, seven, so that said section as amended shall read as follows: **3. On Sundays.** When either of the seven days last mentioned falls on Sunday, the following day shall be observed as a holiday.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

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## CHAPTER 33.

### AN ACT DESIGNATING THE WHITE MOUNTAIN HIGHWAY.

#### SECTION

1. Designation of White Mountain Highway.

#### SECTION

2. Takes effect.

WHEREAS the state highway extending from the Massachusetts line to the Canadian border through the center of the state has been designated the Daniel Webster highway and

WHEREAS the state highway extending from the Massachusetts line to the northern part of the state on the west side of the state has been designated as the Dartmouth College highway, now therefore

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

**1. Designation.** In recognition of the part the White Mountains has played in the development of the recreational facilities of the state the great New Hampshire highway extending from the intersection of the Lafayette road at Portsmouth to and through Pinkham Notch to the intersection of route 26 at Errol, said road being a part of route 16, and designated as the East Side road by section 15 of chapter 35 of the Laws of 1905, as inserted by chapter 155 of the Laws of 1909, is hereby given the name of the White Mountain highway and the governor and council are authorized to direct all things necessary to suitably mark and designate said highway accordingly.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 21, 1939.]



## CHAPTER 34.

## AN ACT RELATING TO SOLICITOR'S PERMITS.

## SECTION

1. Solicitor's permit; exception.

## SECTION

2. Takes effect.

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

**1. Alcoholic Beverages.** Amend section 12 of chapter 99 of the Laws of 1933 by striking out said section and inserting in place thereof the following: **12. Solicitor's Permit; Exception.** Solicitor's permits shall authorize the permittee within the state of New Hampshire to offer for sale or solicit orders for the sale of, within the state of New Hampshire, any beverage if the vendor of such beverage is the holder of a manufacturer's or wholesaler's permit issued under this act. Solicitor's permits shall not be issued without the recommendation of the vendor whom the solicitor represents. Provided, further, that any salaried office employee of a vendor who holds a manufacturer's or wholesaler's permit issued under this act may, with the approval of the state liquor commission, be authorized to offer for sale, or solicit orders for the sale of, within the state, any beverage sold by such vendor without a solicitor's permit.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 21, 1939.]

## CHAPTER 35.\*

AN ACT RELATING TO THE CLOSING TO FISHING OF UMBAGOG LAKE, THE MAGALLOWAY RIVER AND ITS TRIBUTARIES AND THE ANDROSCOGGIN RIVER AND CERTAIN OF ITS TRIBUTARIES.

## SECTION

1. Closed season.

## SECTION

2. Takes effect.

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

**1. Closed Season.** Amend section 7, chapter 155, Laws of 1935, by inserting after paragraph XI, as inserted by chapter

\* See chapter 169, *post*.

5 of the Laws of 1939, the following new paragraph: XII. Umbagog lake in Errol and Cambridge and that part of the lake called Leonard pond in Errol and the Magalloway river and all its tributaries and the Androscoggin river and all its tributaries from Umbagog lake to Errol dam are hereby closed to all fishing from October first to January first and from March first to April first.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 21, 1939.]

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## CHAPTER 36.\*

### AN ACT RELATING TO SMELT FISHING.

#### SECTION

1. Waters closed to smelt fishing.

#### SECTION

2. Takes effect.

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

**1. Smelt Fishing.** Amend section 6, chapter 155 of the Laws of 1935 as amended by section 1, chapter 73 of the Laws of 1937 by inserting after the words "Nubanusit lake" in line seventeen the words, and all its tributaries, and by inserting after the words "New London" in line twenty-one the words, Spofford lake and its tributaries in the town of Chesterfield, Fernald brook flowing into Lake Wentworth in Wolfeboro and the mouth of Fernald brook where it flows into the lake for an area of fifty feet out into the lake, so that said section as amended shall read as follows: **6. Closed Waters.** The following waters are closed to smelt fishing: Dana Hines brook in Meredith, Dublin pond and the outlet as far as Clark's Mill pond dam in Dublin, White pond in Ossipee, Black brook in Sanbornton for a distance of two hundred yards above its middle mouth to a point one hundred and fifty yards out into the lake from its middle mouth, Massabesic lake and all its tributaries in Manchester and Auburn, Silver lake and its tributaries in Madison, Massasecum lake in Bradford, Pleasant pond and its tributaries in Deerfield, Mascoma river in Mascoma and Lebanon from the outlet of the lake to the south

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\* See chapter 169, *post*.

ends of the abutment of the first railroad bridge, First Connecticut lake and its tributaries in Pittsburg, all tributaries of Sunapee lake, Highland lake and its tributaries in Andover, all tributaries of Webster lake in Franklin, Echo lake in Marlow and Lempster, Inlet brook to Ledge pond in Madison, all tributaries of Loon lake in Freedom, Nubanusit lake and all its tributaries in Hancock and Nelson, Silver lake in Nelson and Harrisville, Mill brook from White Oak pond to Big Squam lake in Holderness, all tributaries to Lake Tarleton in Piermont and Swanzey lake in Swanzey, and all tributaries of Little Sunapee lake in New London, Spofford lake and its tributaries in the town of Chesterfield, Fernald brook flowing into Lake Wentworth in Wolfeboro and the mouth of Fernald brook where it flows into the lake for an area of fifty feet out into the lake and Bradley lake in Andover.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 21, 1939.]

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### CHAPTER 37.\*

AN ACT RELATING TO FLY AND BAIT FISHING FOR BROOK TROUT  
IN CONNOR POND IN OSSIPEE.

SECTION

1. Brook trout, fly and bait fishing.

SECTION

2. Takes effect.

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

**1. Brook Trout; Fly and Bait Fishing.** Amend paragraph III of section 2 of chapter 155 of the Laws of 1935, as amended by section 1, chapter 144, Laws of 1937, by inserting after the word "Ossipee" in the first line the words, Connor pond in Ossipee, so that said paragraph as amended shall read as follows: III. Pine river in Effingham and Ossipee, Connor pond in Ossipee, Pleasant pond in Deerfield, Poverty pond in Hill, Robartwood lake in Campton, Rocky Bound pond in Croydon and Round pond in Pittsburg.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 21, 1939.]

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\* See chapter 169, *post*.

### CHAPTER 38.

AN ACT PROVIDING FOR AN EXTENSION OF THE ACT RELATIVE TO  
THE ISSUANCE WITH STATE GUARANTEE OF EMERGENCY  
NOTES AND BONDS BY TOWNS, CITIES AND  
COUNTIES.

## SECTION

1. Extension of time for issuance  
of emergency notes and  
bonds.

## SECTION

2. Takes effect.

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

**1. Provisions Extended.** Amend section 8 of chapter 63, Laws of 1933, as amended by chapter 39, Laws of 1935, and chapter 1, Laws of 1937, by striking out said section and inserting in place thereof the following: **8. Duration of Authority.** The authority given to the governor and council to issue certificates of emergency or to guarantee the payment of loans made by virtue of such certificates shall continue for the term of eight years from the date of the passage of this act, but all other provisions of this act shall remain in force until the loans authorized by this act have been fully paid.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 21, 1939.]

### CHAPTER 39.

AN ACT RELATING TO ASSESSMENT OF TAXES.

## SECTION

1. Assessment of taxes.

## SECTION

2. Takes effect.

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

**1. Assessment of Taxes.** Amend section 8 of chapter 64 of the Public Laws by adding after the word "acres" in the last line the words, if known, so that said section as amended shall read as follows: **8. List; Real Estate.** The list of taxes assessed on real estate shall contain the name of the owner, if known; otherwise the name of the original owner,

if known; the number of the lot and range, if lotted, otherwise such description as the land may be readily known by; the number of acres, if known; and the amount of taxes assessed thereon.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 21, 1939.]

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## CHAPTER 40.

### AN ACT RELATING TO DISTRAINT FOR COLLECTION OF PROPERTY TAXES.

SECTION 1. Limitation of action.	SECTION 2. Takes effect.
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*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Limitation of Action.** Amend section 6 of chapter 66 of the Public Laws by adding at the end thereof the following: Such distraint shall be valid only if begun within one year from October first following the assessment, so that said section as amended shall read as follows: **6. Distraint.** Upon neglect or refusal of any person or corporation to pay the taxes assessed upon them, the collector may distraint the goods and chattels of such person or corporation. Such distraint shall be valid only if begun within one year from October first following the assessment.

**2: Takes Effect.** This act shall take effect upon its passage.

[Approved March 21, 1939.]

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## CHAPTER 41.

### AN ACT RELATIVE TO THE PUBLICATION OF VITAL STATISTICS IN TOWN REPORTS.

SECTION 1. Repeal.	SECTION 2. Takes effect.
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*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Repeal.** Section 10 of chapter 47 of the Public Laws, as amended by chapter 109 of the Laws of 1933, requiring

the town clerk to annually furnish to the selectmen a transcript of certain vital statistics, to be published with the town reports, is hereby repealed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 21, 1939.]

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## CHAPTER 42.

### AN ACT RELATING TO THE PAYMENT OF COUNTY TAXES.

#### SECTION

1. Tax warrants for county taxes.

#### SECTION

2. Takes effect.

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

**1. County Taxes.** Amend section 10, chapter 39 of the Public Laws, as amended by section 1, chapter 50, Laws of 1933, by striking out the whole of said section and inserting in place thereof the following: **10. Tax Warrants; Extents.** The treasurer shall issue his warrant to the selectmen of the several towns in the county liable to pay state taxes, requiring them to assess, collect and pay to the treasurer, within such time as shall be therein directed, their just proportion of all taxes granted by the county convention, according to their proportion of public taxes for the time being, and shall enforce the collection and payment thereof, together with interest at ten per cent a year from December seventh upon all taxes not then paid, in the same manner as the state treasurer may enforce the collection of state taxes, and the county tax assessed against any town shall not be deemed paid until the whole amount of the warrant together with said interest from December seventh to the date of payment has been received by said treasurer; provided that in the case of any unincorporated place the county treasurer shall assess to the owner or owners of real estate in said place, as certified by the tax commission under the provisions of section 2 of chapter 67, the taxes apportioned to such place for the time being, and collect the same from said owners or as otherwise provided.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 23, 1939.]

### CHAPTER 43.

#### AN ACT RELATING TO PHARMACIST'S EQUIPMENT.

SECTION	SECTION
1. Equipment for registered retail drug stores.	2. Takes effect.

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

**1. Registered Retail Drug Stores.** Amend chapter 210 of the Public Laws by inserting after section 42 the following new section: **42-a. Equipment.** Each retail drug store registered with the board shall be equipped with proper pharmaceutical utensils, as determined by the board, so that prescriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The board shall prescribe the minimum of such professional and technical equipment which such drug store shall at all times possess. No permit for registration as a retail drug store shall be issued or renewed until or unless said store complies with the provisions hereof and the board may suspend or revoke a permit whenever the professional or technical equipment fails to conform with that prescribed as aforesaid.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 29, 1939.]

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### CHAPTER 44.

#### AN ACT RELATING TO THE PRACTICE OF DENTISTRY.

SECTION	SECTION
1. State dental board.	6. Recognized dental schools.
2. Quorum.	7. Registration.
3. Compensation of board.	8. Neglect to register.
4. Application for examination.	9. Fees.
5. Repeal.	10. Interstate provisions.
	11. Takes effect.

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

**1. State Dental Board.** Amend section 1 of chapter 205 of the Public Laws by inserting after the word "years" in the

fourth line the words, and each shall continue in office until his successor is appointed and qualified, so that said section as amended shall read as follows: **1. Appointment; Term; Removal.** There shall be a New Hampshire state dental board of three members. One shall be appointed each year by the governor, with the advice and consent of the council, for a term of three years, and each shall continue in office until his successor is appointed and qualified, unless sooner removed by the same authority for cause. Vacancies shall be filled by appointment in like manner for the unexpired term.

**2. Quorum.** Amend section 3 of chapter 205 of the Public Laws by inserting after the word "thereof" in the second line, the following words: Two members of said board shall constitute a quorum, so that said section as amended shall read: **3. Organization; Meetings; Records.** Said board shall choose one of its members president and one secretary-treasurer thereof. Two members of said board shall constitute a quorum. It shall meet once a year and at such other times and places as it may deem proper. The records of its proceedings shall be open to public inspection.

**3. Compensation.** Amend section 5 of chapter 205 of the Public Laws by inserting after the word "fees" in line five the words, and fines, so that said section as amended shall read as follows: **5. Compensation.** The members of the board shall receive five dollars for each day actually engaged in the duties of the office and all necessary expenses. The secretary-treasurer of the board may receive a salary to be fixed by the board instead of the per diem of five dollars. Said board shall receive no compensation in excess of the amount of the fees and fines received and shall be of no expense to the state beyond such amount.

**4. Applications.** Amend section 7 of chapter 205 of the Public Laws by striking out the same, and inserting in place thereof the following: **7. Applications.** Application for license shall be made to said board in writing, and shall be accompanied by a fee of twenty-five dollars and by satisfactory proof that the applicant is a graduate of a recognized dental school. The applicant shall be a citizen of the United States, of good moral character, and at least twenty-one years of age.



5. **Repeal.** Section 10 of chapter 205 of the Public Laws, relative to licenses granted without an examination, is hereby repealed.

6. **Recognized Dental Schools.** Amend section 12 of chapter 205 of the Public Laws by striking out said section and inserting in place thereof the following: **12. Rules.** Said board shall make rules or regulations to establish a uniform and reasonable standard of educational requirements by which to determine what dental school shall be recognized hereunder.

7. **Registration.** Amend section 13 of chapter 205 of the Public Laws by striking out the same and inserting in place thereof the following: **13. Registration.** Every person licensed to practice dentistry or dental hygiene in this state by said board, shall annually before April first notify said board of his office address, and pay to said board a registration fee of one dollar. He shall also notify said board promptly of any change of address.

8. **Neglect to Register.** Amend section 14 of chapter 205 of the Public Laws by striking out the same, and inserting in place thereof the following: **14. ———, Neglect.** Any failure, neglect, or refusal on the part of any person licensed by said board to register as provided in section 13, shall work a forfeiture of such license, and no license, when once forfeited, shall be restored except upon the payment to said board of a fee of ten dollars for the renewal thereof.

9. **Fees.** Amend section 17 of chapter 205 of the Public Laws by striking out the word "twenty" in line two and inserting in place thereof the words twenty-five; further amend said section by striking out the words "license or" after the word "every" in the second line; further amend said section by striking out the word and figure "section 10" after the word "in" in the fourth line, and inserting in place thereof the word and figure section 14, so that said section as amended shall read as follows: **17. Fees.** The fee for each person applying for examination for a license is twenty-five dollars, and for every duplicate license to take the place of one lost or destroyed, issued by said board, except as provided in section 14, five dollars. Any person failing to pass a satisfactory examination at the first trial shall be entitled to be once re-

examined at a future meeting of the board without additional payment.

**10. Interstate Provisions.** Amend section 21 of chapter 205 of the Public Laws by striking out the same and inserting in place thereof the following: **21. Removal, to State.** The dental board may in its discretion issue a license to practice dentistry or dental hygiene without examination to a legal practitioner who takes up his residence in this state, provided applicant is legally registered to practice dentistry or dental hygiene in the state from which he removes, and has been engaged in the actual practice of dentistry or dental hygiene for five years immediately preceding his application and removal, and provided he shall meet the requirements as prescribed in section 7, and further provided that the state from which he removes shall in like manner recognize licenses issued by the New Hampshire state dental board to licensees of this state who may wish to remove to such other state.

**11. Takes Effect.** This act shall take effect upon its passage.

[Approved March 29, 1939.]

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## CHAPTER 45.\*

AN ACT CLOSING NUBANUSIT LAKE IN THE TOWNS OF HANCOCK AND NELSON AND SPOONWOOD POND IN THE TOWN OF NELSON TO ICE FISHING.

SECTION

1. Pickerel.
2. Ice fishing.

SECTION

3. Nubanusit lake.
4. Takes effect.

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

**1. Pickerel.** Amend paragraph IV, section 4 of chapter 155 of the Laws of 1935, as inserted by section 1 of chapter 96 of the Laws of 1937, by striking out the words, "Nubanusit lake in Hancock and Nelson," so that said paragraph as amended shall read as follows: IV. Newfoundland lake, Ogontz lake in Lyman, Pea Porridge pond in Madison and Conway, Pearl lake in Lisbon.

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\* See chapters 118 and 169, *post*.

**2. Ice Fishing.** Amend paragraph IV of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96 of the Laws of 1937 by adding at the end thereof the words, Spoonwood pond in Nelson, so that said paragraph as amended shall read as follows: IV. Northwood lake in Northwood and Epsom, Nutt pond in Manchester, Partridge lake in Lyman and Littleton, Pleasant lake in New London, Robs reservoir in Stoddard, Spoonwood pond in Nelson.

**3. Nubanusit Lake.** Amend section 5 of chapter 155 of the Laws of 1935, as inserted by section 3 of chapter 96 of the Laws of 1937 by inserting after paragraph VII the following new paragraph: VIII. Nubanusit lake in Hancock and Nelson from January first to February sixteenth.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved March 29, 1939.]

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## CHAPTER 46.

AN ACT RELATING TO APPLICATIONS FOR ABATEMENT OF TAXES.

SECTION	}	SECTION
1. Application for abatement of taxes.		2. Takes effect.

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

**1. Application for Abatement of Taxes.** Amend section 13, chapter 64 of the Public Laws by adding at the end of said section the words: All applications for abatement shall be in writing, so that said section as amended shall read as follows:  
**13. By Selectmen.** Selectmen, for good cause shown, may abate any tax assessed by them or by their predecessors. All applications for abatement shall be in writing.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 29, 1939.]

## CHAPTER 47.

AN ACT RELATING TO THE DEFINITION OF DEALER IN THE LAW  
RELATING TO MOTOR VEHICLES.

## SECTION

1. Motor vehicle finance com-  
panies.

## SECTION

2. Takes effect.

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

**1. Motor Vehicle Finance Companies.** Amend paragraph IV of section 1 of chapter 99 of the Public Laws, as amended by section 1 of chapter 52, Laws of 1927, and by section 2 of chapter 73, Laws of 1935, by adding thereto the following: and every person principally engaged in the business of buying promissory notes secured by mortgage, conditional sale contract or lease upon motor vehicles, so that said paragraph IV shall read as follows: IV. "Dealer," every person principally engaged in the business of buying, selling, or exchanging new and secondhand motor vehicles on commission or otherwise, who maintains a place of business devoted exclusively to the motor vehicle business and who holds a written contract with a manufacturer giving such persons selling rights for new motor vehicles or with a distributor of such vehicles who as such distributor holds a manufacturer's franchise or contract giving selling rights on new motor vehicles, and every person principally engaged in the business of buying, selling, and exchanging secondhand motor vehicles and maintaining a place of business devoted exclusively to the motor vehicle business in which the repair of motor vehicles is subordinate or incidental to the business of buying, selling, and exchanging of the same, and every person principally engaged in the business of buying promissory notes secured by mortgage, conditional sale contract or lease upon motor vehicles.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

## CHAPTER 48.

AN ACT RELATING TO REGISTRATION FEES FOR VEHICLES CARRY-  
ING SPECIAL EQUIPMENT.

SECTION

1. Fees for motor vehicles carry-  
ing special equipment.

SECTION

2. Takes effect.

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

**1. Fees for Special Equipment.** Amend paragraph III\* of section 1 of chapter 102 of the Public Laws as amended by chapter 94 of the Laws of 1927 as amended by chapter 45 of the Laws of 1935, by adding at the end of said paragraph the following: Well drilling machines on motor vehicle truck chassis and truck shovels on motor vehicle truck chassis shall pay one third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected, so that said paragraph as amended shall read: III. For each motor vehicle, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle sidecars, the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding four thousand pounds, thirty-five cents per hundred pounds; exceeding four thousand pounds and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding six thousand pounds and not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hundred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred pounds shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided, that the minimum fee as provided in this section shall be ten dollars for passenger vehicles and fifteen dollars for trucks. Tractors used for agricultural purposes only, tractors used for power purposes only that do not haul loads on the public highways, tractors used only on snow, and snowmobiles, shall pay one tenth of the

\* Amended, section 5, chapter 132, chapter 161, and section 4, chapter 189,  
*post.*

above rates. Commercial vehicles or trucks used for agricultural purposes only and used on the public highways only between portions of the farm upon which said vehicle or truck is operated that are not more than two miles apart by the highway at the points of entering upon or leaving, shall pay one tenth of the above rates. Well drilling machines on motor vehicle truck chassis and truck shovels on motor vehicle truck chassis shall pay one third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

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**CHAPTER 49.**

**AN ACT RELATING TO THE REGISTRATION OF MOTOR VEHICLES.**

**SECTION**

1. Motor vehicle licenses and registration certificates.

**SECTION**

2. Takes effect.

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

**1. Motor Vehicle Licenses and Registration Certificates.**

Amend section 10 of chapter 161 of the Laws of 1937 by striking out said section and inserting in place thereof the following: **10. Suspension, Duration.** The suspension required in section 6 shall remain in effect, the motor vehicle, trailer or semi-trailer in any manner involved in such accident shall not be registered in the name of the person whose license or registration was so suspended, and no other motor vehicle, trailer or semi-trailer shall be registered in the name of such person nor any new licenses issued to such person unless and until he has obtained a release or a judgment in his favor in an action at law to recover damages for damage to property or the death of or bodily injury to any person resulting from such accident or unless he shall have satisfied in the manner hereinafter provided any judgment rendered against him in such an action, and at all events gives and thereafter main-

tains proof of his financial responsibility. If the aggrieved or injured person or his legal representative shall not have brought suit within one year from the date of the accident then the commissioner, upon receiving reasonable evidence of the fact, may, subject to the other requirements of the law, issue to such person a new license to operate and new registration certificates and registration plates provided he shall give and thereafter maintain proof of financial responsibility. A discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of this act.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

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## CHAPTER 50.

### AN ACT REGULATING MOTOR VEHICLE JUNK YARDS.

#### SECTION

1. Definition.
2. Prohibition.
3. Nuisance.

#### SECTION

4. Penalty.
5. Takes effect.

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

**1. Definition.** The term "motor vehicle junk yard" as used in this act shall mean any yard or field used as a place of storage in which there are displayed to the public view two or more unregistered motor vehicles which are unfit for reconditioning for use on the highways, or used parts of motor vehicles or materials from motor vehicles the sum of which parts or materials shall be equal in bulk to two or more motor vehicles.

**2. Prohibition.** No person shall locate or maintain a motor vehicle junk yard within a distance of two hundred feet from the improved surface of any state or state-aided highway, trunk line or secondary highway unless the yard or field used for such motor vehicle junk yard shall have erected thereon a fence parallel to said highway for the full length of said yard or field along said highway and shall also have a further fence extending back from said parallel fence the full length of that portion of the yard or field used as such motor vehicle junk

yard or for a distance of seventy-five feet, whichever distance shall be shorter, which said fence or fences shall be at least seven feet in height, shall be built of wood and the panels thereof shall be spaced not more than two inches apart.

**3. Nuisance.** Any motor vehicle junk yard located or maintained in violation of the provisions of this act is hereby declared a nuisance and the same may be abated on complaint of any prosecuting officer.

**4. Penalty.** Whoever violates any of the provisions of sections 1 and 2 shall be fined not more than one hundred dollars or imprisoned for not more than six months or both.

**5. Takes Effect.** This act shall take effect ninety days after its passage.

[Approved March 30, 1939.]

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## CHAPTER 51.

### AN ACT RELATING TO THE ESTABLISHMENT OF MEMORIALS BY TOWNS AND CITIES.

#### SECTION

1. Memorials.

#### SECTION

2. Takes effect.

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

**1. Memorials.** Amend paragraph X, section 4, of chapter 42 of the Public Laws, by striking out the whole of said paragraph and inserting in place thereof the following: X. Memorials. To procure and establish a monument, memorial building or testimonial to the services of soldiers and sailors of such town; to celebrate the return of its soldiers and to provide a hall or other suitable meeting place for a post of the Grand Army of the Republic, United Spanish War Veterans, American Legion or Veterans of Foreign Wars, located in the town, or to appropriate, if deemed more suitable, such sum of money as said town may deem satisfactory to help defray the expense of same.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]



## CHAPTER 52.

## AN ACT LIMITING THE TIME WITHIN WHICH A MARRIAGE CERTIFICATE IS VALID.

## SECTION

1. Limitation of time.
2. Solemnization of marriage.

## SECTION

3. Takes effect.

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

**1. Limitation of Time.** Amend section 23 of chapter 286 of the Public Laws by inserting at the end of said section the words: Said certificate shall be valid only for a period of ninety days from the date of issue, so that said section as amended shall read as follows: **23. Marriage Certificate.** The clerk shall, not less than five days from the date on which the notice was entered in his office, deliver to the parties a certificate, under his hand, embodying the facts required in the preceding sections, 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 officiate, before he shall proceed to solemnize the marriage. Said certificate shall be valid only for a period of ninety days from the date of issue.

**2. Solemnization of Marriage.** Amend section 31 of said chapter 286 by inserting after the word "clerk" in the third line the words, or with such a certificate which is not valid, so that said section as amended shall read as follows: **31. Penalty.** If a minister or justice of the peace shall join any persons in marriage without having first received a certificate of the town clerk, or with such a certificate which is not valid, as hereinbefore provided he shall forfeit for each offense sixty dollars.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

## CHAPTER 53.

## AN ACT RELATING TO ACTIONS AGAINST TENANTS.

SECTION	SECTION
1. Action after foreclosure of mortgage.	3. Takes effect.
2. Mortgagor holding without right.	

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

**1. Action After Foreclosure of Mortgage.** Amend section 10 of chapter 357 of the Public Laws by striking out the whole of said section and inserting in place thereof the following:

**10. Holding Over.** If a lessee holds over after the expiration of a definite written lease, or a mortgagor in possession or one claiming by or under him refuses to surrender the premises after the foreclosure of the mortgage, seven days' notice shall be sufficient.

**2. Mortgagor Holding Without Right.** Amend section 12 of chapter 357 of the Public Laws by striking out the whole of said section and inserting in place thereof the following:

**12. Possessory Action.** The owner, lessor or purchaser at a mortgage foreclosure sale of any tenement or real estate may recover possession thereof from a lessee, occupant, mortgagor or other person in possession, holding it without right, after notice in writing to quit the same as herein prescribed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

## CHAPTER 54.

## AN ACT RELATING TO FRATERNAL BENEFIT SOCIETIES.

SECTION	SECTION
1. Articles of association for new societies.	3. Recording fee for foreign societies.
2. Recording fee for domestic societies.	4. Annual fees.
	5. Takes effect.

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

**1. New Societies.** Amend section 27 of chapter 283 of the Public Laws by striking out the word "may" in the third line

and inserting in place thereof the word shall, so that said section as amended shall read as follows: **27. Articles of Association.** Seven or more citizens of the United States, a majority of whom are citizens of this state, who desire to form a fraternal benefit society, as defined by this chapter, shall form a corporation under the provisions of chapter 223. The articles of association shall state: I. The proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company already transacting business in this state as to mislead the public or to lead to confusion; II. The purpose for which it is formed, which shall not include more liberal powers than are granted hereby; provided, that any lawful social, intellectual, educational, charitable, benevolent, moral or religious advantages may be set forth among the purposes of the society, and the mode in which its corporate powers are to be exercised; III. The names, residences and official titles of all the officers, trustees, directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body, which election shall be held not later than one year from the date of the issuance of the final certificate.

**2. Domestic Societies.** Amend chapter 283 of the Public Laws by inserting after section 29 the following new section: **29-a. Recording Fee.** The fee for recording the articles of association with the insurance commissioner, as provided by section 28, including the issuing by said commissioner of the preliminary certificate, shall be twenty-five dollars.

**3. Foreign Societies.** Amend said chapter 283 by inserting after section 46 the following new section: **46-a. Recording Fee.** The fee for recording the charter or articles of association of a foreign society, as provided by section 46, shall be twenty-five dollars.

**4. Annual Fees.** Amend section 99 of said chapter 283 by adding after the figure "38" in the sixth line the figures, 42, 43, 44, so that said section as amended shall read as follows: **99. Sections Applicable.** Domestic corporations as described in section 1, governed by direct vote of their members, and doing business on January 1, 1914, may continue to

transact business in this state. Such corporations and like societies incorporated under the provisions hereof shall be governed by sections 5, 13 to 16, 25 and 27 to 36, so far as the same are applicable, by sections 37, 38, 42, 43, 44, 59 to 64, 67 to 98, 110 to 113, 115, 117, 119 and 120, and in addition by the provisions of the next seven sections.

**5. Takes Effect.** This act shall take effect July 1, 1939.

[Approved March 30, 1939.]

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## CHAPTER 55.

AN ACT RELATIVE TO THE DEFINITION OF PERSONS ELIGIBLE FOR AID TO THE AGED.

SECTION

1. Qualifications for old age assistance.

SECTION

2. Takes effect.

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

**1. Qualifications for Old Age Assistance.** Amend paragraph (a) of section 12 of chapter 202 of the Laws of 1937 by striking out said paragraph and inserting in place thereof the following: (a) For the purposes hereof a person shall be eligible for aid to the aged who is seventy years of age; is a citizen of the United States; is not on account of his physical condition in need of continued institutional care; if a husband, has not without just cause failed to support his wife and children under the age of sixteen years, for six months or more during the ten years preceding the date of application; has not within one year preceding said application been an habitual tramp, beggar or drunkard; provided, further, that after January 1, 1940, the age limit for eligibility for such assistance shall be sixty-five years.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

## CHAPTER 56.

## AN ACT RELATING TO THE PAYMENT OF THE POLL TAXES OF MARRIED WOMEN.

SECTION

1. Liability for payment of poll taxes.

SECTION

2. Takes effect.

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

**1. Liability for Payment of Poll Taxes.** Amend chapter 60 of the Public Laws by inserting after section 4 thereof the following new section: **4-a. Married Women.** The husband of any woman against whom a poll tax has been assessed shall be liable for the payment thereof as if the tax lawfully had been assessed against him, so long as they are living together as man and wife.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

## CHAPTER 57.\*

## AN ACT RELATING TO THE TAKING OF WHITE PERCH.

SECTION

1. Taking white perch from Massabesic lake.

SECTION

2. Takes effect.

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

**1. Massabesic Lake.** Amend section 10 of chapter 201 of the Public Laws as inserted by section 5, chapter 124 of the Laws of 1935 by adding at the end of said section the words, with the exception of Massabesic lake where white perch of any length and in any quantity may be taken and possessed at any time, so that said section as amended shall read as follows: **10. White Perch.** White perch not less than seven inches in length may be taken and possessed from June first to November first. A person may take a total of not more than ten pounds of white perch in one day, provided so long as he has taken less than ten pounds he shall be entitled to take one

\* See chapter 169, *post*.

additional fish, with the exception of Massabesic lake where white perch of any length and in any quantity may be taken and possessed at any time.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

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### CHAPTER 58.\*

AN ACT TO CLOSE FOREST LAKE, WINCHESTER, TO ICE FISHING.

SECTION

1. Closed to ice fishing.

SECTION

2. Takes effect.

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

**1. Closed to Ice Fishing.** Amend paragraph I of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96 of the Laws of 1937, by adding at the end thereof the words, Forest lake in Winchester, so that said paragraph as amended shall read as follows: I. Arlington Mills reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Ferrin pond in Weare, Gorham pond in Dunbarton, Forest lake in Winchester.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

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### CHAPTER 59.

AN ACT TO CLOSE THE TRIBUTARIES TO PISGAH RESERVOIR IN THE TOWN OF WINCHESTER TO ALL FISHING.

SECTION

1. Closing Pisgah reservoir to all fishing.

SECTION

2. Takes effect.

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

**1. Pisgah Reservoir.** Amend paragraph VII of section 7, chapter 155, Laws of 1935, as inserted by section 4, chapter

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\* See chapters 85, 97 and 169, *post*.

96, Laws of 1937, by adding at the end thereof the words, all tributaries of Pisgah reservoir in Winchester, so that said paragraph as amended shall read as follows: VII.\* Pillsbury Reservation, in Washington and all brooks therein, all tributaries of Pleasant lake in New London and that portion of Pleasant lake which forms a cove into which Chandler brook flows out to a line between two markers approximately one hundred yards north from Chandler brook, all tributaries of Pisgah reservoir in Winchester.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

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## CHAPTER 60.

### AN ACT RELATING TO THE POWERS OF THE SUPERIOR COURT.

SECTION

1. Referees, auditors and masters.

SECTION

2. Takes effect.

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

**1. Superior Court.** Amend chapter 316 of the Public Laws, as amended by chapter 86 of the Laws of 1929, by adding after section 18 the following new section: **19. Referees, Auditors and Masters.** The court shall appoint as referees, auditors and masters and fix their salaries, such former justices of the supreme and superior court as have retired therefrom by age limitation, when so to do will expedite the business of the court; and they may be assigned to sit in any county in the state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

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\* See chapters 118 and 169, *post*.

## CHAPTER 61.

## AN ACT RELATING TO ICE CREAM AND SHERBETS.

SECTION	SECTION
1. Manufacture and sale of ice cream and sherbets.	2. Takes effect.

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

**1. Manufacture and Sale.** Amend section 17, chapter 139, Public Laws, as amended by chapter 7, Laws of 1927, by striking out the whole of said section and substituting in place thereof the following: **17. Ice Cream and Sherbets.** No person, firm, company or corporation shall manufacture for sale within the state, distribute, keep for sale or sell any ice cream or sherbets which shall fail to conform to the following requirements respecting composition and methods of manufacture:

I. Ice Cream. Ice cream shall consist of the pure, clean, frozen product containing no other substances than cream, milk or other suitable milk products, eggs, sugar (sucrose), flavoring, with or without added coloring, and not more than one half of one per cent of wholesome edible stabilizer. It shall contain not less than fourteen per cent of milk fat, except that in the case of ice cream prepared with fruits, fruit juices, nuts, nut products, chocolate, or coffee, such fat content shall not be less than twelve per cent. Excepting in the case of sherbets as hereinafter specified, for the purpose of this section the words "ice cream" shall be construed as meaning and including any sweetened and flavored frozen products having the general appearance of ice cream and in the preparation of which a substantial amount of milk or of a milk product has been incorporated, regardless of the name by which such frozen product may be called or under which it may be sold, kept for sale, or offered for sale. Ice cream shall weigh not less than four and one-half pounds per gallon.

II. Milk Sherbet. Milk sherbet shall consist of the pure, clean, frozen product made from a combination of milk or cream or other milk products and sugar, with or without water, with fruit, fruit oil or fruit juice flavoring as the only flavoring, with or without added coloring, with not less than thirty-five one hundredths of one per cent of fruit or lactic



acid, as determined by titrating with standard alkali and the result expressed as lactic acid, with or without added wholesome edible stabilizer, in the manufacture of which product freezing has been effected with or without agitation of the ingredients. It shall contain not less than four per cent and not more than eight per cent by weight of whole milk solids.

III. Ice Sherbet. Ice sherbet, or water ice, shall consist of the pure, clean, frozen product made with water, sugar and fruit flavor, with or without harmless coloring, and with or without wholesome edible stabilizer. It shall contain no milk solids.

IV. Exception as to Use of Saccharin. Nothing contained in section 3, paragraph V, of this chapter shall serve to prevent the manufacture and sale of ice cream and sherbets in which saccharin or a similar artificial sweetening agent has been substituted for sugar, where such manufacture and sale shall be solely for the purpose of providing a product for the *bona fide* use only of those consumers whose condition of health prevents the consumption of sugar in normal degree. No ice cream or sherbets so manufactured shall be dispensed from bulk, but shall be sold only in packages that are plainly and conspicuously labeled to show the presence of such saccharin or similar artificial sweetening agent and the purpose of the latter's having been substituted for sugar, nor shall such ice cream or sherbets be manufactured or retailed unless the manufacturer or retailer thereof holds a permit to do so from the state board of health. Said permits shall be subject to revocation upon evidence of violation of any of the provisions of this paragraph.

V. Pasteurization Required; Bacteria Limits. In the manufacture of ice cream and sherbets, all of the cream and milk used therein shall have been subjected to the standard process of pasteurization or to a process acceptable to the state board of health as equivalent thereto in effectiveness. The state board of health may make and may revise regulations respecting such pasteurization, also regulations establishing limits for the bacteria content of ice cream and sherbets and of the materials from which these are made.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

## CHAPTER 62.\*

AN ACT RELATING TO THE OPEN SEASON FOR TAKING PICKEREL  
FROM UMBAGOG LAKE AND LEONARD POND.

## SECTION

1. Taking pickerel.

## SECTION

2. Takes effect.

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

**1. Taking Pickerel.** Amend paragraph VI of section 4 of chapter 155 of the Laws of 1935, as amended by section 1 of chapter 96 of the Laws of 1937, by striking out said paragraph and inserting in place thereof the following: VI. Silver lake in Madison, Sunapee lake, Tarleton lake in Piermont and Warren, Tewksbury pond in Grafton, Town Line pond in Dorchester and Wentworth, Trout pond in Dorchester, Winnepesaukee river, all streams in the state inhabited by trout, and all lakes and ponds in Coos county inhabited by trout except Umbagog lake in Errol and Cambridge and except that part of Umbagog lake known as Leonard pond in Errol, and except the Magalloway river and its tributaries and the Androscoggin river and its tributaries from Umbagog lake to Errol dam.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1939.]

## CHAPTER 63.

## AN ACT RELATING TO LANDLORD AND TENANT.

## SECTION

1. Period of notice to quit.

## SECTION

2. Takes effect.

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

**1. Period of Notice to Quit.** Amend section 3 of chapter 357 of the Public Laws by striking out in line four the words "thirty days' notice" and substituting therefor the words, a notice equal to the rent period, so that said section as amended shall read as follows: **3. Notice to Quit.** If a tenant or oc-

\* See chapter 169, *post*.

cupant neglects or refuses to pay rent due and in arrears, upon demand, seven days' notice shall be sufficient. If the rent is payable more frequently than once in three months, whether such rent is due or not, a notice equal to the rent period shall be sufficient, and three months' notice shall be sufficient in all cases.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1939.]

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## CHAPTER 64.

### AN ACT RELATING TO THE REGISTRATION OF REGISTERED NURSES.

#### SECTION

1. Annual permit for registered nurses.
2. Annual lists forwarded.

#### SECTION

3. Public health nursing.
4. Takes effect.

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

**1. Registered Nurses.** Amend chapter 211 of the Public Laws by inserting after section 4 the following new section 4-a: **4-a. Annual Permit.** Every person who has at any time received a certificate of qualification to practice as a registered nurse, whether in this or any other state, shall, annually before June first, file his name and address with said commissioner, and before engaging in the practice of nursing in this state, shall also pay to the board of nurse examiners a fee of fifty cents, whereupon, if he has complied with all the requirements of this chapter, he will be granted a permit which shall entitle him to engage in such practice for the period ending on June first following.

**2. Annual Lists.** Amend section 7 of chapter 211 of the Public Laws by inserting at the end thereof the following: On or before January first of each year, the commissioner shall send to each nurse holding a permit as provided in section 4-a, and to each hospital in the state, a list containing the names and addresses of all nurses holding permits as provided in said 4-a, so that said section 7 as amended shall read as follows: **7. Rules, Reports.** The commissioner, with the advice of the examiners, shall make all necessary rules for the

examination of nurses applying for certification hereunder, and shall report annually to the governor, the receipts and expenditures under the provisions hereof. The commissioner, on or before January first of each year, shall send to each nurse holding a permit as provided in section 4-a, and to each hospital in the state, a list containing the names and addresses of all nurses holding permits as provided in said 4-a.

**3. Prohibition.** Amend section 10 of chapter 211 of the Public Laws by inserting after the word "nurse" in line three, the following words: holding a permit as provided in section 4-a, and by inserting after the word "employed" in line four, the following words: in this state, so that said section as amended shall read as follows: **10. Public Health Nursing.** No person shall engage in any of the various forms of public health nursing, unless such person is a registered nurse holding a permit as provided in section 4-a; provided that this section shall not affect any person who, previous to July 1, 1925, has been so employed in this state.

**4. Takes Effect.** This act shall take effect June 1, 1939, and all acts or parts of acts inconsistent with this act are hereby repealed.

[Approved April 5, 1939.]

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## CHAPTER 65.

### AN ACT RELATING TO PEDESTRIANS.

#### SECTION

1. Operation of motor vehicles.

#### SECTION

2. Takes effect.

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

**1. Operation of Motor Vehicles.** Amend chapter 103 of the Public Laws as amended by chapter 76 of the Laws of 1927 and chapter 125 of the Laws of 1937 by adding the following new sections after 17-d. **17-e. Right of Way.** Pedestrians who are sightless and provided with a white cane as an indication thereof shall have the right of way on cross walks in compact parts of a city or town and an operator of a motor vehicle shall be *prima facie* guilty of negligence if he injures such pedestrians on such cross walk by means of a

motor vehicle. **17-f. Right of Way.** Every person having control or charge of a motor vehicle shall when approaching pedestrians who are sightless and provided with a white cane as an indication thereof on a public highway outside the compact parts of a city or town exercise every reasonable precaution to insure the safety and protection of such pedestrians and their guides, and if necessary shall stop said motor vehicles.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1939.]

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## CHAPTER 66.

### AN ACT RELATIVE TO THE REGISTRATION FEE OF NON-RESIDENT CIRCUS MOTOR VEHICLES.

SECTION

1. Non-resident circus motor vehicles.

SECTION

2. Takes effect.

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

**1. Non-resident Circus Motor Vehicles.** Amend paragraph X of section 1, chapter 102, Public Laws, as inserted by section 2, chapter 170, Laws of 1933, by adding at the end thereof the following, for a period not exceeding seven days and one dollar for each day thereafter, so that said paragraph as amended shall read as follows: X. For each motor vehicle owned by a non-resident under permit as provided in section 31-a, chapter 100 of the Public Laws, seven dollars for a period not exceeding seven days and one dollar for each day thereafter.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

### CHAPTER 67.

#### AN ACT RELATIVE TO REPORTS TO BE MADE BY COURTS TO THE MOTOR VEHICLE DEPARTMENT.

## SECTION

1. Reports of motor vehicle viola-  
tions.

## SECTION

2. Takes effect.

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

**1. Motor Vehicle Violations.** Amend section 23 of chapter 102 of the Public Laws by striking out the word "forthwith," in the fourth and fifth lines and inserting in place thereof the words, within five days, so that said section as amended shall read as follows: **23. Records; Reports.** A full record shall be kept by every court or justice in this state of every case in which a person is charged with a violation of any of the provisions of any law relative to motor vehicles, and an abstract of the record in cases of conviction shall be sent within five days by the court or justice to the commissioner. Said abstracts shall be made upon forms prepared by the commissioner 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 and the judgment, and shall be certified by the clerk of the court or by the justice. The commissioner shall keep such records in his office and they shall be open to the inspection of any person.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

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### CHAPTER 68.

#### AN ACT RELATIVE TO THE ATTACHMENT OF NUMBER PLATES ON MOTOR VEHICLES.

## SECTION

1. Motor vehicle number plates.

## SECTION

2. Takes effect.

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

**1. Motor Vehicle Number Plates.** Amend section 1 of chapter 103 of the Public Laws, as amended by chapter 94 of

the Laws of 1933, by inserting after the word "vehicle" in the sixth line the words, in a rigid position, so that said section as amended shall read as follows: **1. How Attached.** Every motor vehicle operated in or on any way in this state shall have its register number displayed conspicuously thereon on the two number plates furnished by the commissioner, one to be attached at the front and the other at the rear of said vehicle, in a rigid position, so that the plates and the register number thereon shall be always plainly visible. The bottom of each number plate shall be horizontal and not less than fifteen and not more than forty-eight inches from the ground, provided that the commissioner may make special regulations relative to the location of number plates displayed on the rear of motor trucks. The plates shall be kept clean.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

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## CHAPTER 69.

### AN ACT RELATING TO SCHOOL BUSES.

#### SECTION

1. School busses; operation at railroad crossing; inspection of.

#### SECTION

2. Takes effect.

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

**1. School Buses.** Amend chapter 103 of the Public Laws by inserting after section 8-a, as inserted by chapter 107 of the Laws of 1935, the following new sections: **8-b. Operation at Railroad Crossing.** When a highway crosses the tracks of a steam railroad at grade crossing the driver of any school bus transporting school children shall, when approaching the point of intersection stop his motor vehicle not more than fifty feet and not less than twenty feet from said crossing, and before attempting to cross shall carefully examine for approaching trains and shall not proceed until he has ascertained that no trains are approaching. **8-c. Authority of Commissioner to Inspect.** The commissioner shall have authority, through his duly authorized agents, to inspect any

motor vehicle used for the purpose of transporting school children to determine the fitness of such motor vehicle for such purpose and if he finds that such vehicle is unfit for such purpose he may refuse to permit such vehicle to be designated as a school bus as provided by section 8-a.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

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## CHAPTER 70.

AN ACT RELATIVE TO EXCEPTIONS TO THE LAW REGARDING ONE DAY REST IN SEVEN.

SECTION	SECTION
1. One day rest in seven, excep- tions.	2. Takes effect.

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

**1. One Day Rest in Seven.** Amend section 47\* of chapter 176 of the Public Laws, as inserted by chapter 130 of the Laws of 1933, and as amended by chapter 129 of the Laws of 1937, by adding at the end thereof a new paragraph VII as follows: VII. Employees engaged in the canning of perishable goods.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

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## CHAPTER 71.

AN ACT RELATING TO THE STIMULATION OF RACE HORSES.

SECTION	SECTION
1. Malicious interference with race horses; penalty.	2. Takes effect.

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

**1. Race Horses.** Amend section 13-a of chapter 27 of the Laws of 1935 as inserted by chapter 77 of the Laws of 1937, by adding at the end thereof the following: and the owner of

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\* Amended, chapter 181, *post*.



any race horse engaged in racing within this state that is found to have been stimulated or doped, or any entry of which such horse is a part, shall be denied any part of the purse offered for such race, and the purse shall be distributed as in the case of a disqualification, so that said section as amended shall read as follows: **13-a. Malicious Interference with Horses Prohibited.** Any person who wilfully or maliciously attempts to or does interfere with, tamper with, injure or destroy by the use of narcotics, drugs, stimulants or appliances of any kind any horse used for the purpose of racing, whether such horse be the property of such person or another, or who wilfully or maliciously causes, instigates, counsels or in any way aids or abets any such interference, tampering, injury or destruction shall, upon conviction, be fined not more than five thousand dollars or imprisoned for not more than three years or both, in the discretion of the court, and the owner of any race horse engaged in racing within this state that is found to have been stimulated or doped, or any entry of which such horse is a part, shall be denied any part of the purse offered for such race, and the purse shall be distributed as in the case of a disqualification.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

**CHAPTER 72.**

**AN ACT RELATING TO BUILDING AND LOAN ASSOCIATIONS, LEGAL INVESTMENTS OF GUARDIANS AND TRUSTEES OF TOWN TRUST FUNDS.**

SECTION

- 1. Building and loan associations.
- 2. Instalment shareholders.
- 3. Share certificates.
- 4. Paid-up share certificates.
- 5. Withdrawal of share certificates.
- 6. Retirement.
- 7. Investment share certificates.
- 8. Withdrawal of shares.

SECTION

- 9. Investment of excess funds.
- 10. Investment by guardians.
- 11. Town trust funds.
- 12. Consolidation of corporation.
- 13. Joint accounts.
- 14. Guaranty fund.
- 15. Building and loan shares.
- 16. Death of shareholder.
- 17. Takes effect.

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

**1. Building and Loan Associations.** Amend section 5 of chapter 266 of the Public Laws by striking out the word "the"

in the third line and inserting in place thereof the word, instalment, so that said section as amended shall read as follows: **5. Shares.** The capital stock of any such corporation shall be unlimited, and shall be divided into shares of the ultimate value of two hundred dollars each. Instalment shares may be issued in quarterly, half-yearly or yearly series, each series to consist of such number of shares as the members may determine; but no shares of a prior series shall be issued until said series shall have been five years in force.

**2. Instalment Shareholders.** Amend section 8 of said chapter 266 by inserting the word, instalment, after the word "its" in the first line so that said section as amended shall read as follows: **8. Dues.** Any such corporation may collect of its instalment shareholders monthly dues of one dollar upon each share held by them, until the ultimate value of the shares reaches two hundred dollars each or they are withdrawn, cancelled or forfeited.

**3. Share Certificates.** Amend section 13 of said chapter 266 as amended by chapter 26, Laws of 1933, by inserting after the word "paid-up" in the third line the word, share, so that said section as amended shall read as follows: **13. Borrowing.** It may borrow money to pay off members for matured shares, for making loans, withdrawal of shares, enforced withdrawals or for the payment of paid-up share certificates, not exceeding such per cent of its capital paid in as dues as may be approved by the commissioner, and with his approval may pledge as collateral for such borrowings real estate mortgages, notes or other securities.

**4. Paid-up Share Certificates.** Amend section 21 of said chapter 266 by inserting the word, share, after the word "paid-up" in the fourth line and by striking out the word "interest" where it occurs in lines five and seven and inserting in place thereof the word, dividends, so that said section as amended shall read as follows: **21. Issue.** Whenever shares shall mature or become of the value of two hundred dollars each, or when the withdrawal of shares is enforced, the holder thereof may, if he chooses, and at the option of the board of directors, receive paid-up share certificates in denominations of two hundred dollars, or multiples thereof, bearing dividends at a rate not to exceed five per cent per annum, payable semi-annually, for such sum as may be left

in said association, which dividends shall not be allowed to accumulate beyond the time of payment, but shall be paid semi-annually to the holder of such certificates.

**5. Amendment.** Amend section 23 of said chapter 266 by inserting the word, share, before the word "certificates" in the first and fifth lines so that said section as amended shall read as follows: **23. Withdrawals.** Any holder of paid-up share certificates may withdraw his money by giving at least thirty days' notice thereof; but the board of directors of the association may, if necessary, refuse to use more than one half of the funds in the treasury for that purpose, and shall pay the share certificates in the order in which notices of withdrawal are received as fast as the funds in the treasury shall permit.

**6. Amendment.** Amend section 24 of said chapter 266 by inserting the word, share, after the word "paid-up" in the first line so that said section as amended shall read as follows: **24. Retirement.** Paid-up share certificates may be paid off at any time at the option of the board of directors.

**7. Investment Share Certificates.** Amend section 25 of said chapter 266, as amended by section 2 of chapter 82 of the Laws of 1935 and by section 5, chapter 106, Laws of 1937, by inserting before the word "certificates" where it occurs in the seventh and ninth lines the word, share, so that said section as amended shall read as follows: **25. Investment Share Certificates.** For the purpose of obtaining funds for loans on New Hampshire homes, such associations may issue investment share certificates bearing dividends at a rate not to exceed five per cent per annum, payable semi-annually. The amount of investment share certificates which may be issued shall not exceed twenty per cent of other liabilities. No person shall hold more than two thousand dollars in these share certificates. Withdrawal of investment share certificates shall be subject to the same provisions as apply to paid-up share certificates.

**8. Withdrawal of Shares.** Amend said chapter 266 by inserting after section 17 the following new section: **17-a. Limitation.** For shares issued after July 1, 1939, corporations may by by-law provide that when the aggregate of calls for withdrawal exceeds the funds available the directors may limit the amount to be paid each month to each withdrawing

shareholder provided that said limitation shall not apply to calls for withdrawals of amounts of one hundred dollars or less to a shareholder, and further provided the amount to be paid on calls for over one hundred dollars shall in no event be limited to less than one hundred dollars each month.

**9. Investment of Excess Funds.** Amend section 14-c of said chapter 266 as inserted by section 3, chapter 106, Laws of 1937, by inserting after paragraph II the following new paragraphs: III. In the shares of any other building and loan association, savings and loan association or co-operative bank doing business in this state provided that the limitation imposed by section 22 shall apply to investments hereunder and no association shall sell shares to another corporation, nor permit the transfer of shares, in excess of said limitation. IV. In notes secured by mortgage which the federal housing administration has insured, or made commitment to insure, if the laws of the United States entitle the mortgagee to receive payment of such insurance in cash or in debentures fully guaranteed as to principal and interest by the United States.

**10. Investments by Guardians.** Amend paragraph II, section 22 of chapter 290 of the Public Laws, as amended by chapter 71 of the Laws of 1931, and chapter 8, Laws of 1937, by adding at the end thereof the words, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, so that said paragraph as amended shall read as follows: II. By deposit in some incorporated savings bank in this state, or in the savings department of a national bank or trust company located in this state, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state.

**11. Town Trust Funds.** Amend section 22, chapter 42 of the Public Laws, as amended by chapter 100 of the Laws of 1929 and chapter 46 of the Laws of 1933 by inserting in the fifth line after the word "state" the words, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association,

located and doing business in this state, so that said section as amended shall read as follows: **22. Custody; Investments.** The trustees shall have the custody of all trust funds held by their town. The funds shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company in this state, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and when so invested the trustees shall not be liable for the loss thereof. The trustees may retain investments as received from donors, until the maturity thereof.

**12. Consolidation of Corporations.** Amend chapter 266 of the Public Laws by inserting after section 25-a, as inserted by section 6, chapter 106, Laws of 1937, the following new section: **26. Procedure.** Any building and loan association incorporated under the laws of this state, or the holders of a majority of the stock thereof, and any co-operative bank, incorporated under the laws of this state, or the holders of a majority of the stock thereof, or any other building and loan association incorporated under the laws of this state, or the holders of a majority of the stock thereof, may apply by petition to the superior court for a decree authorizing a union of said building and loan association with said co-operative bank or other building and loan association and a dissolution of said first named building and loan association in the manner as provided by chapter 263 of the Public Laws, as amended by chapter 27 of the Laws of 1933.

**13. Building and Loan Associations.** Amend section 6-a of said chapter 266 of the Public Laws, as inserted by chapter 125, Laws of 1933, by striking out the words "interest and" in line four, so that said section as amended shall read as follows: **6-a. Joint Accounts.** When an account in any building and loan association has been opened in the names of two persons payable to either or payable to the survivor, such account, together with dividends thereon may be withdrawn by either of said persons whether the other be living or not, and the pay-

ment by said bank to either of said persons of the whole or any part of said account upon the demand or request of either of said persons shall discharge the bank for any payment so made; provided that if one of the parties has deceased and the bank has knowledge of the fact, payment shall not be made to the survivor until the state treasurer has certified that no taxes are due the state under the provisions of chapter 72 on account of the interest of the deceased in said account, or that all taxes have been paid.

**14. Amendment.** Amend section 14-b of chapter 266 of the Public Laws, as inserted by section 3, chapter 26 of the Laws of 1933 and amended by section 2, chapter 106, Laws of 1937, by striking out the word "interest" in the ninth line and inserting in place thereof the word, dividend, so that said section as amended shall read as follows: **14-b. Guaranty Fund.** Every building and loan association shall, at each distribution of profits reserve as a guaranty fund not less than five per cent of its net profits accrued since the last preceding distribution, until such fund amounts to not less than five nor more than ten per cent of its total liabilities. Said guaranty fund, by vote of the board of directors, may be used to pay losses. Subject to the approval of the bank commissioner it may also be used to maintain the distribution of profits at the same rate of dividend and for any other purpose. The board of directors may at any time, by vote duly recorded, transfer to the guaranty fund the whole or any part of any surplus or reserve under whatever name, and may increase such funds to a sum equal to ten per cent of the total liabilities.

**15. Building and Loan Shares.** Amend section 18 of chapter 266 of the Public Laws by striking out the word "interest" in line three and inserting in place thereof the word, dividends, so that said section as amended shall read as follows: **18. Withdrawals, Amount.** If the withdrawal takes place within a year after the shareholder became a member of the corporation he shall be entitled to receive the amount of the dues paid by him, without dividends or profits, less all fines and other charges against him and his proportionate part of any unadjusted loss; if it does not take place until after the expiration of such year he shall be entitled to receive the value of his shares, as determined by the directors, less his fines, charges and proportionate share of unadjusted

losses, and less such proportion of the profits previously credited to the shares as the by-laws provide.

**16. Amendment.** Amend section 20 of chapter 266 of the Public Laws by striking out the words, "interest and" in line three, so that said section as amended shall read as follows:

**20. Death of Shareholder.** Upon the death of a shareholder, his legal representatives shall be entitled to receive the full amount paid in by him, together with an equitable proportion of the profits pertaining to his shares, less all fines and charges against him at the time of his decease and a proportionate share of any unadjusted losses then existing.

**17. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

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### CHAPTER 73.\*

AN ACT TO CLOSE NEW INLET BROOK, TRIBUTARY TO BACK LAKE, PITTSBURG, TO FISHING.

SECTION

1. Closed to all fishing.

SECTION

2. Takes effect.

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

**1. Closed to All Fishing.** Amend paragraph I, section 7, chapter 155, Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by adding at the end thereof the following: the New Inlet brook from Back lake road to Back lake also a radius of one hundred feet out from the mouth of said brook into Back lake, Pittsburg, so that as amended said paragraph shall read as follows: I. Alder brook, a tributary of Stearns brook, in Milan and Success, Amos Pike or Starch Factory brook, from its source to the highway leading from the state road to the French pond road and all tributaries of Long pond in Benton and the area of said Long pond one hundred feet from the inlet out into the pond and fifty feet on each side of said inlet, the New Inlet brook from Back lake road to Back lake also a radius of one hundred feet out from the mouth of said brook into Back lake, Pittsburg.

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\* See chapter 169, *post*.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

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### CHAPTER 74.\*

AN ACT TO CLOSE LAKE KATHERINE IN THE TOWN OF PIERMONT TO ALL FISHING.

SECTION

1. Lake Katherine.

SECTION

2. Takes effect.

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

**1. Lake Katherine.** Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by inserting after paragraph XII, as inserted by chapter 35, Laws of 1939, the following new paragraph: XIII. Lake Katherine in the town of Piermont for the purpose of propagating white perch.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

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### CHAPTER 75.

AN ACT ESTABLISHING COUNTY COMMISSIONER DISTRICTS IN THE COUNTY OF CHESHIRE.

SECTION

1. Cheshire county commissioner districts established.

SECTION

2. Takes effect.

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

**1. Districts Established.** Amend chapter 36 of the Public Laws as amended by chapter 142 of the Laws of 1929, chapter 134 of the Laws of 1931, chapter 43 of the Laws of 1937 and chapter 83 of the Laws of 1937, by adding after section 24 the following new sections: **25. Cheshire County Districts.** For the purpose of the nomination and election of the county

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\* See chapter 169, *post*.



commissioners in Cheshire county said county shall be divided into three districts as follows: District 1, Alstead, Marlow, Walpole, Surry, Gilsum, Westmoreland, Chesterfield, Sullivan, Stoddard and Hinsdale; district 2, Keene; district 3, Harrisville, Roxbury, Nelson, Dublin, Marlborough, Swanzey, Troy, Jaffrey, Winchester, Richmond, Fitzwilliam and Rindge.

**26. Eligibility.** No person shall be eligible to be a candidate for county commissioner except from the district in which he is a resident. **27. Voting and Election.** The inhabitants of said county may vote for not more than one candidate from each district, and the candidate receiving the highest number of votes in any one district shall be elected county commissioner from that district.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

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## CHAPTER 76.

### AN ACT RELATING TO MORTUARY REGULATIONS.

#### SECTION

1. Separability clause.
2. Qualifications for practice of embalming.

#### SECTION

3. Takes effect.

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

**1. Mortuary Regulations.** Amend chapter 143 of the Public Laws as inserted by chapter 95 of the Laws of 1935 by adding at the end thereof the following new section: **63. Separability.** If any provision of this act is declared unconstitutional, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

**2. Qualifications.** Amend section 13 of said chapter 143, as inserted by said chapter 95, by striking out the words "graded or rated by the Conference of Embalmers' Examining Boards of the United States, Inc.," and inserting in place thereof the words, maintaining at that time a standard satisfactory to the board, so that said section as amended shall read

as follows: **13. Embalmers.** No person shall embalm dead human bodies or engage or hold himself out as engaged in embalming whether on his own behalf or in the employ of another, unless he shall be at least twenty-one years of age, a citizen of the United States, be of good moral character, shall hold a diploma or certificate showing completion of a high school course or its equivalent, shall have completed a one-year course in apprenticeship under the supervision and instruction of a duly registered embalmer actively engaged in embalming in this state and shall have completed a full course of instruction in an embalming school maintaining at that time a standard satisfactory to the board, and pass such examinations as the board may deem proper to ascertain his efficiency and qualifications to engage in embalming, and obtain a certificate of registration from the board to that effect.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

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## CHAPTER 77.

AN ACT RELATING TO INTERSTATE AUTHORITY FOR THE PORTSMOUTH-KITTERY BRIDGE AND APPROACHES THERETO.

SECTION

1. Federal consent for bridge compact.
2. Ratification.

SECTION

3. Takes effect.

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

**1. Amendment.** Section 12 of chapter 4 of the Laws of the special session of 1936 is hereby amended by striking out the whole thereof and substituting in place thereof the following: **12. Federal Consent.** No sum shall be expended by the Authority unless and until the Authority shall have obtained the consent of the Congress of the United States to said compact and to the construction, maintenance and operation of said toll bridge, nor unless and until it shall also have obtained the approval of the plans for said bridge by the chief of engineers and by the secretary of war of the United States, provided, however, that the failure of the Authority to receive

such consent and approval, or either of them, shall not in any way affect the validity of any bonds of the Authority or the security therefor.

**2. Ratification.** Nothing herein contained is intended to invalidate any action heretofore taken by The Maine-New Hampshire Interstate Bridge Authority, all such action being hereby ratified and confirmed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 6, 1939.]

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## CHAPTER 78.

### AN ACT RELATIVE TO THE INSPECTION OF MOTOR VEHICLES.

#### SECTION

1. Inspection of motor vehicles.

#### SECTION

2. Takes effect.

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

**1. Inspection of Motor Vehicles.** Amend section 6-b, chapter 100, Public Laws, as inserted by chapter 80, Laws of 1931, by inserting before the words "the commissioner" the words: Any person failing to comply with the rules of the commissioner relative to inspection shall be fined not more than twenty-five dollars, and, so that said section as amended shall read as follows: **6-b. Penalty.** Any person failing to comply with the rules of the commissioner relative to inspection shall be fined not more than twenty-five dollars, and the commissioner may refuse to register any motor vehicle or trailer which has not been inspected as required or which is unsafe or improperly equipped or otherwise unfit to be operated, and for similar reasons he may revoke any registration already made.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 12, 1939.]

CHAPTER 79.

AN ACT MAKING SUNDRY CHANGES IN THE SALE OF SECURITIES LAW.

SECTION	1. Sales of securities by local corporations. 2. Information required to be furnished to insurance commissioner.	SECTION	3. Application for registration as dealer. 4. Repeal. 5. Qualification of securities. 6. Takes effect.
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*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Sales of Securities by Local Corporations.** Amend section 5 of chapter 284 of the Public Laws, as amended by section 3 of chapter 35 of the Laws of 1937, by striking out the whole of said section and inserting in place thereof the following: **5. Status as Dealers in Securities.** Such corporation and its officers, agents and employees so licensed shall be regarded as dealers in securities under the provisions of this chapter. Such licensees shall furnish to the commissioner, upon a form to be furnished by him, under the oath of such responsible officer of the corporation as the commissioner may require, an annual financial statement, and whenever requested by the commissioner shall furnish such additional and other statements under such oath, concerning the assets, liabilities, and other financial matters of the corporation as he may require.

**2. Information Required to be Furnished to Insurance Commissioner.** Amend section 8-a of chapter 284 of the Public Laws as inserted by section 4 of chapter 35 of the Laws of 1937, by striking out said section and inserting in place thereof the following: **8-a. Information and Financial Statements.** The commissioner may examine or cause to be examined at the expense of the applicant or dealer the affairs and condition of a registered dealer in securities or an applicant who desires to become registered as such dealer. An applicant shall furnish in addition to the information required in the application such other documentary evidence of condition and responsibility as the commissioner may require, including without limiting the generality of the foregoing, au-

thentic copies of articles of incorporation, partnership agreements, by-laws, balance sheets and earning statements. Every licensed dealer in securities shall furnish under the oath of such responsible member or members of the dealers' organization as the commissioner may require an annual statement exhibiting with reasonable detail the assets, liabilities, and other financial matters of the dealer, upon a form to be furnished by the commissioner, and whenever requested by the commissioner shall furnish such additional and other statements under such oath concerning the business of the dealer as he may require.

**3. Application for Registration as Dealer.** Amend section 11 of chapter 284 of the Public Laws as amended by section 5 of chapter 35 of the Laws of 1937, by striking out said section and inserting in the place thereof the following: **11. Period of Time for Investigation.** The application filed with the commissioner for registration as a dealer may be held for investigation for a period of four weeks from the date when the application reaches the commissioner.

**4. Repeal.** Section 13 of chapter 284 of the Public Laws as amended by section 7 of chapter 35 of the Laws of 1937 is hereby repealed.

**5. Qualification of Securities.** Amend section 28-a of chapter 284 of the Public Laws, as inserted by section 10 of chapter 35 of the Laws of 1937, by striking out the whole thereof and inserting in place thereof the following: **28-a. Qualification of Securities.** No registered dealer or his salesmen or agents shall sell or offer for sale securities, except those legal for investments for savings banks in this state and except such other securities as may be designated under such rules and regulations as the commissioner may prescribe, unless such sale has been approved by the commissioner. A dealer desiring to qualify such securities shall submit to the commissioner such descriptive, statistical or documentary information as he may require. The commissioner shall within five days after such information is submitted approve or disapprove the sale of such securities and so notify the dealer. The commissioner may prescribe rules and regulations to carry out the purposes hereof.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved April 12, 1939.]

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## CHAPTER 80.

### AN ACT GOVERNING HOSPITAL SERVICE CORPORATIONS.

SECTION	SECTION
1. Definition.	7. Reports and examinations.
2. Incorporation.	8. Investments.
3. Licenses to hospital service corporation.	9. Liquidation or merger.
4. Licenses to agents.	10. Workmen's compensation law not affected.
5. Form of contract.	11. Fraternal benefit societies, etc.
6. Rates and contracts to be approved.	12. Takes effect.

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

**1. Definition.** A hospital service corporation is defined as a non-profit sharing corporation without capital stock organized under the laws of the state for the purpose of establishing, maintaining and operating a plan whereby hospital care may be provided, at the expense of said corporation, by a hospital to subscribers to said plan under contract entitling such subscribers to certain hospital service. Every such corporation shall be governed by this act and shall be exempt from provisions of the insurance law of the state unless specifically designated herein.

**2. Incorporation.** Persons desiring to form a hospital service corporation may incorporate under the provisions of chapter 223 of the Public Laws, but subject to the following provisions:

I. Approval of Insurance Commissioner. The certificate of incorporation of each such corporation shall have endorsed thereon or attached thereto the consent of the commissioner of insurance, if he finds the same to be in accordance with this act.

II. Purposes. Said certificate shall include a statement of the territory in which the corporation will operate and a statement of the purposes of such corporation.

### 3. License to Hospital Service Corporation.

I. Requirement. No hospital service corporation organized under the laws of this state shall do business unless it has obtained a license from the insurance commissioner.

II. Restriction. No hospital service corporation organized under the laws of any other state or country shall be licensed to do business in this state.

III. Information. Before a license is granted to a corporation it shall file with the commissioner a full statement under oath of its president and secretary showing its financial standing and such other information in relation to its condition as may be required by the commissioner.

IV. License. On compliance with the foregoing conditions, and if the corporation is found upon an examination made by or under the direction of the commissioner to have complied with the laws of the state applicable to it, and is deemed by the commissioner to be safe, reliable and entitled to public confidence, and upon payment of a license fee of five dollars, a license to transact hospital service as specified herein shall be issued until April first thereafter, and annually thereafter on April first such license may be renewed upon payment of five dollars so long as the corporation shall comply with the law and the commissioner shall regard it as safe, reliable and entitled to public confidence. Any such license or any renewal thereof unless surrendered or revoked shall expire on April first next after its issue.

### 4. License to Agents.

I. License Required. The president and secretary of any such corporation or any person who shall act or aid in any manner in the negotiation of, or shall solicit or receive any risk or application for hospital service contracts, and shall receive money or value for the services they perform, shall be required to procure a license from the insurance commissioner.

II. License. Upon written notice by a hospital service corporation licensed to do business in this state of its appointment of a person to act as its agent herein, the insurance commissioner shall, if he is first satisfied that the appointee is a suitable person and intends to hold himself out in good faith as an agent, upon payment of two dollars by the applicant issue to the appointee a license, which shall state in substance that

the corporation is authorized to do business in this state and that the person named therein is the constituted agent of the corporation in this state for the purposes set forth in said license. Such license shall be limited to the solicitation of hospital service business.

III. Eligibility as Agent. Only legal residents of this state shall be eligible to receive licenses as hospital service corporation agents.

IV. Renewals. A license previously issued may be renewed upon application of the hospital service corporation upon payment of two dollars.

V. Revocation. The commissioner may at any time after the granting of such license, for cause shown and after notice and hearing, determine such licensee to be unsuitable to act as such agent, and shall thereupon revoke such license and notify both the corporation and the agent of such revocation.

VI. Expiration. Unless revoked by the commissioner, or unless the corporation by written notice to the commissioner cancels the agent's authority to act for it, such license issued to an agent, or any renewal thereof, shall expire on March thirty-first next after its issue.

VII. Acting Without License. If a person shall act or aid in any manner in the negotiation of hospital service contracts, or shall solicit or receive any risk or application for such service, without a license from the commissioner, or if the license granted to him or to the corporation for which he acts as agent has been revoked, he shall be fined not more than two hundred dollars, but any contract issued on an application thus procured shall bind the corporation if otherwise valid. The provisions of this section shall not apply to any office employee of the corporation, or to any person rendering their services without compensation therefor.

**5. Form of Contract.** Every contract with subscriber shall be in writing and a copy thereof furnished to each subscriber. Further, such contract shall contain the following provisions:

(1) A statement of the amount payable to the corporation by the subscriber and the manner in which such amount is payable.



(2) A statement of the nature of the services to be furnished and the period during which they will be furnished, and if there are any services to be excepted a detailed statement of such exceptions shall be printed with the same prominence as the benefits to which they apply.

(3) A statement of terms and conditions upon which the contract may be cancelled or otherwise terminated at the option of either party.

(4) A statement that the contract includes the endorsements thereon and attached papers, if any, and contains the entire contract.

(5) A statement that no statement by the subscriber in his application for a contract shall void the contract or be used in any legal proceeding thereunder, unless such application or an exact copy thereof is included in or attached to such contract.

(6) A statement of the period of grace which will be allowed the subscriber for making any payment due under the contract. Such period shall not be less than ten days.

(7) A statement that all benefits payable shall be paid to the hospital.

(8) Every such contract shall be signed by the president and secretary before it shall become effective.

**6. Rates and Contracts to be Approved.** No such corporation shall enter into any contract with subscribers unless and until it shall have filed with the insurance commissioner of the state a full schedule of the rates to be paid by the subscribers and shall have obtained the said commissioner's approval thereof. The commissioner may refuse such approval if he finds such rates are excessive, inadequate or discriminatory. No hospital service corporation shall enter into any contract with subscribers unless and until it shall have filed with the insurance commissioner of the state a copy of the form of such contract, including all riders and endorsements thereof and until the said commissioner's approval thereof shall have been obtained. The insurance commissioner shall, within a reasonable time after the filing of any such form, notify such corporation either of his approval or disapproval thereof.

**7. Reports and Examinations.** Every such corporation shall annually, on or before the first day of March, file in the office of the insurance commissioner of the state a statement,

verified by at least two of its principal officers, showing its condition on the thirty-first day of December then next preceding, which shall be in such form and contain such matters as said commissioner shall prescribe. Examination of the financial condition of each such corporation by the insurance commissioner or his representatives shall be made annually. The commissioner of insurance, or any deputy or examiner or any other person whom he shall appoint, shall have the power of visitation and examination into the affairs of any such corporation and free access to all of the books, papers and documents that relate to the business of the corporation, and may summon and qualify witnesses under oath and examine its officers, agents or employees or other persons in relation to the affairs, transactions and condition of the corporation. All costs of such examinations shall be paid by the corporation. All costs of acquisition and of management activities shall be under the supervision of the insurance commissioner.

**8. Investments.** No such corporation shall invest its funds in any other manner than as follows: In bonds of the United States or of any state; in loans secured by mortgage on unencumbered real estate worth, at the time of making such investment, at least double the amount of such loan, unless the loan is further secured by a guaranty satisfactory to the insurance commissioner, in which case it shall not exceed sixty per cent of such value; and, if buildings are considered as part of the value of such real estate, they must be insured for the benefit of the mortgagee; in such other mortgage loans and securities as are legal investment for New Hampshire savings banks at the time of such investment; in loans upon the pledge of stock, bonds or mortgages, if the current value of such stock, bonds or mortgages is at least twenty-five per cent more than the amount loaned thereon.

**9. Liquidation or Merger.** Every such corporation shall be subject to liquidation, dissolution or reorganization and such proceeding shall be under the supervision of the commissioner of insurance who shall have such powers hereunder as he possesses in reference to domestic insurance corporations. Any hospital service corporation may merge with any other hospital service corporation or corporations of this state subject to the approval of the insurance commissioner.

**10. Workmen's Compensation Law Not Affected.** No provision of this act or any contract for hospital service by such corporation shall in any way affect the operation of workmen's compensation laws of the state.

**11. Fraternal Benefit Societies, etc.** Fraternal benefit societies and life or accident insurance companies are not affected by this act.

**12. Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1939.]

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## CHAPTER 81.

AN ACT RELATING TO AN OPEN SEASON FOR TAKING BEAVER IN COOS COUNTY.

SECTION

1. Sable, fisher, marten.
2. Open season by proclamation for taking beaver.

SECTION

3. Penalties.
4. Takes effect.

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

**1. Beaver.** Amend section 4 of chapter 200 of the Public Laws, as inserted by section 4, chapter 124, Laws of 1935, by striking out said section and inserting in place thereof the following: **4. Sable, Fisher, Marten.** There shall be no open season for sable, fisher and marten.

**2. Open Season by Proclamation.** Amend chapter 200 of the Public Laws, as inserted by section 4, chapter 124, Laws of 1935, by inserting after section 5 the following new subdivision:

### Beaver

**5-a. Open Season.** During any part of the months of March and April in Coos county the director, upon written complaint of a water company or a landowner that beaver are polluting a water supply or doing actual and substantial damage to property, or upon his own motion when he deems that beaver are detrimental to fishing, or hunting or to lumbering operations, may declare an open season on beaver. **5-b. Notice.** Before said season is opened said director shall cause

notice thereof to be published once in a newspaper published in Coos county and shall also file a copy of said notice with the clerk of each town or city affected. **5-c. Trapping.** During said open season any resident of the state holding a trapping license may take and possess beaver by means of traps only. **5-d. Stamping; Sale of Skins.** Whenever a person shall lawfully take beaver during the open season as provided in sections 5-a and 5-c he shall present the skin of such beaver, within ten days from the closing of said open season, to a conservation officer who shall stamp the same upon receipt of a fee of two dollars. Beaver skins lawfully taken and stamped may be bought and sold. **5-e. Prohibition.** Except as provided in this subdivision no person shall take or possess beaver in this state. No person shall sell, give away, buy, accept as a gift, offer to transport or transport except to a conservation officer any beaver skin unless the skin is stamped with the official seal of a conservation officer. No person shall destroy or disturb or interfere in any manner with the dams or houses of beaver, without first obtaining a special permit from the director, except as may be necessary in connection with lawfully trapping beaver in Coos county during the open season therefor. **5-f. Penalty.** Whoever violates any of the provisions of this subdivision shall be fined not less than twenty-five nor more than fifty dollars.

**3. Amendment.** Amend section 13 of said chapter 200, as amended by section 17, chapter 188, Laws of 1937, by striking out said section and inserting in place thereof the following: **13. Penalties.** A person who violates a provision of this chapter shall be fined as follows: For each violation of sections 1 to 5, inclusive, and sections 6 to 8, inclusive, not more than ten dollars and not more than five dollars additional for each otter, mink, muskrat, skunk, raccoon, or fox taken or possessed contrary to the provisions thereof, and not more than fifty dollars additional for each sable, marten or fisher so taken or possessed; for each violation of sections 9 and 10, not more than five hundred dollars, and such person shall be liable for twice the amount of the damage caused by his act, to be recovered by the person or his estate sustaining the injury or loss; and for each violation of section 11, not more than fifty dollars.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1939.]

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## CHAPTER 82.

### AN ACT PROVIDING A SPECIAL OPEN SEASON FOR TAKING SALT WATER SMELT.

#### SECTION

1. Temporary provisions for taking salt water smelt.

#### SECTION

2. Takes effect.

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

**1. Temporary Provisions.** Amend section 27\* of chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by inserting after the word "first" in the fourth line the words, provided that during the period from April fifteenth to April twenty-fourth, inclusive, in the year 1939, salt water smelt may be taken from said waters, so that said section as amended shall read as follows: **27. Salt Water Smelt.** No person shall take salt water smelt from the Piscataqua river and its tributaries, the Exeter river and its tributaries, and Great Bay and Greenland Bay, from April fifteenth to July first, provided that during the period from April fifteenth to April twenty-fourth, inclusive, in the year 1939, salt water smelt may be taken from said waters. Salt water smelt may be bought and sold during the open season therefor.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1939.]

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\* See chapter 169, *post*.

## CHAPTER 83.

## AN ACT RELATING TO TROUT AND SALMON.

SECTION	SECTION
1. Temporary provisions for taking brook trout.	2. Trout and salmon. 3. Takes effect.

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

**1.\* Brook Trout; Temporary Provisions.** Amend chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by inserting after section 1-a, as inserted by section 5, chapter 96, Laws of 1937, the following new section: **1-b. Open Season.** Brook trout, six inches or over, may be taken and possessed from April fifteenth to September first, and during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout, six inches or over, may be taken and possessed from April fifteenth to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. The provisions of this section shall be in force only during the period from April fifteenth, 1939, to April fifteenth, 1941, and provided further that the provisions of this section shall not apply to waters where special provisions are applicable. During the period when this section is effective such provisions of section 1 of chapter 201 of the Public Laws, as amended, as are inconsistent with the provisions hereof are hereby suspended.

**2.† Taking Through the Ice.** Amend section 6, chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by striking out said section and inserting in place thereof the following: **6. Trout and Salmon.** The taking of any of the species mentioned in this subdivision between two hours after sunset and one hour before sunrise is prohibited. The taking of any of the species mentioned in this subdivision, except lake trout, through the ice is prohibited provided that said fish may be taken after April fifteenth, during the open season, through a natural opening in the ice.

\* Repealed, section 2, chapter 115, *post*.

† See chapter 169, *post*.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1939.]

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## CHAPTER 84.

AN ACT RELATING TO FISHING IN BIG BROOK, PITTSBURG.

SECTION 1. Brook trout, fly fishing.	SECTION 2. Takes effect.
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*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Brook Trout; Fly Fishing.** Amend section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, by inserting at the end of said section the following new paragraph: XI.\* Brook trout not less than ten inches in length may be taken from May first to October first from Big Brook and its tributaries between Big Brook Bog and the highway leading from the First to the Second Connecticut lake, provided that no person may take from said waters more than five in number nor more than five pounds in weight when taken, in one day, except that if he has taken less than five in number or five pounds in weight he shall be entitled to take one additional fish.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1939.]

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## CHAPTER 85.

AN ACT CLOSING ELBOW POND IN WOODSTOCK TO ICE FISHING.

SECTION 1. Closed to ice fishing.	SECTION 2. Takes effect.
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*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Closed to Ice Fishing.** Amend paragraph I† of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3,

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\* Amended, section 2, chapter 145 and see also chapter 169, *post*.

† See chapter 58, *ante*, and chapter 169, and section 2, chapter 193, *post*.

chapter 96, Laws of 1937, and as amended by chapter 58, Laws of 1939, by inserting after the word "Tuftonboro" the words, Elbow pond in Woodstock, so that said paragraph as amended shall read as follows: I. Arlington Mills reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Elbow pond in Woodstock, Ferrin pond in Weare, Gorham pond in Dunbarton, Forest lake in Winchester.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1939.]

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### CHAPTER 86.\*

AN ACT TO CLOSE THE SOUTH BRANCH OF GALE RIVER TO FISHING.

SECTION

1. Closed to all fishing.

SECTION

2. Takes effect.

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

**1. Closed to All Fishing.** Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, and as amended by an act approved April 11, [6] 1939,† entitled "An Act to close Lake Katherine in the town of Piermont to all fishing," by inserting at the end of said section the following new paragraph: XIV. The South Branch of the Gale river in Franconia and Bethlehem for one-fourth mile above the point of the intake, so called, of the Bethlehem Village District and all tributaries entering said Gale river above said point of intake situated in the town of Franconia.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1939.]

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\* See chapters 87 and 169, *post*.

† Chapter 74, *ante*.



## CHAPTER 87.\*

## AN ACT TO CLOSE ZEALAND RIVER AND CERTAIN OF ITS TRIBUTARIES TO FISHING.

## SECTION

1. Closed to all fishing.

## SECTION

2. Takes effect.

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

**1. Closed to All Fishing.** Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, and as amended by an act entitled "An Act to close the South Branch of Gale river to fishing,"† by inserting at the end of said section the following new paragraph: XV. Zealand river for one-fourth mile above the point of intake and all tributaries thereto from its and their sources to the point of intake, so called, of the public water supply of the Bethlehem Village District, situated in the town of Bethlehem, said waters being closed to fishing to prevent pollution of said water supply.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 13, 1939.]

## CHAPTER 88.\*

## AN ACT CLOSING MILLER AND STOCKER PONDS IN THE TOWN OF GRANTHAM TO ICE FISHING.

## SECTION

1. Miller pond in Grantham closed.

2. Stocker pond in Grantham closed.

## SECTION

3. Takes effect.

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

**1. Closed to Ice Fishing.** Amend paragraph III of section 5 of chapter 155 of the Laws of 1935 as amended by chapter 96 of the Laws of 1937 by inserting before the word "Mirror" in line one the words, Miller pond in Grantham, so that said

\* See chapter 169, *post*.

† Chapter 86, *ante*.

paragraph as amended shall read as follows: III. Miller pond in Grantham, Mirror lake in Whitefield, Mount William pond in Weare, Mountain View lake in Sunapee, Nippo pond in Barrington.

2. **Closed to Ice Fishing.** Amend paragraph V of section 5, chapter 155 of the Laws of 1935 as amended by chapter 96 of the Laws of 1937, by adding after the word "Fitzwilliam" in line one the words, Stocker pond in Grantham, so that said paragraph as amended shall read as follows: V. Scott pond in Fitzwilliam, Stocker pond in Grantham, Stone House pond in Barrington, Streeter pond in Lisbon, Sunset lake in Greenfield, Tucker pond in Salisbury.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved April 19, 1939.]

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## CHAPTER 89.

### AN ACT RELATING TO THE PRESERVATION AND RECOUNT OF BALLOTS AT TOWN OR SCHOOL DISTRICT MEETINGS.

SECTION	SECTION
1. Preservation of ballots after town election.	6. Declaration of results.
2. Application for recount.	7. Appeal.
3. Notice; fee.	8. Application of act.
4. Recount.	9. School districts.
5. Preservation of ballots.	10. Takes effect.

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

1. **Preservation of Ballots After Town Election.** The provisions of section 90, chapter 26, Public Laws, as amended by section 14, chapter 80, Laws of 1937, and section 91 of said chapter 26, relative to sealing, certifying and delivering ballots to the town clerk shall apply to the preservation of ballots for the election of town officers after an annual town meeting, provided that such ballots remaining in possession of the town clerk except as hereinafter provided shall be destroyed at the expiration of thirty days after said election.

2. **Application for Recount.** If any person for whom a vote was cast and recorded for any office at an annual town meeting shall, before the expiration of fifteen days from the

date of the meeting, apply in writing to the town clerk for a recount of the ballots given for all persons for such office and shall state in his application the names of the opposing candidates, the said clerk shall appoint a time for the recount not earlier than seven days nor later than ten days after the receipt of said application.

**3. Notice; Fee.** The clerk shall order the applicant to give notice thereof by giving to each of the opposing candidates, or leaving at his place of abode, a copy of the application and order of notice five days at least prior to the day so appointed for the recount of ballots. No other notice shall be required. The applicant for such recount shall pay to the town clerk, for the use of the town, a fee of ten dollars.

**4. Recount.** At the time and place so appointed and notified the clerk shall openly and publicly break the seal of and open the package in which the ballots of said meeting are kept and thereupon said ballots shall be recounted by the clerk, the moderator and the selectmen of said town who shall constitute the board of recount.

**5. Preservation of Ballots.** Upon the conclusion of the recount the clerk shall place the ballots and all envelopes or wrappers which had previously contained them, in a new envelope showing the contents and the date when and the reason why it was opened and examined and said clerk shall retain said ballots until the expiration of thirty days from the date of the meeting unless some action is pending which makes their further preservation necessary or unless enjoined by action brought before the superior court.

**6. Declaration of Results.** If in case of a recount of votes for town officer it shall appear that a person was elected other than the person declared by the moderator to have been elected the board of recount for said town shall declare such person elected and shall, after five days from such declaration, if no appeal is taken, certify such declaration to the town clerk. The town clerk shall record the certificate and the person so declared by the board of recount to have been elected shall, unless the result is changed upon appeal to the superior court, be the duly elected officer of such town.

**7. Appeal.** Any person aggrieved by any ruling of the board of recount with respect to any ballot so recounted may, within five days thereafter, appeal to the superior court for

the county in which such town is located, which court shall have jurisdiction in equity to hear and determine the questions presented.

**8. Application of Act.** The foregoing provisions of this act shall be in effect in all towns which have adopted the so-called Australian ballot system as provided in section 88, chapter 26 of the Public Laws.

**9. School Districts.** Any school district which shall have voted to elect its school district officers by an official ballot to be prepared by the clerk of said district shall be governed by the provisions of this act relative to preservation of ballots and recounts thereof. In case of such a school district the district clerk shall have all the powers and duties of a town clerk as hereby provided and the board of recount for said district shall consist of the school district clerk, the moderator and the members of the school board. The fee for recount in case of such district shall be paid to the clerk for the use of the district.

**10. Takes Effect.** This act shall take effect upon its passage.

[Approved April 19, 1939.]

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## CHAPTER 90.

AN ACT RELATIVE TO APPROPRIATIONS FOR TOWN ADVERTISING.

SECTION  
1. Town advertising.

SECTION  
2. Takes effect.

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

**1. Town Advertising.** Amend paragraph XIX of section 4 of chapter 42 of the Public Laws by inserting after the word "distribute" the words, or contribute toward the issuance and distribution through other agencies of, so that said paragraph as amended shall read as follows: XIX. Advertising. To issue and distribute or contribute toward the issuance and distribution through other agencies of circulars and other written or printed matter calling attention to the resources and natural advantages of the town.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 19, 1939.]

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## CHAPTER 91.

### AN ACT PROVIDING FOR A FISCAL AGENT FOR THE COUNTY OF COOS.

#### SECTION

1. Coos county fiscal agent.
2. Inconsistent laws.

#### SECTION

3. Salary.
4. Takes effect.

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

**1. Coos County.** The governor, with the advice and consent of the council, is hereby authorized to appoint a fiscal agent for the county of Coos. Said fiscal agent shall supervise and direct the incurring of obligations against and the expenditure of all funds which may be raised and appropriated for the benefit of said county. No obligations against said county shall be incurred by any officer thereof and no funds of said county shall be expended without the approval of said fiscal agent. The said fiscal agent is empowered to countersign all warrants or orders for the payment of any money drawn upon any funds held by the treasurer of Coos county and said treasurer shall pay out no money unless upon warrant or order countersigned by such fiscal agent.

**2. Inconsistent Laws.** All powers and duties of county commissioners and county treasurer granted and imposed by any other acts or parts of acts which are inconsistent with the provisions of this act are hereby suspended and made inoperative so far as they apply to the county commissioners and the county treasurer of the county of Coos.

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**3. Salary.** The annual salary of said fiscal agent shall be fixed by the governor and council but shall not exceed thirty-five hundred dollars per year. Said agent shall also be allowed his necessary traveling expenses when engaged on official business. The salary and expenses of said fiscal agent shall be paid by the county of Coos.

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\* New sections 2-a and 2-b, see chapters 175 and 226, *post*.

**4. Takes Effect.** This act shall take effect upon its passage and shall remain in effect until April 1, 1941.

[Approved April 19, 1939.]

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## CHAPTER 92.

### AN ACT RELATIVE TO THE POWERS OF THE STATE BOARD OF HEALTH.

#### SECTION

1. Powers of the state board of health.

#### SECTION

2. Takes effect.

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

**1. State Board of Health.** Amend chapter 125 of the Public Laws by inserting after section 10 the following new section: **10-a. Powers.** The state board of health is hereby authorized:

I. To receive and expend all funds made available to the board by the federal government, the state or its political subdivisions, or from other sources for general activities for health promotion, providing adequate facilities for promotion and administrative guidance of local health services, and the training of personnel employed or to be employed in the state health department or local health departments.

II. To receive and expend any reimbursements for expenditures previously made for such purposes.

III. To make such rules and regulations as it may deem necessary for the administration of the provisions of the preceding paragraphs.

IV. To co-operate with the federal government, through its appropriate agencies or instrumentalities, and with other state and local agencies and organizations in developing and administering public health activities as provided for in this section.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 25, 1939.]

## CHAPTER 93.

AN ACT RELATING TO THE ISSUANCE OF NO PAR VALUE STOCK BY  
CO-OPERATIVE MARKETING ASSOCIATIONS.

## SECTION

1. Co-operative associations; capi-  
tal stock.

## SECTION

2. Takes effect.

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

**1. Co-operative Associations; Capital Stock.** Amend subdivision VII of section 4 of chapter 224 of the Public Laws, as amended by section 2 of chapter 10 of the Laws of 1931, by striking out said subdivision and inserting in place thereof the following: VII. If organized with capital stock, the amount of such stock, the number of shares into which it is divided and whether such stock be with or without nominal or par value; if such stock be with nominal or par value, the par value thereof and if such stock be without nominal or par value, every share of such stock shall be equal to every other such share except as may be provided in the vote authorizing the issue thereof; the voting privileges of stockholders if otherwise than one vote to each stockholder and the consideration for which capital stock is issued in accordance with the provisions of sections 32 and 33 of chapter 225 of the Public Laws as amended.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 25, 1939.]

## CHAPTER 94.\*

AN ACT RELATING TO FISHING IN CERTAIN WATERS IN CARROLL  
COUNTY.

## SECTION

1. Smelt fishing, village brook in  
Freedom.

2. Closed to all fishing.

## SECTION

3. Brook trout, Melvin river,  
Tuftonboro.

4. Takes effect.

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

**1. Smelt Fishing, Village Brook in Freedom.** Amend section 6, chapter 155 of the Laws of 1935 as amended by chapter

\* See chapter 169, *post*.

73 of the Laws of 1937 by inserting after the word "Freedom" in the seventeenth line thereof the following, except Village brook, so that as amended said section shall read as follows:

**6. Closed Waters.** The following waters are closed to smelt fishing: Dana Hines brook in Meredith, Dublin pond and the outlet as far as Clark's Mill pond dam in Dublin, White pond in Ossipee, Black brook in Sanbornton for a distance of two hundred yards above its middle mouth to a point one hundred and fifty yards out into the lake from its middle mouth, Massabesic lake and all its tributaries in Manchester and Auburn, Silver lake and its tributaries in Madison, Massasecum lake in Bradford, Pleasant pond and its tributaries in Deerfield, Mascoma river in Mascoma and Lebanon from the outlet of the lake to the south ends of the abutment of the first railroad bridge, First Connecticut lake and its tributaries in Pittsburg, all tributaries of Sunapee lake, Highland lake and its tributaries in Andover, all tributaries of Webster lake in Franklin, Echo lake in Marlow and Lempster, Inlet brook to Ledge pond in Madison, all tributaries of Loon lake in Freedom, except Village brook, Nubanusit lake in Hancock and Nelson, Silver lake in Nelson and Harrisville, Mill brook from White Oak pond to Big Squam lake in Holderness, all tributaries to Lake Tarleton in Piermont and Swanzey lake in Swanzey, and all tributaries of Little Sunapee lake in New London and Bradley lake in Andover.

**2. Closed to All Fishing.** Amend paragraph V, section 7, chapter 155 of the Laws of 1935, as inserted by chapter 96 of the Laws of 1937 by inserting after the words "Melvin river" in the third line thereof the words, below the New Road bridge, so called, so that as amended said paragraph shall read as follows: V. Lime Kiln brook and its tributaries above the number 6 schoolhouse, in Haverhill, all tributaries of Marshall pond in Unity, Melvin river below the New Road bridge in Tuftonboro, all tributaries of Merrymeeting lake in New Durham, all tributaries of Morse brook in Easton.

**3. Brook Trout, Melvin River, Tuftonboro.** Amend paragraph II, section 2 of chapter 155 as amended by chapters 144, 170 and section 28, chapter 188, of the Laws of 1937, by inserting after the word "Northwood" in the first line thereof the words, Melvin river above the New Road bridge, so called, in Tuftonboro, so that as amended said paragraph shall read



as follows: II. Long pond in Benton, Lucas pond in Northwood, Melvin river above the New Road bridge, so called, in Tufftonboro, Mount William pond in Weare, Nippo pond in Barrington, Mirror lake in Whitefield.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved April 25, 1939.]

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## CHAPTER 95.

### AN ACT RELATING TO THE OPEN SEASON FOR TAKING DEER IN COOS COUNTY.

SECTION

1. Taking wild deer.

SECTION

2. Takes effect.

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

**1. Wild Deer.** Amend section 2 of chapter 198 of the Public Laws, as inserted by section 2, chapter 124, Laws of 1935, and as amended by section 1, chapter 136, Laws of 1937, by striking out said section and inserting in place thereof the following: **2. Taking, Time.** Wild deer, outside game preserves, may be hunted and taken after six a. m. and before five p. m. in the counties of Carroll and Grafton from November first to December first, in that part of Coos county lying north of the main highway known as United States Route No. 2 from the Vermont boundary to the Maine boundary through the towns of Lancaster, Jefferson, Randolph, Gorham and Shelburne from October fifteenth to December first, in the remainder of Coos county from November first to December first, and in all other counties in the state from December first to December sixteenth, except that no deer shall be hunted or taken at any time on any island or in any waters in lakes and ponds.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 25, 1939.]

**CHAPTER 96.\***

AN ACT RELATING TO ICE FISHING IN NEWFOUND LAKE.

SECTION

1. Ice fishing in Newfound lake.

SECTION

2. Takes effect.

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

**1. Newfound Lake.** Amend section 5-b, chapter 155 of the Laws of 1935 as inserted by chapter 188 of the Laws of 1937, by striking out in the last line the words "during the month of January" and inserting in place thereof the words, from the fifteenth day of January until the first day of March, so that said section as amended shall read: **5-b. Newfound Lake.** Newfound lake is closed to fishing through the ice except from the fifteenth day of January until the first day of March.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 25, 1939.]

**CHAPTER 97.**

AN ACT TO CLOSE DIMOND POND OTHERWISE KNOWN AS TOM POND IN WARNER.

SECTION

1. Dimond or Tom pond in Warner.

SECTION

2. Takes effect.

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

**1. Closed to Ice Fishing.** Amend paragraph I† of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96, Laws of 1937, and as amended by chapters 58 and 85 of the Laws of 1939, by inserting after the word "Tuftonboro" the words, Dimond or Tom pond in Warner, so that said paragraph as amended shall read as follows: I. Arlington Mills reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Dimond or Tom pond in Warner, Elbow pond in Woodstock,

\* See chapter 169, *post*.

† See chapters 58 and 85, *ante*, and chapters 169 and 193, *post*.

Ferrin pond in Weare, Gorham pond in Dunbarton, Forest lake in Winchester.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1939.]

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### CHAPTER 98.\*

AN ACT RELATIVE TO FISHING IN GUMPUS POND IN PELHAM.

SECTION

1. Gumpus pond in Pelham closed.

SECTION

2. Takes effect.

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

**1. Closed to All Fishing.** Amend section 7, chapter 155, Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by adding after paragraph XV, as inserted by chapter 87, Laws of 1939, the following new paragraph: XVI. Gumpus pond in Pelham from November first to June first.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1939.]

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### CHAPTER 99.

AN ACT RELATIVE TO PRIMARY PETITIONS AND NOMINATION OF CANDIDATES AT THE PRIMARY ELECTION.

SECTION

1. Declaration of party membership at primary elections.

SECTION

2. Takes effect.

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

**1. Primary Elections.** Amend chapter 25 of the Public Laws by inserting after section 14 the following new sections:  
**14-a. Declaration of Party Membership.** No primary petition as provided in section 14 shall be accepted by the officer with whom it is to be filed unless there is attached thereto a

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\* See chapter 169, *post*.

declaration in the following form subscribed to by the person who seeks to have his name printed upon the primary ballot:

**State of New Hampshire**

I, .....of ..... in the county of ..... do hereby assent to the printing of my name on the primary ballot as requested in the attached petition. I further declare that I am a member of the..... party. (Signed) .....

State of New Hampshire  
County of ..... SS.

The above-named..... personally known to me, appeared and made oath that the above declaration by him subscribed is true.

Before me,  
..... Justice of the Peace or Notary Public.

**14-b. Prohibition.** The name of a candidate shall not be printed upon the official ballot of any political party used at any primary under the provisions of section 14 hereof unless the candidate has declared, as provided in section 14-a, that he is a member of the political party upon the official ballot of which he desires to have his name printed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1939.]

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**CHAPTER 100.**

**AN ACT RELATIVE TO TOWN APPROPRIATIONS FOR RECREATIONAL PURPOSES.**

SECTION 1. Town appropriations for recreational activities.	SECTION 2. Takes effect.
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*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Town Appropriations.** Amend section 33 of chapter 42 of the Public Laws by striking out said section and inserting in place thereof the following: **33. Tax.** Any town may

raise annually a specific number of cents on each one hundred dollars of assessed valuation to be used for the purposes described in section 32 and may raise such sums for recreational purposes when the land upon which such activities are conducted belongs to or is leased by the town or the state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1939.]

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## CHAPTER 101.

### AN ACT RELATIVE TO CONDUCT AFTER A MOTOR VEHICLE ACCIDENT.

SECTION	SECTION
1. Conduct after motor vehicle accident.	2. Takes effect.

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

**1. Motor Vehicle Accident.** Amend section 17 of chapter 102 of the Public Laws, as amended by chapter 84, Laws of 1931, by inserting after the word "killed" the words, or resulting in damage to property in excess of twenty-five dollars, so that said section as amended shall read as follows: **17. Conduct After Accident.** Any person operating a motor vehicle, knowing that injury has been caused by him to a person or to property, shall forthwith bring his vehicle to a stop, return to the scene of the accident, give, to the party whose person or property is injured, 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. Any person operating a motor vehicle which is in any manner involved in an accident in which any person is injured or killed, or resulting in damage to property in excess of twenty-five dollars, shall forthwith report in writing to the commissioner the facts required herewith together with a statement of the circumstances of the accident.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1939.]

## CHAPTER 102.

AN ACT RELATIVE TO THE OPERATION OF MOTOR VEHICLES.

SECTION 1. Motor vehicles, prohibited size and weight.	SECTION 2. Takes effect.
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*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Motor Vehicles, Prohibited Size and Weight.** Amend section 28, chapter 103, Public Laws, by inserting after the word "operate" in the first line the words, or cause to be operated, so that said section as amended shall read as follows:  
**28. Penalty.** Any person who shall operate or cause to be operated on the highways of this state a vehicle whose size or weight is in excess of that herein prescribed shall be fined not less than twenty-five nor more than two hundred dollars for the first offense, and not less than fifty nor more than five hundred dollars for any subsequent offense.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 26, 1939.]

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## CHAPTER 103.

AN ACT RELATIVE TO OPERATION OF MOTOR TRACTORS BY UN-  
LICENSED OPERATORS.

SECTION 1. Motor tractors, license required.	SECTION 2. Takes effect.
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*Be it enacted by the Senate and House of Representatives in  
General Court convened:*

**1. Motor Tractors.** Amend section 9 of chapter 101 of the Public Laws, as amended by chapter 69, Laws of 1937, by adding after the word "vehicle" in the first and sixth lines the words, or tractor, so that said section as amended shall read as follows. **9. License Necessary.** No person shall operate a motor vehicle or tractor upon any way in this state unless licensed under the provisions of this title, or permit such a vehicle owned or controlled by him to be so operated by a person not so licensed, except as otherwise herein provided, and if any person shall operate a motor vehicle or tractor in viola-

tion of this section such violation in any civil action shall be *prima facie* evidence of his unfitness to operate a motor vehicle.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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## CHAPTER 104.

### AN ACT RELATIVE TO DIVIDEND NOTICES OF INSURANCE COMPANIES.

#### SECTION

1. Insurance company notice to policyholders.

#### SECTION

2. Powers of insurance commissioner.  
3. Takes effect.

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

**1. Insurance Companies.** Amend chapter 273 of the Public Laws by inserting after section 8 the following new section:

**S-a. Dividend Notice to Policyholders.** Every mutual and participating stock, fire, marine, fidelity and casualty insurance company shall send a written dividend notice through its resident agent to all policyholders who have not renewed and who have not received their dividend as shown by the records of the company. Such notice shall be sent within sixty days of the expiration of the policy, and such notice should include receipt to be executed by the insured and shall state the amount of the dividend payable. The company shall cause payment of such dividend to be made within ten days after receiving the dividend receipt properly executed and no policyholder shall be discriminated against due to the period of time for which insurance has been carried.

**2. Powers of Insurance Commissioner.** Amend section 13 of chapter 271 of the Public Laws by striking out said section and inserting in place thereof the following: **13. Examinations.** The commissioner is authorized to examine into the condition and affairs of any domestic or foreign insurance company doing business, or proposing to do business in the state, or to cause such examination to be made by some person not interested in the company, appointed by him, and to examine into the business transacted by any agent of the com-

pany in the state. He may require the company or any officer or agent to produce all books and papers relating to the company or the agency and shall have power to examine under oath any such officer or agent of said company relative to its business and management.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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## CHAPTER 105.

AN ACT RELATING TO FOREIGN CASUALTY INSURANCE COMPANIES.

SECTION

1. Foreign casualty insurance com-  
panies.

SECTION

2. Takes effect.

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

**1. Foreign Casualty Insurance Companies.** Amend chapter 277 of the Public Laws by inserting after section 36 the following new section: **36-a. Limitation Upon Licenses.** No corporation organized under the authority of any other state or country and engaged in the business of casualty insurance upon the assessment plan shall be licensed, except as hereinafter provided, under the provisions of section 36 hereof after June 1, 1939. Provided that any such corporation whose license under the said provisions is in full force on June 1, 1939, may have said license to do business in this state renewed so long as the commissioner deems it safe, reliable and entitled to confidence.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]



## CHAPTER 106.

### AN ACT RELATING TO CANCELLATION OF ACCIDENT AND HEALTH INSURANCE POLICIES.

SECTION		SECTION
1. Cancellation of accident and health insurance policies.		2. Takes effect.

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

**1. Accident and Health Insurance Policies.** Amend paragraph XVI of section 12 of chapter 281 of the Public Laws by adding after the word "time" in the first line the words, to become effective ten days thereafter, so that said paragraph as amended shall read as follows: XVI. Cancellation. The insurer may cancel this policy at any time, to become effective ten days thereafter, by written notice delivered to the insured or mailed to his last address as shown by the records of the insurer, together with cash or the insurer's check for the unearned portion of the premiums actually paid by the insured, and such cancellation shall be without prejudice to any claim originating prior thereto.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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## CHAPTER 107.

### AN ACT RELATING TO ELECTION OF COUNTY OFFICERS.

SECTION		SECTION
1. County officers, Belknap county. 2. Present officers, term of.		3. Takes effect.

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

**1. Term of County Officers of Belknap County.** Amend section 1, chapter 36 of the Public Laws, as amended by section 1, chapter 166 of the Laws of 1933, by striking out in the ninth line the word "county" and inserting in place thereof the words, and Belknap counties, so that said section as amended shall read as follows: **1. Election; Term.** There shall be chosen at each biennial election, by ballot, by the in-

habitants of the several towns in each county qualified to vote for state senators, a sheriff, a county solicitor, a county treasurer, a register of deeds, a register of probate and three county commissioners, each of whom shall take office on April first next succeeding his election, and shall hold the same for two years and until his successor is chosen and qualified, except that all said county officers of Strafford and Belknap counties and the solicitors of Merrimack and Coos counties shall take office on January first next succeeding their election.

**2. Present Officers of Belknap County.** The present county commissioners, sheriff, county solicitor, county treasurer, register of deeds and register of probate for Belknap county shall hold their respective offices for the term until January first 1941, and until their successors are chosen and qualified.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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## CHAPTER 108.

### AN ACT AUTHORIZING VILLAGE DISTRICTS TO ORGANIZE FOR RECREATIONAL PROMOTION.

SECTION

1. Establishment of village districts for recreational promotion.

SECTION

2. Takes effect.

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

**1. Village Districts.** Amend section 1 of chapter 57 of the Public Laws by adding after the word "commons" in the ninth line the words, the maintenance of activities for recreational promotion, so that said section as amended shall read as follows: **1. Establishment.** 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 all of the following purposes: The extinguishment of fires, the lighting or sprinkling of streets, the planting and care for

shade and ornamental trees, the supply of water for domestic and fire purposes, the construction and maintenance of sidewalks and main drains or common sewers, the construction, maintenance and care of parks or commons, the maintenance of activities for recreational promotion, the construction or purchase and maintenance of a municipal lighting plant 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 situate.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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## CHAPTER 109.

### AN ACT RELATIVE TO THE PROTECTION OF STATE AND OTHER HIGHWAYS.

#### SECTION

1. Permit for highway approaches.
2. Penalty.

#### SECTION

3. Takes effect.

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

**1. Highway Approaches.** Amend chapter 91 of the Public Laws by inserting after section 2 the following new section:  
**2-a. Permit.** It shall be unlawful to construct or maintain any driveway, entrance or approach within the limits of the right of way of a state, state-aided, secondary or trunk line highway without a written permit from the state highway commissioner. The state highway commissioner is authorized to make such rules and regulations as to the grade and location of the driveways, entrances and approaches on said highways as will adequately protect and promote the safety of the traveling public except that in no case shall ingress and egress to property abutting the highway be denied. No such permit shall be required for any existing driveway, entrance or approach unless the grade or location of the same is changed or altered.

**2. Penalty.** Amend section 3 of chapter 91 of the Public Laws by striking out said section and inserting in place there-

of the following: **3. Penalty.** Whoever violates any foregoing provision of this chapter or the rules and regulations made under the authority of section 2 or section 2-a may be fined not more than one hundred dollars.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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## CHAPTER 110.

### AN ACT PROHIBITING TRESPASS ON THE WHITE MOUNTAIN NATIONAL FOREST IN TIMES OF FIRE HAZARD.

SECTION

1. White Mountain National Forest, trespass upon prohibited.

SECTION

2. Takes effect.

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

**1. White Mountain National Forest.** Amend chapter 191 of the Public Laws by inserting after section 40 the following new sections: **40-a. Trespass Prohibited.** It shall be unlawful for any person to enter upon lands of the United States of America known as the White Mountain National Forest, as now or hereafter constituted, at any time when such entry thereon shall be forbidden by valid order made for the purpose of protecting said forest from forest fire, pursuant to the laws of the United States. **40-b. Penalty.** Any person violating the provisions of the preceding section shall be fined not exceeding ten dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

### CHAPTER 111.

AN ACT RELATING TO THE DUTIES OF THE REGISTER OF PROBATE.

SECTION

1. Repeal.

SECTION

2. Takes effect.

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

**1. Repeal.** Section 3 of chapter 57 of the Laws of 1935, relative to the list of deceased persons whose estates are entered for probate kept by the register of probate, is hereby repealed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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### CHAPTER 112.

AN ACT RELATING TO ASSIGNMENT OF WAGE CLAIMS TO LABOR COMMISSIONER FOR RECOVERY BY CIVIL ACTION.

SECTION

1. Assignment of wage claims to labor commissioner.

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

**1. Assignment of Wage Claims.** Amend chapter 176 of the Public Laws, as amended by section 3, chapter 69, Laws of 1935, by inserting after section 48 the following new section:  
**49. Commissioner to Have Power of Attorney.** The labor commissioner shall have power and authority, through signed power of attorney by the claimant, to act in place of said claimant for the collection of wages, not exceeding two hundred dollars, and shall proceed for the collection of such claims when in his judgment the claims are valid and enforceable in the courts.

[Approved May 2, 1939.]

CHAPTER 113.

AN ACT AUTHORIZING THE SALE OF CERTAIN PROPERTY OF THE STATE IN THE TOWN OF BARNSTEAD.

SECTION 1. Authority for sale of property in Barnstead.	SECTION 2. Takes effect.
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*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Authority Conferred.** The state treasurer on behalf of the state of New Hampshire with the approval of the governor and council is hereby authorized and empowered to sell and convey, for such consideration as he deems sufficient, all right, title and interest which said state of New Hampshire has acquired by escheat in and to certain lands in the town of Barnstead formerly belonging to Herbert C. Glidden. The proceeds from the sale herein authorized shall be turned into the state treasury to be available for the general revenue of the state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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CHAPTER 114.

AN ACT AUTHORIZING THE CITY OF KEENE AND TOWNS IN THE COUNTY OF CHESHIRE TO ACQUIRE LAND FOR THE PURPOSES OF FLOOD CONTROL.

SECTION 1. Acquisition of land for flood control.	SECTION 2. Eminent domain proceedings. 3. Takes effect.
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*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Acquisition of Land.** The city of Keene or any town in the county of Cheshire, by itself or in conjunction with any town in said county, may acquire, develop and maintain lands, easements and other rights for the purpose of flood control, and may raise and appropriate money therefor.

**2. Eminent Domain.** If any such municipal corporation in said county is unable to acquire the necessary properties

by purchase or gift it may take the same by eminent domain proceedings as provided for the taking of land for highways. Any person aggrieved may appeal from the assessment of damages in such case to the superior court within thirty days from the date of the award of damages for such taking but such appeal shall not extend to the act of taking but shall be limited only to the question of damages and the city or town may forthwith, upon award being made, proceed to the development of the lands, easements and other rights so taken.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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## CHAPTER 115.\*

### AN ACT RELATING TO BROOK TROUT.

#### SECTION

1. Brook trout, open season; limit on number to be taken.

#### SECTION

2. Application of laws; repeal.  
3. Takes effect.

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

**1. Open Season; Limit on Number to be Taken.** Amend section 1, chapter 201, Public Laws, as inserted by section 5, chapter 124, Laws of 1935, and as amended by section 18, chapter 188, Laws of 1937, by striking out said section and inserting in place thereof the following: **1. Brook Trout.** Brook trout may be taken and possessed from May first to September first, and during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout may be taken and possessed from May first to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. No person may take or possess brook trout less than six inches in length. No person may take more than twenty in number nor more than five pounds in weight when taken, in one day provided so long as he has taken less than five pounds he shall be entitled to one additional fish. No person may have in his possession at one time a total of more than

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\* See chapter 169, *post*.

two days' legal catch of brook trout. Brook trout, ten inches and over, may be taken in lakes and ponds, where trolling is permitted for lake trout and salmon, from April fifteenth to May first in addition to the regular season therefor. During the period from April fifteenth to May first, 1939, and for the like period, 1940, brook trout, six inches and over, may be taken and possessed as permitted in this section in addition to the regular season therefor.

2. **Application of Laws; Repeal.** The amendment as provided by section 1 hereof shall not affect the laws relative to fishing in certain waters where special provisions are applicable. Section 1 of chapter 83 of the Laws of 1939, providing special provisions for taking brook trout, is hereby repealed.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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### CHAPTER 116.\*

AN ACT TO REGULATE THE SEASON FOR TAKING BROOK TROUT IN  
BACK LAKE, PITTSBURG, AND LITTLE DIAMOND POND IN  
STEWARTSTOWN.

SECTION

1. Taking brook trout from Back  
lake, Pittsburg.

SECTION

2. Partridge lake, Littleton.  
3. Takes effect.

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

1. **Brook Trout.** Amend paragraph I, section 2, chapter 155, Laws of 1935, as inserted by chapter 144, Laws of 1937, and as amended by chapter 170, Laws of 1937, by striking out said paragraph and inserting in place thereof the following: I. Back lake in Pittsburg, Ferrin pond in Weare, Gustin pond in Marlow, Halls ponds in Sandwich, Little Diamond pond in Stewartstown, Lily pond in Gilford.

2. **Partridge Lake.** Amend section 2-a, chapter 155, Laws of 1935, as inserted by chapter 144, Laws of 1937, by striking out said section and inserting in place thereof the following:  
2-a. **Brook Trout.** Brook trout not less than seven inches in

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\* See chapters 145 and 169, *post*.



length may be taken by the use either of bait or artificial flies from April fifteenth, or as soon thereafter as the ice goes out, to September first and by the use of artificial flies only during the month of September from Partridge lake in Littleton. The provisions of paragraph V of section 2 shall apply to the taking of brook trout under the provisions of this section.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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### CHAPTER 117.\*

#### AN ACT REGARDING THE TAKING OF BROOK TROUT IN THE CONNECTICUT RIVER AND PERRY STREAM.

##### SECTION

1. Brook trout, taking.
2. Connecticut river and Perry stream.

##### SECTION

3. Takes effect.

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

**1. Connecticut River and Perry Stream.** Amend paragraph I, section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, by striking out the words "the Connecticut river from the First Connecticut lake dam to the covered bridge at the Archie Heath place, so called, in Pittsburg" so that said paragraph as amended shall read as follows: I. Armington lake in Piermont, Beaver pond in Woodstock, Clarksville pond in Clarksville, East Inlet and tributaries to Second Connecticut lake in Pittsburg, Coon Brook Bog in Pittsburg.

**2. Open Season, Brook Trout.** Amend section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, and as amended by chapter 84,\* Laws of 1939, by inserting after paragraph XI the following new paragraph: XII. Brook trout not less than seven inches in length may be taken from June first to October first in the Connecticut river from the First Connecticut lake dam to the covered bridge at the Archie Heath place, so called, and in Perry stream from the Happy Corner bridge, so called, to the Connecticut river, all in Pitts-

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\* See chapter 84, *ante*, and chapter 169, *post*.

burg. No person shall take, in one day, more than ten in number nor more than five pounds in weight when taken provided that if he has taken less than ten in number or five pounds in weight he shall be entitled to one additional fish.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 2, 1939.]

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### CHAPTER 118.\*

#### AN ACT OPENING PILLSBURY RESERVATION IN WASHINGTON TO ALL FISHING EXCEPT ICE FISHING.

SECTION	SECTION
1. Closed to all fishing.	3. Takes effect.
2 Pillsbury Reservation closed to ice fishing.	

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

**1. Amendment.** Amend paragraph VII, section 7, chapter 155, Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, as amended by section 1, chapter 59, Laws of 1939, by striking out the words "Pillsbury Reservation, in Washington and all brooks therein" so that said paragraph as amended shall read as follows: VII. All tributaries of Pleasant lake in New London and that portion of Pleasant lake which forms a cove into which Chandler brook flows out to a line between two markers approximately one hundred yards north from Chandler brook, all tributaries of Pisgah reservoir in Winchester.

**2. Pillsbury Reservation Closed to Ice Fishing.** Amend paragraph IV of section 5 of chapter 155 of the Laws of 1935, as inserted by section 3, chapter 96, Laws of 1937, as amended by section 2, chapter 45, Laws of 1939, by adding after the word "Littleton" the words, Pillsbury Reservation in Washington, so that said paragraph as amended shall read as follows: IV. Northwood lake in Northwood and Epsom, Nutt pond in Manchester, Partridge lake in Lyman and Littleton, Pillsbury Reservation in Washington, Pleasant lake in New London, Robs reservoir in Stoddard, Spoonwood pond in Nelson.

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\* See chapters 45 and 59, *ante*, and chapter 169, *post*.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 4, 1939.]

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**CHAPTER 119.\***

AN ACT RELATIVE TO FISHING IN THE TRIBUTARIES OF SUNAPEE LAKE.

SECTION

1. Tributaries of Sunapee lake.
2. Sucker fishing.

SECTION

3. Takes effect.

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

**1. Tributaries of Sunapee Lake.** Amend paragraph VIII of section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, and as amended by section 30, chapter 188, Laws of 1937, by striking out the words "all tributaries of Sunapee lake in the towns of Sunapee, Newbury and New London," so that said paragraph as amended shall read as follows: VIII. Sand Hill brook in Auburn, Derry and Londonderry, Smith brook in Pittsburg from the dam to the main river, Spring pond brook in Bennington, streams between Tioga, Sargent and Badger reservoirs in Belmont, all tributaries of Swift Diamond river in Dartmouth College Grant, all tributaries of Taggart brook in Peterborough.

**2. Sucker Fishing.** Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by adding after paragraph XVI, as inserted by chapter 98, Laws of 1939, the following new paragraph: XVII. All tributaries of Sunapee lake in the towns of Sunapee, Newbury and New London, except that during the open season therefor suckers may be taken from said waters.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 4, 1939.]

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\* See chapter 169, *post*.

## CHAPTER 120.

## AN ACT RELATIVE TO THE PAYMENT OF POLL TAXES.

## SECTION

1. Payment of poll taxes required.
2. Receipt or sworn statement.
3. Definition.
4. False statements; penalty.

## SECTION

5. Disposition of fines.
6. Repeal.
7. Takes effect.

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

**1. Payment of Poll Taxes Required.** No resident of New Hampshire shall be entitled to receive a permit to register a motor vehicle, a license to operate a motor vehicle, or a license to hunt or fish within this state, until he shall furnish evidence, as provided in section 2, that he has paid his poll tax in the town where he resides for the tax year preceding the date of his application for such permit or license, or that he has been excused from such payment by the taxing authority of the town where he resides.

**2. Receipt or Sworn Statement.** Any applicant for permit to register a motor vehicle, for a license to operate a motor vehicle or for a license to hunt or fish shall, before he receives such permit or license, furnish to the issuing officer the receipt of the tax collector of the town where he resides showing that he has paid his poll tax in said town for the tax year preceding the date of such application, or make oath that he has paid said tax or that he has been excused from such payment.

**3. Definition.** A person shall be considered to have been excused from paying a poll tax if it shall have been abated by the taxing authority, or if he is exempt from such tax, or if he shall obtain from the selectmen of a town or the assessors of a city a statement that in their opinion he should be granted such permit or license even though such tax may not have been paid.

**4. False Statements; Penalty.** Whoever makes a false statement relative to payment of a poll tax as provided for herein shall be fined ten dollars and the making of such false statement shall be cause for the revocation of such permit or license for a period not exceeding three months.

**5. Disposition of Fines.** All fines collected under the provisions of this act against any violator prosecuted by em-

ployees of, or on behalf of, the motor vehicle department or the fish and game department shall be for the use of the town in which the arrest is made.

**6. Repeal.** Chapter 132 of the Laws of 1933 relative to payment of poll taxes is hereby repealed.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved May 4, 1939.]

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## CHAPTER 121.

### AN ACT RELATIVE TO DEALERS OR MANUFACTURERS OF MOTOR BOATS AND OUTBOARD MOTORS.

SECTION	SECTION
1. Registration of dealers in motor boats and outboard motors.	2. Takes effect.

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

**1. Motor Boats and Outboard Motors.** Amend chapter 151 of the Public Laws by inserting after section 15-b, as inserted by chapter 30, Laws of 1933, the following new sections:

**15-c. Dealers' Registration.** A manufacturer or dealer of boats and outboard motors of the classes hereinbefore described may make application to the commission, upon blanks furnished by it for that purpose, for a general distinguishing number for his boats and motors.

**15-d. Dealers' Registration Certificate and Number Plates.** The commission may, if it is satisfied of the facts stated in the application, grant the same and issue to the applicant a certificate of registration containing the name, residence and address of such applicant and the general distinguishing number assigned together with such other provisions as the commission may determine. All such boats and outboard motors owned or kept for sale by such manufacturer or dealer may, while so owned or kept, be regarded as registered under such distinguishing number, during the calendar year of its issue, provided a number plate bearing such number be attached thereto. The commission shall, at the time of issuing a certificate to a manufacturer or dealer, furnish him with a number plate of such design and color as it may determine, and

such further number plates together with such number of temporary certificates or plates as he may require.

**15-e. Use of Dealers' Number Plates.** A manufacturer or dealer shall not loan number plates which have been assigned to him under these provisions to a subagent or to any other person. Such plates may be used on boats and motors when used in connection with said manufacturers' or dealers' business or for pleasure purposes except in no case shall they be used on boats carrying persons or property for hire or compensation.

**15-f. Dealers' Registration Fees.** The fee to be paid to the commission by a manufacturer or dealer for a registration certificate as provided by section 15-d shall be five dollars which shall include one number plate. The fee for additional number plates shall be three dollars each.

**15-g. Temporary Registration Certificates and Number Plates.** A person upon purchasing a power boat or outboard motor, from a duly registered manufacturer or dealer, which is to be used in manner as defined in section 13, shall immediately fill out an application for registration of such boat or motor and file the same, together with the required registration fee of three dollars, with said manufacturer or dealer. Upon receipt of such application and fee the dealer or manufacturer may issue to the purchaser a receipt for such payment and a temporary certificate or plate. If a plate is issued it shall be attached to said boat or motor. Said dealer or manufacturer shall immediately forward the application and fee to the office of the commission by mail or otherwise and furnish such further information as the commission may require with respect thereto. The temporary certificate or plate as provided herein shall be evidence that application has been made for registration of the boat or motor and such boat or motor as described in section 13 may be operated as provided therein for a period of not more than four consecutive days next after the date of the issuance of said temporary certificate or plate, provided further that the permanent number plates from the commission shall be attached immediately upon receipt thereof by the purchaser.

**15-h. Suspension or Revocation.** The commission shall have authority to suspend or revoke the registration of any manufacturer or dealer who violates any of the provisions of

sections 15-d to 15-g. Any manufacturer or dealer who violates any of said provisions shall be fined not more than one hundred dollars or imprisoned not more than one year, or both.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 10, 1939.]

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## CHAPTER 122.

### AN ACT RELATING TO THE STATE BOARD OF HEALTH.

SECTION

1. Membership of state board of health.

SECTION

2. Takes effect.

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

**1. State Board of Health.** Amend section 1 of chapter 125 of the Public Laws by striking out the same and inserting in place thereof the following: **1. Appointment; Vacancies.** There shall be a state board of health consisting of the governor, the attorney-general, three physicians, a civil engineer and one other person, who shall not be a physician, or a civil engineer. The five last named shall be appointed by the governor with the advice of the council. The term of office of each of the five shall be five years and until a successor is appointed and qualified, except that the four present members of the board shall continue in office until the commission they now hold expires. Vacancies in the board shall be filled by the governor with the advice of the council, for the unexpired term.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 10, 1939.]

### CHAPTER 123.

#### AN ACT RELATIVE TO BRAKES FOR MOTOR VEHICLE TRAILERS AND SEMI-TRAILERS.

SECTION	SECTION
1. Brakes on motor vehicle trailers and semi-trailers.	2. Takes effect.

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

**1. Brakes.** Amend section 4-a, chapter 103, Public Laws, as inserted by chapter 81, Laws of 1937, and as amended by chapter 194, Laws of 1937, by striking out said section and inserting in place thereof the following: **4-a. Trailers and Semi-Trailers.** No motor vehicle trailer or semi-trailer, the weight of which including its load is three thousand pounds or more, except wood-sawing machines, cement mixers, refreshment booths on wheels towed not more than two miles at any one time on the highways of this state and devices of two wheels used by public utilities for the transportation of cables or poles, not to exceed six in number, shall be operated on the highways of this state unless equipped with adequate brakes in good working order and sufficient to control the said vehicle at all times when the said vehicle is in use. No house trailer weighing in excess of fifteen hundred pounds shall be operated on the highways of this state unless equipped with adequate brakes in good working order.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 10, 1939.]

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### CHAPTER 124.

#### AN ACT RELATIVE TO THE OPERATION OF VEHICLES CARRYING WOOD-SAWING EQUIPMENT.

SECTION	SECTION
1. Operation of vehicles carrying wood-sawing equipment.	2. Takes effect.

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

**1. Prohibition.** Amend chapter 103 of the Public Laws by inserting after section 27 the following new section: **27-a.**



**Wood-Sawing Equipment on Vehicles.** No vehicle, motor truck or trailer, carrying wood-sawing equipment, shall be operated on the highways of this state when the saw is on the arbor, so called, ready for use, unless such saw is covered with a suitable wooden guard. Any person who shall operate on the highways of this state a vehicle in violation of the provisions of this section shall be fined not less than five nor more than twenty-five dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 10, 1939.]

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## CHAPTER 125.

### AN ACT RELATING TO TRAPPING.

SECTION

1. Right of way on public highways.

SECTION

2. Takes effect.

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

**1. Right of Way of Public Highways.** Amend section 6 of chapter 200 of the Public Laws, as inserted by section 4, chapter 124, Laws of 1935, and as amended by section 15-a, chapter 188, Laws of 1937, by adding at the end of said section the words: No person shall set or arrange any trap in or under any bridge, ditch or drainage system, whether artificial or natural, within the limits of the right of way of any public highway, so that said section as amended shall read as follows:

**6. Setting Traps.** No person shall set or arrange any trap upon any land of which he is not the owner or occupant, except upon land covered by a stream navigable by a boat, until he shall have secured from the owner or occupant a permit in writing signed by said owner or occupant, and until he shall have filed with the director a copy thereof, together with a description of the land on which trapping is to be done. All metal traps shall have stamped or engraved thereon, in a legible and permanent manner, the name of the person setting them. No person shall set or arrange any trap in a public way, cart road, or path, commonly used as a passageway by human beings or domestic animals. No person shall set or

arrange any trap in or under any bridge, ditch or drainage system, whether artificial or natural, within the limits of the right of way of any public highway.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 10, 1939.]

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### CHAPTER 126.\*

AN ACT RELATING TO THE TAKING OF LAKE TROUT IN MASSABESIC LAKE.

SECTION

1. Taking lake trout in Massabesic lake.

SECTION

2. Takes effect.

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

**1. Lake Trout.** Amend chapter 201 of the Public Laws as inserted by section 5 of chapter 124 of the Laws of 1935 by adding after section 3, the following new section: **3-a. Massabesic Lake.** Lake trout not less than fifteen inches in length may be taken in open waters in Lake Massabesic by trolling only from January first to September first, and by the use of artificial flies only during the month of September. This section shall not prohibit ice fishing during the open season as otherwise provided by law.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 11, 1939.]

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\* See chapter 169, *post*.

CHAPTER 127.\*

AN ACT TO REGULATE FISHING THROUGH THE ICE.

SECTION

1. Ice fishing.

SECTION

2. Takes effect.

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

**1. Ice Fishing.** Amend section 21, chapter 201, Public Laws, as inserted by section 5, chapter 124, Laws of 1935, by striking out said section and inserting in place thereof the following: **21. Ice Fishing.** Lake trout, perch, shad, whitefish, pickerel and cusk may be taken through the ice during the open season therefor, with hook and line, tip-ups, or bobs; but no person shall have in use or control at the same time more than six lines, tip-ups or bobs, and such person shall be present and have personal control over the same, except that ten such devices for taking cusk, marked with the name of the owner, may be set and left unattended for a period not longer than twenty-four hours and provided further that none of said hooks and lines, tip-ups or bobs shall be connected by or to any wire, cord or rope extending from any one of said lines, tip-ups or bobs to any other of such devices or be in any other manner connected. Nothing in this section shall be construed as prohibiting fishing for lake trout or shad, through the ice, with one line in hand, in addition to ten such unattended cusk lines. No person shall take more than two lake trout through the ice in one day.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 11, 1939.]

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\* See chapter 169, *post*.

## CHAPTER 128.

AN ACT RELATIVE TO THE MAINTENANCE OF ROADS WITHIN  
CERTAIN STATE RESERVATIONS.

## SECTION

1. Maintenance of roads on recre-  
ational areas.

## SECTION

2. Takes effect.

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

**1. State Reservations.** Amend chapter 84 of the Public Laws by inserting after section 10 the following new section:  
**11. Maintenance of Recreational Roads.** The state highway department shall assume full control of reconstruction and maintenance of roads designated by the state forester and highway commissioner within the following state reservations and rights of way thereto: Belknap state reservation in the town of Gilford; Cathedral Ledge state reservation in the towns of Conway and Bartlett; Pillsbury state reservation in the town of Washington; White Lake state park in the town of Tamworth; Pawtuckaway state reservation in the towns of Nottingham and Deerfield; Milan Hill state park in the town of Milan; Cardigan state reservation in the town of Orange and Kearsarge state reservation in the town of Wilmot. The cost of said reconstruction and maintenance shall be a charge upon the highway funds. This section shall not be construed as affecting the control of the forestry and recreation department over parking areas or other facilities within said reservations.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 11, 1939.]

## CHAPTER 129.

## AN ACT RELATIVE TO THE KEARSARGE MOUNTAIN RECREATIONAL AREA AND POWERS AND DUTIES OF THE STATE FORESTER.

## SECTION

1. Kearsarge Mountain recreational area, maintenance.
2. Entry upon private land for prevention of forest fires.

## SECTION

3. Takes effect.

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

**1. Kearsarge Mountain Recreational Area, Maintenance.**

Amend chapter 97 of the Laws of 1935 by inserting after section 4 the following new section: **4-a. Payment of.** Any balance remaining in the separate account from toll collections after payments and disbursements authorized by section 4 have been made may be expended for the operating expenses and maintenance of parking areas and other recreational facilities on state land adjacent to the Kearsarge Mountain road. Said expenditures shall be made under the direction of the forestry and recreation commission.

**2. Prevention of Forest Fires.** Amend chapter 191 of the Public Laws by inserting after section 42 the following new section: **42-a. Entry Upon Private Land.** The state forester or his authorized agents and assistants may, with the approval of the governor and council, and without being deemed guilty of trespass, enter upon any privately owned land for the purpose of disposing of brush and other inflammable materials in order to reduce or remove forest fire hazards when in the opinion of said forester such work is necessary in the interests of public safety. The provisions of this section shall remain in effect until July 1, 1941.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 11, 1939.]

## CHAPTER 130.

AN ACT DEFINING URBAN AND RURAL RESIDENCE DISTRICTS  
UNDER THE MOTOR VEHICLE LAWS AND REGULATING  
SPEED LIMIT OF MOTOR VEHICLES.

## SECTION

1. Definitions under motor vehicle laws.
2. Speed limit in urban residence district.

## SECTION

3. Rural residence district.
4. Takes effect.

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

**1. Motor Vehicle Laws; Definitions.** Amend paragraph XXIV of section 1 of chapter 99 of the Public Laws, as amended by chapter 43, Laws of 1929 by striking out said paragraph and inserting in place thereof the following: XXIV. "Business district," the territory contiguous to a highway when fifty per cent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

"Urban residence district," the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

"Rural residence district," the territory contiguous to a highway not comprising a business or urban residence district when the frontage on such highway for a distance of one half mile or more, is mainly occupied by dwellings or by dwellings and buildings in use for business on any one side.

**2. Speed Limit.** Amend paragraph III of section 17-a, chapter 103, Public Laws, as inserted by section 2, chapter 125, Laws of 1937, by inserting after the word "any" the word urban, so that said paragraph as amended shall read as follows: III. Twenty-five miles per hour in any urban residence district.

**3. Rural Residence District.** Amend section 17-a, chapter 103, Public Laws, as inserted by section 2, chapter 125, Laws of 1937, by inserting after paragraph III the following new paragraph: IV. Thirty-five miles per hour in any rural residence district.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved May 11, 1939.]

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## CHAPTER 131.

AN ACT RELATIVE TO THE GROSS WEIGHT OF MOTOR VEHICLES.

SECTION

1. Gross weight of motor vehicles.

SECTION

2. Takes effect.

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

**1. Motor Vehicles, Weight Limited.** Amend section 22 of chapter 103 of the Public Laws as amended by section 1 of chapter 77 of the Laws of 1927, as amended by section 1 of chapter 33 of the Laws of 1929, as amended by section 1 of chapter 157 of the Laws of 1933, as amended by section 1 of chapter 133 of the Laws of 1935 as amended by section 1 of chapter 82 of the Laws of 1937 by striking out the words "twenty-six thousand" in the first sentence thereof and substituting therefor the words twenty-eight thousand, and by striking out the words "thirty-eight thousand" in the first sentence thereof and substituting therefor the words forty thousand, and by striking out the words "sixteen thousand" in the first sentence thereof and substituting therefor the words eighteen thousand, so that the same as amended shall read: **22. Weight.** No vehicle having two axles whose gross weight, including load, is more than twenty-eight thousand pounds, no vehicle having three axles and no combination of vehicle and trailer or semi-trailer, whose gross weight is more than forty thousand pounds, no vehicle having a greater weight than eighteen thousand pounds on one axle, and no vehicle having a load of over eight hundred pounds per inch width of tire concentrated on the surface of the highway (said width in the case of rubber tires to be measured between the flanges of the rim) shall be operated on the highways of this state; provided that this shall not prohibit the operation of road rollers used in the construction or maintenance of highways. The state highway commissioner and the motor vehicle commissioner shall jointly have the power to grant permits upon proper application in writing to move objects or a vehicle and load hav-

ing a weight, width or length greater than as herein prescribed, upon such highways and at such seasons of the year as in their opinion will not be detrimental to the preservation of said highways and the public use thereof, provided that said commissioners may require a hearing before granting said permit and that said commissioners may withhold said permit until applicant has filed a bond to cover any possible damage to the highways or to the bridges over which the object to be moved may pass and to fulfill such rules and regulations as are prescribed by said commissioners. This act shall not be construed to limit the powers of the highway commissioner, selectmen of towns and city council of cities, to make rules and regulations for the protection and to prevent the abuse of highways and bridges as provided by chapter 117, Laws of 1935, which is an amendment of section 5 of chapter 91, section 12 of chapter 54, and section 15 of chapter 47, of the Public Laws.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 11, 1939.]

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## CHAPTER 132.

### AN ACT RELATING TO THE REGISTRATION OF CERTAIN MOTOR VEHICLES.

#### SECTION

1. Registration for semi-trailers.
2. Transfer of ownership of vehicles.
3. New registration.

#### SECTION

4. New certificates.
5. Registration fees.
6. Transfer of registration, fee.
7. Takes effect.

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

**1. Semi-Trailers.** Amend section 5, chapter 100, Public Laws, as amended by section 6, chapter 73, Laws of 1935, by inserting after the word "trailer," the word semi-trailer, so that said section as amended shall read as follows:

**5. Registration Required.** No person shall operate, or cause to be operated, on the ways of this state any motor vehicle, trailer, semi-trailer, or tractor unless the same has been registered in accordance with the provisions of this chapter.



2. **Transfers.** Amend section 7, chapter 100, Public Laws, by inserting after the words "motor vehicle" each time they occur therein the words, trailer, semi-trailer, or tractor, so that said section as amended shall read as follows: **7. Of Ownership.** Upon the transfer of ownership of any motor vehicle, trailer, semi-trailer or tractor, its registration shall expire, and the person in whose name such vehicle is registered shall return the certificate of registration forthwith to the commissioner, with a written notice containing the date of such transfer of ownership and the name, residence and address of the new owner, or, in case of total loss by fire, theft or accident, a written statement under oath setting forth all the circumstances attending such loss. The decease of the owner of a registered motor vehicle, trailer, semi-trailer or tractor shall not terminate such registration unless there be an actual transfer of ownership.

3. **Amendment.** Amend section 8, chapter 100, Public Laws, by striking out said section and inserting in place thereof the following: **8. Of Registration.** A person who so transfers or loses a registered motor vehicle, trailer, semi-trailer or tractor, upon the filing of a new application, and upon the payment of the proper fee, may have registered in his name another motor vehicle, trailer, semi-trailer or tractor for the remainder of the fiscal year, if the registration fee of said motor vehicle, trailer, semi-trailer or tractor is the same or less than that of the motor vehicle, trailer, semi-trailer or tractor first registered by him. If the registration fee is greater the applicant shall pay the difference.

4. **Amendment.** Amend section 9, chapter 100, Public Laws, by inserting after the words "motor vehicle," each time they occur therein, the words trailer, semi-trailer, or tractor, so that said section as amended shall read as follows: **9. New Certificate.** The commissioner, at his discretion, may assign to the motor vehicle, trailer, semi-trailer or tractor of any person who surrenders his registration certificate, as herein provided, and who desires to register another motor vehicle, trailer, semi-trailer or tractor, the register number in the surrendered certificate, or in the statement as herein provided for in the case of loss.

5. **Registration Fees, Tractors and Semi-Trailers.** Amend

paragraph III\* of section 1 of chapter 102 of the Public Laws, as amended by section 1 of chapter 94 of the Laws of 1927, by section 1 of chapter 45 of the Laws of 1935, and by chapter 48 of the Laws of 1939, by adding thereto the following: In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars, so that said paragraph as amended shall read: III. For each motor vehicle, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle sidecars, the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding four thousand pounds, thirty-five cents per hundred pounds; exceeding four thousand pounds and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding six thousand pounds and not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hundred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred pounds shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided that the minimum fee as provided in this section shall be ten dollars for passenger vehicles and fifteen dollars for trucks. Tractors used for agricultural purposes only, tractors used for power purposes only that do not haul loads on the public highways, tractors used only on snow, and snowmobiles, shall pay one tenth of the above rates. Commercial vehicles or trucks used for agricultural purposes only and used on the public highways only between portions of the farm upon which said vehicle or truck is operated that are not more than two miles apart by the highway at the points of entering upon or leaving shall pay one tenth of the above rates. Well drilling machines on motor vehicle truck chassis and truck shovels on motor vehicle truck chassis shall pay one third of the above rates.

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\* See chapter 48, *ante*, and chapters 161 and 189, *post*.

Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected. In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars.

**6. Transfer of Registration.** Amend paragraph V, section 1, chapter 102, Public Laws, by inserting after the word "vehicle" where it occurs therein the words, trailer, semi-trailer or tractor, so that said paragraph as amended shall read as follows: V. For the substitution of the registration of a motor vehicle, trailer, semi-trailer or tractor for that of another motor vehicle, trailer, semi-trailer or tractor previously registered, two dollars.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved May 16, 1939.]

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### CHAPTER 133.

#### AN ACT RELATIVE TO CONDUCT OF CANDIDATES AT PRIMARIES AND ELECTIONS AND NOTIFICATION OF CANDIDATES BY THE SECRETARY OF STATE.

SECTION

1. Primaries and elections.
2. Personal notice to candidates after primary.

SECTION

3. Takes effect.

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

**1. Primaries and Elections.** Amend chapter 26 of the Public Laws by inserting after section 86 the following new section: **86-a. Distribution of Cards, etc.** No person as candidate for office or representing or working for a candidate shall, within the building where an election is being held, distribute or post any cards or other printed or written matter. Whoever violates any of the provisions of this section shall be fined not more than one hundred dollars.

2. **Canvass of Votes at Primary.** Amend chapter 25 of the Public Laws by inserting after section 44 the following new section: **44-a. Personal Notice.** In addition to publication as required by section 44 the secretary of state shall notify in writing each person of his nomination as candidate for any office for which he did not file a declaration of candidacy or primary petition.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 16, 1939.]

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### CHAPTER 134.

#### AN ACT PROVIDING FOR THE PAYMENT BY WHOLESALE PERMITTEES OF CERTAIN FEES FOR THE SALE OF CERTAIN ALCOHOLIC BEVERAGES.

##### SECTION

1. Sale of alcoholic beverages.
2. Wholesalers' permit.
3. Reports.
4. Manufacturer's permit.
5. Disposition of revenue.

##### SECTION

6. Repeal.
7. Wholesaler's reports.
8. Temporary provisions.
9. Takes effect.

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

1. **Sale of Alcoholic Beverages.** Amend section 21 of chapter 99 of the Laws of 1933, by striking out said section and inserting in place thereof the following: **21. Fees.** The fees required for permits issued pursuant to the provisions of this act shall be as follows: For each on-sale permit one hundred dollars per annum and for each off-sale permit fifty dollars per annum, provided that the commission may in its discretion remit such part of said annual fee as it shall determine to permittees operating only during the summer season; for each manufacturer's permit two thousand dollars per annum; for each wholesaler's permit five hundred dollars per annum; for each solicitor's permit five dollars per annum; for each vehicle permit one dollar per annum; for each carrier permit twenty-five dollars per annum which shall cover all rolling stock and vehicles of such permittee; for each vessel permit twenty-five dollars per annum; for each dining-car

permit one hundred dollars per annum which shall be issued to the railroad corporation and for each special permit one dollar. The required permit fee shall accompany the application required by this act. A permit issued under this act, other than special permits, shall expire April thirtieth of each year unless sooner revoked for cause by the commissioners. Permits shall not be transferred except with the consent of the commissioners and each permit, except a solicitor's permit, shall designate the place of business for which it is issued.

**2. Wholesaler's Permit.** Amend section 21-a of chapter 99 of the Laws of 1933, as inserted by chapter 149 of the Laws of 1935, by striking out said section and inserting in place thereof the following: **21-a. Additional Fees.** In addition to the fees provided for in section 21 the following additional fees shall be required for permits issued to wholesalers: For each wholesaler's permit three dollars for every barrel of beverages containing not more than thirty-one gallons or the equivalent thereof sold for resale by the permittee during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month. For the purpose of computing the fee payable under the provisions hereof all sales at retail by a wholesale permittee holding an off-sale permit shall be deemed to be sales for resale. Any wholesale permittee shall collect from on-sale and off-sale permittees to whom he makes sales of beverages the fees required under the preceding provisions hereof. For failure to pay any part of the fees provided for herein when due ten per cent thereof shall be added and collected by the commission from the wholesaler and shall become part of said permit fee.\*

**3. Requirements.** Amend section 25 of said chapter 99 by striking out said section and inserting in place thereof the following: **25. Reports.** Each manufacturer and wholesaler of beverages within the state of New Hampshire shall, on or before the tenth day of each month, furnish to the commission, on a form to be prescribed by the commission, a statement under oath showing the quantity of beverages sold for resale and the quantity of beverages sold under an off-sale permit, during the preceding calendar month, within the state.

**4. Manufacturer's Permit.** Amend said chapter 99 by inserting after section 21-a the following new section: **22.**

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\* See section 1, chapter 225, *post*.

**Manufacturer's Fees.** In addition to the fees provided for in section 21 the following additional fees shall be required for permits issued to any manufacturer holding an off-sale permit: For each manufacturer's permit three dollars for every barrel of beverages containing not more than thirty-one gallons or the equivalent thereof sold by said permittee at retail, and not to other permittees for resale, during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month. For failure to pay any part of the fees provided for herein when due ten per cent thereof shall be added and collected by the commission from the manufacturer and shall become part of said permit fee.\*

**5. Disposition of Revenue.** Amend section 36 of said chapter 99 by striking out said section and inserting in place thereof the following: **36. Income.** All income received from the provisions of this act shall be paid by the treasurer of the commission to the state treasurer. The expense of administration and other expenditures provided for by this act shall be paid by the state treasurer on warrants of the governor with the advice and consent of the council. The balance of said revenue shall be covered into the special fund constituted by chapter 126 of the Laws of 1931, provided that such part of the revenue as accrues from the permit fees paid by wholesalers and manufacturers, computed at two dollars per barrel of beverages sold, shall be payable to the general funds of the state.

**6. Repeal.** Section 3 of chapter 157 of the Laws of 1935, relating to the disposition of certain state revenue, is hereby repealed.

**7. Wholesaler's Reports.** Each wholesaler shall on or before the tenth day of August, 1939, and each month thereafter, make the reports required by section 25 of chapter 99 of the Laws of 1933 and pay the permit fees as provided by section 21-a, as hereinbefore amended, covering sales made during the preceding calendar month. Collections for such fees from off-sale and on-sale permittees shall be made for sales during the month of July, 1939, and for each month thereafter. On or before the tenth day of July, 1939, each wholesaler shall furnish to the commission a statement under oath showing the quantity of beverages sold for resale during the

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\* See section 1, chapter 225, *post*.

preceding month to each on-sale and off-sale permittee within the state.

**8. Temporary Provisions.** Each off-sale and on-sale permittee shall on or before the tenth day of July, 1939, furnish to the commission a statement under oath showing the quantity of all beverages sold by him during the preceding month and the quantity of beverages on hand as of June 30, 1939. On or before said tenth day of July, 1939, said permittee shall pay to the commission three dollars for every barrel of beverages sold by him during the month of June, 1939, and shall, at such times as the commission may determine, pay to the commission the same fees upon the sale of the balance of the beverages on hand as of June 30, 1939. The commission is hereby authorized to make such rules and regulations relative to taking of inventories as to quantities on hand and as to subsequent payments of the balance of said permit fees as will effectuate the purpose of this provision, namely, to provide for the completing of the payment of the permit fees, computed at three dollars a barrel, by on-sale and off-sale permittees on sales made of beverages which were on hand as of June 30, 1939.

**9. Takes Effect.** Except as otherwise provided for herein this act shall take effect as of July 1, 1939.

[Approved May 16, 1939.]

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## CHAPTER 135.

AN ACT TO AUTHORIZE THE BUREAU OF LABOR TO ASSIST AND CO-OPERATE IN THE ENFORCEMENT OF THE FEDERAL FAIR LABOR STANDARDS ACT OF 1938.

SECTION

1. Bureau of labor, duties.

SECTION

2. Takes effect.

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

**1. Bureau of Labor.** The bureau of labor may and it is hereby authorized to assist and co-operate with the Wage and Hour Division, and the Children's Bureau, of the U. S. Department of Labor, in the enforcement within this state of the Federal Fair Labor Standards Act of 1938, approved June 25, 1938, and subject to the regulations of the administrator of

the Wage and Hour Division, or the chief of the Children's Bureau, as the case may be, and the laws of the state applicable to the receipt and expenditure of moneys, may be reimbursed by said division, or said bureau, for the reasonable cost of such assistance and co-operation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 16, 1939.]

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## CHAPTER 136.

AN ACT RELATIVE TO THE ISSUANCE OF BONDS OR NOTES TO FORWARD THE BUILDING PROGRAM AT THE UNIVERSITY OF NEW HAMPSHIRE, AND TO BE LIQUIDATED FROM UNIVERSITY INCOME.

SECTION

1. Bonds or notes authorized.
2. Accounts.
3. Sale; proceeds.
4. Liquidation.

SECTION

5. Appropriation.
6. Application of laws.
7. Takes effect.

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

**1. Bonds or Notes Authorized.** In order to provide funds to forward the building program at the University of New Hampshire, the governor, upon receipt of a request from the board of trustees of the university, and by and with the consent of the council, may direct the state treasurer to borrow upon the faith and credit of the state a sum not exceeding two hundred and fifty thousand dollars, and to be liquidated through income accruing to the university under section 18, chapter 180 of the Public Laws. For that purpose the state treasurer is hereby authorized, when so directed by the governor and council, to issue bonds or notes in the name and on behalf of the state with such rates of interest, in such form and denominations, with such dates of maturity and other provisions as the governor and council may determine. Such bonds or notes 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. All such bonds or notes shall contain an express guarantee which shall be deemed a contract on the part of the state that the bonds or notes will be



liquidated in equal annual instalments in a period not exceeding ten years from the University of New Hampshire fund as provided in section 18 of chapter 180 of the Public Laws.

2. **Accounts.** The secretary of state shall keep an account of all such bonds or notes countersigned by the governor showing the number and amount of each bond or note, the time of countersigning, time when payable and date of delivery to the treasurer. The state treasurer shall keep an account of each bond or note showing the number thereof, name of the person to whom sold, the amount received for the same, the date of the sale and the time when payable.

3. **Sale; Proceeds.** The state treasurer may negotiate and sell such bonds or notes by direction of the governor and council in such manner as they may determine to be most advantageous to the state. All such sum or sums thus realized shall be credited by the state treasurer to the university and shall be expended under the direction of the board of trustees for the aforesaid purpose.

4. **Liquidation.** The state treasurer is authorized to deduct from said university fund for each fiscal year such sum or sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued under the authority of this act for the purpose herein stated.

5. **Appropriation.** For the purpose of providing the necessary credit for the issuance of such bonds or notes to be liquidated in the manner hereinbefore provided, and for the purpose of carrying out the provisions of this act, there is hereby appropriated the sum of two hundred fifty thousand dollars (\$250,000).

6. **Application of Laws.** The sum hereby appropriated for the building program at the university shall be in addition to the sums which the trustees may borrow in anticipation of income as provided by section 21 of chapter 180 of the Public Laws.

7. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 16, 1939.]

## CHAPTER 137.

AN ACT TO PROVIDE HIGHWAY FUNDS FOR CONSTRUCTION, RE-  
CONSTRUCTION AND MAINTENANCE AND FOR THE  
REIMBURSEMENT OF TOWNS FOR HURRICANE-  
FLOOD DAMAGE.

## SECTION

1. Appropriation.
2. Expenditure.
3. State highway system.
4. Town highways.
5. Stream channels.
6. Federal aid and reconstruction.
7. Bonds authorized.

## SECTION

8. Accounts.
9. Sale; disposition of proceeds.
10. Short-term notes.
11. Motor vehicle road toll.
12. Appropriation not to lapse.
13. Takes effect.

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

**1. Appropriation.** In addition to the sums of money heretofore appropriated or provided for highways as defined by chapter 84 of the Public Laws, and all laws amendatory thereof or supplementary thereto, a sum not to exceed five million dollars is hereby appropriated as hereinafter provided for the following purposes: (a) the construction, repair and reconstruction throughout the state of highways as defined by chapter 84 of the Public Laws and all laws amendatory thereof or supplementary thereto (b) the construction, repair, relocation and reconstruction of highways, bridges and culverts throughout the state damaged or destroyed during the flood and hurricane of September, 1938, (c) the clearing and dredging of the channels and beds of rivers, brooks and streams and the control of water therein which is or may be a menace to the safety of said highways, bridges and culverts, (d) to comply with the obligations and conditions necessary to obtain aid from the United States of America or any department or agency thereof.

**2. Expenditure.** In constructing, repairing and reconstructing such highways, bridges and culverts, the state highway commissioner, with the approval of the governor and council, may expend such portion of the said sum of five million dollars as is reasonably necessary to meet all requirements of service to the public, provided, however, that not more than three and one-half million dollars shall be so expended during the years ending January 31, 1940 and 1941, not more than five hundred thousand dollars during each of

the years ending January 31, 1942 and 1943 and not more than two hundred fifty thousand dollars during each of the years ending January 31, 1944 and 1945. The expenditure of the appropriation provided for in section 1 and the expenditure of any money otherwise appropriated, allotted, granted or provided for highways and highway purposes shall be in general accordance with and shall not exceed in total amount that shown on a plan dated March 1, 1939 entitled, "New Hampshire Highway Department Six-Year Planning Budget" filed in the office of the secretary of state and incorporated herein by reference.

**3. State Highway System.** In constructing, repairing, relocating and reconstructing state highways, state-aided highways and trunk lines and bridges and culverts thereon, and such portion of the secondary system of state highways as is maintained by the state which were damaged or destroyed during the said flood, the highway commissioner, with the approval of the governor and council, may expend such portion of the said appropriation as is reasonably necessary. Towns and cities shall not be liable for any expense in connection with the said construction, repair, relocation and reconstruction.

**4. Town Highways.** In cases of serious damage or destruction during said flood to the highways, bridges and culverts of any town or city, such town or city upon written application to the highway commissioner shall receive from the state in aid of the necessary construction, repair, relocation and reconstruction of the same or any part thereof and the providing of such temporary highway facilities, as the public convenience requires, such sums of money as may be recommended by the highway commissioner and approved by the governor and council. Said town or city may apply for and receive reimbursement from the state for expenditures heretofore made for such purposes upon like recommendation and approval. In determining the amounts to be approved for payment hereunder to any town or city the amount of damage to its highways, bridges and culverts, the reasonable requirements of service to the public, and any aid available from the federal government for such flood damage shall be taken into consideration, and no town or city shall be required to expend therefor upon its own account a sum greater than one eighth of one per cent of its assessed valuation for the year 1938.

Construction, repair, relocation and reconstruction of highways and bridges made by towns and cities from these funds, except in case of reimbursement as hereinbefore provided, shall be under the supervision of the state highway commissioner.

**5. Stream Channels.** In cases of serious damage or destruction during said flood to highways, bridges and culverts, due to the filling up of rivers, brooks and streams with gravel and other debris and in cases where such conditions constitute or may constitute a menace to the safety of said highways, bridges and culverts, the highway commissioner with the approval of the governor and council may expend such portion of said appropriation as may be reasonably necessary for the clearing and dredging of the channels and beds of rivers, brooks and streams and the control of water therein.

**6. Federal Aid and Reconstruction.** Such portion of the appropriation authorized by section 1 as is not necessary for constructing, reconstructing or relocating highways and bridges, damaged or destroyed by said flood of September 1938, or so expended for said repairs, shall be expended by the highway commissioner for the construction, reconstruction and relocation of highways and bridges under the same authority and in the same manner as described by chapter 84 of the Public Laws and all laws amendatory thereof or supplementary thereto and for the further purpose of defraying the state's share of the cost of federal aid construction, reconstruction and relocation in accordance with chapter 88 of the Public Laws and all laws amendatory thereof or supplementary thereto.

**7. Bonds Authorized.** The state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state, for the purpose of carrying into effect the provisions of this act, not more than three and one-half million dollars during the years ending January 31, 1940 and 1941, not more than five hundred thousand dollars during each of the years ending January 31, 1942 and 1943 and not more than two hundred fifty thousand dollars during each of the years ending January 31, 1944 and 1945, provided that the total indebtedness so incurred shall not exceed five million dollars and for that purpose may issue bonds and notes as may, in their opinion, be to the best advantage of

the state of New Hampshire, in the name of and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council at the time of approval of the issue. The maturity dates of such bonds and notes shall be not later than December 31, 1954. Such bonds and notes shall be in such form and such denominations and with such provisions for call or redemption as the governor and council may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state, provided, however, that the amount of bonds and notes authorized for the years ending January 31, 1943, 1944 and 1945 shall be reduced by the amount of accumulated excess of income over estimates of income for the years 1939 to 1944, both inclusive, as shown on said six-year planning budget plan named in section 2 of this act.

8. **Accounts.** The secretary of state shall keep an account of all such bonds and notes as countersigned by the governor, showing the number and amount of each bond and note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond and note, 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 date of maturity.

9. **Sale; Disposition of Proceeds.** The treasurer may negotiate and sell such bonds and notes by direction of, and in such manner as, the governor and council deem most advantageous to the state. The proceeds of the sale of such bonds and notes shall be held by the treasurer and paid by him upon warrants drawn by the governor for the purposes of this act alone. The governor, with the advice and consent of the council, shall draw his warrants for the payment, from the funds provided for by this act, of all sums expended or due for the purposes herein authorized.

10. **Short-Term Notes.** Prior to the issuance of bonds hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term loans to be refunded by the issuance of the bonds hereunder, provided, however, that these notes shall be converted into bonds, authorized by section 7 of

this act within the years for which the issue of said bonds is authorized.

**11. Motor Vehicle Road Toll.** Beginning with the final payment of the bonds provided for by chapter 1 of the Laws of the special session of 1936, the additional road toll of one cent per gallon, provided for in section 6 of said chapter 1, shall be continued in full force and effect until the final payment of the bonds and notes provided for by this act. Such additional motor vehicle road toll shall be collected in the manner now provided. A separate account of the additional motor vehicle road toll provided for by this section shall be kept by the state treasurer to which he shall add from [time to] time, at the direction of the governor acting with the advice and consent of the council, such sums from the separate account provided for by chapter 41 of the Laws of 1929, as amended by chapter 151 of the Laws of 1933, and the separate account provided for by chapter 1 of the Laws of the special session of 1936, as are not reasonably necessary for the payment of the bonds authorized by said chapters. The funds so held shall be used to pay the interest and principal of the bonds and notes provided for by this act. To the extent that said funds are insufficient, at any time, to pay the interest and principal due on any bonds and notes provided for by this act the governor shall draw his warrant upon the general highway funds for the payment thereof. Upon the final payment of the bonds and notes which may be issued under the authority of this act, of said chapter 41, and of said chapter 1 the governor and council shall forthwith by proclamation terminate the further collection of the additional motor vehicle road toll thereby provided.

**12. Appropriation Not to Lapse.** The appropriation made under section 1 hereof shall be a continuing appropriation which shall not lapse unless otherwise provided for by the legislature.

**13. Takes Effect.** This act shall take effect upon its passage.

[Approved May 17, 1939.]

## CHAPTER 138.

## AN ACT RELATIVE TO UNEMPLOYMENT COMPENSATION.

SECTION	SECTION
1. Base period.	13. Witnesses' and sheriffs' fees.
2. Benefit year.	14. Contributions.
3. Calendar quarter.	15. Separate accounts.
4. Employment.	16. General experience rating.
5. Railroad service.	17. Merit rating.
6. Partial unemployment.	18. Transfer of funds.
7. Wage credits.	19. Unemployment compensation division.
8. Benefits.	20. Duties and powers of commis- sioner.
9. Waiting period.	21. State-federal co-operation.
10. Voluntary unemployment.	22. Penalties.
11. Discharge for misconduct.	23. Takes effect.
12. Liability for benefits.	

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

**1. Base Period.** Amend section 1-A of chapter 179-A of the Public Laws, as inserted by chapter 178 of the Laws of 1937, by striking out all of said section and inserting in place thereof the following:

A. "Base period" means the calendar year immediately preceding any benefit year.

**2. Benefit Year.** Amend section 1-C of said chapter 179-A by striking out all of said section and inserting in place thereof the following:

C. "Benefit year" with respect to any individual means the year beginning with the first day of March of every calendar year and ending on the last day of February of the following calendar year.

**3. Calendar Quarter.** Amend section 1-D of said chapter 179-A by striking out all of said section and inserting in place thereof the following:

D. "Calendar quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, or the equivalent thereof as the commissioner may by regulation prescribe, excluding, however, any calendar quarter or portion thereof which occurs prior to January 1, 1936.

**4. Employment.** Amend section 1-I (1) of said chapter 179-A by inserting the words, or any service required by statute, after the word "implied" at the end of the first

sentence of this section so that said section, as amended, shall read as follows:

I. "Employment" (1) subject to the other provisions of this subsection means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied, or any service required by statute. The term "employment" shall include an individual's entire service performed within or both within and without this state.

5. **Railroad Service.** Amend section 1-I (4) of said chapter 179-A by striking out paragraph (g) of said section and inserting in place thereof the following:

(g) Service performed after June 30, 1939, for an employer as defined in the Railroad Unemployment Insurance Act, and service performed after June 30, 1939, as an employee representative.

6. **Partial Unemployment.** Amend section 1-M of said chapter 179-A by striking out paragraph (2) and inserting in place thereof the following:

(2) An individual shall be deemed to be "partially unemployed" in any week of less than full time work if the wages payable to him for such week fail to equal his weekly benefit amount.

(3) As used in this subsection, the term "wages" shall not include the first two dollars earned during any week.

7. **Wage Credits.** Amend section 1-O of said chapter 179-A by adding the following paragraph to this section: (1) "Wage credits." The commissioner shall compute wage credits for each individual by crediting him with wages earned by him for employment by employers during each quarter, so that said section, as amended, shall read as follows:

O. "Wages" means every form of remuneration for personal services payable to a person directly or indirectly, including salaries, commissions, bonuses, and the reasonable value of board, rent, housing, lodging, payment in kind and similar advantages estimated and determined in accordance with the rules of the commissioner. When gratuities are received by the individual in the course of his employment from a person other than his employer, the amount of such gratuities shall be considered as wages payable by his employing unit and the reasonable amount thereof shall be estimated and de-



terminated in accordance with rules prescribed by the commissioner.

(1) "Wage credits." The commissioner shall compute wage credits for each individual by crediting him with wages earned by him for employment by employers during each quarter.

8. **Benefits.** Amend section 2 of said chapter 179-A by striking out all of said section and inserting in place thereof the following:

2. **Benefits.**

A. **Payment of Benefits.** On January 1, 1938, benefits shall become payable from the fund; provided that wages earned for service, defined in section 1-I (4) (g) of this chapter, irrespective of when performed, shall not be included for the purposes of determining eligibility for any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on or after July 1, 1939, be payable under any section on the basis of such wages. All benefits shall be paid through employment offices in accordance with such regulations as the commissioner may prescribe.

B. **Weekly Benefit Amount for Total Unemployment.** Each eligible individual who is totally unemployed in any week shall be paid, with respect to such week, benefits computed to the nearest dollar at the rate of one twenty-sixth of his highest unused quarterly wage credits for employment by employers within the base period, but not more than fifteen dollars per week, nor less than five dollars per week. If the commissioner finds that the highest of the quarters in such period is not reasonably related to the normal and usual full-time quarterly earnings, the commissioner may select such other quarter in such period which is representative of the individual's normal and usual full-time earnings.

C. **Weekly Benefit for Partial Unemployment.** Each eligible individual who is partially unemployed in any week shall be paid a partial benefit with respect to such week. Such partial benefit shall be an amount calculated to the nearest dollar which, if added to his wages, as used in section 1-M (3), for such week, would equal his weekly benefit amount.

D. **Maximum Amount of Benefits.** The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed whichever is the lesser of

(1) sixteen times his weekly benefit amount, or (2) one-sixth of the unused wage credits within the base period.

**E. Transition From One Benefit Year to the Next Benefit Year.** If any individual has received benefits for any week ending not earlier than seven days before the end of the benefit year, benefit payments shall not be interrupted and benefits shall be paid for the next succeeding week at the rate provided for in the benefit year in which the last day of the payable week is served, provided that the other requirements of this chapter are fulfilled.

**9. Waiting Period.** Amend section 3 of said chapter 179-A by striking out subsections D and E and inserting in place thereof the following:

D. Prior to any week for which he receives benefits, he must have been totally unemployed for a waiting period of two weeks within the same benefit year and fulfilled the other requirements of this section. After every interruption in unemployment during which an individual is neither partially nor totally unemployed, as defined by section 1-M of this chapter, for a week or longer, or for any week for which a claimant fails to file a claim for benefits, a waiting period of one week must be served, provided that no individual shall be required to accumulate more than five waiting period weeks during any benefit year, and further provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment because of a change in the benefit year, even though a change in the weekly benefit amount and maximum benefits is effected. For the purposes of this subsection, two weeks of partial unemployment shall be deemed equivalent to one week of total unemployment. No week shall be counted as a week of total unemployment for the purposes of this subsection:

- (1) If benefits have been paid with respect thereto;
- (2) Unless it occurs after benefits first could become payable to any individual under this chapter;
- (3) Unless he has earned wages for employment from employers of two hundred dollars within the base period.

**10. Voluntary Unemployment.** Amend section 4-A of said chapter 179-A by striking out all of said section and inserting in place thereof the following:

A. For the week in which he has left work voluntarily,

without good cause connected with his work, if so found by the commissioner, and for the three weeks which immediately follow such week, in addition to the waiting period. Whichever is the lesser of three times the individual's benefit rate, or such amount as remains unpaid for the benefit year in which such event occurs shall be deducted from his maximum benefits, but no change shall be made in his weekly benefit amount because of this deduction.

**11. Discharge for Misconduct.** Amend section 4-B of said chapter 179-A by striking out all of said section and inserting in place thereof the following:

B. For the week in which he has been discharged for misconduct connected with his work, if so found by the commissioner, and for the three weeks which immediately follow such week, in addition to the waiting period. Whichever is the lesser of three times the individual's benefit rate, or such amount as remains unpaid for the benefit year in which such event occurs shall be deducted from his maximum benefits, but no change shall be made in his weekly benefit amount because of this deduction.

**12. Liability for Benefits.** Amend section 4-F of said chapter 179-A by inserting after the word "week" the words, or part of a week, and by striking out the word "receiving" and inserting in place thereof the words, seeking to receive, so that said section, as amended, shall read as follows:

F. For any week or part of a week with respect to which he is seeking to receive or has received payments in the form of unemployment compensation under an unemployment compensation law of any other state or under a similar law of the federal government.

**13. Witnesses' and Sheriffs' Fees.** Amend section 5-G of said chapter 179-A by inserting the sentence, Sheriffs shall be allowed the customary fees for service and travel, between the first and second sentences so that said section, as amended, shall read as follows:

G. **Witnesses' and Sheriffs' Fees.** Witnesses subpoenaed pursuant to this section shall be allowed fees at the rate established for witnesses in the superior court. Sheriffs shall be allowed the customary fees for service and travel. Such fees shall be deemed a part of the expenses of administering this chapter.

**14. Contributions.** Amend section 6-B (4) of said chapter 179-A by adding the letter "s" to the word "subsection" and inserting, D and, between the word "subsections" and "E" so that said section, as amended, shall read as follows:

(4) With respect to employment after December 31, 1937, 2.7 per centum, except as otherwise prescribed in subsections D and E of this section.

**15. Separate Accounts.** Amend section 6-C of said chapter 179-A by striking out all of said section and inserting in place thereof the following:

**C. Separate Accounts.** The commissioner shall maintain a separate account for each employer and shall credit his account with all the contributions paid by him or on his behalf. But nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged against the account of his most recent employer.

Any charges which are made against the account of any employer under this section, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address.

Any charges which have heretofore been made against the account of any employer for merit rating purposes, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after the effective date of this section.

If objections to such charges are received, any re-determination of the amounts charged against an employer's account, of which the employer has been notified, shall be considered correct for all purposes unless objections to such charges are received within six months after such notification has been mailed to the employer's last known address.

The commissioner shall, by general rules, prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time.

**16. General Experience Rating.** Amend section 6-D of

said chapter 179-A by striking out all of said section and inserting in place thereof the following:

D. **General Experience Rating.** The commissioner may, for the year 1941 and for each calendar year thereafter, estimate the total sum to be paid as benefits and the pay roll which will be reported by employers, and may establish a contribution rate for all employers, not exceeding 2.7 per centum, which shall yield an amount equal to the benefits to be paid. If, on July 1 of any calendar year, it is determined that the contribution rate thus established will not maintain or will unduly increase the established reserve, the commissioner may redetermine the contribution rate and the redetermined rate shall be effective as of July 1 of such calendar year. If a deficit or surplus results at the end of the calendar year, such deficit or surplus shall be considered in determining the contribution rate for the next calendar year. No employer shall be entitled to an experience rating under this subsection for any calendar year unless and until the balance in the unemployment compensation fund as of January 1 of such calendar year equals or exceeds five million dollars; and further provided that no employer shall be entitled to the experience rating granted under this section unless and until there shall have been three calendar years throughout which any one individual in his employ could have received benefits if eligible.

17. **Merit Rating.** Amend section 6-E of said chapter 179-A by striking out paragraphs (1), (2), (3), and (4) and inserting in place thereof the following:

(1) Each employer's rate shall be the amount determined under subsection D of this section except as otherwise provided in the following provisions. No employer's rate shall be less than the amount determined in accordance with subsection D of this section unless and until there shall have been three calendar years throughout which any one individual in his employ could have received benefits if eligible.

(2) Each employer's rate for the twelve months commencing January 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions paid on his own behalf and credited to his account for all past years exceeds the total benefits charged to his account for all past years, his contribution rate shall be de-

terminated by subtracting from the contribution rate determined in subsection D the following amounts:

(a) Two-tenths of one per centum if such excess equals or exceeds eight per centum of his average annual pay roll;

(b) Four-tenths of one per centum if such excess equals or exceeds nine per centum of his average annual pay roll;

(c) Seven-tenths of one per centum if such excess equals or exceeds ten per centum of his average annual pay roll;

(d) Nine-tenths of one per centum if such excess equals or exceeds eleven per centum of his average annual pay roll;

(e) One and two-tenths per centum if such excess equals or exceeds twelve per centum of his average annual pay roll;

(f) One and one-half per centum if such excess equals or exceeds fourteen per centum of his average annual pay roll;

(g) One and seven-tenths per centum if such excess equals or exceeds fifteen per centum of his average annual pay roll.

(3) No employer shall be entitled to a contribution rate of less than one-half of one per centum.

(4) No employer's rate for the period of twelve months commencing January 1 of any calendar year shall be less than the rate established in subsection D of this section, unless the total contributions, including interest, which became due and were credited to his account in the fund during all past years, exceed the total benefits paid within the last preceding calendar year and chargeable to his account in the fund; and no employer shall be entitled to have more than seven-tenths of one per centum subtracted from the contribution rate established in accordance with subsection D of this section unless such contributions, including interest at such time, were at least twice the total benefits paid from the fund and chargeable to his account within the last preceding year.

(5) The merit rating established under this section shall be effective as of April 1 of any calendar year, but shall be retroactive to January 1 of the same calendar year. Employers shall submit contributions at the rate prescribed under subsection D of this section until the status of an employer under this section has been established. Each employer's account shall be credited on April 1 of such year for any overpayments caused by the reduction in contribution rate established as of April 1 of such calendar year.

(6) As used in this section the term "annual pay roll"

means the total amount of wages payable by an employer (regardless of the time of payment) for employment during a calendar year, and the term "average annual pay roll" means the average of the annual pay rolls of an employer for the last three or five preceding calendar years, whichever average is higher.

The term "wages" as used in this paragraph shall not include wages in excess of three thousand dollars payable to an individual in any calendar year.

**18. Transfer of Funds.** Amend section 8 of said chapter 179-A by adding the following subsection after subsection D:

E. Notwithstanding any requirements of the foregoing subsections of this section, the commissioner shall, prior to whichever is the later of (i) thirty days after the close of this session of the legislature and (ii) July 1, 1939, authorize and direct the secretary of the treasury of the United States to transfer from this state's account in the Unemployment Trust Fund, established and maintained pursuant to section 904 of the Social Security Act as amended, to the Railroad Unemployment Insurance Account, established and maintained pursuant to section 10 of the Railroad Unemployment Insurance Act, an amount hereinafter referred to as the preliminary amount; and shall, prior to whichever is the later of (i) thirty days after the close of this session of the legislature and (ii) January 1, 1940, authorize and direct the secretary of the treasury of the United States to transfer from this state's account in said Unemployment Trust Fund to said Railroad Unemployment Insurance Account an additional amount, hereinafter referred to as the liquidating amount. The commissioner and the social security board shall determine both such amounts after consultation with the railroad retirement board. The preliminary amount shall consist of that proportion of the balance in the unemployment compensation fund as of June 30, 1939, as the total amount of contributions collected from 'employers' and 'employees' (as the terms 'employer' and 'employee' are defined in sections 1 (a) and 1 (d) respectively of the Railroad Unemployment Insurance Act) and credited to the unemployment compensation fund bears to all contributions theretofore collected under this act and credited to the unemployment compensation fund. The liquidating amount shall consist of the total amount of con-

tributions collected from 'employers' and their 'employees' (as the terms 'employer' and 'employees' are defined in sections 1 (a) and 1 (d) respectively of the Railroad Unemployment Insurance Act) pursuant to the provisions of this act during the period July 1, 1939, to December 31, 1939, inclusive.

**19. Unemployment Compensation Division.** Amend section 9-A of said chapter 179-A by adding the following sentence thereto: The commissioner may co-operate with or enter into agreements with the railroad retirement board with respect to the establishment, maintenance, and use of free employment service facilities, so that said section, as amended, shall read as follows:

**A. Unemployment Compensation Division.** There is hereby created in the bureau of labor two co-ordinate divisions, the New Hampshire state employment service division and a division known as the unemployment compensation division, each of which shall be administered by a full-time salaried administrator who shall be subject to the supervision and direction of the commissioner. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties except so far as the commissioner may find such separation is impractical. The commissioner, with the approval of the governor and council, is directed to appoint the director, other officers and employees of the New Hampshire state employment service. Such appointment shall be made in accordance with regulations prescribed by the director of the United States employment service. The commissioner, through the New Hampshire state employment service, shall establish and maintain free public employment offices in such numbers and in such places as may be necessary for the proper administration of this chapter. The commissioner may co-operate with or enter into agreements with the railroad retirement board with respect to the establishment, maintenance, and use of free employment service facilities.

**20. Duties and Powers of Commissioner.** Amend section 9-B of said chapter 179-A by adding the following paragraph: For the purpose of establishing and maintaining free public employment offices, the commissioner is authorized to enter into agreements with the railroad retirement board, or any



other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this state, or with any private, non-profit organization, and as a part of any such agreement the commissioner may accept moneys, services, or quarters as a contribution to the employment service account, so that said section, as amended, shall read as follows:

**B. Duties and Powers of Commissioner.** It shall be the duty of the commissioner to administer this chapter and he shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as he deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this chapter, which the commissioner shall prescribe. The commissioner shall determine his own organization and methods or procedure in accordance with the provisions of this chapter. Not later than the first day of February of each year, the commissioner shall submit to the governor a report covering the administration and operation of this chapter during the preceding calendar year and shall make such recommendations for amendments to this chapter as he deems proper. Such reports shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commissioner in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, he shall promptly so inform the governor and the legislature, and make recommendations with respect thereto.

For the purpose of establishing and maintaining free public employment offices, the commissioner is authorized to enter into agreements with the railroad retirement board, or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this state, or with any private, non-

profit organization, and as a part of any such agreement the commissioner may accept moneys, services, or quarters as a contribution to the employment service account.

**21. State-Federal Co-operation.** Amend section 9-K of said chapter 179-A by adding the following paragraph to this section: The commissioner may make the state's records relating to the administration of this act available to the railroad retirement board and may furnish the railroad retirement board, at the expense of such board, such copies thereof as the railroad retirement board deems necessary for its purposes. The commissioner may afford reasonable co-operation with every agency of the United States charged with the administration of any unemployment insurance law, so that this section, as amended, shall read as follows:

**K. State-Federal Co-operation.** In the administration of this chapter, the commissioner shall co-operate to the fullest extent consistent with the provisions of this chapter, with the social security board, created by the Social Security Act, approved August 14, 1935, as amended; shall make such reports in such form and containing such information as the social security board may from time to time require, and shall comply with such provisions as the social security board may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with regulations prescribed by the social security board governing the expenditures of such sums as may be allotted and paid to this state under title III of the Social Security Act for the purpose of assisting in the administration of this chapter.

Upon request therefor the commissioner shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter.

The commissioner may make the state's records relating to the administration of this act available to the railroad retirement board and may furnish the railroad retirement board, at the expense of such board, such copies thereof as the railroad retirement board deems necessary for its purposes. The commissioner may afford reasonable co-operation with every

agency of the United States charged with the administration of any unemployment insurance law.

22. **Penalties.** Amend section 13 of said chapter 179-A by adding the following subsection after subsection D:

E. (1) Any individual who falsifies a claim for benefits before a representative of the unemployment compensation division of the state of New Hampshire to obtain benefits under the laws of any other state shall be subject to the same provisions of this chapter as if he were claiming benefits under this chapter.

(2) Any individual who has been convicted of falsifying claims under this chapter shall be ineligible to receive benefits for one year from the date of his conviction.

23. **Takes Effect.** Section 18 of this act shall take effect upon its passage. All other sections shall take effect on July 1, 1939.

[Approved May 17, 1939.]

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## CHAPTER 139.

### AN ACT RELATIVE TO THE QUALIFICATIONS FOR APPLICANTS FOR EXAMINATIONS FOR THE PRACTICE OF MEDICINE AND THE PRACTICE OF CHIROPRACTIC.

#### SECTION

1. Practice of medicine.
2. Practice of chiropractic.

#### SECTION

3. Takes effect.

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

1. **Practice of Medicine.** Amend section 10 of chapter 204 of the Public Laws, as amended by chapter 150 of the Laws of 1937, by inserting after the word "character" the words, is a citizen of the United States or a Canadian province in which like privilege is granted to citizens of the United States, so that said section as amended shall read as follows: **10. Applicants.** The board shall admit to examination any applicant who pays a fee of twenty dollars and submits satisfactory evidence in writing, verified by oath if required, that he is more than twenty-one years of age, of good moral character, is a citizen of the United States or a Canadian province in which like privilege is granted to citizens of the United

States, has completed satisfactorily two years' work in college, or has a preliminary education considered and accepted by the board as fully equivalent, has studied the treatment of human ailments not less than four school years in a medical school maintaining at that time a standard satisfactory to the board, and has graduated from such school and has completed an internship, approved by the board, of not less than twelve months. The provisions of this section may be suspended in whole or in part by order of the board on account of war or other threatened or existing national calamity.

**2. Practice of Chiropractic.** Amend section 8 of chapter 206 of the Public Laws by inserting after the word "character" in the sixth line the words, a citizen of the United States or a Canadian province in which a like privilege is granted to citizens of the United States, so that said section as amended shall read as follows: **8. Fees; Qualifications.** Each applicant shall pay to the secretary-treasurer a fee of twenty-five dollars, for which he shall be entitled to an examination and to a ré-examination, if necessary, within one year. He shall submit to said board satisfactory evidence of a high school education, or its equivalent, shall be at least twenty-one years of age, of good moral character, a citizen of the United States or a Canadian province in which a like privilege is granted to citizens of the United States, and a graduate of a legally chartered or incorporated school or college of chiropractic requiring a course of three years, of six months each, or its equivalent, as a resident student therein.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 23, 1939.]

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## CHAPTER 140.

AN ACT RELATIVE TO THE USE OF NUMBER PLATES ON MOTOR VEHICLES.

SECTION	{	SECTION
1. Motor vehicle number plates.		2. Takes effect.

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

**1. Motor Vehicle Number Plates.** Amend section 2 of chapter 103 of the Public Laws, as amended by chapter 76 of

the Laws of 1927, and section 7, chapter 113, Laws of 1937, by striking out said section and inserting in place thereof the following: **2. Use of.** No number plates other than those procured from the commissioner or such as may be authorized by him for temporary use, except as provided for non-residents, shall be displayed on any motor vehicle, trailer, semi-trailer or tractor so operated, but during the period from March first to March thirty-first, inclusive, the owner of a vehicle which has been properly registered in accordance with the provisions of chapter 100 of the Public Laws for the succeeding fiscal year, may display in the manner provided herein in place of the number plates of the current fiscal year then in use the number plates for the succeeding fiscal year. The provisions of this section relative to the extended use of number plates of the succeeding fiscal year shall also apply to a vehicle which has been exchanged for a vehicle properly registered for the current fiscal year.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 23, 1939.]

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**CHAPTER 141.**

**AN ACT RELATIVE TO EMPLOYEES OF THE FISH AND GAME DEPARTMENT.**

SECTION	SECTION
1. Compensation of employees of fish and game department.	2. Takes effect.

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

**1. Fish and Game Department.** Amend section 23 of chapter 196 of the Public Laws, as inserted by section 1, chapter 123, Laws of 1935, by striking out said section and inserting in place thereof the following: **23. Compensation of Employees.** The annual rate of compensation for a position in the department, except the director and as otherwise herein provided, shall not exceed twenty-five hundred dollars, and within that limit, shall be fixed by the commission. The director may employ a biologist in said department at an

annual compensation to be fixed by the commission, which need not be within said limit.

2. **Takes Effect.** This act shall take effect as of July 1, 1939.

[Approved May 23, 1939.]

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CHAPTER 142.\*

AN ACT CLOSING CERTAIN WATERS IN THE TOWNS OF CAMBRIDGE  
AND ERROL TO FISHING.

SECTION

1. Closed to fishing; exception.
2. Repeal.

SECTION

3. Takes effect.

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

1. **Closed to Fishing; Exception.** Amend section 7 of chapter 155 of the Laws of 1935, as inserted by section 4, chapter 96, Laws of 1937, by adding after paragraph XVII, as inserted by an act† entitled "An Act relative to fishing in the tributaries of Sunapee lake" passed at the 1939 session of the general court, the following new paragraph: XVIII. Sessions pond brook in Cambridge, Little Millsfield pond brook, Jackknife Hill brook, Munn pond brook and Smoky Camp brook in the town of Errol, from the west side of the main roads, except that smelt may be taken by the use of a dip net, during the open season therefor.

2. **Repeal.** So much of section 3-a, chapter 155, Laws of 1935, as inserted by section 4, chapter 170, Laws of 1937, as is inconsistent with the provisions hereof is hereby repealed.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 23, 1939.]

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\* See chapter 169, *post*.

† Chapter 119, *ante*.

CHAPTER 143.

AN ACT GRANTING AUTHORITY TO SELL LAND IN LONDONDERRY BY THE GOVERNOR AND COUNCIL.

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|---|--|-----------------------------|
| SECTION<br>1. Authority for disposal of property. |  | SECTION<br>2. Takes effect. |
|---|--|-----------------------------|

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

**1. Authority.** The governor and council, for and in behalf of The State of New Hampshire, are hereby authorized to convey, lease or rent all or part of property conveyed to The State of New Hampshire in Londonderry, by William H. Hunter and the Hunter Petroleum Company, Inc., subject to prior leases and mortgages, if any; said deed to the state being recorded in Rockingham County Registry of Deeds, vol. 943, page 267, dated June 7, 1938, and being an agreement affecting the payment of gasoline tolls due The State of New Hampshire, for which suit has been brought.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 24, 1939.]

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CHAPTER 144.

AN ACT CHANGING THE NAMES OF KEENE AND PLYMOUTH NORMAL SCHOOLS.

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|---|--|-----------------------------|
| SECTION<br>1. Change of name.<br>2. Amendment; reference. |  | SECTION<br>3. Takes effect. |
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*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Change of Name.** The Keene normal school shall hereafter be known as and called Keene Teachers College and the Plymouth normal school shall hereafter be known as and called Plymouth Teachers College.

**2. Amendment; Reference.** All acts or parts of acts having to do with the Keene and Plymouth normal schools are hereby amended to conform to the change of names provided for by this act and any reference in the Public Laws or session

laws to the Keene and Plymouth normal schools shall hereafter refer to the Keene Teachers College and the Plymouth Teachers College.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 31, 1939.]

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## CHAPTER 145.

### AN ACT RELATING TO FISHING IN LEDGE POND IN MADISON AND BIG BROOK AND BIG BROOK BOG IN PITTSBURG.

#### SECTION

1. Ledge pond in Madison.
2. Fly fishing.

#### SECTION

3. Takes effect.

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

**1. Bait and Fly Fishing.** Amend paragraph I,\* section 2, chapter 155, Laws of 1935, as inserted by chapter 144, Laws of 1937, and as amended by chapter 170, Laws of 1937, and chapter 116, Laws of 1939, by inserting after the word "Sandwich" the words, Ledge pond in Madison, so that said paragraph as amended shall read as follows: I. Back lake in Pittsburg, Ferrin pond in Weare, Gustin pond in Marlow, Halls ponds in Sandwich, Ledge pond in Madison, Little Diamond pond in Stewartstown, Lily pond in Gilford.

**2. Fly Fishing.** Amend paragraph XI,\* section 1, chapter 155, Laws of 1935, as inserted by chapter 145, Laws of 1937, and as amended by chapter 84, Laws of 1939, by striking out the words "and its tributaries between Big Brook Bog and" and inserting in place thereof the words, Big Brook Bog and their tributaries all north of, so that said paragraph as amended shall read as follows: XI. Brook trout not less than ten inches in length may be taken from May first to October first from Big Brook, Big Brook Bog and their tributaries all north of the highway leading from the First to the Second Connecticut lake, provided that no person may take from said waters more than five in number nor more than five pounds in weight when taken, in one day, except that if he has taken less than five in number or five pounds in weight he shall be entitled to take one additional fish.

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\* See chapter 169, *post*.



**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 31, 1939.]

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**CHAPTER 146.**

**AN ACT RELATING TO PERSONS WHO PURCHASE OR RECEIVE MILK  
WITHIN THE STATE FOR DISTRIBUTION WITHOUT THE  
STATE.**

SECTION

- 1. Definition.
- 2. Licenses.
- 3. Powers of the board.

SECTION

- 4. Constitutionality.
- 5. Takes effect.

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

**1. Definition.** Any person who purchases or receives within the state more than two quarts of milk daily for sale, distribution or disposition without the state shall be a distributor of milk within the meaning of section 1, chapter 107, Laws of 1937 and subject to all the provisions thereof except as hereinafter provided.

**2. Licenses.** All distributors hereunder shall be licensed by the milk control board. The annual fee for such license shall be for all distributors selling, handling or processing milk in this state the fees specified in section 8 of chapter 107 of the Laws of 1937; provided however, that from the amount of such fees in excess of ten dollars said distributor shall be entitled to deduct any amount he pays in any other state as a state license fee for doing business as a milk dealer in such other state to which the milk sold, handled or processed in this state may be sent and sold or distributed by him.

**3. Powers of the Board.** The authority herein conferred on the board shall supplement and be in addition but not in lieu of existing laws relating to transportation of milk, its inspection, testing, the powers of the public service commission, the state board of health, local health ordinances and regulations and the requirements of chapters 163 and 164 of the Public Laws, as amended, and no license hereunder shall be issued until the board has ascertained from the commissioner of agriculture whether the applicant has conformed to the requirements of chapter 164 of the Public Laws.

**4. Constitutionality.** If any section or part of this act is held unconstitutional or if the application thereof to any person or circumstances is held invalid, the application thereof to any other persons or circumstances shall not be affected thereby; and in no event shall section 1 or any other section of chapter 107 of the Laws of 1937 be affected thereby.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved May 31, 1939.]

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## CHAPTER 147.

AN ACT RELATIVE TO THE COLLECTION OF LEGACY TAXES UPON CERTAIN CONTINGENT DEVISES AND BEQUESTS.

SECTION

1. Taxation of legacies and successions.

SECTION

2. Takes effect.

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

**1. Taxation of Legacies and Successions.** Amend section 10 of chapter 72 of the Public Laws by adding at the end thereof the following: Whenever a tax shall hereafter be collected under the provisions of sections 7, 8 and 9 in a case where the intermediate estate shall pass to a husband or wife with the right to use or expend such portions of the principal as may be necessary for his or her reasonable support and maintenance and the principal shall prove to be insufficient for that purpose, and he or she is without other means of support, then he or she may apply to the probate court for an abatement of the entire tax and upon such abatement the state treasurer shall repay the amount so collected with interest as aforesaid, so that said section as amended shall read as follows: **10. Abatement.** 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 41, and the state treasurer

shall repay the amount adjudged to have been illegally exacted as provided in section 43, with interest thereon at three per cent per annum from the date of the payment of the tax. Whenever a tax shall hereafter be collected under the provisions of sections 7, 8 and 9 in a case where the intermediate estate shall pass to a husband or wife with the right to use or expend such portions of the principal as may be necessary for his or her reasonable support and maintenance and the principal shall prove to be insufficient for that purpose, and he or she is without other means of support, then he or she may apply to the probate court for an abatement of the entire tax and upon such abatement the state treasurer shall repay the amount so collected with interest as aforesaid.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 31, 1939.]

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## CHAPTER 148.

### AN ACT RELATING TO PAROLE FROM THE STATE PRISON.

SECTION	SECTION
1. Parole of prisoners.	7. Violation of parole, complaint.
2. After expiration of minimum term.	8. Hearing before the board; finding; recommittal.
3. Earlier release for meritorious conduct.	9. Effect of recommittal.
4. Release after two thirds of minimum.	10. Final discharge of paroled prisoners.
5. Reporting to state parole officer.	11. Repeal.
6. State board of parole; parole officers; clerical assistance; expenses.	12. Takes effect.

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

**1. Parole of Prisoners.** Amend section 22 of chapter 369 of the Public Laws by striking out said section and inserting in place thereof the following: **22. Terms.** Said permit shall be issued by the state board of parole hereinafter constituted upon such terms and conditions as it shall establish.

**2. After Expiration of Minimum Term.** Amend section 23 of said chapter 369 by striking out said section and inserting in place thereof the following: **23. Later Release.** Any prisoner whose record of conduct shows that he has violated

the rules of said prison may be given a like permit at such time as the state board of parole shall determine after the expiration of the minimum term of his sentence, if there shall appear to said board to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen.

3. **Meritorious Conduct.** Amend section 24 of said chapter 369 by striking out said section and inserting in place thereof the following: 24. **Earlier Release.** In cases of exceptionally meritorious conduct the state board of parole may, in like manner, issue such permit at a time in advance of the expiration of the minimum term of sentence, to be computed by deducting therefrom not more than three days for each month of such minimum term of sentence.

4. **Term of Three Years or More.** Amend section 25 of said chapter 369 by striking out said section and inserting in place thereof the following: 25. **Release, Two Thirds of Minimum.** Any prisoner whose conduct while in prison has been meritorious and whose minimum sentence is three years or more may be paroled by the state board of parole when he has served two thirds of his minimum sentence, provided it shall appear to said board to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen.

5. **Conditions.** Amend section 26 of said chapter 369 by striking out said section and inserting in place thereof the following: 26. **Reporting to Officer.** One of the terms of the permit in each case shall be that the released prisoner shall remain in the legal custody of the state parole officer hereinafter provided for, to whom said prisoner shall report at least once each month and as much oftener as the said state board of parole shall determine to be proper.

6. **State Board of Parole.** Amend said chapter 369 by striking out sections 27 to 31, inclusive, as amended by chapter 67, Laws of 1927, and inserting in place thereof the following new sections:

27. **State Board of Parole.** The board of trustees of the state prison shall constitute the state board of parole. Said board shall have the legal custody of all prisoners released upon parole until they receive their discharge or are remanded to prison, and shall make such rules and regulations relative

to the performance of the duties of the parole officers as in its judgment are advisable. Said board shall keep a record of all its doings, and shall report thereon to the governor and council quarterly and oftener when by them required.

**28. State Parole Officer.** Said board shall appoint some suitable person to act under its direction and control under the title of state parole officer. Said state parole officer shall receive for his services such salary as shall be determined by said board, subject to the approval of the governor and council.

**29. Clerical Assistance.** Such state parole officer may employ, with the approval of the board and the governor and council, such clerical assistance as may be necessary.

**30. Duties.** Such state parole officer may supervise persons released on parole from any penal institution, if so requested by such institution, on such terms and conditions as may be agreed to by the board; and shall perform such other duties as may be required of him by said state board of parole.

**31. Assistant Parole Officers.** Said board may appoint an assistant parole officer at such salary as it may determine, subject to the approval of the governor and council. Such assistant parole officer shall be under the direction and control of the state parole officer.

**31-a. Expenses.** Said state parole officer and assistant parole officers shall be paid their reasonable and necessary expenses actually incurred in the performance of their duties, to be audited by the state board of parole subject to the approval of the governor and council.

**7. Violation of Parole.** Amend section 32 of said chapter 369 by striking out said section and inserting in place thereof the following: **32. Complaint for Violation.** When it appears to the state parole officer that any prisoner on parole from the state prison on a permit under the provisions hereof has violated the terms of his permit, or has violated the law, or has fallen among criminal companions, it shall be the duty of said parole officer to report the same to any member of the state parole board and if it shall appear to said member of said board that the parolee has violated the terms of his permit said member shall issue a warrant for the arrest of said parolee who may thereupon be arrested by said parole officer, any assistant parole officer, or any officer within the

state authorized to make arrest, and returned to the state prison to await the action of the parole board at their next regular or special meeting. At said meeting said board shall hear the complaint and the said parolee shall have a right to appear and be heard.

**8. Hearing Before Board.** Amend section 35 of said chapter 369 by striking out said section and inserting in place thereof the following: **35. Finding; Recommitment.** If said board of parole upon hearing finds that the parolee has violated the terms of his permit or has violated the law, or has fallen among criminal companions, and should in their judgment be returned to prison, said board shall revoke the permit and the parolee shall be recommitted to the state prison.

**9. Recommitment.** Amend section 36 of said chapter 369 by striking out said section and inserting in place thereof the following: **36. Effect.** A prisoner so recommitted shall serve the remainder of his maximum sentence, and in computing the period of his confinement the time between his release upon permit and the revocation of his permit for parole shall not be considered as any part of the term, except that the time between the return of the parolee to prison after his arrest and revocation of the permit shall be considered as a part of the time which the parolee is to serve for violation of parole.

**10. Paroled Prisoner.** Amend section 40 of said chapter 369 by striking out the figure "33" in the sixth line and inserting in place thereof the figure 32 so that said section as amended shall read as follows: **40. Final Discharge.** Upon the expiration of the term of his maximum sentence as herein provided, a paroled prisoner shall be entitled to receive a final discharge; provided, that, at the time of such expiration, no proceedings are pending for his recommitment. Such proceedings shall be deemed to be pending when a warrant has issued as provided for in section 32.

**11. Repeal.** Sections 33 and 34 of said chapter 369 are hereby repealed.

**12. Takes Effect.** This act shall take effect sixty days after its passage.

[Approved May 31, 1939.]

## CHAPTER 149.

## AN ACT CONSENTING TO THE ACQUISITION OF LAND BY THE UNITED STATES FOR FLOOD CONTROL AND NAVIGATION PURPOSES.

## SECTION

1. Consent granted to acquisition of land for flood control and navigation purposes.
2. Additional projects.

## SECTION

3. Application of laws.
4. Takes effect.

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

**1. Consent Granted.** Consent is hereby given, in accordance with the seventeenth clause of the eighth section of the first article of the constitution of the United States, to the acquisition by the United States by purchase, condemnation or otherwise, of any land or interests in land within this state required for use in connection with the construction, maintenance and operation of the following projects: (a) Bethlehem Junction Reservoir on the Ammonoosuc river, providing a storage for approximately 6 inches of run-off over the drainage area; (b) Surry Mountain Reservoir on the Ashuelot river, providing storage for approximately 6 inches of run-off over the drainage area; (c) Blackwater Reservoir on the Blackwater river, providing storage for approximately 6.9 inches of run-off over the drainage area; (d) Franklin Falls Reservoir on the Pemigewasset river, providing storage for approximately 3.2 inches of run-off over the drainage area; authorized by Congress for the benefit of navigation and the control of destructive flood waters in the Connecticut river and Merrimack river basins; provided, however, that this state shall retain concurrent jurisdiction with the United States in and over any such lands to the extent that all civil and criminal processes issued under authority of this state may be executed thereon in the same way and manner as if this consent had not been given, and that exclusive jurisdiction shall revert to and revert in this state whenever such lands or interests in land shall cease to be the property of the United States; provided further, however, a suitable plan of every tract of land or interest in land so acquired has been or shall be filed in the office of the secretary of state within one year after the acquisition thereof.

**2. Additional Projects.** Such consent is also hereby given to the acquisition of land or interests therein for such additional projects as may be approved by the governor and council upon recommendation of the water resources board retaining, however, to the state the same jurisdiction as is reserved in section 1 of this act.

**3. Application of Laws.** Chapter 74 of the Laws of 1935, as amended by chapter 26 of the Laws of 1937, shall not apply to the acquisition of land or interests in lands by the United States in accordance with provisions of this act.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved May 31, 1939.]

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## CHAPTER 150.

### AN ACT RELATIVE TO THE RECONVEYANCE OF CERTAIN PROPERTY IN THE TOWN OF BOSCAWEN.

SECTION

1. Reconveyance of property authorized.

SECTION

2. Takes effect.

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

**1. Reconveyance Authorized.** The secretary of state, upon recommendation of the forestry and recreation commission, is hereby authorized to reconvey to George W. Sumner of Boscawen a certain tract of land in said Boscawen which was conveyed to the state March 29, 1926, under the provisions of chapter 163, Laws of 1915, now known as chapter 193 of the Public Laws, for the purpose of reforesting said waste and cut-over land, provided said George W. Sumner shall pay to the state before July 1, 1939, a sum equal to the cost of improvements made by said forestry and recreation commission upon said tract with interest at four per cent per year.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 31, 1939.]



## CHAPTER 151.

## AN ACT RELATING TO THE BOUNDARY LINES OF HIGHWAYS.

## SECTION

1. Relocation of highway boundary lines, state and state-aided.
2. Boundary lines of town highways.

## SECTION

3. Takes effect.

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

**1. Boundary Lines of Highways.** Amend chapter 83 of the Public Laws by inserting after section 7, the following new section: **7-a. Boundary Lines of Highways.** Whenever in the opinion of the highway commissioner the boundary lines, limits or location of any trunk line, state, state-aided or secondary highway or any part thereof which is maintained by the state shall have become lost, uncertain or doubtful, he may re-establish such boundary lines, limits or locations and correct the errors therein and for such purposes the center of the traveled way shall be presumed to be the center of the original layout in locations where there are no boundaries indicated by verifiable existing monuments marking the original layout. Said commissioner shall send a description of such boundary lines, limits or locations to be re-established by registered mail to the last known address of all persons claiming ownership of or interest in the property adjoining such re-established highway and file with the town clerk of the town in which the highway is located and with the secretary of state, a copy of a map or maps showing the boundary lines, limits or locations of such highway, which shall be binding upon all parties unless changed by the superior court on appeal taken by any person or town affected thereby within sixty days from the date of the filing of such map or maps. Such boundary lines, limits or locations shall be marked in such manner as the commissioner shall determine. All expenses, damages and costs incurred hereunder shall be a charge upon the highway funds.

**2. Boundary Lines of Town Highways.** Amend chapter 74 of the Public Laws by inserting after section 2 the following new section: **2-a. Boundary Lines of Town Highways.** Selectmen may re-establish the boundary lines, limits and locations of any town highway or any part thereof which shall

have become lost, uncertain or doubtful and shall have the same powers and shall proceed in the same manner as the highway commissioner as provided in section 7-a of chapter 83 of the Public Laws.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 31, 1939.]

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## CHAPTER 152.

### AN ACT RELATING TO THE TENURE OF OFFICE OF THE ADJUTANT-GENERAL.

#### SECTION

1. The adjutant-general, tenure of office.
2. Application of act.

#### SECTION

3. Takes effect.

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

**1. The Adjutant-General, Tenure of Office.** Amend section 23 of chapter 124 of the Public Laws, as amended by chapter 141 of the Laws of 1933, by striking out said section and inserting in place thereof the following: **23. Appointment.** The adjutant-general shall be appointed as provided in article 46 of the constitution and his tenure of office shall be as provided for all officers in section 36.

**2. Application of Act.** This act shall not affect the commission nor the term of office of the adjutant-general now in office but shall only become effective at the time when the present adjutant-general retires from office.

**3. Takes Effect.** Subject to the provisions of section 2 hereof this act shall take effect upon its passage.

[Approved May 31, 1939.]

## CHAPTER 153.

AN ACT EXEMPTING THE MEMBERS OF THE NATIONAL GUARD FROM THE PROVISIONS OF THE ACT RELATIVE TO FINANCIAL RESPONSIBILITY, IN MOTOR VEHICLE ACCIDENTS.

## SECTION

I. Motor vehicle financial responsibility act; exceptions.

## SECTION

2. Takes effect.

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

**1. Motor Vehicle Financial Responsibility.** Amend section 26 of chapter 161 of the Laws of 1937 by inserting at the end of said section the following: The provisions of this act shall not apply to a member of the national guard or to a motor vehicle owned by, or under lease to, the federal government and operated by him when engaged in military duty pursuant to orders from proper authority under existing state and federal laws, so that said section as amended shall read as follows:

**26. Application of Act.** This act shall in no respect be considered as a repeal of the provisions of the state motor vehicle laws but shall be construed as supplemental thereto. The provisions of this act shall not apply to a member of the national guard or to a motor vehicle owned by, or under lease to, the federal government and operated by him when engaged in military duty pursuant to orders from proper authority under existing state and federal laws.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 31, 1939.]

## CHAPTER 154.

## AN ACT CREATING A RETIREMENT SYSTEM FOR FIREMEN.

## SECTION

1. Declaration of policy.
2. Definitions.
3. Retirement board.
4. New Hampshire permanent firemen's association.
5. Duties of retirement board.
6. Individual accounts.
7. Retirement fund.
8. Contribution of state to retirement fund.
9. Administration of the retirement fund.

## SECTION

10. Retirement.
11. Retirement benefits.
12. Compensation in case of death or permanent disability.
13. Compensation; call firemen.
14. Resignation, dismissal and reinstatement.
15. Exemption.
16. Acts repealed.
17. Takes effect.

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

**1. Declaration of Policy.** The public welfare requires that a system of retirement benefits shall be established to compensate the permanent firemen of this state for their future public services rendered in the performance of their duties of saving life and property within this state; and that suitable compensation shall be provided for the firemen of this state or their dependents whenever such firemen shall be permanently disabled or killed in line of duty.

**2. Definitions.** The following words and phrases used in this act shall have the following meanings:

I. "Permanent fireman" shall mean a private fireman or officer regularly employed on full time duty by any fire department of any city, town or precinct in the state.

II. "New Hampshire Permanent Firemen's Association," hereinafter called "the association" shall mean a voluntary association of the permanent firemen of this state, organized to take advantage of the benefits of this act.

III. "Officer" shall mean any chief, deputy chief, captain, lieutenant or foreman regularly employed by a fire department of any city, town or precinct in the state.

IV. "Call fireman" shall mean a fireman not regularly employed by a fire department, but answering for duty only to alarms of fire.

**3. Retirement Board.** The administration of the retirement system created by this act is hereby vested in a board to be known as The Permanent Firemen's Retirement Board,

consisting of five members. The comptroller, the commissioner of insurance, and the state treasurer shall be *ex-officio* members of this board. The remaining positions on the board shall be filled in the following manner: The members of the New Hampshire Permanent Firemen's Association shall annually nominate from their number a panel of five persons, a list of whom shall be filed with the retirement board. From this panel the governor and council shall originally appoint two persons, and thereafter one annually, to the board. Members of the association appointed to the board in the manner aforesaid shall serve for the term of two years except that the original appointments shall be for one and two years respectively. Each member of the association so appointed shall hold office until his successor shall have been appointed and qualified. Until the appointment of two members of the association to the board, the *ex-officio* members of the board are hereby empowered to perform all the duties of the full retirement board. Whenever a vacancy occurs in the retirement board by reason of the death, resignation or inability to serve, of either of the two members of the association serving on said board, the governor and council shall fill the vacancy by appointing one person from the panel hereinbefore mentioned to serve for the unexpired term created by said vacancy. The members of the retirement board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred by them in the discharge of their official duties.

**4. New Hampshire Permanent Firemen's Association.** All permanent firemen in this state, who are or shall hereafter become members of the New Hampshire Permanent Firemen's Association and who are under seventy years of age at the time of the passage of this act and who accept the provisions of this act by making application to the retirement board and by agreeing to abide by such rules and regulations as it may prescribe pursuant to this act, are entitled to the benefits of this act. All applications to the retirement board must be made within thirty days after the passage of this act, provided, however, that all persons who are not permanent firemen at the date of the passage of this act, but who thereafter become permanent firemen, shall make application to the board not later than thirty days after becoming permanent firemen.

All permanent firemen who fail to accept this act within the time limits specified shall be ineligible to receive the benefits of this act. Permanent firemen accepting the provisions of this act shall give notice of such acceptance to the treasurer or other disbursing officer of the city, town or precinct which employs them.

**5. Duties of Retirement Board.** The retirement board shall supervise the collection of assessments on all permanent firemen accepting the provisions of this act, and the payment of retirement benefits and other compensation under this act. To carry out the purposes of this act, the board may make all manner of reasonable rules and regulations not inconsistent with the provisions of this act. The board shall employ a secretary at a salary to be approved by it, whose duty it shall be to keep a record of all its proceedings and to perform such administrative duties as it may direct. The expenses of administration of this act shall be paid out of the retirement fund hereinafter provided for.

**6. Individual Accounts.** The retirement board shall establish and keep a record of the individual account of each permanent fireman accepting the provisions of this act. Each individual account shall state the fireman's age, annual salary, length of service, date of retirement, total payments to the retirement fund, and total benefits or compensation received by such fireman.

**7. Retirement Fund.** The retirement benefits and other compensation provided for by this act shall be paid out of a retirement fund, which shall be established as follows: At the beginning of each fiscal year the retirement board shall fix a uniform rate of assessment upon the annual salaries of all permanent firemen who accept the provisions of this act. The rate of assessment shall be not more than four per cent nor less than one per cent of each permanent fireman's annual salary. The board shall, in such manner as it may prescribe, give notice of the rate and amount of assessment on each permanent fireman's salary to the treasurer or other disbursing officer of the city, town or precinct where such permanent fireman is employed. All assessments under this section shall be payable in equal monthly installments on the last business day of each calendar month. It shall be the duty of the treasurer or other disbursing officer of a city, town or precinct

which employs permanent firemen who accept the provisions of this act, to withhold from the monthly salary of each such permanent fireman, and to pay to the retirement board an amount equal to the monthly assessment against such permanent fireman's salary, as before provided. All permanent firemen who shall accept the provisions of this act, by such acceptance agree that the treasurer or other disbursing officer of the city, town or precinct which employs them, shall have the power to withhold from their monthly salaries the amounts as aforesaid.

**8. Contribution of State to Retirement Fund.** There is hereby appropriated, for the purposes of this act, the sum of twenty thousand dollars for the fiscal year ending June 30, 1940, and the sum of twenty thousand dollars for the fiscal year ending June 30, 1941. After the first two years of experience under this act, it shall be the duty of the comptroller in preparing the executive budget for each ensuing biennium to recommend to the governor the appropriation of an amount not to exceed twenty thousand dollars for each fiscal year, sufficient to meet the needs of this act. Donations to the retirement fund may be accepted by the state treasurer.

**9. Administration of the Retirement Fund.**

I. Unless otherwise established by the retirement board, the first fiscal year under this act shall begin on June 1, 1939. All moneys collected by the board under this act shall be forthwith remitted to the state treasurer, who shall act as custodian of the retirement fund. With the exception of such moneys as may be required for current disbursement, the state treasurer shall invest and reinvest the retirement fund in accordance with the laws governing the investments of savings banks.

II. Upon the receipt of an order from the retirement board, it shall be the duty of the state treasurer to pay out of the retirement fund to such persons as may be entitled thereto such benefits or compensation as the board may find due under the provisions of this act.

III. On or before the first day of August in each year, the state treasurer shall file with the secretary of the retirement board and the secretary of the association a sworn statement exhibiting the financial condition of the retirement fund as of the thirtieth day of June of such year. Such statement

shall be in such form as may be prescribed by the board and shall be published with the report of the state treasurer. The accounts of the retirement board and the books and accounts of the state treasurer as custodian of the retirement fund shall be audited and examined annually at the time and in the manner prescribed for the annual audit of the accounts of the state treasurer.

**10. Retirement.** No retirement under this act may take place before January 1, 1940, and no voluntary retirements may take place before January 1, 1942. Any permanent fireman who accepts the provisions of this act may retire from active service at the age of sixty-five provided he has served as a permanent fireman for a period of twenty years. All permanent firemen who accept the provisions of this act and who have served as permanent firemen for twenty years shall retire from active service at the age of seventy. Upon the recommendation of the association that any permanent fireman, who has accepted this act, is capable of further rendering satisfactory service, the retirement board may extend the age of compulsory retirement for such fireman for five years. Any permanent fireman accepting the provisions of this act and having served for twenty years, who shall be dismissed from service after having reached the age of sixty-five shall be entitled to the benefits of this act. Upon retirement a permanent fireman shall no longer be obligated to pay assessments to the retirement fund. Call firemen who become permanent firemen may have one half of their term of service as call firemen counted as part of their term of service as permanent firemen, provided that the five years immediately preceding retirement shall have been permanent service. The probationary periods of permanent firemen shall be counted as part of their term of service.

**11. Retirement Benefits.** Any permanent fireman who retires or is dismissed from service as provided in section 10, and who shall have complied with all the provisions of this act and with the rules and regulations of the board, shall be entitled to receive from said board for each year during the remainder of his natural life, a sum equal to one-half the annual salary received by him during the year preceding his retirement or dismissal as determined by the board. This sum shall



be paid to him in equal monthly installments on the first business day of each calendar month.

**12. Compensation in Case of Death or Permanent Disability.** A permanent fireman accepting the provisions of this act, who shall have become permanently disabled because of injury received in line of duty shall receive an annual sum equal to one-half his annual salary at the date of his disability, for the duration of such permanent disability. The fact of permanent disability may be established by the certificate of a physician designated by the board. In case a permanent fireman accepting the provisions of this act shall die as the result of injury received in line of duty, his widow, or if none, his minor child or children shall receive an annual sum equal to one-half the salary of such deceased fireman at the time of his death, until, in case of a widow, she dies or remarries, or, in case of minor child or children, they reach the age of eighteen years or die.

**13. Compensation in Case of Death or Disability of Call Firemen.** Any call fireman in this state who suffers injury in line of duty which results in total disability to perform any useful occupation, shall be entitled to receive for the duration of such disability, an annual sum equal to one-half the annual salary allowed to permanent firemen of same grade in same department to which said fireman belonged, or in nearest fire department employing permanent firemen. The fact of total disability may be established by the certificate of a physician designated by the board.

In case any call fireman in this state shall suffer injury in line of duty which results in death, his widow, or, if none, his minor child or children shall receive an annual sum equal to the compensation allowed call firemen in case of permanent disability, until, in case of a widow, she dies or remarries, or, in case of a minor child or children, they reach the age of eighteen years or die. The compensation provided for in this section shall be paid out of the retirement fund.

\*Any call firemen who desire the benefits of this act shall make application to the retirement board within thirty days of the passage of this act, and pay the sum of three dollars per year, said amount to be paid in one sum. Any person hereafter becoming a call fireman may in the same manner, within

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\* Amended chapter 182, *post*.

thirty days of his appointment thereto, accept the benefits hereunder.

Call firemen accepting the benefits of this act shall give notice of such acceptance to the treasurer or other disbursing officer of the city, town, or precinct which employs them.

**14. Resignation, Dismissal and Reinstatement.** Any permanent fireman accepting the provisions of this act who shall retire or be dismissed from service under the age of sixty-five years, and the personal representatives of any such permanent fireman who may die under the age of sixty-five years, shall be entitled to receive from the board all payments made thereto by him with interest at such rate as the board may prescribe. Upon retirement or dismissal from service a permanent fireman shall no longer be obligated to pay assessments to the fund. Any permanent fireman, resigned or dismissed from service as aforesaid, may, if he thereafter re-enters service as a permanent fireman, be reinstated to the benefits of this act upon payment to the board of all assessments which might have been assessed against him from the date of his original acceptance of this act to the date of his reinstatement to the benefits of this act.

**15. Exemption.** The payments made by permanent firemen to the retirement board and the benefits or compensation received under this act shall be exempt from taxation, attachment and the operation of laws relating to insolvency or bankruptcy. No assignment of benefits or compensation due under this act shall be valid unless approved by the board.

**16. Acts Repealed.** All special or general acts and parts of such acts, inconsistent with this act, are hereby repealed.

**17. Takes Effect.** This act shall take effect upon its passage.

[Approved June 1, 1939.]

## CHAPTER 155.

## AN ACT RELATING TO CLERK HIRE IN THE PROBATE OFFICE OF STRAFFORD COUNTY.

SECTION

1. Strafford county probate office,  
clerk hire.

SECTION

2. Takes effect.

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

**1. Strafford County Probate Office.** Amend section 21, chapter 294 of the Public Laws, as amended by chapters 89 and 141 of the Laws of 1929, chapter 14, Laws of 1935 and chapter 105 of the Laws of 1935, and section 1, chapter 111, Laws of 1937, by inserting after the words "In Rockingham county, eight hundred dollars" the words, In Strafford county, five hundred dollars, so that said section as amended shall read as follows: **21. Clerk Hire.** Registers of probate shall be allowed the following sums annually for clerk hire, payable monthly by the county:

In Rockingham county, eight hundred dollars.

In Strafford county, five hundred dollars.

In Merrimack county, nine hundred dollars.

In Hillsborough county, two thousand, five hundred dollars.

In Sullivan county, three hundred dollars.

In Grafton county, three hundred dollars.

In Coos county, one hundred fifty dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 2, 1939.]

## CHAPTER 156.

## AN ACT TO PROVIDE EDUCATIONAL FACILITIES FOR HANDICAPPED CHILDREN.

## SECTION

1. Handicapped children; enumeration, education required, employment of teachers, transportation, federal assistance, expenses.

## SECTION

2. Takes effect.

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

**1. Handicapped Children.** Amend chapter 116 of the Public Laws by inserting after section 39 the following new subdivision:

### Handicapped Children

**40. Definition.** The term "handicapped child" as used in this subdivision shall mean a child under twenty-one years of age, married or unmarried, whose activity is or may become so far restricted by defect or deformity of bones or muscles or the impairment of function thereof, or by other physical handicap, as to reduce his normal capacity for education and self-support.

**41. Enumeration of Handicapped Children.** Each truant officer, or agent appointed by the school board of cities or towns, shall annually, in the month of September, make an enumeration of every handicapped child within his school district and shall make a report thereof to the school board within fifteen days of its completion.

**42. State Board of Education Investigation.** The reports of truant officers and agents, as provided in the preceding section shall be forwarded by the school boards to the state board of education. Upon receipt of such reports said state board of education shall investigate the needs of such handicapped children and make such rules and regulations relative to their education as may be necessary for the proper development of said children. The state board shall also prepare and maintain a register of the handicapped children in the state, which register shall be separate from other registers maintained by said board.

**43. Education Required.** Every handicapped child capable of being benefitted by instruction shall attend a school or other

place for such instruction to which he may be assigned, or shall be instructed in his home for at least two hours per week for such number of weeks as the state board of education may determine.

**44. Teachers Employed.** The school board of every town shall, in accordance with rules and regulations of the state board, employ a teacher or teachers who shall offer instruction to such handicapped children, within the district, in their homes or at such places within or without the district and under such conditions as the board may arrange.

**45. Transportation.** The school board shall furnish suitable transportation to all handicapped children, who are physically able to be so transported, from their homes to the place where such instruction is to be furnished. Where the cost of such transportation would constitute an unreasonable expense the school board shall at the expense of the district board the children near the place where such instruction is to be furnished and provide transportation therefrom.

**46. Federal Assistance.** The state board of education is hereby authorized to co-operate with the federal government or any agency thereof in the development of any plan for the education of handicapped children and to receive and expend, in accordance with such plan, all funds made available to said board from the federal government or any of its agencies, the state or from other sources. The several school districts of the state are hereby authorized to receive and expend for the purposes hereof such funds as may be made available to them through the state board of education from the federal government or any of its agencies.

**47. Expenses.** The expenses incurred by a school board in administering the law in relation to education for handicapped children shall be paid by the district in which the case arises.

**47-a. Limitation.** Nothing in this subdivision shall be construed as authorizing any public official, agent or representative, in carrying out any of the provisions of this subdivision, to take charge of any child over the objection of either of the parents of such child, or of the person standing *in loco parentis* to such child, except pursuant to a proper court order.

2. **Takes Effect.** This act shall take effect as of September 1, 1939.

[Approved June 2, 1939.]

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## CHAPTER 157.

### AN ACT PROVIDING FOR REPORTS TO BE MADE CONCERNING CHILDREN WITH IMPAIRED HEARING.

#### SECTION

1. Reports required of children suffering deafness or impairment of hearing.

#### SECTION

2. Takes effect.

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

**1. Children Suffering Deafness or Impairment of Hearing.** Amend chapter 128 of the Public Laws by inserting after section 15, as inserted by section 2, chapter 58, Laws of 1937, the following new sections: **16. Reports Required.** Any parent, guardian, attending or school physician, nurse or teacher of any child, under sixteen years of age, who, for a period of six months or more, has evidenced an impairment of his hearing shall report the fact in writing to the secretary of the state board of health, giving the name, sex, age and residence of such child and any other information relative thereto as the secretary may require. **17. Rules and Regulations.** The state board of health is hereby authorized to make such rules and regulations as may be necessary or desirable relative to the reports required by section 16. **18. Information as to Schools.** The state board of education shall cooperate with the state board of health in furnishing to parents or guardians of such children information as to the location of schools for the deaf or the nearest public school having special classes for instruction for the hard of hearing.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 2, 1939.]

## CHAPTER 158.

## AN ACT RELATING TO INVESTMENTS OF SAVINGS BANKS.

## SECTION

1. Investments of savings banks.

## SECTION

2. Repeal; takes effect.

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

**1. Investments of Savings Banks.** Amend paragraph I-a of section 3, chapter 262, Public Laws, as inserted by section 1, chapter 32, Laws of 1935, and as amended by section 11, chapter 103, Laws of 1937, by striking out all of said paragraph and inserting in place thereof the following: I-a. Loans Insured by the Federal Housing Administrator. Those secured by mortgage on real estate situated within or without this state and without respect to the value of such real estate if the federal housing administrator has insured, or made commitment to insure, such notes and bonds, provided the laws of the United States entitle the mortgagee to receive payment of such insurance in cash or the debentures hereafter described, and such debentures issued by the federal housing administrator as are fully guaranteed as to principal and interest by the United States. The authority to invest in loans described in paragraph I and this paragraph shall be so exercised that the total amount invested in such loans shall not exceed seventy-five per cent of the deposits.

**2. Repeal; Takes Effect.** All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved June 2, 1939.]

## CHAPTER 159.

## AN ACT TO PROVIDE A BOND ISSUE FOR THE ERADICATION OF BOVINE TUBERCULOSIS AND BANG'S DISEASE.

SECTION	SECTION
1. Eradication of bovine tuberculosis and bang's disease.	4. Appropriation.
2. Bonds and notes authorized.	5. Takes effect.
3. Short-term notes.	

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

**1. Eradication of Bovine Tuberculosis and Bang's Disease.** Amend section 46, chapter 187, Public Laws, as amended by section 1, chapter 22, Laws of 1931, as amended by section 2, chapter 125, Laws of 1935, by striking out the entire section and inserting in place thereof the following: **46. Special Areas.** When sixty-five per cent of the cattle owners in any given town or county apply or have applied to the state for the tuberculin or bang's disease test, or when sixty-five per cent of all the cattle in a town or county are under state supervision, the commissioner may declare any town or county a quarantine area and proceed to test all animals within said area. When said area has been declared practically free from tuberculosis or bang's disease by the commissioner, said area may be declared a modified accredited area and the commissioner may issue rules and regulations prohibiting the shipment or transportation into said area of any bovine animals without permit and proper health certificates. On July 1, 1942 or within thirty days thereafter the commissioner shall declare the entire state of New Hampshire a quarantine area and proceed to test for bang's disease all animals within said area. The commissioner shall make such tests from time to time as he sees fit at the expense of the state, but if any reactors shall at any time be found they shall be appraised, slaughtered, and paid for as provided by this chapter, or may be retained in strict quarantine as herein provided. The commissioner may retest any animal or animals when in his judgment the conditions warrant it.

**2. Bonds and Notes Authorized.** The state treasurer is hereby authorized, with the consent of the governor and council, to borrow such sums as are needed from time to time, not to exceed seven hundred thousand dollars, upon the credit of



the state, and for that purpose may issue bonds and notes, in the name and on behalf of the state of New Hampshire, at a rate of interest to be so determined at the time of consent to the issue, and said interest to be payable semi-annually. Such bonds and notes shall be in such form and such denominations as the governor and council may determine, may be registerable as to both principal and interest, and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The maturity dates of such bonds and notes shall be within the limits herein fixed. One hundred thousand dollars of such bonds and notes shall mature in each of the following fiscal years: 1941, 1942, 1943, 1944, 1945, 1946 and the balance in the fiscal year of 1947.

The secretary of state shall keep account of all such bonds and notes as countersigned by the governor, showing the number and amount of each bond and note, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond and note, showing the number thereof, the name of the persons to whom sold, the amount received for the same, the date of the sale and the date of maturity. The treasurer may negotiate and sell such bonds and notes by direction of, and in such manner as, the governor and council deem most advantageous to the state.

The governor, with the advice and consent of the council, shall draw his warrant for the payment, from the funds provided for by this act, of all sums expended or due for the purposes authorized by section 4 hereof.

**3. Short-Term Notes.** Prior to the issuance of serial bonds and notes hereunder the treasurer, with the consent of the governor and council, may for the purposes hereof borrow money from time to time on short-term loans which may be refunded by the issuance of bonds and notes hereunder, provided however that at no time shall the indebtedness of the state on such short-term loans and said bonds and notes exceed the said sum of seven hundred thousand dollars.

**4. Appropriation.** The proceeds of the sale of the bonds and notes issued and sold under the provisions of sections two and three are hereby appropriated for the department of agriculture for use in eradicating bang's disease and for indemnities for bovine tuberculosis as provided for in chapter

187, Public Laws, and amendments thereto, and unexpended portions of said proceeds remaining in the treasury at the end of the fiscal year shall not lapse, but shall be available only for the eradication of bang's disease and for indemnities for bovine tuberculosis.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved June 2, 1939.]

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## CHAPTER 160.

AN ACT RELATING TO TEMPORARY VACANCIES IN THE OFFICE OF TOWN TREASURER AND TREASURER OF SCHOOL DISTRICTS.

SECTION	SECTION
1. Town treasurer, temporary vacancy.	3. Takes effect.
2. School district treasurer, temporary vacancy.	

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

**1. Town Treasurer.** Amend chapter 47 of the Public Laws by inserting after section 45 the following new section: **45-a. Temporary Vacancy.** If any person holding the office of town treasurer shall, by reason of illness, accident, absence from the state or other cause, become temporarily incapacitated and unable to perform the duties of his said office, the superior court may, upon application of the selectmen, declare a temporary vacancy and shall appoint an acting town treasurer to perform the duties of the office for a limited period of time expressed in the appointment and may extend or shorten said period to meet the situation, and may award proper compensation to the appointee for services and expenses, and shall fix the amount of the bond to be given by said appointee. Said appointee shall be subject to the requirements and liabilities of such office during the vacancy.

**2. School District Treasurer.** Amend chapter 120 of the Public Laws by inserting after section 22 the following new section: **22-a. Temporary Vacancy.** If any person holding the office of treasurer shall, by reason of illness, accident, absence from the state or other cause, become temporarily incapacitated and unable to perform the duties of his said office,

the superior court may, upon application of the school board, declare a temporary vacancy and shall appoint an acting district treasurer to perform the duties of the office for a limited period of time expressed in the appointment and may extend or shorten said period to meet the situation, and may award proper compensation to the appointee for services and expenses, and shall fix the amount of the bond to be given by said appointee. Said appointee shall be subject to the requirements and liabilities of such office during the vacancy.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 2, 1939.]

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## CHAPTER 161.

### AN ACT RELATIVE TO THE REGISTRATION FEES FOR MOTOR VEHICLE TRACTORS AND TRACTORS USED FOR AGRICULTURAL PURPOSES ONLY.

#### SECTION

1. Motor vehicle registration fees.
2. Tractors, trucks and commercial vehicles used for agricultural purposes only.

#### SECTION

3. Takes effect.

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

**1. Motor Vehicle Registration Fees.** Amend paragraph III of section 1, chapter 102, Public Laws, as amended by chapter 94, Laws of 1927, chapter 45, Laws of 1935, chapter 48, Laws of 1939, and section 5, chapter 132, Laws of 1939, by striking out the same and inserting in place thereof the following: III. For each motor vehicle or tractor, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle sidecars, and except as provided in paragraph III-a, the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding four thousand pounds, thirty-five cents per hundred pounds; exceeding four thousand pounds and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding six thousand pounds and not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hun-

dred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred pounds shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided that the minimum fee as provided herein shall be ten dollars for passenger vehicles and fifteen dollars for trucks. Well drilling machines on motor vehicle truck chassis and truck shovels on motor vehicle truck chassis shall pay one third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected. In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars.

**2. Tractors, Trucks and Commercial Vehicles Used for Agricultural Purposes Only.** Amend section 1 of chapter 102 of the Public Laws, by inserting after paragraph III, as hereinbefore amended the following new paragraph: III-a. For each tractor used for agricultural purposes only, each vehicle of the tractor type used for agricultural purposes only and used to draw another vehicle in such a way that a part of the load is carried on such towing vehicle, each tractor used for power purposes only that does not haul loads on the public highways, except as hereinbefore provided for tractor type vehicles, each tractor or truck used only on snow and each snowmobile, two dollars. Each commercial vehicle or truck used for agricultural purposes only and used on the public highways within a radius of five miles from the main entrance of the farm upon which said vehicle is operated, two dollars, provided that said vehicle under such limited registration shall not be used for the purpose of transporting produce or goods for sale or for hire.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 2, 1939.]

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## CHAPTER 162.

### AN ACT RELATING TO SIRENS ON MOTOR VEHICLES.

SECTION	SECTION
1. Use of sirens prohibited on motor vehicles.	3. Penalty for violations.
2. Manner of driving emergency motor vehicles.	4. Takes effect.

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

**1. Use Prohibited.** Amend chapter 103 of the Public Laws by inserting after section 4-b, as inserted by section 2, chapter 194 of the Laws of 1937, the following new section: **4-c. Sirens.** It shall be unlawful for any motor vehicle to be operated on the ways of this state equipped with a siren. The provisions of this section shall not apply to such emergency vehicles as police, fire department and fire patrol vehicles nor motor vehicles registered to law enforcement officers, or volunteer member of fire departments, nor public nor private ambulances.

**2. Manner of Driving Motor Vehicles.** Amend chapter 103 of the Public Laws by inserting after section 11 the following new section: **11-a. Emergency Vehicles.** A person operating an emergency vehicle, as exempted under the provisions of section 4-c, equipped with a siren shall not use said siren except when such vehicle is being operated in response to an emergency call, or in immediate pursuit of an actual or suspected violator of the law. An operator of a motor vehicle being operated on the ways of this state upon the approach of an emergency motor vehicle with its siren in operation shall immediately drive the vehicle as far as possible toward the right hand side of the way and shall bring the vehicle to a standstill until such emergency vehicle has passed.

**3. Violations.** Amend chapter 103 of the Public Laws by inserting after section 18-a, as inserted by chapter 34, Laws of 1937, the following new section: **19. Penalty.** Except as otherwise provided for herein any person convicted of a viola-

tion of any provision of this chapter 103 or any rule or regulation made under authority hereof shall be fined not more than twenty-five dollars for the first offense, and not more than one hundred dollars for any subsequent offense committed during any calendar year.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 2, 1939.]

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### CHAPTER 163.

#### AN ACT RELATIVE TO EXCEPTIONS TO THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT.

SECTION	SECTION
1. Motor vehicle financial responsibility law; exceptions.	2. Takes effect.

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

**1. Motor Vehicle Financial Responsibility.** Amend chapter 161 of the Laws of 1937 by inserting after section 26 the following new section: **26-a. Municipal Fire Departments.** The provisions of this act shall not apply to a permanent, call or volunteer fireman of a municipal fire department while on official duty operating a motor vehicle owned by the state or said fire department and shall not apply to said motor vehicle while so operated.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 2, 1939.]

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### CHAPTER 164.

#### AN ACT RELATIVE TO THE USE OF HIGHWAYS BY BICYCLE RIDERS AND OTHERS.

SECTION	SECTION
1. Bicycle riders, prohibitions.	3. Penalty.
2. City and town ordinances and by-laws.	4. Takes effect.

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

**1. Bicycles.** Amend chapter 90 of the Public Laws by inserting after section 17 the following new sections: **17-a.**

**Application of Laws.** Every person riding a bicycle upon a highway shall be subject to the law of the road applicable to the driver of a vehicle, as provided in sections 1 to 4, inclusive, of this chapter. **17-b. Clinging to Vehicles Prohibited.** No person riding any bicycle, coaster, roller skates, sled or toy vehicle shall hold fast to or hitch on to any street car or vehicle upon a highway.

**2. Cities and Towns.** Amend section 18 of said chapter 90 by striking out said section and inserting in place thereof the following: **18. Ordinances and By-Laws.** Any city or town shall have the power to make ordinances, by-laws or regulations respecting the use of and equipment of bicycles on the highways of said city or town including the power to require said bicycles to be licensed and may charge reasonable fees for such licenses.

**3. Penalty.** Amend said chapter 90 by inserting after section 18 the following new section: **18-a. Penalty.** Any person violating the provisions of section 17-b, or any ordinance, by-law or regulation made by a city or town under the provisions of section 18 shall be fined not more than five dollars.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1939.]

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## CHAPTER 165.

### AN ACT RELATING TO FOREST FIRES.

#### SECTION

1. Power of forest fire wardens to close highways in emergency.

#### SECTION

2. Takes effect.

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

**1. Powers of Forest Fire Wardens.** Amend chapter 191 of the Public Laws by inserting after section 19 the following new sections: **19-a. Closing Highways.** Any warden or deputy warden may order any road or highway closed to any motor vehicle or horse drawn vehicle in any town or city where there is a brush or forest fire if it becomes necessary in order to safeguard the proper extinguishing of said fire. **19-b. Penalty.** Any person who drives a motor vehicle or

horse drawn vehicle over a road or highway that has been closed under section 19-a, after having been instructed not to do so, shall be fined not less than ten dollars and not more than twenty-five dollars.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1939.]

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**CHAPTER 166.**

**AN ACT RELATING TO COMMITMENT TO THE STATE HOSPITAL.**

SECTION

1. Physicians certificates for com-  
mitment of insane persons.

SECTION

2. Takes effect.

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

**1. Commitment of Insane Persons.** Amend section 18 of chapter 11 of the Public Laws by inserting after the word "mayor" in the sixth line the words, or city clerk, or a justice of the municipal court of a city, and by inserting after the word "town" in said sixth line the words, or the town clerk, so that said section as amended shall read as follows: **18. Physicians' Certificates.** No person shall be committed to the state hospital, except as otherwise specially provided, without the certificate of two reputable physicians that such person is insane, given after a personal examination made within one week of the committal. Such certificate shall be accompanied by a certificate of a judge of the superior or probate court, mayor, or city clerk, or a justice of the municipal court of a city, or one of the selectmen of a town, or the town clerk, certifying to the genuineness of the signatures and the respectability of the signers. The physicians making such examination shall be legally registered to practice medicine in this state, and in the actual practice of their profession at the time of said examination and for at least three years prior thereto. They shall act jointly in making such examination, and their certificate shall bear the date thereof. Neither of said physicians shall be a relative of the person alleged to be insane, or an official of the institution to which it is proposed to commit him. The certificate of insanity shall be in the form prescribed by the commission of lunacy and shall contain



the facts and circumstances upon which the judgment of the physicians is based.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1939.]

## CHAPTER 167.

AN ACT TO ELIMINATE THE DIRECT STATE TAX ON REAL PROPERTY  
BY MEANS OF A TAX ON TOBACCO PRODUCTS.

### SECTION

1. Definitions.
2. Licenses to distributors and dealers.
3. Term of validity of license.
4. Revocation of license.
5. Tax on tobacco products imposed.
6. Stock in trade tax.
7. Sale of stamps.
8. Metering machines.
9. Resale and redemption.
10. Non-residents authorized to affix stamps.

### SECTION

11. Distributors to affix stamps.
12. Dealers to affix stamps.
13. Sale of unstamped tobacco products prohibited.
14. Sales between licensed distributors.
15. Forfeiture.
16. Fraudulent stamps.
17. Taxpayers to keep records; commission may examine.
18. Tax commission to administer act.
19. Takes effect.

WHEREAS, the tax load on real property is extremely heavy and is rapidly approaching a point where it will be unbearable; and

WHEREAS, the state, through the direct state tax levied on the cities and towns, at present adds to this burden in the amount of one million two hundred thousand dollars (\$1,200,000) annually; and

WHEREAS, in these times of extraordinary difficulty for taxpayers and when everything possible should be done for their relief, it is altogether desirable that the state do its part by eliminating the direct state tax; and

WHEREAS, it is feasible to accomplish this purpose by substituting for the direct state tax a levy upon tobacco products at the rate of fifteen per cent of the retail selling price, which among other results will impose a tax of one cent on each ten cigarettes; now, therefore

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

**1. Definitions.** Whenever used in this act the following words shall have the meanings set opposite them below:

- I. "Commission," the state tax commission.

II. "Person," any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed.

III.\* "Distributor," any person in this state engaged in the business of manufacturing or procuring tobacco products for sale to dealers in this state as defined herein and who purchases tobacco products at wholesale for the purpose of resale to retailers; provided any person engaged in conducting ten or more retail outlets for the sale of tobacco products in this state who shall buy such tobacco products at wholesale and sell them direct to the consumer at such retail outlets shall be considered a distributor.

IV. "Licensed distributor," a distributor licensed under the provisions of this act.

V. "Dealer," any person other than a distributor, who is engaged in this state in the business of selling tobacco products.

VI. "Licensed dealer," a dealer licensed under the provisions of this act.

VII. "Sale" or "Sell," any transfer, whether by bargain, gift, exchange, barter or otherwise.

VIII. "Stamp," includes impressions made by metering machines the use of which is authorized herein.

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2. **Licenses.** Each distributor or dealer in this state shall secure a license from the commission before engaging in the business of selling tobacco products in this state or continuing to engage therein after July 1, 1939. Each wholesale and retail outlet shall have a separate license, and a separate application shall be made therefor regardless of the fact that one or more outlets may be owned or controlled by a single person. The commission shall issue a license upon application stating such information necessary to identify the outlet and the character of business there transacted as the commission may require for the proper administration of this act. The commission shall charge a fee of twenty-five dollars for a wholesale license and one dollar for a retail license, for the purpose of helping to pay the cost of administering this act. Each license shall be prominently displayed on the premises described in it. Any person who shall sell, offer for sale or possess with intent to sell any tobacco products without a

\* Amended chapter 180, *post*.

† New paragraphs IX and X, chapter 180, *post*.

license as provided herein, shall be fined not more than twenty-five dollars for the first offense and not less than twenty-five dollars and not more than two hundred dollars for each subsequent offense.

**3.\* Term of Validity of License.** Licenses issued under the provisions of this act shall be valid for a period of one year from the date of issue, unless sooner revoked, or unless the business with respect to which a license was issued shall change ownership. Licenses may be renewed upon filing an application as provided in section 2 and paying the fee therein prescribed. No person shall cause a cigarette vending machine to be operated in this state unless such machine shall have been licensed by the commission as a retail outlet and appropriately identified as such in such manner as the commission shall determine.

**4. Revocation of License.** The commission may revoke any license issued hereunder for failure of the holder thereof to comply with the provisions of this act and lawful rules and regulations established hereunder.

**5.\* Tax Imposed.** A tax is hereby imposed at the rate of fifteen per cent upon the value of all tobacco products sold at retail in this state on and after July 1, 1939, measured by the sale price. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail, but the word package as used herein shall not include individual cigars, cigarettes, or plugs or hanks of chewing tobacco, and such stamps shall be affixed in denominations of not less than one-half cent to an aggregate value nearest the tax hereby imposed. No tax is imposed on any transactions the taxation of which by this state is prohibited by the constitution of the United States.

**6. Stock in Trade Tax.** The average value for the year of the stock of tobacco products carried by a licensed distributor or a licensed dealer shall be deducted from his stock in trade in computing the tax imposed by section 14, chapter 60 of the Public Laws and to that extent he shall be exempted from the tax on stock in trade.

**7.\* Stamps.** The tax commission shall provide the state treasurer with stamps suitable to evidence the payment of the tax hereby imposed. The state treasurer may sell such

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\* Amended chapter 180, *post*.

stamps to licensed distributors at a discount of five per cent to encourage distributors to affix such stamps and compensate them for so doing, and to licensed dealers at face value. The state treasurer may extend credit to the purchasers of such stamps for not more than thirty days, provided that a bond satisfactory to him in an amount not less than the sale price of the stamps shall have been filed with him.

8.\* **Metering Machine.** The tax commission may authorize any licensed distributor or dealer to use a metering machine in accordance with such rules and regulations prescribed by it as may be necessary to insure the payment of all taxes properly due in accordance with this act. The commission shall not permit the use of any such machine unless prepayment covering the amount of tax less the discount, if any, for which the meter is set shall have been made, or unless a bond satisfactory to the state treasurer shall have been filed conditioned upon payment of said amount. Cash may be accepted as security in place of a surety bond. Each machine shall be read and inspected at least once a month, and unless prepayment on account of said machine shall have been made the tax shall be determined at the time of each inspection, and after allowing for the discount, if any, as provided herein it shall become at once due and payable.

9.\* **Resale and Redemption.** No distributor or dealer shall sell or transfer any stamps issued under the provisions of this act. The state treasurer shall redeem any unused, uncanceled stamps presented by any licensed distributor or dealer, at a price equal to the amount paid therefor by such dealer or distributor.

10.\* **Non-residents Authorized to Affix Stamps.** If the commission shall find that the collection of the tax hereby imposed would be facilitated, it may in its discretion authorize any person resident or located outside this state and engaged in a business which would make such person if he carried it on in this state a distributor as defined herein, and who ships tobacco products into the state for sale to dealers, to affix the stamps required by this chapter on behalf of the purchasers of such tobacco products. Upon approval by the commission the state treasurer may sell stamps to such person or the commission may authorize the use of a metering machine as provided herein. No stamps shall be sold or no such

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\* Amended chapter 180, *post*.

authorization shall issue, however, until such non-resident person shall have appointed the secretary of state his attorney for the service of process in this state in the same manner as is provided in chapter 231 of the Public Laws. Service shall be made on the secretary of state as agent of such person in the same manner as is provided in said chapter 231. The commission may establish such rules and regulations and impose such conditions upon a grant of authorization to affix stamps to a non-resident as to it shall seem necessary to insure compliance with the provisions of this act, including the right to inspect the books of such non-resident and the posting of a bond conditioned upon the payment of all taxes hereby imposed.

**11. Distributors to Affix Stamps.** At any time before tobacco products are transferred out of the possession of a distributor after July 1, 1939, he shall affix, at the location for which the license is issued, to each individual package of tobacco products sold or distributed by him, stamps of the proper denomination in accordance with the rules and regulations established by the commission.

**12. Dealers to Affix Stamps.** Each dealer shall within twenty-four hours after July 1, 1939, and within twenty-four hours after coming into possession of any tobacco products not bearing proper stamps and before selling the same, affix thereto, at the location for which his license is issued, stamps of the proper denomination in accordance with rules and regulations established by the commission.

**13. Sale of Unstamped Tobacco Products Prohibited.** No distributor shall sell and no other person shall sell, offer for sale, display for sale, or possess with intent to sell any tobacco products not properly stamped hereunder, provided a licensed dealer may keep on hand at the location for which his license is issued unstamped tobacco products for a period not exceeding twenty-four hours. Any unstamped tobacco products in the possession of a dealer shall be presumed to be held by him for more than twenty-four hours unless proof be shown to the contrary. Any person who shall violate any provision of this section shall be fined not more than one hundred dollars for the first offense, and for each subsequent offense shall be fined not less than two hundred dollars nor more than five hundred dollars, or imprisoned not more than one year, or be both fined and imprisoned.

**14. Sales Between Licensed Distributors.** No provision of this act shall prohibit the sale of unstamped tobacco products by one licensed distributor to another licensed distributor.

**15. Forfeiture.** Any tobacco products found at any place in this state without stamps affixed thereto as required herein, unless they shall be in the possession of a licensed distributor or unless they shall be in the course of transit from without this state and consigned to a licensed distributor or a licensed dealer, or unless they shall have been received by a licensed dealer from without the state within twenty-four hours, shall be forfeited in the manner provided by chapter 372 of the Public Laws.

**16. Fraudulent Stamps.** Any person who shall fraudulently make or utter or shall forge or counterfeit any stamp prescribed by the tax commission under the provisions of this chapter, or who shall cause or procure the same to be done, or who shall wilfully utter, publish, pass or render as true, any false, altered, forged or counterfeited stamp, or who shall use more than once any stamp provided for and required by this chapter, for the purpose of evading the tax hereby imposed, or who shall tamper with or cause to be tampered with any metering machine authorized to be used under the provisions of this chapter, shall be deemed guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than ten years.

**17. Taxpayers to Keep Records; Commission May Examine.** Each distributor and each dealer shall keep complete and accurate records of all tobacco products manufactured, produced, purchased and sold. Such records shall be of such kind and in such form as the tax commission may prescribe and shall be safely preserved for three years in such manner as to insure permanency and accessibility for inspection by the commission and its authorized agents. The commission and its authorized agents may examine the books, papers and records of any distributor or dealer in this state, for the purpose of determining whether the tax imposed by this chapter has been fully paid, and may investigate and examine the stock of tobacco products in or upon any premises where such tobacco products are possessed, stored or sold, for the purpose of determining whether the provisions of this chapter are being obeyed.

**18. Tax Commission to Administer Act.** The tax commission shall administer this act and to that end shall prescribe all necessary forms, employ, and subject to the approval of the governor and council, fix the compensation of necessary assistants, and prescribe rules and regulations not inconsistent with this act, to carry into effect the provisions of this act. In the administration of this act the tax commission shall have and use the powers vested in it by chapter 68 of the Public Laws relating to the attendance of witnesses and the conduct of investigations.

**19.\* Takes Effect.** Sections 1, 6, 7, 8, 9, 10, 11, 12, 14, 16 and 18 of this act shall take effect upon its passage, and the remaining sections shall take effect June 30, 1939.

[Approved June 7, 1939.]

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## CHAPTER 168.

### AN ACT RELATING TO FEDERAL AID FOR WILDLIFE-RESTORATION PROJECTS.

SECTION

1. Wildlife-restoration projects.

SECTION

2. Takes effect.

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

**1. Wildlife-Restoration Projects.** The state of New Hampshire hereby assents to the provisions of the act of Congress entitled, "An Act to provide that the United States shall aid the states in wildlife-restoration projects, and for other purposes," approved September 2, 1937 (Public No. 415, 75th Congress), and the fish and game department, or any other state agency permitted by said act of Congress, are hereby authorized and empowered to perform such acts as may be necessary to the conduct and establishment of co-operative wildlife-restoration projects as defined in said act of Congress, in compliance with the said act and rules and regulations promulgated by the secretary of agriculture thereunder. Provided, that any funds accruing to the state of New Hampshire from license fees paid by hunters shall be diverted to no other purpose than the administration of the duly authorized activities of the fish and game department.

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\* Amended chapter 180, *post*.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1939.]

## CHAPTER 169.

### AN ACT RELATIVE TO TAKING FISH.

SECTION	SECTION
1. New chapter	MISCELLANEOUS PROVISIONS
BROOK TROUT	32. Poison; explosives.
1. General provisions.	33. Obstructions.
2. Limitation.	34. Nets; traps.
3. Bait and fly fishing.	35. Drawing water.
4. Bait and fly fishing.	36. Prohibited devices.
5. Fly fishing only.	37. Selling fry.
6. Ten inches and over.	38. Fertilizer.
7. Certain brooks.	39. Bait prohibited.
8. Creel limit.	PENALTIES
9. Martin Meadow pond.	40. Penalty.
10. Salmon.	LOBSTERS
11. Lake trout.	41. Licenses.
12. Aureolus; limit.	42. Revocation; suspension.
13. Salmon; lake trout; limit.	43. Who may take lobsters.
14. Taking.	44. Distinctive mark.
15. Trolling.	45. Prohibition.
OTHER FISH	46. Legal length.
16. Black bass.	47. Interference with lobster pots.
17. Muscallonge.	48. Marking pots and traps.
18. Pike perch.	49. Reports.
19. White perch.	50. Conservation officer.
20. Yellow perch.	51. License for selling.
21. Shad; whitefish.	52. Prohibition.
22. Pickerel.	53. Penalties.
23. Pickerel, open waters.	SALT WATER FISH, ETC.
24. Horned pouts.	54. Salt water smelt.
25. Smelt.	55. Nets.
26. Closed to smelt fishing.	56. Cod, etc.
27. Suckers, taking author- ized.	57. Oysters.
28. Ice fishing.	58. Limit.
29. Closed to ice fishing.	59. Conch.
30. Closed to all fishing.	60. Clams.
31. Closed to night fishing.	61. Penalties.
2. Repeal.	3. Takes effect.

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

1. **New Chapter.** Amend chapter 201 of the Public Laws, as inserted by section 5, chapter 124, Laws of 1935, as amended by chapters 2, 56, 114, and 168, Laws of 1937, section 5, chapter 96, Laws of 1937, sections 18 and 18-a, chapter



188, Laws of 1937, and chapters 7, 57, 82, 83, 115, 126, and 127, Laws of 1939, by striking out said chapter and inserting in place thereof the following new chapter:

## CHAPTER 201

### FISH

#### Brook Trout

**1. General Provisions.** Brook trout may be taken and possessed from May first to September first, and during the month of September by the use of artificial flies only, in Coos, Grafton and Carroll counties. Brook trout may be taken and possessed from May first to August first, and during the month of August by the use of artificial flies only, in all of the other counties in the state. Of brook trout taken under the provisions of this section no person may take more than twenty in number nor more than five pounds in weight when taken, in one day, provided so long as he has taken less than five pounds he shall be entitled to one additional fish. During the period from April fifteenth to May first, 1939, and for the like period, 1940, brook trout may be taken and possessed as permitted in this section in addition to the regular season therefor. The provisions of this section shall not apply in waters where special provisions are applicable.

**2. Limitation.** No person may take or possess brook trout less than six inches in length. No person may have in his possession at one time a total of more than two days' legal catch of brook trout.

**3. Bait and Fly Fishing.** Brook trout not less than seven inches in length may be taken by the use either of bait or artificial flies from May first to September first, and during the month of September by the use of artificial flies only, from the following waters:

I.\* Back lake in Pittsburg, Ferrin pond in Weare, Gustin pond in Marlow, Halls ponds in Sandwich, Ledge pond in Madison, Little Diamond pond in Stewartstown, Lily pond in Gilford.

II. Long pond in Benton, Lucas pond in Northwood, Melvin river above the New Road bridge, so called, in Tufon-

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\* Amended, chapter 193, *post*.

boro, Mount William pond in Weare, Nippo pond in Barrington, Mirror lake in Whitefield.

III. Pine river in Effingham, Wakefield and Ossipee, Connor pond in Ossipee, Pleasant pond in Deerfield, Poverty pond in Hill, Robartwood lake in Campton, Rocky Bound pond in Croydon, Round pond in Pittsburg and Trio ponds in Odell.

IV. Saltmarsh pond in Gilford, Shawtown pond in Freedom, Spectacle pond in Groton and Hebron, Sand pond in Marlow and Stratford Bog in Stratford.

4. **Bait and Fly Fishing.** Brook trout not less than seven inches in length may be taken by the use either of bait or artificial flies from April fifteenth, or as soon thereafter as the ice goes out, to September first and by the use of artificial flies only during the month of September from Partridge lake in Littleton.

5. **Fly Fishing Only.** Brook trout not less than seven inches in length may be taken from May first to October first by the use of artificial flies only from the following waters:

I. Armington lake in Piermont, Beaver pond in Woodstock, Clarksville pond in Clarksville, East Inlet and tributaries to Second Connecticut lake in Pittsburg, Coon Brook Bog in Pittsburg.

II. Duck pond in Weare, Echo lake in Conway, Glen Ellis river, between covered bridge in Jackson and Goodrich Falls dam in Bartlett, Grimstone reservoir in Belmont.

III. Hunkins pond in Sanbornton, James pond in Tamworth, Little Millsfield pond in Millsfield, Mirror lake in Woodstock.

IV. Newfound river from the dam at the outlet of Newfound lake to the Dodge and Davis woolen mill dam in Bristol, March pond in Hill, Moody pond in Weare, Moose pond in Millsfield, Morey pond in Andover.

V. Profile lake in Franconia, Round pond in Nottingham.

VI. Sawyer pond in Livermore, Scobie's pond in Derry, Scott's Bog in Pittsburg, Swift river in Tamworth, Stonehouse pond in Barrington, Upper pond of Ellsworth Three ponds in Ellsworth and Warren.

VII. White pond in Ossipee.

VIII. Adams pond in Hill, Reservoir pond in Hill, Shaw pond in Franklin, Stirrup Iron Brook pond in Salisbury.

IX. From June first to October first in Connecticut river

from the First Connecticut lake dam to the covered bridge at the Archie Heath place, so called, and in Perry stream from the Happy Corner bridge, so called, to the Connecticut river, all in Pittsburg.

**6. Ten Inches and Over.**

I. In Big Dan Hole pond in Ossipee and Tuftonboro, Pleasant lake in New London, Tewksbury pond in Grafton, in Sunapee lake, and in lakes and ponds where trolling is permitted for lake trout and salmon, brook trout ten inches and over may be taken from April fifteenth to September first and during the month of September by the use of artificial flies only.

II. In Big Brook, Big Brook Bog and their tributaries all north of the highway leading from the First to the Second Connecticut lake, brook trout ten inches and over may be taken from May first to October first by the use of artificial flies only.

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**7. Certain Brooks.** Brook trout not less than six inches in length may be taken and possessed from June first to September first, from the following waters: Jackknife Hill brook in Errol, Millsfield pond brook in Millsfield and Errol and Smoky Camp brook in Errol, except as provided in paragraph XVIII of section 30 hereof.

**8. Creel Limit.** Of brook trout taken under the provisions of sections 3 to 7, inclusive, of this chapter no person may take more than ten in number, nor more than five pounds in weight when taken, in one day; provided that so long as he has taken less than ten in number or five pounds in weight, he shall be entitled to take one additional fish; and provided further that from the ponds named in paragraph VIII of section 5 and paragraph II of section 6 no person may take more than five in number nor more than five pounds in weight when taken, in one day, except that so long as he has taken less than five in number or five pounds in weight he shall be entitled to take one additional fish.

**9. Martin Meadow Pond.** Any species of trout not less than seven inches in length may be taken from Martin Meadow pond in Lancaster from June first to October first, but no person may take in one day a total of more than two pounds of

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\* Section 6-a inserted by section 3, chapter 192, *post*.

trout, regardless of species; provided that if he has taken less than two pounds he shall be entitled to take one additional fish.

**10. Salmon.** Salmon not less than twelve inches in length may be taken and possessed from Big Diamond pond, Umbagog lake, and the Connecticut and Androscoggin rivers, and not less than fifteen inches in length from all other waters of the state, from April fifteenth to September first, and during the month of September by the use of artificial flies only.

**11. Lake Trout.** Lake trout not less than twelve inches in length may be taken and possessed from Big Diamond pond, Big Greenough pond, and Stinson lake, and not less than fifteen inches in length, from all other waters of the state, from January first to September first, and during the month of September by the use of artificial flies only, except that in Lake Massabesic lake trout not less than fifteen inches in length may be taken in open waters by trolling only from January first to September first, and by the use of artificial flies only during the month of September and in said lake said lake trout may, during the open season, be taken through the ice as provided in section 28.

**12. Aureolus; Limit.** Aureolus, or golden trout, not less than twelve inches in length, may be taken and possessed from April fifteenth to September first. A person may take not more than four Aureolus in one day.

**13. Salmon; Lake Trout; Limit.** A person may take not more than two fish, whether salmon or lake trout, and three or more persons fishing from a boat may take a total number of not more than six fish, whether salmon or lake trout in one day; and for the purposes hereof, every person in a boat, when any violation of this section takes place, or when more than six such fish shall be found in such boat, shall be regarded as principals, and each shall be liable for the penalty hereinafter prescribed.

**14. Taking.** The taking of any of the species mentioned in the preceding sections of this chapter between two hours after sunset and one hour before sunrise is prohibited. The taking of any of such species, except lake trout, through the ice is prohibited provided the said fish may be taken after

April fifteenth during the open season through a natural opening in the ice.

**15. Trolling.** A person may troll for salmon and lake trout from April fifteenth to September first. No person shall troll with the aid of a boat propelled by mechanical power in Lake Winnepesaukee, including that part of said lake called Lake Paugus, Lake Winnisquam, Big and Little Squam lakes, and Newfound lake, between July first and September first.

#### Other Fish

**16. Black Bass.** Black bass not less than nine inches in length may be taken and possessed from July first to November first. A person may take in one day a total of not more than ten pounds of black bass provided, however, that so long as he has taken less than ten pounds he shall be entitled to one additional fish.

**17. Muscallonge.** Muscallonge may be taken and possessed from June first to November first.

**18. Pike Perch.** Pike perch not less than ten inches in length may be taken and possessed from June first to November first. Pike perch of any size and in any quantity may be taken and possessed at any time from Canobie lake in Salem and Windham.

**19. White Perch.** White perch not less than seven inches in length may be taken and possessed from June first to November first. A person may take a total of not more than ten pounds of white perch in one day, provided so long as he has taken less than ten pounds he shall be entitled to take one additional fish, with the exception of Massabesic lake where white perch of any length and in any quantity may be taken and possessed at any time.

**20. Yellow Perch.** A person may take a total of not more than forty yellow perch or ten pounds of yellow perch in one day provided that so long as he has taken less than ten pounds he shall be entitled to take one additional fish.

**21. Shad; Whitefish.** Shad, whitefish or bluefins, may be taken and possessed from January first to September first. A person may take a total number of not more than twelve shad, whitefish, or bluefins in one day.

**22. Pickerel.** Pickerel not less than twelve inches in length may be taken and possessed from June first to January sixteenth, except that in Lake Winnepesaukee, Lake Mas-

sabesic, Squam Lake, Lake Winnisquam and Lake Wentworth in Wolfeboro pickerel of not less than twelve inches in length may be taken and possessed from June first to April first. A person may take not more than ten pounds of pickerel in one day, provided that so long as he has taken less than ten pounds he shall be entitled to one additional fish.

**23. Pickerel, Open Waters.** Pickerel of any size and in any quantity may be taken and possessed at any time from the following waters:

I. Armington lake in Piermont, Cocheco river, Contoocook river from Cheshire Mill pond to Merrimack river, Crystal lake in Enfield.

II. Dodge pond in Lyman, Elbow pond in Woodstock, Ellsworth pond in Ellsworth, Flag pond in Lyman, Lamprey pond in Orford.

III. Mason pond in Orford, Merrymeeting lake in New Durham, Middleton reservoir in Middleton, Mirror lake in Woodstock.

IV. Newfound lake, Ogontz lake in Lyman, Pea Porridge pond in Madison and Conway, Pearl lake in Lisbon.

V. Pemigewasset river, Post pond in Lyme, Rocky pond in Wentworth, Round pond in Lyman.

VI. Silver lake in Madison, Sunapee lake, Tarleton lake in Piermont and Warren, Tewksbury pond in Grafton, Town Line pond in Dorchester and Wentworth, Trout pond in Dorchester, Winnepesaukee river, all streams in the state inhabited by trout and all lakes and ponds of Coos county inhabited by trout except Umbagog lake in Errol and Cambridge and except that part of Umbagog lake known as Leonard pond in Errol and except the Magalloway river and its tributaries and the Androscoggin river and its tributaries, from Umbagog lake to Errol dam.

VII. Pickerel of any size and in any quantity may be taken and possessed at any time, except through the ice from the following waters: Lucas pond in Northwood, Martin Meadow pond in Lancaster, Pleasant lake in Deerfield, Powwow river, Spectacle pond in Groton and Hebron, Stinson lake in Rumney.

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**24. Horned Pouts.** Horned pouts, commonly called catfish,

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\* Paragraph VIII inserted by section 3, chapter 193, *post*.

may be taken and possessed from June first to November first. A person may take not more than forty horned pouts between twelve o'clock noon in one day and twelve o'clock noon of the following day.

**25. Smelt.** Fresh water smelt may be taken and possessed by means of a dip net, held in the hand, and for bait by means of a circular drop net not more than forty-eight inches in diameter. A person may take a total of not more than five pounds of fresh water smelt between twelve o'clock noon in one day and twelve o'clock noon the following day. They may be bought and sold only for use as bait.

**26. Closed to Smelt Fishing.** The following waters are closed to smelt fishing:

I. Dana Hines brook in Meredith, Dublin pond and the outlet as far as Clark's Mill pond dam in Dublin, White pond in Ossipee, Black brook in Sanbornton for a distance of two hundred yards above its middle mouth to a point one hundred and fifty yards out into the lake from its middle mouth.

II. Massabesic lake and all its tributaries in Manchester and Auburn, Silver lake and its tributaries in Madison, Massasecum lake in Bradford, Pleasant pond and its tributaries in Deerfield, Mascoma river in Mascoma and Lebanon from the outlet of the lake to the south ends of the abutment of the first railroad bridge.

III. First Connecticut lake and its tributaries in Pittsburg, all tributaries of Sunapee lake, Highland lake and its tributaries in Andover, all tributaries of Webster lake in Franklin, Echo lake in Marlow and Lempster, Inlet brook to Ledge pond in Madison, all tributaries of Loon lake in Freedom, except Village brook, Nubanusit lake and all its tributaries in Hancock and Nelson.

IV. Silver lake in Nelson and Harrisville, Mill brook from White Oak pond to Big Squam lake in Holderness, all tributaries to Lake Tarleton in Piermont, Swanzey lake in Swanzey, all tributaries of Little Sunapee lake in New London, Spofford lake and its tributaries in the town of Chesterfield; Fernald brook flowing into Lake Wentworth in Wolfeboro and the mouth of Fernald brook where it flows into the lake for an area of fifty feet out into the lake, Bradley lake in Andover.

**27. Suckers; Taking Authorized.** Suckers may be taken

by the use of hand dip nets not over eighteen inches in diameter, or drop nets not over forty-eight inches in diameter, or by spear, from March first to June first and suckers may be taken at any time for bait with a trap made of wire or slats of a length not to exceed fifty inches and of a width not to exceed thirty inches, with an aperture for the entrance of fish not to be smaller than three and one-half inches. The provisions of section 36 shall not apply to persons taking suckers as provided by this section.

**28. Ice Fishing.** Lake trout, perch, shad, whitefish, pickerel and cusk may be taken through the ice during the open season therefor, with hook and line, tip-ups or bobs; but no person shall have in use or control at the same time more than six lines, tip-ups or bobs, and such person shall be present and have personal control over the same, except that ten such devices for taking cusk, marked with the name of the owner, may be set and left unattended for a period not longer than twenty-four hours, and provided further that none of said hooks and lines, tip-ups or bobs shall be connected by or to any wire, cord or rope extending from any one of said lines, tip-ups or bobs to any other of such devices or be in any other manner connected. Nothing in this section shall be construed as prohibiting fishing for lake trout or shad, through the ice, with one line in hand, in addition to ten such unattended cusk lines. No person shall take more than two lake trout through the ice in one day.

**29. Closed to Ice Fishing.** The following waters are closed to fishing through the ice:

I.\* Arlington Mills reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Dimond or Tom pond in Warner, Elbow pond in Woodstock, Ferrin pond in Weare, Forham pond in Dunbarton, Forest lake in Winchester.

II. Great pond in Kingston, Island pond in Stoddard, Little Island pond in Pelham, Long pond or Highland lake in Stoddard, Massasecum lake in Bradford.

III. Miller pond in Grantham, Mirror lake in Whitefield, Mount William pond in Weare, Mountain View lake in Sunapee, Nippo pond in Barrington.

IV. Northwood lake in Northwood and Epsom, North River lake in the towns of Northwood, Nottingham and

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\* Amended, chapter 193, *post*.



Barrington, Nutt pond in Manchester, Partridge lake in Lyman and Littleton, Pillsbury Reservation in Washington, Pleasant lake in New London, Robb reservoir in Stoddard, Spoonwood pond in Nelson.

V. Scott pond in Fitzwilliam, Stocker pond in Grantham, Stone House pond in Barrington, Streeter pond in Lisbon, Sunset lake in Greenfield, Tucker pond in Salisbury.

VI. Warren lake in Alstead, Wash pond in Hampstead, White's pond in Pelham, Winnipauket lake in Webster, Zephyr lake in Greenfield.

VII. Corbetts pond in Windham until May first, 1941.

VIII. Newfound lake except from the fifteenth day of January until the first day in March.

IX. Nubanusit lake in Hancock and Nelson from January first to February sixteenth.

**30. Closed to All Fishing.** The following waters are closed to all fishing:

I. Alder brook, a tributary of Stearns brook, in Milton and Success, Amos Pike or Starch Factory brook, from its source to the highway leading from the state road to the French pond road and all tributaries of Long pond in Benton and the area of said Long pond one hundred feet from the inlet out into the pond and fifty feet on each side of said inlet, the New Inlet brook from Back lake road to Back lake also a radius of one hundred feet out from the mouth of said brook into Back lake, Pittsburg.

II. Big brook, in Pittsburg, east of the road leading to Idlewild to the Connecticut river, the tributaries of Big Dan Hole pond in Ossipee and Tuftonboro, the tributaries of Bowen brook in Landaff and Easton, Center brook from the main highway at Moody pond up-stream to its source and all tributaries.

III. Cockermonth river in the towns of Hebron and Groton from the bridge at Sculpture Rocks, so called, to the shore line of Newfound lake, Connecticut river, in Pittsburg, the main river from the highest point of the Big Pitch to the First Connecticut lake level, all tributaries of Dead Diamond river in Dartmouth College Grant.

IV. Fowler river, between Ted Lard's dam in Alexandria and the covered bridge on the highway around Newfound lake, Hatchery, Bixbie or Patch brook, so called, in the town of

Warren, from the Baker river to the elm tree in the Bixbie pasture, and all tributaries of same except the Hurricane brook, North Branch of the Gale river and all tributaries above Littleton water supply dam in Bethlehem and Franconia, all tributaries of Lamb Valley pond in Dartmouth College Grant.

V. Lime Kiln brook and its tributaries above the number 6 schoolhouse, in Haverhill, all tributaries of Marshall pond in Unity, Melvin river below the New Road bridge in Tuftonboro, all tributaries of Merrymeeting lake in New Durham, all tributaries of Morse brook in Easton.

VI.\* Oliverian brook in Benton and Warren, and its tributaries from its source to where it crosses the state highway leading from Warren to Haverhill, all tributaries of Peabody river in Green's Grant except the West Branch and Nineteen-mile brook.

VII. All tributaries of Pleasant lake in New London and that portion of Pleasant lake which forms a cove into which Chandler brook flows out to a line between two markers approximately one hundred yards north from Chandler brook, all tributaries of Pisgah reservoir in Winchester.

VIII. Sand Hill brook in Auburn, Derry and Londonderry, Smith brook in Pittsburg from the dam to the main river, Spring pond brook in Bennington, streams between Tioga, Sargent and Badger reservoirs in Belmont, all tributaries of Swift Diamond river in Dartmouth College Grant, all tributaries of Taggart brook in Peterborough.

IX.\* Three pond brook in Rumney, Trout brook, the inlet of Post pond in Lyme, up-stream from the pond for a distance of approximately two miles to the falls, all tributaries of Tunnel stream in Benton and its tributaries above the Parker House, Twitchell brook, flowing east into the Androscoggin river, West Branch watershed of the Ammonoosuc river, tributaries of Kilkenney, including the West Branch.

X. The inlet of Little Diamond pond in Stewartstown for the distance of one hundred feet from the inlet out into the pond and fifty feet on each side of said inlet.

XI. Robinson pond in the town of Hudson for the period from February 23, 1939, to February 23, 1941.

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\* Amended, chapter 192, *post*.

XII. Umbagog lake in Errol and Cambridge and that part of the lake called Leonard pond in Errol and the Magalloway river and all its tributaries and the Androscoggin river and all its tributaries from Umbagog lake to Errol dam are hereby closed to all fishing from October first to January first and from March first to April first.

XIII. Lake Katherine in the town of Piermont for the purpose of propagating white perch.

XIV. The South Branch of the Gale river in Franconia and Bethlehem for one-fourth mile above the point of the intake, so called, of the Bethlehem Village District and all tributaries entering said Gale river above said point of intake situated in the town of Franconia.

XV. Zealand river for one-fourth mile above the point of intake and all tributaries thereto from its and their sources to the point of intake, so called, of the public water supply of the Bethlehem Village District, situated in the town of Bethlehem, said waters being closed to fishing to prevent pollution of said water supply.

XVI. Gumpus pond in Pelham from November first to June first.

XVII. All tributaries of Sunapee lake in the towns of Sunapee, Newbury and New London, except that during the open season therefor suckers may be taken from said waters.

XVIII. Sessions pond brook in Cambridge, Little Millsfield pond brook, Jackknife Hill brook, Munn pond brook and Smoky Camp brook in the town of Errol, from the west side of the main roads, except that smelt may be taken by the use of a dip net, during the open season therefor.

**31. Closed to Night Fishing.** No person shall fish in the Androscoggin river from the head of Pontook Flowage at the foot of Mile and One-half Falls, so called, in the town of Dummer, to the foot of Errol dam during the period from two hours after sunset to one hour before sunrise.

### Miscellaneous Provisions

**32. Poison; Explosive.** No person shall take any fish by the use of any poisonous, stupefying or explosive substance. Possession of any such substance by any person on the waters, shores, or islands of this state, except for mining or mechanical purposes, shall be *prima facie* evidence that the

same is possessed for use in violation of the provisions of this section.

**33. Obstructions.** No person shall, by means of a rack, screen, weir or other obstruction, in any stream or river, or the inlet or outlet of a public pond, prevent the passage of fish.

**34. Nets; Traps.** A dip net held in hand may be used to assist in the taking of fish attached to a hook. A circular drop net, not more than forty-eight inches in diameter, may be used for taking minnows for bait, from waters not inhabited by brook trout. Minnow traps may be set for taking minnows for bait, in waters inhabited by trout, provided that no such trap shall exceed eighteen inches in length, and that the aperture therein for the entrance of fish shall not exceed one inch in diameter.

**35. Drawing Water.** No person shall take fish by shutting or drawing off water.

**36. Prohibited Devices.** No person shall use, have in his possession for use, or furnish for another's use, for taking fish in the fresh waters of this state, except as specifically permitted in this title, a net of any kind or description, set line, fishing otter, trawl, grapple, spear, jack, jack light or electrical or other device for killing or stunning fish. A person found on any such waters of this state, or the shores or islands thereof, having in his possession any of the aforesaid devices, shall be *prima facie* guilty of a violation of the provisions of this section. Such devices are declared to be public nuisances and may be summarily seized and destroyed by any person. The provisions of this section shall not apply to the director or any person acting under his direction.

**37. Selling Fry.** No person shall buy, sell, offer for sale, carry beyond the limits of the state, or place in private waters, any fish or fry entrusted to his care by the director for distribution in the waters of this state.

**38. Fertilizer.** No person shall take or use any species of fish except suckers for fertilizer.

**39. Bait Prohibited.** No person shall use carp or goldfish as live bait when fishing in any waters of this state. Possession of live carp or goldfish while fishing shall be *prima facie*

evidence of a violation of this section. No person shall use shad or whitefish for bait for cusk.

### Penalties

**40. Penalty.** A person who violates any provision of the preceding sections shall be fined as follows: For each violation of sections 1 to 14, 16 to 31 inclusive not more than ten dollars and not more than five dollars for each fish taken, possessed, bought or sold in violation thereof; of sections 32 to 36 inclusive not more than fifty dollars; of sections 15, 37, 38 and 39 not less than ten nor more than fifty dollars.

### Lobsters

**41. License.** No person shall at any time place, set, keep, maintain, supervise, lift, raise or draw in, from any waters under the jurisdiction of this state, any pot, trap, warp, or any other device used in taking lobsters without first procuring a special license so to do; nor during the time from sunset to one hour before sunrise. Such license shall be issued by the director, under such rules and regulations and in such form as may be prescribed by him, upon the payment of five dollars.

**42. Revocation; Suspension.** Persons convicted for violation of the law pertaining to taking lobsters shall forfeit their license for one year. If an appeal is taken the license shall be suspended pending the disposition of said case and for one year thereafter from date of conviction by the higher court. Any person whose license has been revoked or suspended shall not accompany any licensed lobster fisherman or assist him in any way while he is engaged in catching lobsters.

**43. Who May Take Lobsters.** No person shall take lobsters from the waters of New Hampshire unless he is a *bona fide* resident of the state, and no license shall be issued to a person unless he shall furnish proof that he has resided within the state for at least five years preceding his application for a license. The provisions of this section shall not apply to persons who were licensed to take lobsters for the year 1936.

**44. Distinctive Mark.** Any person taking any female lobster carrying spawn shall immediately mark said lobster with a distinctive mark and return said lobster to the water.

The director shall furnish to any person requesting the same a punch for the purpose of making such distinctive mark.

**45. Prohibition.** No person shall remove spawn from any female lobster and no person shall take, serve, have in his possession, except as provided in the preceding section, sell, or offer for sale any female lobster carrying spawn or female lobster bearing the distinctive mark as provided in the preceding section.

**46. Legal Length.** No person shall buy, sell, give away or expose for sale, or possess for any purpose, any lobster of a length less than three and one-sixteenth of an inch in length alive or dead, cooked or uncooked, measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell. The possession of mutilated lobster cooked or uncooked shall be *prima facie* evidence that it is not of legal length. Whoever ships, transports, carries, buys, gives away, sells or exposes for sale lobster meat after the same shall have been taken from the shell without the tail meat being whole and intact, and of a length of less than four and one-quarter inches when laid out straight and measured from end to end, not including the small part that is on the body end of the tail meat, shall be liable to the penalty imposed for violation of this section.

**47. Interference with Lobster Pots.** No person shall take up or in any way interfere with a lobster pot, nor take, remove or carry away from the beach or shore any lobster net, or warp or buoy thereof, without the authority of the owner thereof. In addition to the penalty for violation of this section said person, if he holds a license to take lobsters shall lose said license for one year.

**48. Marking Pots and Traps.** No person licensed for the purpose of taking lobsters shall use any pots, traps, used for the taking or keeping of lobster, unless the same are plainly marked with his name or with the name of the owner thereof. Any pots, traps, cars, or contrivance used to catch or store lobster, except boats, in violation of the provisions hereof may be seized and held until the fine and costs imposed for the violation have been paid in full.

**49. Reports.** All lobster fishermen shall within ten days after the first day of January in each year file with the director a report of the number of pounds of lobster taken by

him during the previous year together with a record of the number of boats, pots, traps or other paraphernalia used in the taking thereof and the value of the same. The director shall furnish blanks for said report.

**50.\* Conservation Officer.** All conservation officers must be in uniform while on lobster patrol.

**51. License for Selling.** No person except hotels and restaurants serving cooked lobster to guests for immediate consumption as food shall sell lobster meat without first procuring a license. The director shall issue such licenses for a period of one year and the annual fee therefor shall be two dollars.

**52. Prohibition.** If a conservation officer shall find a person taking lobsters and shall inform him that the boat, trap, warp or other device used for such taking is to be inspected, it shall be unlawful for such person to throw overboard or destroy any bag, box or other receptacle prior to such inspection by such officer. If any person shall violate a provision of this section his license, after hearing, shall be suspended for such time as the director may determine.

**53. Penalties.** A person who violates a provision of this subdivision shall be fined as follows: For each violation of sections 41 to 45, inclusive, 47, 48, 49, 51, not more than fifty dollars; of section 46 not more than five dollars and not more than five dollars additional for each lobster taken or possessed in violation thereof.

#### Salt Water Fish, etc.

**54. Salt Water Smelt.** No person shall take salt water smelt from the Piscataqua river and its tributaries, the Exeter river and its tributaries, and Great Bay and Greenland Bay, from April fifteenth to July first. Salt water smelt may be bought and sold during the open season therefor.

**55. Nets.** No person shall use or have in use a seine, weir, or net for the taking of smelt in the Piscataqua river and its tributaries, easterly of an imaginary line drawn from the easterly end of the Portsmouth and Concord bridge to Adam's Point in Durham.

**56. Cod, etc.** No person shall use a trawl for the taking of codfish in the Piscataqua river or its tributaries north of

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\* Repealed, chapter 194, *post*.

the Portsmouth bridge. No person shall use a purse seine or beam trawl for the taking of cod, haddock, pollack, hake, or flounders along the shores of the Atlantic ocean between Rye ledges and the Massachusetts line.

**57. Oysters.** No person shall at any time take oysters from Great Bay or its tributaries, Little Bay, or Durham river, unless he is a resident of the state. No person shall take oysters during the months of June, July, and August, or through the ice, or in any manner other than by the use of hand tongs.

**58. ———, Limit.** No person shall take more than one bushel of oysters from said waters in one day, unless said oysters have been bedded in said waters by the person taking the same.

**59. Conch.** No person shall take conch or winkles except for consumption or use by residents of this state; provided, however, that this section shall not apply to Hampton river or its tributaries.

**60. Clams.** A town may, at any annual or special meeting, vote to regulate the taking of clams within its limits, may make reasonable rules and regulations restricting the sale and consumption thereof, and may authorize its officers to issue permits in accordance with such rules and regulations.

**61. Penalties.** A person who violates a provision of this subdivision shall be fined as follows: For each violation of sections 54, 55 and 56, not more than fifty dollars; of sections 57 to 60 inclusive, not more than ten dollars.

**2. Repeal.** Chapter 155 of the Laws of 1935, relating to taking fish from certain waters, as amended by chapters 14, 51, 96, 144, 145, 170 of the Laws of 1937, by sections 28, 29, 30, 31, and 32 of chapter 188 of the Laws of 1937, and chapters 5, 6, 14, 27, 35, 36, 37, 45, 58, 59, 62, 73, 74, 84, 85, 86, 87, 88, 94, 96, 97, 98, 116, 117, 118, 119, 126, 129, 142 and 145, Laws of 1939, is hereby repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1939.]



## CHAPTER 170.

## AN ACT RELATIVE TO BANKING.

## SECTION

1. Deposits of county funds.
2. Duties of town treasurer.
- 2-a. Deposit of city funds by city treasurer.
3. Savings bank; legal investment.

## SECTION

4. Notes.
5. Real estate owned.
6. Repeal.
7. Guaranty savings banks.
8. Repeal; takes effect.

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

**1. County Funds.** Amend section 2 of chapter 39 of the Public Laws, as amended by chapter 92 of the Laws of 1929 and chapter 177 of the Laws of 1931, by striking out the word "twenty" and inserting in lieu thereof the word, sixty, so that said section as amended shall read as follows: **2. Deposits.** All public funds belonging to the several counties, not permanently invested, shall be deposited in such solvent bank or banks in this state as will pay the highest rate of interest on daily average balances for each month. The amount deposited in any bank shall not exceed sixty per cent of its paid up capital and surplus, unless said bank shall furnish a satisfactory bond, approved by the superior court, to secure such deposit.

**2. Town Treasurer.** Amend section 24 of chapter 47 of the Public Laws, as amended by chapter 177, section 3 of the Laws of 1931 by striking out the word "twenty" and inserting in lieu thereof the word, sixty, so that the same as amended shall read as follows: **24. Duties.** The town treasurer shall have the custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen. He shall deposit the same in solvent banks in the state, except that whenever it shall prove advantageous to any town near the state boundary to deposit town funds in banks outside the state, the treasurer may deposit the same in said banks upon the approval of the state bank commissioner. The amount deposited in any bank shall not exceed sixty per cent of its paid up capital and surplus. He shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year he shall make a report to the town, giving

a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested.

**2-a. City Treasurer.** Amend chapter 53 of the Public Laws by adding thereto the following new section: **15. Deposit of City Funds.** The city treasurer shall deposit all money belonging to the city in solvent banks in the state, except that wherever it shall prove advantageous to any city near the state boundary to deposit city funds in banks outside the state, the treasurer may deposit the same in said banks upon the approval of the state bank commissioner. The amount deposited in any bank shall not exceed sixty per cent of its paid up capital and surplus.

**3. Savings Banks; Legal Investments.** Amend paragraph I of section 3 of chapter 262 of the Public Laws as amended by section 1, chapter 122 of the Laws of 1929 by striking out the words "investment committee" in the second sentence thereof and substituting therefor the words, board of trustees or board of directors, so that said paragraph as amended shall read as follows: I. New Hampshire Real Estate; Exception. Those directly secured by first mortgage on real estate situated within this state or within any county contiguous to the town in which the loaning bank is situated; but no such investment shall be in a loan that exceeds seventy per cent of the value of the real estate by which it is secured and not exceeding seventy-five per cent of the deposits shall be so invested, except by permission of the bank commissioner. No loan on mortgage shall be made except upon written application showing the date, name of applicant, amount asked for and security offered, and except upon report of not less than two members of the board of trustees or board of directors, who shall certify on said application, according to their best judgment, the value of the premises to be mortgaged; and such application shall be filed and preserved with the records of the corporation. The premises so mortgaged shall be revalued in the same manner at intervals of not more than five years so long as they are mortgaged to the corporation. If at the time of such revaluation the amount of the loan is in excess of seventy per cent of the value of the premises mortgaged, a sufficient reduction in the amount of the loan shall be

required, as promptly as may be practical, to bring the loan within seventy per cent of the value of said premises.

**4. Notes.** Amend paragraph VII, section 3, chapter 262 of the Public Laws as amended by section 9, chapter 96 of the Laws of 1931 and section 2, chapter 32 of the Laws of 1935 by striking out all of the third sentence in said paragraph and inserting in lieu thereof the following: A bank which takes under this paragraph a note payable on demand shall demand payment of said note not later than one year from the date thereof, but may accept a new note in payment of such demand note, so that said paragraph as amended shall read as follows: VII. Unsecured. Notes with two or more signers, or one or more endorsers, or notes of makers whose net assets are not less than two hundred and fifty thousand dollars and whose total indebtedness does not exceed fifty per cent of their quick assets. Not exceeding ten per cent of the deposits shall be invested under the provisions of this paragraph and not exceeding two per cent of the deposits shall be so loaned to any one borrower; provided, that, except in notes with two or more signers, or one or more endorsers, no savings bank shall invest under this paragraph unless its guaranty fund is full and unimpaired and the total value of its assets as determined by the commissioner exceeds the amount of its deposits by at least ten per cent. A bank which takes under this paragraph a note payable on demand shall demand payment of said note not later than one year from the date thereof, but may accept a new note in payment of such demand note. Except that the provisions of this paragraph shall not apply to notes eligible for insurance by the federal housing administrator provided a contract of insurance exists between the holder and the federal housing administrator as provided in Title I of the National Housing Act. The provisions of Public Laws chapter 288, section 2, that a wife shall not be bound by her undertaking for her husband or in his behalf shall not apply to loans made under the provisions of the National Housing Act.

**5. Real Estate Owned.** Amend section 18 of chapter 262 of the Public Laws by striking out the words "acquired by foreclosure of mortgages owned by the bank" and inserting in place thereof the following: acquired in payment of a pre-existing debt owed to the bank, by foreclosure of mortgage or

otherwise, so that said section as amended shall read as follows: **18. Real Estate.** Any savings bank may hold and lease real estate acquired in payment of a pre-existing debt owed to the bank, by foreclosure of mortgage or otherwise; but all taxes, foreclosure expenses and cost of maintenance shall be paid out of the income of the bank.

**6. Repeal.** Section 5 of chapter 261 of the Public Laws is hereby repealed.

**7. Guaranty Savings Banks.** Amend chapter 261 of the Public Laws by adding thereto the following four sections:

**61. Power to Cancel Guaranty Fund.** Any bank operating as a guaranty savings bank may at any time by a two-thirds vote of the special depositors cancel its guaranty fund and distribute *pro rata* among the special depositors all or any part of the funds of the bank to which they are entitled, if any; provided, however, (1) that no distribution shall be made that will reduce the total value of the net assets of the bank as found by the commissioner, including any funds to which the special depositors are entitled, to an amount less than one hundred and five per cent of the amount due the general depositors, and (2) that no such vote to cancel where no distribution is to be made to the special depositors shall become effective and no such distribution shall be made (a) except with the written approval of the bank commissioner, and (b) until all general depositors shall have consented to such proposed action or the bank commissioner shall have given them thirty days' notice thereof at the expense of the bank by depositing a written notice thereof in the mail, first class postage prepaid, addressed to each general depositor at his address as shown on the records of the bank or as otherwise known to the commissioner.

**62. Special Guaranty Fund Established.** When the net assets of the bank at the time of such vote are less than, or have been reduced by distribution among the special depositors under the provisions of section 61 hereof to, one hundred and five per cent of the amount due the general depositors, the amount by which the net assets of the bank exceed the amount due the general depositors shall be set aside as a special guaranty fund which shall be increased each year by adding thereto the proportion of the bank's net annual earnings properly attributable to such guaranty fund, including annual

additions thereto theretofore made and shall be maintained as a special guaranty fund for the general deposits, until such time as the bank commissioner shall find that the bank has built up a new guaranty fund equal to five per cent of the amount due general depositors. Said special guaranty fund including the annual additions above provided for shall thereupon be distributed among the special depositors.

**63. Operation as Mutual Savings Bank.** Upon and after the effective date of a vote to cancel the guaranty fund if no distribution is to be made to special depositors or when the net assets of the bank at the time of such vote are less than, or have been reduced by distribution among the special depositors under the provisions of section 61 hereof to, one hundred and five per cent of the amount due general depositors, the bank shall no longer be entitled to the benefits of or subject to the provisions of any law general or special applicable to guaranty savings banks alone but shall be and operate as a mutual savings bank only with all the powers, benefits and privileges and subject to all the restrictions, regulations and provisions of all general laws governing the operation of or applicable to mutual savings banks. Upon and after the effective date of a vote to cancel the guaranty fund where no distribution is to be made or upon and after the final distribution of all the funds to which the special depositors are entitled, under the provisions of section 62 hereof the officers and trustees or directors of the bank then in office shall be and become the members of the corporation. The number of members shall within thirty days thereafter be increased to not less than twenty at a meeting of the members duly called by the secretary or clerk for the purpose and may at any time be increased to not more than forty. Pending such meeting the trustees or directors shall prepare and adopt such new or amended by-laws for regulating the affairs of the bank as they deem necessary by reason of the cancellation or distribution of the guaranty fund.

**64. Savings Department of Trust Company.** Under the next three preceding sections a trust company may take all actions with respect to its savings department and with like effect as though such savings department were a separately incorporated guaranty savings bank and the net assets of such savings department in excess of the amount

due to depositors therein were special deposits of a guaranty savings bank owned by such trust company and such savings department shall become a separate corporation and shall be and operate as a mutual savings bank as provided by section 63 under such name as shall have been provided in the vote passed under section 61.

**8. Repeal; Takes Effect.** All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect upon its passage.

[Approved June 8, 1939.]

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## CHAPTER 171.

AN ACT RELATING TO TRUST COMPANIES AND OTHER FINANCIAL INSTITUTIONS.

SECTION

1. Trust companies; powers.

SECTION

2. Repeal; takes effect.

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

**1. Trust Companies; Powers.** Amend section 31, chapter 265, Public Laws, as amended by section 13, chapter 103, Laws of 1937, by striking out all of said section after the word "security" in the thirteenth line and inserting in place thereof the words, except that the limitation as to the percentage of the value of the security shall not apply to mortgage loans insured by the federal housing administrator, and further provided that such loans entitle the holder to receive cash or securities which are fully guaranteed as to principal and interest by the United States; to negotiate, purchase and sell stocks, bonds and other evidences of debt; to do a general banking business; and to conduct a savings bank business, so that said section as amended shall read as follows: **31. In General.** Such corporation may be authorized and empowered to receive on deposit, storage or otherwise money, securities, jewelry, documents, evidences of debt and other personal property of a similar character, for safe keeping upon such terms or conditions as may be agreed upon, which said deposits may be made by corporations and persons acting individually or in any fiduciary capacity; to collect and disburse the income and principal of said property when due; to ad-

vance or loan money or credits on personal security or property; to advance or loan not exceeding twenty-five per cent of its capital and surplus on notes secured by first mortgage of real estate situated in the New England States, but no such loan shall exceed seventy per cent of the value of the security except that the limitation as to the percentage of the value of the security shall not apply to mortgage loans insured by the federal housing administrator, and further provided that such loans entitle the holder to receive cash or securities which are fully guaranteed as to principal and interest by the United States; to negotiate, purchase and sell stocks, bonds and other evidences of debt; to do a general banking business; and to conduct a savings bank business.

**2. Repeal; Takes Effect.** All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved June 8, 1939.]

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## CHAPTER 172.

### AN ACT RELATING TO THE MANUFACTURE AND SALE OF CERTAIN ALCOHOLIC BEVERAGES.

#### SECTION

1. Sale of alcoholic beverages.
2. Fees for manufacturer's permit.

#### SECTION

3. Takes effect.

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

**1. Sale of Beverages.** Amend section 18 of chapter 99 of the Laws of 1933 as amended by chapter 152 of the Laws of 1935 by striking out the whole of said section and inserting in its place the following: **18. Wholesaler and Manufacturer Restriction.** The holder of a manufacturer's or wholesaler's permit shall not be entitled to hold an on-sale permit and may hold only one off-sale permit which shall be issued only in respect of the premises designated in his permit as a manufacturer or wholesaler. The holder of a wholesaler's permit shall maintain a regular place of business in this state. The holder of a manufacturer's permit shall not be entitled to sell beverages to other permittees by virtue of such permit unless such beverages shall have been manufactured in this state.

Retail permittees shall purchase only from holders of a wholesaler's or a manufacturer's permit.

**2. Manufacturer's Permit.** Amend section 22 of chapter 99 of the Laws of 1933 as inserted by chapter 134 of the Laws of 1939 by striking out said section and inserting in place thereof the following: **22. Manufacturer's Fees.** In addition to the fees provided for in section 21 the following additional fees shall be required for permits issued to any manufacturer: For each manufacturer's permit three dollars for every barrel of beverages containing not more than thirty-one gallons or the equivalent thereof sold by said permittee to retail permittees, during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month. In addition to the foregoing fees, the following additional fees shall be required for permits issued to any manufacturer holding an off-sale permit: For each manufacturer's permit three dollars for every barrel of beverages containing not more than thirty-one gallons or the equivalent thereof sold by said permittee at retail and not to other permittees for resale, during the preceding calendar month to be paid to the commission on or before the tenth day of the following month. For failure to pay any part of the fees provided for herein when due ten per cent thereof shall be added and collected by the commission from the manufacturer and shall become part of said permit fee.

**3. Takes Effect.** This act shall take effect upon its passage except that section 2 hereof shall take effect as of July 1, 1939.

[Approved June 8, 1939.]

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## CHAPTER 173.

AN ACT AUTHORIZING THE SALE OF CERTAIN PROPERTY OF THE STATE.

SECTION

1. Authority conferred.

SECTION

2. Takes effect.

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

**1. Authority Conferred.** The governor and council on behalf of the state of New Hampshire are hereby authorized and



empowered to sell and convey, for such consideration as they deem sufficient, all right, title and interest which said state of New Hampshire has acquired by escheat in and to the following described premises, to wit: "A certain tract or parcel of land and the Buildings thereon in Littleton Vill. N. H. bounded and described as follows: viz, starting at the N. E. corner of F. P. Burley land, on the southerly side of Grove St. and running Southerly on Burley line 10 Rods, thence running Easterly at right angles 4 Rods, thence running at right angles 10 Rods to the southerly line of Grove St., thence running Westerly on line of said Grove St. to bound began at and meaning to convey same premises as deeded" Susie Hoyt Gray by J. Fred Cheney, recorded vol. 444, page 460, Grafton county registry of deeds. The proceeds from the sale of the above premises, or any portion thereof, shall be turned into the state treasury to be available for general revenue of the state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 8, 1939.]

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## CHAPTER 174.

### AN ACT RELATIVE TO HOURS OF LABOR FOR LAUNDRY ESTABLISHMENTS.

#### SECTION

1. Hours of labor for laundry establishments.

#### SECTION

2. Takes effect.

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

**1. Hours of Labor.** Amend chapter 176 of the Public Laws, as amended by chapter 36 of the Laws of 1937, by inserting after section 17-a the following new section: **17-b. Laundry Establishments.** Laundries may be granted special license by the labor commissioner excepting them from the operation of the provisions of sections 14 and 15 hereof for not over three months of the year but in no case shall the hours of labor exceed sixty hours in any one week, nor more than ten and one-quarter hours during any one day. Before granting such license, a hearing shall be held by the labor commissioner and he shall be satisfied that such overtime is

necessary. Copy of such license shall be posted where such females and minors are employed. In no case shall this section be applied in any way to the disadvantage of any regular employee.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 8, 1939.]

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## CHAPTER 175.

### AN ACT RELATIVE TO THE POWERS OF THE FISCAL AGENT OF COOS COUNTY.

SECTION

1. Powers of Coos county fiscal agent.

SECTION

2. Takes effect.

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

**1. Coos County.** Amend chapter 91 of the Laws of 1939 by inserting after section 2 the following new section: **2-a. Powers.** During the time this act is in force the fiscal agent shall have all the powers of the county commissioners of Coos county, and he, with the approval of the superior court, or any justice thereof in vacation, may borrow such sum as shall be deemed necessary for the purpose of refunding existing notes of the county and for the further purpose of meeting the demands upon the treasury, and give the note of the county therefor, but the powers of the fiscal agent shall not extend to expenditures now subject to the approval of the superior court. If the sum borrowed under the provisions hereof, together with the taxes of the same fiscal year that have been collected, shall exceed in amount the total appropriations made for that year by the county convention, plus ten per cent of said appropriations, the approval of the county convention for such excess borrowed must be secured by the fiscal agent in addition to the approval of court as herein provided. Notes issued under the order of the fiscal agent shall be signed by him. It shall be the duty of the treasurer to countersign said notes. The clerk of the court shall attest and record such notes and the orders authorizing their issue and the borrowing of such money.

**2. Takes Effect.** This act shall take effect upon its passage and shall remain in effect until April 1, 1941.

[Approved June 8, 1939.]

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## CHAPTER 176.

### AN ACT PROVIDING FOR IMPROVEMENTS AT THE LACONIA STATE SCHOOL.

#### SECTION

1. Appropriation.
2. Federal assistance.
3. Bonds or notes authorized.
4. Form; proceeds of sale.

#### SECTION

5. Accounts.
6. Short-term notes.
7. Takes effect.

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

**1. Appropriation.** The sum of sixty-five thousand dollars (\$65,000), or so much thereof as may be necessary, be and hereby is appropriated to be expended for additions and improvements in the heating plant at the Laconia State School, to be expended in accordance with plans and specifications to be approved by the governor and council.

**2. Federal Assistance.** The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured for the purposes hereof said funds shall not be used in addition to the amount appropriated by the state hereunder but the total amount of federal and state funds to be expended for said purposes shall not exceed the sum of sixty-five thousand dollars.

**3. Bonds or Notes Authorized.** In order to provide the funds for the appropriation made in section 1, the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding sixty-five thousand dollars and for that purpose may issue bonds or notes in the name and on behalf of the state. Such bonds or notes shall be deemed a pledge of the faith and credit of the state.

**4. Form; Proceeds of Sale.** The governor and council shall determine the form of such bonds or notes, their rate of in-

terest, using their best efforts to secure the lowest rate obtainable, the dates when interest shall be paid, the dates of maturity, the places where principal and interest shall be paid, and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor. The treasurer may negotiate and sell such bonds or notes under the direction of the governor and council in such manner as they may deem to be most advantageous to the state. Out of the proceeds of the sale of said bonds or notes the governor is authorized to draw his warrants for the sum hereinbefore appropriated, for the purposes of this act.

**5. Accounts.** The secretary of state shall keep an account of all such bonds or notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the time when payable, and the date of delivery to the treasurer. The treasurer shall keep an account of each bond or note, showing the number and amount 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.

**6. Short-Term Notes.** Prior to the issuance of the bonds hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term loans to be refunded by the issuance of the bonds hereunder provided however that at no one time shall the indebtedness of the state on such short-term loans exceed the sum of sixty-five thousand dollars.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved June 13, 1939.]

## CHAPTER 177.

## AN ACT TO AUTHORIZE THE SALE OF PROPERTY IN DURHAM, NEW HAMPSHIRE, FOR THE BENEFIT OF THE UNIVERSITY OF NEW HAMPSHIRE.

## SECTION

1. Authority granted.
2. Construction of act.

## SECTION

3. Takes effect.

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

**1. Authority Granted.** The board of trustees of the University of New Hampshire, with the advice and consent of the governor and council, are hereby authorized and empowered to sell or exchange for the best interests of the state of New Hampshire and the needs and uses of the university the following described tracts of land devised to the state of New Hampshire in trust by the will of Benjamin Thompson, late of Durham, N. H., for agricultural purposes, in March, 1890, and not adapted to the provision of said trust, viz:

(1) A tract of land situate on the Westerly side of Madbury Road in Durham, and bounded as follows: Beginning at a point on the Westerly side of Madbury Road one hundred eighty-nine and five-tenths (189.5) feet, more or less, South of an elm tree marking the corner of Mathes Terrace and Madbury Road, and described in deed of John R. and Mary E. Mathes to James G. and Vella M. Smart, Strafford County Registry of Deeds, Vol. 405, Page 301, and running Southerly three hundred and one and two-tenths (301.2) feet along Madbury Road to the Northeast corner of land of Katherine D. Paine; thence turning and running by land of said Paine in a Westerly direction to land of Mrs. Walter S. Edgerly; thence turning and running in a Northwesterly direction by land of Mrs. Walter S. Edgerly, George F. Hardy and Fred B. Philbrick; thence turning and running in a Southwesterly direction by land of Hardy and Philbrick to an iron pipe; thence turning and running in a Northwesterly direction by land of Merchants Savings Bank and John W. Grant; thence turning and running in a Northeasterly direction by land of Etta F. Schoonmaker and Harold I. Leavitt to the center of Ballard Brook; thence running Northeasterly, Easterly and South-easterly by land of James G. and Vella M. Smart to the point

of beginning, containing one and four-tenths (1.4) acres, more or less;

(2) Also a certain other parcel of land situate in Durham on the Northerly side of Main Street, bounded and described as follows: Beginning at the center of a stone bound on the Northerly side of said Main Street between land of Fred Rollins and the University of New Hampshire and running along said Main Street North  $47^{\circ} 36'$  West a distance of fifty (50) feet to the Southwest corner of a six inch (6") square concrete bound; thence turning and running North  $6^{\circ} 28'$  East a distance of one hundred sixty-five and nine-tenths (165.9) feet to the Northwest corner of a six inch (6") square concrete bound; thence turning and running South  $52^{\circ} 47'$  East a distance of one hundred fifty and seven tenths (150.7) feet to the center of a six inch (6") square concrete bound marked "U N H"; thence turning and running South  $43^{\circ} 05'$  West a distance of one hundred forty-seven and sixteen hundredths (147.16) feet to the bound begun at; the above tract containing seventeen thousand three hundred sixty (17,360) square feet;

(3) Also a tract of land situate in Durham, bounded and described as follows: Beginning at the Southeast corner of land herein described, said corner being the intersection of a stone wall marking the Westerly boundary of land of Edgar D. and Ivy Belle Chesley with a stone wall marking the Northerly boundary of land of Harold W. Loveren and running North  $5^{\circ} 53'$  East along a stone wall, by the land of the said Chesleys, a distance of nine hundred twenty-one (921) feet, more or less, to the center of Ballard Brook; thence turning and running along the center of said Ballard Brook by land of Edith H. McNutt, Lucien O. Geoffrien, Victor H. Smith, and Edmond W. Bowler a distance of six hundred fifty-six feet (656'), more or less; thence turning and running South  $12^{\circ} 13'$  West along a stone wall by land of J. Kenneth Rader a distance of four hundred eighty-four feet (484'), more or less; thence turning and running South  $66^{\circ} 10'$  East along a stone wall by land of Elsie H. Brown and J. Kenneth Rader a distance of one hundred and thirty-six (136) feet, more or less; thence turning and running Northeasterly along a stone wall by land of Mrs. H. Dean Quinby, Jr., a distance of four (4) feet, more or less; thence

turning and running Southeasterly along a stone wall by land of Mrs. H. Dean Quinby, Jr., a distance of nine (9) feet, more or less; thence turning and running North 21° 56' East along a stone wall by land of Mrs. H. Dean Quinby, Jr., a distance of sixty (60) feet, more or less; thence turning and running South 62° 26' East along a stone wall by land of Mrs. H. Dean Quinby, Jr., and Harold W. Loveren a distance of four hundred fifty-eight (458) feet, more or less, to the point begun at, containing seven (7) acres. This tract of land is entered by a right of way sixteen and one half (16½) feet wide extending from the Southwest corner of the tract to Madbury Road; the proceeds of said sale or exchange to be used and devoted to the cause of agriculture according to the terms of said will and codicils of Benjamin Thompson and the president of the University of New Hampshire is authorized in the name of the state to execute such instruments as may be necessary to effect the transfer of said properties to the several grantees.

**2. Construction of Act.** This act shall be construed only as providing for the conveyance of the property hereinbefore described within the limits of the gift thereof to the state and in no way as changing or attempting to change the terms of said gift or the acceptance thereof.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 14, 1939.]

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## CHAPTER 178.

### AN ACT RELATING TO THE TRIAL OF CAPITAL CASES.

SECTION  
1. Witnesses.

SECTION  
2. Takes effect.

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

**1. Witnesses.** Amend section 1 of chapter 368 of the Public Laws by adding at the end thereof the following words: provided, however, that the justice presiding at the trial may admit the testimony at the trial of any witness whose name and place of abode is not on the list hereinbefore provided for upon such notice to the respondent as he, the presiding justice, shall direct whenever in his discretion he deems such action

will promote justice, so that said section as amended shall read as follows: **1. Capital Cases.** Every person indicted for an offense the punishment of which may be death shall be entitled to a copy of the indictment before he is arraigned thereon; to a list of the witnesses to be used and of the jurors returned to serve on the trial, with the place of abode of each, to be delivered to him twenty-four hours before the trial; to counsel learned in the law, not exceeding two, to be assigned him by the court, at his request, who shall have access to him at all reasonable hours; and to such process from the court to compel witnesses to appear and testify at the trial as is usually granted on behalf of the state, if he is poor and unable to defray the expense of procuring their attendance; provided, however, that the justice presiding at the trial may admit the testimony at the trial of any witness whose name and place of abode is not on the list hereinbefore provided for upon such notice to the respondent as he, the presiding justice, shall direct whenever in his discretion he deems such action will promote justice.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 14, 1939.]

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## CHAPTER 179.

### AN ACT PROVIDING FOR THE LITIGATION OF SMALL CLAIMS.

#### SECTION

1. Small claim defined.
2. Procedure established.
3. Process.
4. Disposition of fee.
5. Limitation of number of claims.

#### SECTION

6. Notice to defendant.
7. Judgment.
8. Proceedings after judgment.
9. Takes effect.

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

**1. Small Claim Defined.** A small claim is any right of action not involving the title to real estate in which the debt or damages, exclusive of interest and costs, does not exceed thirty-five dollars.

**2. Procedure Established.** There is hereby established a simple, speedy and informal procedure which a plaintiff or his



authorized attorney may pursue in an action commenced before a justice of a municipal court for the determination of a small claim. Such procedure shall be alternative and not exclusive.

**3. Process.** A plaintiff or his authorized attorney hereunder shall state the substance of his claim to the justice or clerk of the municipal court having jurisdiction thereof who shall briefly record the nature of the claim and set a date for hearing. The plaintiff or his authorized attorney shall at the same time pay an entry fee of one dollar and seventy cents.

**4. Disposition of Fee.** Of the amount of the entry fee the justice shall be allowed the sum of one dollar for his services, twenty cents to be used for postage for notice to defendant and fifty cents shall be for the use of the town in which the court is established.

**5. Limitation of Number of Claims.** No person shall be permitted to enter in any one court more than five small claims in any one week nor more than twenty small claims in any one month.

**6. Notice to Defendant.** The justice shall cause notice of the claim and the substance thereof to be given to the defendant by sending a written statement to the defendant by post-paid registered mail addressed to the defendant at his last known post office address and directing the defendant to appear at the time and place of hearing, which shall be not less than fourteen days from the date said notice is mailed to the defendant. Return receipt showing that defendant has received the statement shall constitute an essential part of the service.

**7. Judgment.** At the hearing the technical rules of evidence shall not apply but the justice may admit any evidence he deems material and proper. Judgment shall be entered for the prevailing party and if the plaintiff or his authorized attorney recover, his costs shall be awarded to him in addition to the judgment made in his behalf. In awarding judgment the justice may provide for payment thereof in installments. Failure to appear before the magistrate on the part of the defendant shall grant judgment in favor of the plaintiff or his authorized attorney.

**8. Proceedings After Judgment.** All proceedings sub-

sequent to the rendition of judgment shall follow the practice and procedure now provided for.

**9. Takes Effect.** This act shall take effect sixty days after its passage.

[Approved June 14, 1939.]

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## CHAPTER 180.

### AN ACT RELATING TO THE TAXATION OF TOBACCO PRODUCTS.

SECTION		SECTION
1. Amendment.		3. Takes effect.
2. Ratification.		

1. Amendment.
2. Ratification.

3. Takes effect.

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

**1. Amendment.** Amend paragraph III of section 1 of chapter 167 of the Laws of 1939 by striking out said paragraph and inserting in place thereof the following: III. "Distributor," any person in this state engaged in the business of manufacturing tobacco products or any person who purchases tobacco products at wholesale for the purpose of resale to retailers in this state and who has maintained a regular place of business where tobacco products have been sold at wholesale, provided any person engaged in conducting ten or more retail stores or twenty-five or more machines for vending packages of cigarettes in this state who shall buy such tobacco products at wholesale and sell them direct to the consumer in said stores or in said vending machines shall be considered a distributor as herein defined.

Further amend said chapter 167 of the Laws of 1939 by adding after paragraph VIII of section 1 the following new paragraphs IX and X: IX. "Tobacco products," shall include perique, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, the refuse of fine-cut chewing, refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or to be made into cigarettes or otherwise, or both for chewing and smoking, and substitutes therefor, and shall include cigarettes. X. "Usual selling price"

means the normal retail selling price of tobacco products as determined by the tax commission. In determining the usual selling price the commission shall consider the generally established price of tobacco products at retail stores in this state for a period of at least two years before such determination, and the wholesaler's price, usual dealers' profit, and advertised prices both within and without this state. Advertised "cut-rate" prices and quantity discounts allowed by retailers shall be evidence that the "usual selling price" is higher than such "sale" or bargain prices.

Further amend said chapter 167 of the Laws of 1939 by striking out section 3 thereof and substituting in place of it the following: **3. Term of Validity of License.** Licenses issued under the provisions of this act shall expire on June thirtieth next succeeding the date of issuance, unless sooner revoked or unless the business with respect to which a license was issued shall change ownership. Licenses may be renewed upon filing an application as provided in section 2 and paying the fee therein prescribed. No person shall cause a cigarette vending machine to be operated in this state unless such machine shall have been licensed by the commission as a retail outlet and appropriately identified as such in such manner as the commission shall determine.

Further amend said chapter 167 of the Laws of 1939 by striking out section 5 thereof and substituting in place of it the following: **5. Tax Imposed.** A tax is hereby imposed at the rate of fifteen per cent upon the value of all tobacco products sold at retail in this state on and after July 1, 1939, measured by the usual selling price. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail, but the word package as used herein shall not include individual cigars, cigarettes, or plugs or hanks of chewing tobacco, and such stamps shall be affixed in denominations of not less than one-half cent to an aggregate value nearest the tax hereby imposed. No tax is imposed on any transactions the taxation of which by this state is prohibited by the constitution of the United States.

Further amend said chapter 167 of the Laws of 1939 by striking out sections 7, 8, 9 and 10 thereof and substituting in place thereof the following: **7. Stamps.** The tax commis-

sion shall secure stamps, of such design and denomination as it shall prescribe, suitable to be affixed to packages of tobacco products as evidence of the payment of the tax imposed by this chapter. The commission shall sell such stamps to licensed distributors at a discount of five per cent of their face value, to encourage distributors to affix such stamps and compensate them for so doing, and to licensed dealers at their face value. The tax commission may in its discretion permit a licensed distributor or a licensed dealer to pay for such stamps within thirty days after the date of purchase, provided a bond satisfactory to the tax commission, in an amount not less than the sale price of such stamps, shall have been filed with the commission, conditioned upon payment for such stamps. The tax commission shall keep accurate records of all stamps sold to each distributor and dealer and shall pay over all receipts from the sale of stamps to the state treasurer daily.

**8. Metering Machines.** The tax commission may authorize any licensed distributor or dealer to use a metering machine in accordance with such rules and regulations prescribed by it as may be necessary to insure the payment of all taxes properly due in accordance with this act. The commission shall not permit the use of any such machine unless prepayment covering the amount of tax less the discount, if any, for which the meter is set shall have been made, or unless a bond satisfactory to the tax commission shall have been filed conditioned upon payment of said amount. Cash may be accepted as security in place of a surety bond. Each machine shall be read and inspected at least once a month, and unless prepayment on account of said machine shall have been made the tax shall be determined at the time of each inspection, and after allowing for the discount, if any, as provided herein it shall become at once due and payable.

**9. Resale and Redemption.** No distributor or dealer shall sell or transfer any stamps issued under the provisions of this act. The tax commission shall redeem any unused, uncanceled stamps presented by any licensed distributor or dealer, at a price equal to the amount paid therefor by such dealer or distributor, and the state treasurer shall provide, out of money collected hereunder, the funds necessary for such redemption.

**10. Non-residents Authorized to Affix Stamps.** If the commission shall find that the

collection of the tax hereby imposed would be facilitated, it may in its discretion authorize any person resident or located outside this state and engaged in a business which would make such person if he carried it on in this state a distributor as defined herein, and who ships tobacco products into the state for sale to dealers, to affix the stamps required by this chapter on behalf of the purchasers of such tobacco products. The tax commission may sell stamps to such person or the commission may authorize the use of a metering machine as provided herein. No stamps shall be sold or no such authorization shall issue, however, until such non-resident person shall have appointed the secretary of state his attorney for the service of process in this state in the same manner as is provided in chapter 231 of the Public Laws. Service shall be made on the secretary of state as agent of such person in the same manner as is provided in said chapter 231. The commission may establish such rules and regulations and impose such conditions upon a grant of authorization to affix stamps to a non-resident as to it shall seem necessary to insure compliance with the provisions of this act, including the right to inspect the books of such non-resident and the posting of a bond conditioned upon the payment of all taxes hereby imposed.

Further amend said chapter 167 of the Laws of 1939 by inserting after section 18 thereof the following new section 19 and by striking out section 19 of said chapter 167 and inserting in place of it the following new section 20: **19. State Tax.** While this act remains in effect, no direct state tax shall be levied on the cities and towns. **20. Takes Effect.** Sections 1, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18 and 19 of this act shall take effect upon its passage, and the remaining sections shall take effect June 30, 1939.

**2. Ratification.** The enactment of said chapter 167 of the Laws of 1939 as engrossed but subject to the foregoing amendments is hereby in every way ratified, confirmed and approved.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 14, 1939.]

### CHAPTER 181.

AN ACT RELATIVE TO SUNDAY WORK FOR EMPLOYEES OF TELEGRAPH AND TELEPHONE OFFICES.

SECTION

1. One day rest in seven; exception.

SECTION

2. Takes effect.

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

**1. One Day Rest in Seven; Exceptions.** Amend section 47 of chapter 176 of the Public Laws, as inserted by chapter 130, Laws of 1933, and as amended by chapter 129, Laws of 1937, and chapter 70, Laws of 1939, by inserting after paragraph VII the following new paragraph: VIII. Employees of telegraph and telephone offices.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1939.]

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### CHAPTER 182.

AN ACT RELATING TO THE RETIREMENT SYSTEM FOR FIREMEN.

SECTION

1. Compensation in case of death or disability of call firemen.

SECTION

2. Takes effect.

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

**1. Compensation in Case of Death or Disability of Call Fireman.** Amend the third paragraph of section 13 of chapter 154 of the Laws of 1939, by striking out the word "thirty" and inserting in place thereof the word sixty, so that said paragraph as amended shall read as follows: Any call firemen who desire the benefits of this act shall make application to the retirement board within sixty days of the passage of this act, and pay the sum of three dollars per year, said amount to be paid in one sum. Any person hereafter becoming a call fireman may in the same manner, within sixty days of his appointment thereto, accept the benefits hereunder.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1939.]

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### CHAPTER 183.

#### AN ACT PROVIDING FOR THE REMODELING OF THE OLD MAIN BUILDING AT THE STATE INDUSTRIAL SCHOOL.

##### SECTION

1. Appropriation.
2. Federal assistance.

##### SECTION

3. Payment.
4. Takes effect.

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

**1. Appropriation.** The sum of ten thousand dollars (\$10,000) be and hereby is appropriated for remodeling the old Main Building at the state industrial school to provide detention quarters, for fireproofing of floors and incidentals. Said sum shall be expended under the direction of the superintendent of said school with the consent of the trustees of said school in accordance with plans and specifications to be approved by the governor and council.

**2. Federal Assistance.** The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured for the purposes hereof said funds may be used in addition to the amount appropriated by the state hereunder.

**3. Payment.** The governor is hereby authorized to draw his warrants for the sum hereby appropriated by the state out of any money in the treasury not otherwise appropriated.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1939.]

CHAPTER 184.

AN ACT RELATING TO THE STATE HOUSE, STATE HOUSE ANNEX, STATE LIBRARY, HANNAH DUSTIN MONUMENT, FRANKLIN PIERCE HOMESTEAD AND THE DANIEL WEBSTER BIRTHPLACE.

SECTION

- 1. New chapter.
- 1. Custodians.
- 2. Superintendent.
- 3. Removal.
- 4. Salary.
- 5. Duties.
- 6. Assistants..
- 7. Labor; supplies.
- 8. Telephone service.
- 9. Freight; express.
- 10. Repairs.

SECTION

- 11. Rules.
- 12. Assignment of rooms.
- 13. Furniture.
- 14. Portraits.
- 16. Penalties.
- 2. Hannah Dustin monument.
- 3. State library building.
- 4. Amendment.
- 5. Duties of secretary of state.
- 6. Takes effect.

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

**1. State Property, Care and Maintenance.** Amend chapter 7 of the Public Laws by striking out said chapter and inserting in place thereof the following new chapter:

**CHAPTER 7**

STATE HOUSE, STATE HOUSE ANNEX, STATE LIBRARY, HANNAH DUSTIN MONUMENT, FRANKLIN PIERCE HOMESTEAD AND THE DANIEL WEBSTER BIRTHPLACE

**1. Custodians.** The governor and council shall be the custodians of the state house, state house annex, state library, Hannah Dustin monument, Franklin Pierce homestead, Daniel Webster birthplace and grounds connected with each.

**2. Superintendent.** The governor, with the advice of the council, shall appoint a superintendent of state buildings and grounds, who shall be subject to their direction and control, and shall hold his office for two years and until his successor is appointed.

**3. Removal.** The governor, with the advice of the council, may remove the superintendent after proper cause shown at a hearing duly notified, and may appoint a successor for the unexpired term.

**4. Salary.** The salary of the superintendent shall be twenty-five hundred dollars a year.



5. **Duties.** Said superintendent shall have charge of all matters relating to the care, maintenance and repair of the state house, state house annex, state library, Hannah Dustin monument, Franklin Pierce homestead, Daniel Webster birth-place and the grounds connected with each.

6. **Assistants.** Said superintendent shall appoint such assistants as he may require, specify their work and fix their compensation. The superintendent with the approval of the governor and council may designate any employee of his department to act as assistant superintendent.

7. **Labor; Supplies.** The superintendent shall procure the labor and supplies necessary for the care, maintenance and repair of said buildings, grounds and property. He shall require competitive bids for labor, when so directed by the governor and council, and shall make requisition on the purchasing agent for all supplies to be purchased.

8. **Telephone Service.** Said superintendent shall establish a telephone exchange in the state house with connections to all departments.

9. **Freight; Express.** Said superintendent shall establish rules and regulations for the receipt and despatch of all freight and express to and from the different departments in the state house and state house annex.

10. **Repairs.** Whenever there is need of immediate repair of any portion of said buildings and grounds, the governor and council may direct the superintendent to proceed with the same, the amount expended to be as reasonable as the exigencies of the case allow.

11. **Rules.** Said superintendent shall establish rules and regulations for the use of said buildings and grounds by the departments and the public and shall see that such rules and regulations are enforced.

12. **Assignment of Rooms.** The governor and council shall assign the rooms in the state house and state house annex to the different departments and may from time to time change such assignments as they deem best. They shall define the authority of the superintendent as their executive officer over said rooms.

13. **Furniture.** All furniture bought for any of the departments shall be charged to the proper appropriation of that department, and shall not be a charge upon any appropriation

for the care, maintenance and repair of said state buildings.

**14. Portraits, etc.** No portraits, busts, statues or other things of a memorial nature shall be placed in the state house, state house annex, Franklin Pierce homestead, Daniel Webster birthplace or on said grounds without the express consent of the governor and council. The governor and council shall locate and provide for the care of all flags, portraits, busts, monuments, etc., which now are, or may hereafter be, placed in the state house, state house annex, Franklin Pierce homestead, Daniel Webster birthplace or on the grounds connected therewith or at the Hannah Dustin monument.

**16. Penalties.** If any person shall do any act to injure or deface the state house, state house annex, state library, Hannah Dustin monument, Franklin Pierce homestead, Daniel Webster birthplace or grounds connected with each, shall use them for any other purpose than that for which they are intended, or shall violate any of the rules and regulations established by the superintendent under the authority hereof, he shall be fined not more than twenty dollars.

**2. Hannah Dustin Monument.** Chapter 172 of the Laws of 1933, relating to the care of the Hannah Dustin monument, is hereby repealed.

**3. State Library Building.** Amend section 29 of chapter 10 of the Public Laws by striking out said section and inserting in place thereof the following: **29. Library Building.** The governor and council shall be the custodians of the state library building and grounds, maintain them in suitable repair and provide for keeping them in suitable condition at all times for the use of the state library and the supreme court. The exclusive control of the supreme court rooms in the state library building shall be vested in the judges of the supreme court.

**4. Amendment.** Section 9 of chapter 10 of the Public Laws, relative to form for appropriations for the state library is hereby repealed.

**5. Duties of Secretary of State.** During the period from July 1, 1939, to June 30, 1941, the secretary of state shall have charge of all matters relating to the care, maintenance and repair of the Daniel Webster birthplace and the grounds connected therewith.

**6. Takes Effect.** The provisions of chapter 7 of the Pub-

lic Laws, as hereinbefore amended, relative to the care and maintenance of the Daniel Webster birthplace by the superintendent of state buildings and grounds, being section 5 of said chapter 7, shall take effect as of July 1, 1941, but all other provisions of this act shall take effect as of July 1, 1939.

[Approved June 15, 1939.]

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## CHAPTER 185.

### AN ACT PROVIDING FOR IMPROVEMENTS AT THE STATE SANATORIUM.

#### SECTION

1. Appropriation.
2. Federal assistance.
3. Bond or notes authorized.
4. Form; proceeds of sale.

#### SECTION

5. Accounts.
6. Short-term notes.
7. Takes effect.

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

**1. Appropriation.** The sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, be and hereby is appropriated to be expended for additions and improvements in the heating plant at the state sanatorium at Glenciff, in accordance with plans and specifications to be approved by the governor and council. In addition to said appropriation the sum of sixty thousand dollars (\$60,000), or so much thereof as may be necessary, be and hereby is appropriated to be expended for the construction and equipment of a nurses' home at said sanatorium, provided a grant is made by the federal government in connection with said nurses' home. Said appropriation shall be expended in accordance with plans and specifications to be approved by the governor and council.

**2. Federal Assistance.** The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured for the purposes hereof said funds shall not be used in addition to the amounts appropriated by the state hereunder but the total amount of federal and state funds to be expended for the heating plant shall not exceed the sum of twenty thou-

sand dollars and the total amount of federal and state funds to be expended for the nurses' home shall not exceed the sum of sixty thousand dollars.

**3. Bonds or Notes Authorized.** In order to provide the funds for the appropriations made by the state hereunder the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding eighty thousand dollars and for that purpose may issue bonds or notes in the name and on behalf of the state. Such bonds or notes shall be deemed a pledge of the faith and credit of the state.

**4. Form; Proceeds of Sale.** The governor and council shall determine the form of such bonds or notes, their rate of interest, using their best efforts to secure the lowest rate obtainable, the dates when interest shall be paid, the dates of maturity, the places where principal and interest shall be paid, and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor. The treasurer may negotiate and sell such bonds or notes under the direction of the governor and council in such manner as they may deem to be most advantageous to the state. Out of the proceeds of the sale of said bonds or notes the governor is authorized to draw his warrants for the sums hereinbefore appropriated for the purposes of this act.

**5. Accounts.** The secretary of state shall keep an account of all such bonds or notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the time when payable, and the date of delivery to the treasurer. The treasurer shall keep an account of each bond or note, showing the number and amount 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.

**6. Short-Term Notes.** Prior to the issuance of the bonds hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term notes to be refunded by the issuance of the bonds hereunder, provided however that at no one time shall the indebtedness of the state on such short-term notes exceed the sum of eighty thousand dollars.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1939.]

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## CHAPTER 186.

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

#### SECTION

1. Apportionment.
2. Limitation.

#### SECTION

3. Takes effect.

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

**1. Apportionment.** 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:

#### Rockingham County, \$116.97

Atkinson, seventy-nine cents .....	\$0.79
Auburn, one dollar and twenty-five cents .....	1.25
Brentwood, seventy-four cents .....	.74
Candia, one dollar and twenty-three cents .....	1.23
Chester, one dollar and twenty-four cents .....	1.24
Danville, fifty-five cents .....	.55
Deerfield, one dollar .....	1.00
Derry, eight dollars and eighty-four cents .....	8.84
East Kingston, fifty-eight cents .....	.58
Epping, one dollar and sixty-nine cents .....	1.69
Exeter, thirteen dollars and twenty-eight cents ...	13.28
Fremont, ninety-seven cents .....	.97
Greenland, ninety-five cents .....	.95
Hampstead, one dollar and twenty-eight cents ....	1.28
Hampton, nine dollars and twenty-seven cents ....	9.27
Hampton Falls, one dollar and thirty cents .....	1.30
Kensington, sixty-five cents .....	.65
Kingston, one dollar and thirty-seven cents .....	1.37
Londonderry, one dollar and eighty cents .....	1.80
New Castle, one dollar and forty-five cents .....	1.45

Newfields, seventy cents .....	\$0.70
Newington, eighty cents .....	.80
Newmarket, two dollars and seventy-five cents ....	2.75
Newton, one dollar and five cents .....	1.05
North Hampton, three dollars and forty-two cents ..	3.42
Northwood, one dollar and thirty-nine cents .....	1.39
Nottingham, ninety cents .....	.90
Plaistow, one dollar and sixty-nine cents .....	1.69
Portsmouth, thirty-seven dollars and six cents .....	37.06
Raymond, one dollar and eighty-three cents .....	1.83
Rye, five dollars .....	5.00
Salem, four dollars and ninety-five cents .....	4.95
Sandown, forty cents .....	.40
Seabrook, one dollar and fifty-five cents .....	1.55
South Hampton, forty-three cents .....	.43
Stratham, one dollar and eleven cents .....	1.11
Windham, one dollar and seventy-one cents .....	1.71

**Strafford County, \$72.64**

Barrington, one dollar and nineteen cents .....	\$1.19
Dover, twenty-seven dollars and sixty-nine cents ..	27.69
Durham, three dollars and forty-eight cents .....	3.48
Farmington, three dollars and seventy cents .....	3.70
Lee, seventy-two cents .....	.72
Madbury, sixty-two cents .....	.62
Middleton, nineteen cents .....	.19
Milton, two dollars and eighty-three cents .....	2.83
New Durham, sixty-seven cents .....	.67
Rochester, nineteen dollars and seventy cents .....	19.70
Rollinsford, two dollars and twenty-one cents .....	2.21
Somersworth, eight dollars and fifty cents .....	8.50
Strafford, one dollar and fourteen cents .....	1.14

**Belknap County, \$50.48**

Alton, three dollars and forty-one cents .....	\$3.41
Barnstead, one dollar and fifteen cents .....	1.15
Belmont, one dollar and sixty-nine cents .....	1.69
Center Harbor, one dollar and forty-three cents ....	1.43
Gilford, two dollars and sixty-one cents .....	2.61
Gilmanton, one dollar and twenty-five cents .....	1.25
Laconia, twenty-five dollars and sixty-five cents ....	25.65

Meredith, five dollars and six cents .....	\$5.06
New Hampton, two dollars and fifty-three cents ..	2.53
Sanbornton, one dollar and thirty-eight cents .....	1.38
Tilton, four dollars and thirty-two cents .....	4.32

**Carroll County, \$34.35**

Albany, thirty cents .....	\$0.30
Bartlett, one dollar and sixty-eight cents .....	1.68
Brookfield, forty-seven cents .....	.47
Chatham, twenty-nine cents .....	.29
Conway, five dollars and sixty-one cents .....	5.61
Eaton, thirty-eight cents .....	.38
Effingham, sixty-four cents .....	.64
Freedom, ninety-five cents .....	.95
Hart's Location, nine cents .....	.09
Jackson, one dollar and nineteen cents .....	1.19
Madison, one dollar and four cents .....	1.04
Moultonborough, three dollars and twenty-nine cents	3.29
Ossipee, two dollars and fifty-eight cents .....	2.58
Sandwich, two dollars and thirty-one cents .....	2.31
Tamworth, two dollars and fifty-one cents .....	2.51
Tuftonboro, two dollars and thirty cents .....	2.30
Wakefield, two dollars and forty-six cents .....	2.46
Wolfeboro, six dollars and twenty-six cents .....	6.26

**Merrimack County, \$127.03**

Allenstown, two dollars and ten cents .....	\$2.10
Andover, two dollars and thirty-eight cents .....	2.38
Boscawen, two dollars and forty-two cents .....	2.42
Bow, two dollars and forty-five cents .....	2.45
Bradford, one dollar and fifty-three cents .....	1.53
Canterbury, one dollar and ten cents .....	1.10
Chichester, eighty-seven cents .....	.87
Concord, sixty-six dollars and twenty-one cents ...	66.21
Danbury, seventy-six cents .....	.76
Dunbarton, ninety-five cents .....	.95
Epsom, one dollar and forty-three cents .....	1.43
Franklin, twelve dollars and sixty-seven cents .....	12.67
Henniker, two dollars and seventy-six cents .....	2.76
Hill, one dollar and eight cents .....	1.08
Hooksett, three dollars and ten cents .....	3.10

Hopkinton, three dollars and forty cents . . . . .	\$3.40
Loudon, one dollar and twenty-eight cents . . . . .	1.28
Newbury, one dollar and ninety-nine cents . . . . .	1.99
New London, three dollars and forty-seven cents . .	3.47
Northfield, two dollars and ten cents . . . . .	2.10
Pembroke, three dollars and sixty-five cents . . . . .	3.65
Pittsfield, three dollars and fifty-six cents . . . . .	3.56
Salisbury, eighty-six cents . . . . .	.86
Sutton, one dollar and eleven cents . . . . .	1.11
Warner, two dollars and eleven cents . . . . .	2.11
Webster, one dollar and eight cents . . . . .	1.08
Wilmot, sixty-one cents . . . . .	.61

### Hillsborough County, \$291.10

Amherst, two dollars and eleven cents . . . . .	\$2.11
Antrim, two dollars and twenty-nine cents . . . . .	2.29
Bedford, two dollars and eighty-two cents . . . . .	2.82
Bennington, one dollar and seventy-three cents . . .	1.73
Brookline, eighty-four cents . . . . .	.84
Deering, seventy cents . . . . .	.70
Francestown, ninety-one cents . . . . .	.91
Goffstown, six dollars and seventy cents . . . . .	6.70
Greenfield, ninety-nine cents . . . . .	.99
Greenville, two dollars and fifty-two cents . . . . .	2.52
Hancock, one dollar and seventy-eight cents . . . . .	1.78
Hillsborough, four dollars and sixty-eight cents . . . .	4.68
Hollis, one dollar and seventy-one cents . . . . .	1.71
Hudson, three dollars and thirty-five cents . . . . .	3.35
Litchfield, seventy-six cents . . . . .	.76
Lyndeborough, ninety-nine cents . . . . .	.99
Manchester, one hundred and sixty dollars and thirty-eight cents . . . . .	160.38
Mason, forty-eight cents . . . . .	.48
Merrimack, two dollars and fifty-four cents . . . . .	2.54
Milford, seven dollars and seventy-six cents . . . . .	7.76
Mont Vernon, eighty-two cents . . . . .	.82
Nashua, sixty-four dollars and four cents . . . . .	64.04
New Boston, one dollar and forty-eight cents . . . . .	1.48
New Ipswich, one dollar and sixty cents . . . . .	1.60
Pelham, one dollar and fifty-two cents . . . . .	1.52
Peterborough, nine dollars and thirty-five cents . . . .	9.35



Sharon, twenty-three cents .....	\$0.23
Temple, fifty-one cents .....	.51
Weare, two dollars and seventeen cents .....	2.17
Wilton, three dollars and twenty-five cents .....	3.25
Windsor, nine cents .....	.09

**Cheshire County, \$76.57**

Alstead, one dollar and twenty-nine cents .....	\$1.29
Chesterfield, two dollars and seventeen cents .....	2.17
Dublin, three dollars and fifty-five cents .....	3.55
Fitzwilliam, one dollar and forty-seven cents .....	1.47
Gilsum, forty-eight cents .....	.48
Harrisville, one dollar and fifty-eight cents .....	1.58
Hinsdale, five dollars and forty-seven cents .....	5.47
Jaffrey, six dollars and forty-one cents .....	6.41
Keene, thirty-one dollars and sixty-one cents .....	31.61
Marlborough, two dollars and twenty-five cents....	2.25
Marlow, forty-six cents .....	.46
Nelson, fifty-nine cents .....	.59
Richmond, forty-four cents .....	.44
Rindge, one dollar and eighty-one cents .....	1.81
Roxbury, twenty cents .....	.20
Stoddard, sixty-nine cents .....	.69
Sullivan, thirty-two cents .....	.32
Surry, fifty-four cents .....	.54
Swanzy, two dollars and seventy cents .....	2.70
Troy, one dollar and seventy-six cents .....	1.76
Walpole, six dollars and fifty cents .....	6.50
Westmoreland, ninety-four cents .....	.94
Winchester, three dollars and thirty-four cents....	3.34

**Sullivan County, \$47.97**

Acworth, fifty-eight cents .....	\$0.58
Charlestown, three dollars and one cent .....	3.01
Claremont, twenty-four dollars and thirty-four cents	24.34
Cornish, one dollar and sixty-eight cents .....	1.68
Croydon, sixty-eight cents .....	.68
Goshen, forty-five cents .....	.45
Grantham, thirty-seven cents .....	.37
Langdon, thirty-seven cents .....	.37
Lempster, thirty-seven cents .....	.37

Newport, eight dollars and seventy-three cents . . . .	\$8.73
Plainfield, one dollar and seventy cents . . . . .	1.70
Springfield, seventy-eight cents . . . . .	.78
Sunapee, three dollars and sixty-two cents . . . . .	3.62
Unity, fifty-two cents . . . . .	.52
Washington, seventy-seven cents . . . . .	.77

**Grafton County, \$106.59**

Alexandria, eighty-one cents . . . . .	\$0.81
Ashland, two dollars and ninety-three cents . . . . .	2.93
Bath, one dollar and forty-nine cents . . . . .	1.49
Benton, twenty-three cents . . . . .	.23
Bethlehem, five dollars and ten cents . . . . .	5.10
Bridgewater, one dollar . . . . .	1.00
Bristol, four dollars and forty-eight cents . . . . .	4.48
Campton, two dollars and nineteen cents . . . . .	2.19
Canaan, two dollars and nine cents . . . . .	2.09
Dorchester, thirty-two cents . . . . .	.32
Easton, twenty-one cents . . . . .	.21
Ellsworth, five cents . . . . .	.05
Enfield, two dollars and forty-one cents . . . . .	2.41
Franconia, one dollar and sixty-eight cents . . . . .	1.68
Grafton, eighty-two cents . . . . .	.82
Groton, seventy cents . . . . .	.70
Hanover, ten dollars and thirty-seven cents . . . . .	10.37
Haverhill, six dollars and eighty-two cents . . . . .	6.82
Hebron, ninety-two cents . . . . .	.92
Holderness, three dollars and sixteen cents . . . . .	3.16
Landaff, forty-eight cents . . . . .	.48
Lebanon, fourteen dollars . . . . .	14.00
Lincoln, two dollars and two cents . . . . .	2.02
Lisbon, four dollars and eighty-six cents . . . . .	4.86
Littleton, eight dollars and forty-five cents . . . . .	8.45
Lyman, fifty cents . . . . .	.50
Lyme, one dollar and forty-eight cents . . . . .	1.48
Monroe, thirteen dollars and forty-nine cents . . . . .	13.49
Orange, twenty cents . . . . .	.20
Orford, one dollar and twenty-one cents . . . . .	1.21
Piermont, one dollar and two cents . . . . .	1.02
Plymouth, five dollars and fifty cents . . . . .	5.50
Rumney, one dollar and thirty-eight cents . . . . .	1.38

Thornton, seventy cents .....	\$0.70
Warren, one dollar and four cents .....	1.04
Waterville, twelve cents .....	.12
Wentworth, eighty-three cents .....	.83
Woodstock, one dollar and fifty-three cents .....	1.53

### Coos County, \$73.31

Berlin, twenty-eight dollars and sixty-eight cents ..	\$28.68
Carroll, two dollars and forty-four cents .....	2.44
Clarksville, seventy-six cents .....	.76
Colebrook, three dollars and ninety-one cents .....	3.91
Columbia, eighty-three cents .....	.83
Dalton, seventy-six cents .....	.76
Dummer, fifty-eight cents .....	.58
Errol, one dollar and twelve cents .....	1.12
Gorham, seven dollars and sixty-three cents .....	7.63
Jefferson, one dollar and fifty-three cents .....	1.53
Lancaster, six dollars and forty cents .....	6.40
Milan, one dollar and six cents .....	1.06
Northumberland, four dollars and four cents .....	4.04
Pittsburg, three dollars and eighty-five cents .....	3.85
Randolph, eighty-five cents .....	.85
Shelburne, ninety-six cents .....	.96
Stark, fifty-eight cents .....	.58
Stewartstown, one dollar and thirty-three cents ....	1.33
Stratford, one dollar and ninety-three cents .....	1.93
Wentworth's Location, twenty cents .....	.20
Whitefield, three dollars and eighty-seven cents ....	3.87

### Unincorporated Places, \$2.99

Cambridge, seventy-one cents .....	\$0.71
Crawford's Purchase, seven cents .....	.07
Dixville, eighty cents .....	.80
Dix's Grant, nine cents .....	.09
Erving's Grant, one cent .....	.01
Gilmanton and Atkinson Academy Grant, three cents ..	.03
Green's Grant, nine cents .....	.09
Hale's Location, one cent .....	.01
Millsfield, thirty-six cents .....	.36
Odell, twenty-six cents .....	.26
Sargent's Purchase, ten cents .....	.10

Second College Grant, eleven cents .....	\$0.11
Success, twenty-five cents .....	.25
Thompson and Meserve Purchase, ten cents .....	.10

2. **Limitation.** 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.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1939.]

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**CHAPTER 187.**

AN ACT RELATING TO THE DISEASES OF DOMESTIC ANIMALS.

SECTION	SECTION
1. Diseased animals.	5. Indemnity for condemned animals.
2. Animals to be killed.	6. Tested animals.
3. Indemnity.	7. Diseased animals.
4. Limitation.	8. Takes effect.

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

1. **Diseased Animals.** Amend section 16, chapter 187, Public Laws, by adding after the word "tuberculosis" in the sixth line the words, or bang's disease, so that said section as amended shall read as follows: 16. ———, **Disposal of Carcasses.** When slaughtered, the carcasses, under regulations prescribed by the commissioner, shall be burned or covered with lime and buried, or may be shipped to a fertilizer or rendering plant; provided, that the meat of animals reacting to the tuberculin or other approved test, but showing no physical indications of tuberculosis or bang's disease, may be used or sold for food under regulations prescribed by the state board of health, or in accordance with the rules and regulations of the bureau of animal industry of the United States under the federal meat inspection law.

2. **Animals to be Killed.** Amend section 53, chapter 187, Public Laws, by striking out the words "one hundred" in the third line and substituting therefor the words, one hundred twenty-five, so that said section as amended shall read as follows: 53. **Valuation.** In making such appraisal, the fact

that the animals have been condemned for disease shall not be considered; but in no case shall it exceed the sum of one hundred twenty-five dollars for grade cattle, or two hundred dollars for pure bred registered cattle and for horses.

**3. Indemnity.** Amend section 54, chapter 187 of the Public Laws, as amended by section 2, chapter 169, Laws of 1929, and section 4, chapter 22 of the Laws of 1931 by adding after the word "tuberculosis" in the seventh line the words, or bang's disease, so that said section as amended shall read as follows: **54. Importations.** In no case shall compensation be allowed for any animals destroyed which may have contracted, or been exposed to, such disease in a foreign country, or on the high seas, or which have been brought or shipped into this state, within three months previous to showing evidence of such disease, except animals that have been imported directly from tuberculosis or bang's disease free accredited herds, and are accompanied by properly approved health charts certifying to same; and the owner or person in possession thereof shall furnish satisfactory evidence as to the time during which such animals have been owned in the state.

**4. Limitation.** Amend section 55, chapter 187 of the Public Laws, by adding after the word "tuberculin" in the sixth line the words, or bang's disease, so that said section as amended shall read as follows: **55. Concealment.** No compensation shall be allowed to any owner who in person, or by his agent, knowingly and wilfully conceals the existence of such disease, or the fact of exposure thereto, in animals of which the person making such concealment, by himself or agent, is in whole or part the owner, nor shall compensation be allowed for bovine animals condemned by the tuberculin or bang's disease test unless said test is authorized by the commissioner or his agent.

**5. Indemnity for Condemned Animals.** Amend section 57, chapter 187 of the Public Laws as amended by chapter 125, Laws of 1935 by striking out the word "twenty" in the fifth line of said section and inserting in place thereof the words twenty-five; further amend by striking out the words "one half" in the third line and inserting in place thereof the words, one third, so that said section as amended shall read as follows: **57. Payment.** The state shall pay the owner,

after filing such certificate or certificates as the commissioner may direct, one third of the appraised value on all horses condemned and killed and for all bovine animals condemned and killed an amount not to exceed twenty-five dollars for a grade animal and fifty dollars for a registered pure bred animal providing that the amount received from salvage, from the federal government, and from the state shall not exceed the appraised value thereof.

**6. Tested Animals.** Amend section 67, chapter 187 of the Public Laws, by adding after the word "tuberculosis" in the first line the words, or bang's disease, and by striking out the words "test or both" and inserting in place thereof the words, or bang's disease test, or all three; further amend by adding after the letter "T" in the sixth line the words, or the letter B, so that said section as amended shall read as follows: **67. Reactors.** Any bovine in which tuberculosis or bang's disease is diagnosed by the commissioner or his agent on physical examination, or by means of the tuberculin or bang's disease test, or all three, which is not immediately slaughtered under the supervision of the commissioner or his agent, shall be marked by inserting in its left ear a metal tag upon which is stamped a number and the word Reactor, and by branding the letter T or the letter B, not less than two nor more than three inches high on the left jaw.

**7. Diseased Animals.** Amend section 73, chapter 187 of the Public Laws, by adding after the word "tuberculosis" in the second line the words, or bang's disease, and after the word "tuberculous" in the seventh line the words, or infected with bang's disease, so that said section as amended shall read as follows: **73. Contract of Sale.** No animal showing physical evidence of tuberculosis or bang's disease, or in which such disease shall have been indicated as a result of the tuberculin or other approved test, shall be sold other than for immediate slaughter, said slaughtering to be ordered by and under the supervision of the commissioner or his agent, except under a written contract approved by the commissioner, signed by both parties, describing the animal and stating that it is believed to be tuberculous or infected with bang's disease. A contract of sale as provided by this section shall be executed in triplicate and one copy thereof delivered to the purchaser,

one kept by the seller and the other delivered to the commissioner.

8. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1939.]

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## CHAPTER 188.

### AN ACT RELATING TO INVESTMENTS OF LIFE INSURANCE COMPANIES.

SECTION		SECTION
1. Life insurance companies.	¶	3. Takes effect.
2. Application to investments now held.		

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

1. **Life Insurance Companies.** Amend section 15 of chapter 278 of the Public Laws, as amended by chapter 56 of the Laws of 1929, by striking out said section and inserting in place thereof the following: **15. Securities, etc.** Such companies shall invest their funds as follows:

I. In bonds of the United States.

II. In loans secured by first mortgage on improved real estate subject to the following limitations: (a) Such loans shall not exceed fifty per cent of the value of the mortgaged property except in the case of loans on property in cities or towns where the mortgage provides for the amortization of the debt during the term of the loan or at a rate of not less than five per cent per annum after the first year, in which case loans shall not exceed sixty-six and two-thirds per cent of the value of the mortgaged property; (b) all insurable buildings considered a part of the value of the mortgaged real estate shall be insured for the benefit of the mortgagee; (c) any mortgages taken in connection with the sale of real estate by any such company may be on terms as determined by the directors of the company or authorized committee thereof; (d) the value of mortgaged real estate may be determined by an appraisal made under oath of two freeholders resident in the county or city in which such real estate is located; (e) no such company shall invest in or loan upon the security of

any one property more than two per cent of its total admitted assets.

III. In loans insured by the federal housing administrator.

IV. In such other bonds, obligations and securities as are a legal investment for New Hampshire savings banks at the time of such investment.

V. In loans upon the pledge of stock, bonds or other obligations where the current value of such stock, bonds or obligations is at least twenty per cent more than the amount loaned thereon.

VI. In loans upon its own policies to an amount not exceeding the reserve against the policy at the time such loan is made thereon.

2. **Application to Investments Now Held.** The provisions of the preceding section shall not render illegal any investments heretofore made by any such company.

3. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1939.]

CHAPTER 189.

AN ACT RELATIVE TO THE REGISTRATION OF HIGHWAY BUILDING EQUIPMENT VEHICLES AND EQUIPMENT MOUNTED ON TRUCKS.

SECTION

- 1. Motor vehicles; definition.
- 2. Stationary tracks.
- 3. Definition of trailer.
- 4. Registration fees.

SECTION

- 5. Highway building equipment.
- 6. Registration not required.
- 7. Takes effect.

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

1. **Motor Vehicles; Definition.** Amend paragraph II, section 1, chapter 99, Public Laws, by inserting before the word "tracks" the word, stationary, so that said paragraph as amended shall read as follows: II. "Vehicle" any mechanical device suitable for use on highways, except those propelled or drawn by human power or those used exclusively upon stationary tracks.



**2. Stationary Tracks.** Amend paragraph IX, section 1, chapter 99, Public Laws, by inserting before the word "tracks" in the second line the word, stationary, so that said paragraph as amended shall read as follows: IX. "Motor vehicle" any self-propelled vehicle not operated exclusively upon stationary tracts, except tractors.

**3. Definition.** Amend paragraph XIII, section 1, chapter 99, Public Laws, by inserting before the word "tracks" the word, stationary, so that said paragraph as amended shall read as follows: XIII. "Trailer" any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on snow or on stationary tracks and vehicles used exclusively for agricultural purposes.

**4. Registration Fees.** Amend paragraph III of section 1, chapter 102, Public Laws, as amended by chapter 94, Laws of 1927, chapter 45, Laws of 1935, chapter 48 and section 5, chapter 132, Laws of 1939, and by section 1 of an act entitled "An Act relative to the registration fees for motor vehicle tractors and tractors used for agricultural purposes only" approved at the 1939 session, by striking out the same and inserting in place thereof the following: III. For each motor vehicle or tractor, including trailers and semi-trailers equipped with pneumatic tires, except motor cycles and motor cycle sidecars, and except as provided in paragraph III-a, the following rates based on the gross weight of the vehicle and load: All vehicles and load not exceeding four thousand pounds, thirty-five cents per hundred pounds; exceeding four thousand and not exceeding six thousand pounds, forty-five cents per hundred pounds; exceeding six thousand pounds and not exceeding eight thousand pounds, fifty cents per hundred pounds; exceeding eight thousand pounds, sixty cents per hundred pounds. For all vehicles equipped with hard rubber tires the sum of twenty cents per hundred pounds shall be added to the above rates. For all vehicles equipped with iron, steel or other hard tires the sum of forty cents per hundred pounds shall be added to the above rates; provided that the minimum fee as provided herein shall be ten dollars for passenger vehicles and fifteen dollars for trucks. Equipment mounted on trucks of which the equipment is an integral part

of the unit shall be registered at one third of the above rates. Cement mixers, saw rigs and air compressors towed by motor vehicles shall pay one tenth of the above rates except when towed exclusively within the limits of a single city or town, in which case no fees for registration shall be collected. In the registration of any tractor to be used in combination with a semi-trailer, the gross weight shall include the weight of such tractor, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby, and separate registration certificates and plates shall be provided for the tractor and the semi-trailer. For the registration of each additional or extra semi-trailer the fee shall be twenty-five dollars.

**5. Highway Building Equipment.** Amend section 1, chapter 99, Public Laws, by inserting after paragraph XXVII the following new paragraph: XXVIII. "Highway building equipment" shall include all bulldozers, rollers, scrapers, graders, spreaders, pavers, bituminous mixers, retreading machines, compressors, power shovels, excavators, wagons, concrete mixers, bucket loaders, snow loaders, rooters, scarifiers and tractors, while being used in connection with the building, repair or maintenance of highways or while being transported or moved over the highways under a permit from the board or officer having charge of such highway, or, in the case of a state highway or highway determined by the state highway department to be a through route, from the state highway commissioner, and such permit may limit the time within which it shall be in force and the highways which may be used and may contain any provisions or conditions necessary for the protection of such highways from injury. Road oilers, bituminous distributors and heavy duty platform trailers and semi-trailers are expressly excepted from this definition.

**6. Registration Not Required.** Amend chapter 100 of the Public Laws by inserting after section 5, as amended by section 1, chapter 132, Laws of 1939, the following new section: **5-a. Highway Building Equipment.** A resident owner of highway building equipment, as defined in paragraph XXVIII of section 1 of chapter 99 of the Public Laws, or a non-resident owner of such highway building equipment who has a *bona fide* actual residence in a state granting like privileges to residents of this state, in order to operate said equipment as pro-

vided in said paragraph shall not be required to register such equipment in this state.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1939.]

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**CHAPTER 190.**

**AN ACT RELATIVE TO THE OPERATION OF MOTOR VEHICLES OF  
NON-RESIDENTS ON THE HIGHWAYS OF THIS STATE.**

**SECTION**

- 1. Definition of non-resident.
- 2. Twenty day privilege for commercial vehicles.
- 3. Operation of pleasure vehicles without registration.
- 4. Non-resident operator.

**SECTION**

- 5. Neutral zone privilege.
- 6. Trucks and combinations of motor vehicles.
- 7. Repeal.
- 8. Registration fees.
- 9. Takes effect.

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

**1. Definitions.** Amend paragraph XVII of section 1, chapter 99, Public Laws, by striking out the word "three" and inserting in place thereof the word, six, so that said paragraph as amended shall read as follows: XVII. "Non-resident" a person who has no regular place of abode or business in this state for a period of more than six months continuously in the calendar year.

**2. Commercial Vehicles.** Amend section 22 of chapter 100 of the Public Laws, as amended by chapter 122, Laws of 1933, by striking out said section and inserting in place thereof the following: **22. Twenty Day Privilege.** A motor vehicle used for carrying passengers or property for a profit or for hire, except a motor truck, tractor, trailer or semi-trailer, or any combination of truck and semi-trailer or any combination of tractor and semi-trailer of a registered carrying capacity of more than three tons, owned by a non-resident who has complied with the laws of his state, district or country, relating to registration and licensing of motor vehicles, may be operated upon the ways of this state for a period of not exceeding twenty days in any one calendar year, without registration, except where a person owns, operates or causes to be operated more than one motor truck of a regis-

tered carrying capacity of three tons or less or commercial vehicle or both he shall not be entitled to more than twenty days in the calendar year for all such vehicles; provided that said state, district or country grants like privileges to residents of this state.

3. **Pleasure Vehicles.** Amend chapter 100 of the Public Laws by striking out section 26 and inserting in place thereof the following: 26. **Operation Without Registration.** A motor vehicle, trailer or semi-trailer, owned by a non-resident, which vehicle is used solely for pleasure and is not used for carrying passengers or property for profit or for hire, and which has been duly registered for the current year in the state, district or country of which the owner is a resident and in accordance with the laws thereof, may be operated upon the ways of this state without registration.

4. **Operator.** Amend chapter 100 of the Public Laws by striking out section 27 and inserting in place thereof the following: 27. **License Not Required.** No owner of a pleasure vehicle, as defined in section 26, and no non-resident chauffeur or driver of such vehicle who is the holder of a license to operate such vehicle in the state, district or country in which he resides shall be required to obtain a license to operate such vehicle within this state.

5. **Neutral Zone Registration.** Amend section 28 of chapter 100 of the Public Laws, as amended by section 2, chapter 122, Laws of 1933, and by chapter 109, Laws of 1935, by striking out said section and inserting in place thereof the following: 28. **Neutral Zone Privilege.** A non-resident owner of a motor vehicle, tractor, trailer, or semi-trailer, of which the gross weight of load and vehicle does not exceed the limit imposed by the laws of this state, who has complied with the laws of his state relating to registration and licensing of motor vehicles, tractor, trailer, or semi-trailer, and who has a *bona fide* actual residence in a state granting like privileges to residents of this state, which residence is located within fifteen miles by highway of the border line of this state, may operate such vehicle upon any ways of this state distant not more than fifteen miles from the border line of his state if application for the registration thereof is made in accordance with the provisions of section 1 and the proper fee is paid and the vehicle is registered by the commissioner.

**6. Trucks and Combinations of Motor Vehicles.** Amend section 29-a, chapter 100, Public Laws, as inserted by section 3, chapter 122, Laws of 1933, and as amended by section 2, chapter 109, Laws of 1935, by striking out said section and inserting in place thereof the following: **29-a. Registration, Special Permit.** No motor truck, tractor, trailer or semi-trailer, nor any combination of truck and semi-trailer nor any combination of tractor and semi-trailer, of a registered carrying capacity of more than three tons owned by a non-resident shall be operated on the highways of this state, except under the neutral zone privilege, until it has been registered under the laws of this state in the same manner as is required of like vehicles owned and registered in this state; provided that a non-resident owner may apply to the commissioner for a special permit, to operate such vehicle or such combination of vehicles upon the highways of this state which permit, if granted, shall cover operation of such vehicle or such combination of vehicles for a period not to exceed five days from the date of issue or for periods of five separate days during one calendar year. A special permit granted under the provisions hereof shall not be transferable nor shall it be extended beyond the five day period. Any such special permit issued by the commissioner shall be in the possession of the operator of such vehicle or such combination of vehicles at all times when such vehicle or such combination of vehicles is operated on the highways of this state. Nothing in this section shall affect such vehicle or combination of vehicles owned by any public utility company doing business in this state when engaged in emergency repair work, provided that such vehicle or such combination of vehicles and the drivers thereof shall be properly registered and licensed in this or some other state.

**7. Repeal.** Section 5 of chapter 101 of the Public Laws, relative to limited registration of motor vehicles of non-residents, and chapter 42 of the Laws of 1929, relative to registration of non-resident motor vehicles, are hereby repealed.

**8. Registration Fees.** Amend paragraph VI of section 1 of chapter 102 of the Public Laws, as amended by section 6, chapter 113, Laws of 1937, by striking out said paragraph and inserting in place thereof the following: VI. For every motor vehicle, tractor, trailer or semi-trailer, during the period

beginning December first and ending March thirty-first in any year, one half of the foregoing fees.

**9. Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1939.]

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## CHAPTER 191.

### AN ACT RELATING TO THE ACQUISITION OF CERTAIN LAND IN THE TOWN OF MOULTONBOROUGH.

#### SECTION

1. Acquisition authorized.
2. Supervision of use.

#### SECTION

3. Appropriation.
4. Takes effect.

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

**1. Acquisition Authorized.** For the purpose of providing a public park for bathing facilities and a recreational area on Long Island in the town of Moultonborough, the governor and council are hereby authorized and empowered to acquire for the state by proceedings under the provisions of sections 18 to 28 inclusive of chapter 19 of the Public Laws, as amended by chapter 180 of the Laws of 1937, the northerly end of said Long Island to include the whole of the point.

**2. Supervision of Use.** The real estate hereby authorized to be acquired shall be under the supervision of, and the use thereof shall be governed by such rules and regulations as shall be established by, the state forestry and recreation commission.

**3. Appropriation.** The sum of not exceeding one thousand dollars be and hereby is appropriated for the purposes of this act, provided that no payment shall be made to the town of Moultonborough for any interest said town may have in the real estate to be acquired hereby. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 15, 1939.]

## CHAPTER 192.

AN ACT RELATING TO OLIVERIAN BROOK IN BENTON AND WARREN  
AND THREE POND BROOK IN RUMNEY, AND THE USE OF  
ARTIFICIAL FLIES FOR TAKING FISH IN CERTAIN  
WATERS.

## SECTION

1. Oliverian brook.
2. Three pond brook.

## SECTION

3. Fly fishing only in certain waters.
4. Takes effect.

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

**1. Oliverian Brook.** Amend paragraph VI of section 30 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out said paragraph and inserting in place thereof the following: VI. All tributaries of Peabody river in Green's Grant except the West Branch and Nineteen-mile brook.

**2. Three Pond Brook.** Amend paragraph IX of section 30 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out said paragraph and inserting in place thereof the following: IX. Trout brook, the inlet of Post pond in Lyme, up-stream from the pond for a distance of approximately two miles to the falls, all tributaries of Tunnel stream in Benton and their tributaries above the Parker House, Twitchell brook, flowing east into the Androscoggin river, West Branch watershed of the Ammonoosuc river, tributaries of Kilkenney, including the West Branch.

**3. Fly Fishing Only in Certain Waters.** Amend chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by inserting after section 6 the following new section: **6-a. Restriction.** In all waters named in sections 5 and 6 hereof, where brook trout may be taken by artificial flies only, no fish of any kind may be taken except by the use of artificial flies during the open season therefor.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

## CHAPTER 193.

## AN ACT RELATING TO FISHING IN FERRIN POND IN WEARE.

## SECTION

1. Ferrin pond in Weare.
2. Ice fishing.

## SECTION

3. Pickerel, open season.
4. Takes effect.

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

**1. Ferrin Pond in Weare.** Amend paragraph I of section 3 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out the words "Ferrin pond in Weare" so that said paragraph as amended shall read as follows: I. Back lake in Pittsburg, Gustin pond in Marlow, Halls ponds in Sandwich, Ledge pond in Madison, Little Diamond pond in Stewartstown, Lily pond in Gilford.

**2. Ice Fishing.** Amend paragraph I of section 29 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by striking out the words "Ferrin pond in Weare" so that said paragraph as amended shall read as follows: I. Arlington Mills reservoir, Big Dan Hole pond in Ossipee and Tuftonboro, Dimond or Tom pond in Warner, Elbow pond in Woodstock, Gorham pond in Dunbarton, Forest lake in Winchester.

**3. Pickerel, Open Season.** Amend section 23 of chapter 201 of the Public Laws, as inserted by chapter 169, Laws of 1939, by inserting after paragraph VII the following new paragraph: VIII. Pickerel of any size and in any quantity may be taken and possessed from June first to January sixteenth in Ferrin pond in Weare.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]



### CHAPTER 194.

#### AN ACT RELATING TO CONSERVATION OFFICERS OF THE FISH AND GAME DEPARTMENT.

## SECTION

1. Repeal.

## SECTION

2. Takes effect.

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

**1. Repeal.** Section 50 of chapter 201 of the Public Laws as inserted by chapter 169 of the Laws of 1939, relative to conservation officers of the fish and game department while on lobster patrol work, is hereby repealed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

### CHAPTER 195.

#### AN ACT RELATING TO WORKMEN'S COMPENSATION.

## SECTION

1. Application of act.
2. Amount of compensation for death.
3. Compensation for incapacity.
4. Permanent partial disability.

## SECTION

5. Application of provisions.
6. Compensation increased.
7. Constitutionality.
8. Repeal; takes effect.

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

**1. Application of Act.** Amend section 1 of chapter 178 of the Public Laws, as amended by section 1, chapter 159, Laws of 1937, by striking out the following words, being the last paragraph in said section: "This chapter shall apply to workmen engaged in any of the foregoing employments within this state irrespective of the place where the contract of hiring was made, renewed or extended, and shall not apply to workmen outside of the state."

**2. Amount of Compensation for Death.** Amend paragraph I of section 19 of said chapter 178, as amended by section 1, chapter 131, Laws of 1931, by striking out said paragraph and inserting in place thereof the following: I. Dependents. If the workman leaves any widow, children or

parents, at the time of his death, then wholly dependent in fact 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 periods; but in no event shall such sum exceed five thousand four hundred dollars. Any weekly payments made under this subdivision shall be deducted from the sum so fixed.

**3. Compensation.** Amend section 21 of said chapter 178, as amended by chapter 153, Laws of 1933, by striking out the word "seven" and inserting in place thereof the word, eight, so that said section as amended shall read as follows: **21. For Incapacity.** Where total or partial incapacity for work at any gainful employment for not less than one week results to the workman from the injury, a weekly payment shall be made, computed from the time of the injury and continuing during such incapacity, subject as herein provided, not exceeding fifty per cent of his average weekly earnings as computed under section 19, I, provided that compensation as provided for in this section shall not, in any case, be less than eight dollars per week.

**4. Limitations.** Amend said chapter 178 by inserting after section 21 as hereinbefore amended the following new section: **21-a. Permanent Partial Disability.** In case of disability partial in character but permanent in quality, compensation computed as provided in section 21 shall be paid to the employee as follows:

I. Arm lost, one hundred seventy weeks' compensation, plus for actual healing period not in excess of thirty-two weeks' compensation.

II. Hand lost, one hundred forty weeks' compensation, plus for actual healing period not in excess of thirty-two weeks' compensation.

III. Thumb lost, forty weeks' compensation, plus for actual healing period not in excess of twenty-four weeks' compensation.

IV. Index finger lost, twenty-five weeks' compensation, plus for actual healing period not in excess of eighteen weeks' compensation.

V. Middle finger lost, twenty weeks' compensation, plus for actual healing period not in excess of twelve weeks' compensation.

VI. Ring finger lost, fifteen weeks' compensation, plus for actual healing period not in excess of eight weeks' compensation.

VII. Little finger lost, ten weeks' compensation, plus for actual healing period not in excess of eight weeks' compensation.

VIII. Leg lost, one hundred seventy weeks' compensation, plus for actual healing period not in excess of forty weeks' compensation.

IX. Foot lost, one hundred twenty weeks' compensation, plus for actual healing time not in excess of thirty-two weeks' compensation.

X. Great toe lost, twenty weeks' compensation, plus for actual healing period not in excess of twelve weeks' compensation.

XI. Toe other than great toe lost, eight weeks' compensation, plus for actual healing period not in excess of eight weeks' compensation.

XII. Eye lost, one hundred weeks' compensation, plus for actual healing period not in excess of twenty weeks' compensation.

XIII. Both eyes lost, three hundred weeks' compensation.

XIV. Loss of hearing in one ear, forty-two weeks' compensation.

XV. Loss of hearing in both ears, one hundred seventy weeks' compensation.

XVI. Compensation for the loss of more than one phalange of a digit shall be the same as for the loss of an entire digit. Compensation for the loss of the first phalange shall be one half of the compensation for the loss of the entire digit.

XVII. Compensation for an arm or leg if amputated at or above the elbow or at or above the knee, shall be the same as for the loss of the arm or leg, but if amputated between the

elbow and the wrist, or the knee and the ankle shall be the same as for loss of hand or foot.

XVIII. Compensation for loss of eighty per cent or more of the vision of an eye shall be the same as for the loss of an eye.

XVIX. Compensation for loss of two or more digits or one or more phalanges of two or more digits of a hand or foot, may be proportioned to the loss of use of the hand or foot occasioned thereby, but shall not exceed the compensation for loss of a hand or foot.

XX. Compensation for permanent total loss of use of a member shall be the same as for the loss of the member.

5. **Application of Provisions.** Amend said chapter 178 by inserting after section 21-a, as hereinbefore inserted, the following new section: **21-b. Computation.** The compensation paid under the provisions of section 21-a shall be in lieu of any and all compensation due under any other provisions of this subdivision, except that if the total compensation to which the employee is entitled under the provisions of this subdivision, exclusive of said section 21-a, exceeds the compensation provided under said section 21-a said employee shall be entitled to such compensation in lieu of the compensation due under section 21-a.

6. **Compensation Increased.** Amend section 24 of said chapter 178, as amended by section 1, chapter 135, Laws of 1937, by striking out the word "seventeen" and inserting in place thereof the word, eighteen, so that said section as amended shall read as follows: **24. Limit of Compensation.** In no event shall any compensation paid under this subdivision exceed the damage suffered, nor shall any weekly payment in any event exceed eighteen dollars 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, if total or partial disability continues during such period. No such payment shall be due or payable for any time prior to the giving of the notice required by section 15.

7. **Constitutionality.** If any portion of this chapter is held unconstitutional or invalid, such holding shall not affect the validity of the chapter as a whole, or any part thereof which can be given effect without the part so held to be unconstitutional or invalid.

8. **Repeal; Takes Effect.** All acts or parts of acts inconsistent with this act are hereby repealed and this act shall take effect July 1, 1939; provided that this act shall not affect the compensation for injuries resulting from accidents happening prior to July 1, 1939.

[Approved June 16, 1939.]

## CHAPTER 196.

### AN ACT TO MAKE UNIFORM THE LAW WITH REFERENCE TO TRUST RECEIPTS AND PLEDGES OF PERSONAL PROPERTY UNACCOMPANIED BY POSSESSION IN THE PLEDGEE.

SECTION	SECTION
1. Definitions.	11. Liens in course of business good against entruster.
2. Trust receipt transaction and trust receipt.	12. Entruster not responsible on sale by trustee.
3. Attempted creation or continuance of pledge without delivery or retention of possession.	13. Filing and refiling concerning trust receipt transactions covering documents or goods.
4. Contract to give trust receipt.	14. Limitations on extent of obligation secured.
5. Validity between the parties.	15. Act not applicable to certain transactions.
6. Repossession and entruster's rights on default.	16. Election among filing statutes.
7. General effect of entruster's filing or taking possession.	17. Cases not provided for.
8. Validity against creditors.	18. Uniformity of interpretation.
9. Limitations on entruster's protection against purchasers.	19. Constitutionality.
10. Entruster's right to proceeds.	20. Title.
	21. Takes effect.

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

1. **Definitions.** In this act, unless the context or subject matter otherwise requires:

I. "Buyer in the ordinary course of trade" means a person to whom goods are sold and delivered for new value and who acts in good faith and without actual knowledge of any limitation on the trustee's liberty of sale, including one who takes by conditional sale or under a pre-existing mercantile contract with the trustee to buy the goods delivered, or like goods, for cash or on credit. "Buyer in the ordinary course of trade" does not include a pledgee, a mortgagee, a lienor, or a transferee in bulk.

II. "Document" means any document of title to goods.

III. "Entruster" means the person who has or directly or by agent takes a security interest in goods, documents or instruments under a trust receipt transaction, and any successor in interest of such person. A person in the business of selling goods or instruments for profit, who at the outset of the transaction has as against the buyer, general property in such goods or instruments, and who sells the same to the buyer on credit, retaining title or other security interest under a purchase money mortgage or conditional sales contract or otherwise, is excluded.

IV. "Goods" means any chattels personal other than: money, things in action, or things so affixed to land as to become a part thereof.

V. "Instrument" means

(a) any negotiable instrument as defined in chapter 312 of the Public Laws, or

(b) any certificate of stock, or bond or debenture for the payment of money issued by a public or private corporation as part of a series, or

(c) any interim, deposit, or participation certificate or receipt, or other credit or investment instrument of a sort marketed in the ordinary course of business or finance, of which the trustee, after the trust receipt transaction, appears by virtue of possession and the face of the instrument to be the owner. "Instrument" does not include any document of title to goods.

VI. "Lien creditor" means any creditor who has acquired a specific lien on the goods, documents or instruments by attachment, levy, or by any other similar operation of law or judicial process, including a distraining landlord.

VII. "New value" includes new advances or loans made, or new obligation incurred, or the release or surrender of a valid and existing security interest, or the release of a claim to proceeds under section 10; but "new value" shall not be construed to include extensions or renewals of existing obligations of the trustee, nor obligations substituted for such existing obligations.

VIII. "Person" means, as the case may be, an individual, trustee, receiver or other fiduciary, partnership, corporation, business trust, or other association, and two or more persons having a joint or common interest.

IX. "Possession" as used in this act with reference to possession taken or retained by the entruster, means actual possession of goods, documents or instruments, or, in the case of goods, such constructive possession as, by means of tags or signs or other outward marks placed and remaining in conspicuous places, may reasonably be expected in fact to indicate to the third party in question that the entruster has control over or interest in the goods.

X. "Purchase" means taking by sale, conditional sale, lease, mortgage, or pledge, legal or equitable.

XI. "Purchaser" means any person taking by purchase. A pledgee, mortgagee or other claimant of a security interest created by contract is, so far as concerns his specific security, a purchaser and not a creditor.

XII. "Security interest" means a property interest in goods, documents or instruments, limited in extent to securing performance of some obligation of the trustee or of some third person to the entruster, and includes the interest of a pledgee, and title, whether or not expressed to be absolute, whenever such title is in substance taken or retained for security only.

XIII. "Transferee in bulk" means a mortgagee or a pledgee or a buyer of the trustee's business substantially as a whole.

XIV. "Trustee" means the person having or taking possession of goods, documents or instruments under a trust receipt transaction, and any successor in interest of such person. The use of the word "trustee" herein shall not be interpreted or construed to imply the existence of a trust or any right or duty of a trustee in the sense of equity jurisprudence other than as provided by this act.

XV. "Value" means any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, and whether against the transferor or against another person, constitutes value where goods, documents or instruments are taken either in satisfaction thereof or as security therefor.

## **2. Trust Receipt Transaction and Trust Receipt.**

I. A trust receipt transaction within the meaning of this act is any transaction to which an entruster and a trustee are parties, for one of the purposes set forth in paragraph III whereby

(a) the entruster or any third person delivers to the trustee goods, documents or instruments in which the entruster (i) prior to the transaction has, or for new value (ii) by the transaction acquires or (iii) as the result thereof is to acquire promptly, a security interest; or

(b) the entruster gives new value in reliance upon the transfer by the trustee to such entruster of a security interest in instruments which are actually exhibited to such entruster, or to his agent in that behalf, at a place of business of either entruster or agent, but possession of which is retained by the trustee; provided that the delivery under paragraph (a) or the giving of new value under paragraph (b) either (i) be against the signing and delivery by the trustee of a writing designating the goods, documents or instruments concerned, and reciting that a security interest therein remains in or will remain in, or has passed to or will pass to, the entruster, or (ii) be pursuant to a prior or concurrent written and signed agreement of the trustee to give such a writing. The security interest of the entruster may be derived from the trustee or from any other person, and by pledge or by transfer of title or otherwise. If the trustee's rights in the goods, documents or instruments are subject to a prior trust receipt transaction, or to a prior equitable pledge, section 9 and section 3, respectively, of this act, determine the priorities.

II. A writing such as described in paragraph I (i), signed by the trustee, and given in or pursuant to such a transaction, is designated in this act as a "trust receipt." No further formality of execution or authentication shall be necessary to the validity of a trust receipt.

III. A transaction shall not be deemed a trust receipt transaction unless the possession of the trustee thereunder is for a purpose substantially equivalent to any one of the following:

(a) in the case of goods, documents or instruments, for the purpose of selling or exchanging them, or of procuring their sale or exchange; or

(b) in the case of goods or documents, for the purpose of manufacturing or processing the goods delivered or covered by the documents, with the purpose of ultimate sale, or for the purpose of loading, unloading, storing, shipping, transshipping



or otherwise dealing with them in a manner preliminary to or necessary to their sale; or

(c) in the case of instruments, for the purpose of delivering them to a principal, under whom the trustee is holding them, or for consummation of some transaction involving delivery to a depository or registrar, or for their presentation, collection, or renewal.

### **3. Attempted Creation or Continuance of Pledge Without Delivery or Retention of Possession.**

I. An attempted pledge or agreement to pledge not accompanied by delivery of possession, which does not fulfill the requirements of a trust receipt transaction, shall be valid as against creditors of the pledgor only as follows:

(a) To the extent that new value is given by the pledgee in reliance thereon, such pledge or agreement to pledge shall be valid as against all creditors with or without notice, for ten days from the time the new value is given;

(b) to the extent that the value given by the pledgee is not new value, and in the case of new value after the lapse of ten days from the giving thereof, the pledge shall have validity as against lien creditors without notice, who become such as prescribed in section 8, only as of the time the pledgee takes possession, and without relation back.

II. Purchasers (including entrusters) for value and without notice of the pledgee's interest shall take free of any such pledge or agreement to pledge unless, prior to the purchase, it has been perfected by possession taken.

III. Where, under circumstances not constituting a trust receipt transaction, a person, for a temporary and limited purpose, delivers goods, documents, or instruments, in which he holds a pledgee's or other security interest, to the person holding the beneficial interest therein, the transaction has like effect with a purported pledge for new value under this section.

**4. Contract to Give Trust Receipt.** A contract to give a trust receipt, if in writing and signed by the trustee, shall, with reference to goods, documents or instruments thereafter delivered by the entruster to the trustee in reliance on such contract, be equivalent in all respects to a trust receipt. Such a contract shall as to such goods, documents, or instruments be specifically enforceable against the trustee; but this section

shall not enlarge the scope of the entruster's rights against creditors of the trustee as limited by this act.

**5. Validity Between the Parties.** Between the entruster and the trustee the terms of the trust receipt shall, save as otherwise provided by this act, be valid and enforceable. But no provision for forfeiture of the trustee's interest shall be valid except as provided in paragraph V of section 6.

**6. Repossession, and Entruster's Rights on Default.**

I. The entruster shall be entitled as against the trustee to possession of the goods, documents or instruments on default, and as may be otherwise specified in the trust receipt.

II. An entruster entitled to possession under the terms of the trust receipt or of paragraph I may take such possession without legal process, whenever that is possible without breach of the peace.

III. (a) After possession taken, the entruster shall, subject to subdivision (b) and paragraph V hold such goods, documents or instruments with the rights and duties of a pledgee.

(b) An entruster in possession may, on or after default, give notice to the trustee of intention to sell, and may, not less than five days after the serving or sending of such notice, sell the goods, documents or instruments for the trustee's account, at public or private sale, and may at a public sale himself become a purchaser. The proceeds of any such sale, whether public or private, shall be applied (i) to the payment of the expenses thereof, (ii) to the payment of the expenses of retaking, keeping and storing the goods, documents, or instruments, (iii) to the satisfaction of the trustee's indebtedness. The trustee shall receive any surplus and shall be liable to the entruster for any deficiency. Notice of sale shall be deemed sufficiently given if in writing, and either (i) personally served on the trustee, or (ii) sent by postpaid ordinary mail to the trustee's last known business address.

(c) A purchaser in good faith and for value from an entruster in possession takes free of the trustee's interest, even in a case in which the entruster is liable to the trustee for conversion.

IV. Surrender of the trustee's interest to the entruster shall be valid, on any terms upon which the trustee and the entruster may, after default, agree.

V. As to articles manufactured by style or model, the terms of the trust receipt may provide for forfeiture of the trustee's interest, at the election of the entruster, in the event of the trustee's default, against cancellation of the trustee's default, against cancellation of the trustee's then remaining indebtedness; provided that in the case of the original maturity of such an indebtedness there must be cancelled not less than eighty per cent of the purchase price to the trustee, or of the original indebtedness, whichever is greater; or, in the case of a first renewal, not less than seventy per cent, or, in the case of a second or further renewal, not less than sixty per cent.

**7. General Effect of Entruster's Filing or Taking Possession.**

I. (a) If the entruster within the period of thirty days specified in paragraph I of section 8 files as in this act provided, such filing shall be effective to preserve his security interest in documents or goods against all persons, save as otherwise provided by sections 8, 9, 10, 11, 14 and 15 of this act.

(b) Filing after the lapse of the said period shall be valid; but in such event, save as provided in subdivision II, (b) of section 9, the entruster's security interest shall be deemed to be created by the trustee as of the time of such filing, without relation back, as against all persons not having notice of such interest.

II. The taking of possession by the entruster shall, so long as such possession is retained, have the effect of filing, in the case of goods or documents; and of notice of the entruster's security interest to all persons, in the case of instruments.

**8. Validity Against Creditors.**

I. The entruster's security interest in goods, documents or instruments under the written terms of a trust receipt transaction, shall without any filing be valid as against all creditors of the trustee, with or without notice, for thirty days after delivery of the goods, documents or instruments to the trustee, and thereafter except as in this act otherwise provided. But where the trustee at the time of the trust receipt transaction has and retains instruments, the thirty days shall be reckoned from the time such instruments are actually shown to the entruster, or from the time that the entruster gives new value under the transaction, whichever is prior.

II. Save as provided in paragraph I, the entruster's security interest shall be void as against lien creditors who become such after such thirty day period and without notice of such interest and before filing.

(a) Where a creditor secures the issuance of process which within a reasonable time after such issuance results in attachment of or levy on the goods, he is deemed to have become a lien creditor as of the date of the issuance of the process.

(b) Unless prior to the acquisition of notice by all creditors filing has occurred or possession has been taken by the entruster, (i) an assignee for the benefit of creditors, from the time of assignment, or (ii) a receiver in equity from the time of his appointment, or (iii) a trustee in bankruptcy or judicial insolvency proceedings from the time of filing of the petition in bankruptcy or judicial insolvency by or against the trustee, shall, on behalf of all creditors, stand in the position of a lien creditor without notice, without reference to whether he personally has or has not, in fact, notice of the entruster's interest.

#### **9. Limitations on Entruster's Protection Against Purchasers.**

I. (a) Nothing in this act shall limit the rights of purchasers in good faith and for value from the trustee of negotiable instruments or negotiable documents, and purchasers taking from the trustee for value, in good faith, and by transfer in the customary manner instruments in such form as are by common practice purchased and sold as if negotiable, shall hold such instruments free of the entruster's interest; and filing under this act shall not be deemed to constitute notice of the entruster's interest to purchasers in good faith and for value of such documents or instruments, other than transferees in bulk.

(b) The entrusting (directly, by agent, or through the intervention of a third person) of goods, documents or instruments by an entruster to a trustee, under a trust receipt transaction or a transaction falling within section 3 of this act, shall be equivalent to the like entrusting of any documents or instruments which the trustee may procure in substitution, or which represent the same goods or instruments or the proceeds thereof, and which the trustee negotiates to a purchaser in good faith and for value.

II. Where a purchaser from the trustee is not protected under paragraph I hereof the following rules shall govern:

(a) (i) Where the trustee, under the trust receipt transaction, has liberty of sale and sells to a buyer in the ordinary course of trade, whether before or after the expiration of the thirty day period specified in paragraph I of section 8 of this act, and whether or not filing has taken place, such buyer takes free of the entruster's security interest in the goods so sold, and no filing shall constitute notice of the entruster's security interest to such a buyer. (ii) No limitation placed by the entruster on the liberty of sale granted to the trustee shall affect a buyer in the ordinary course of trade, unless the limitation is actually known to the latter.

(b) In the absence of filing, the entruster's security interest in goods shall be valid, as against purchasers, save as provided in this section; but any purchaser, not a buyer in the ordinary course of trade, who, in good faith and without notice of the entruster's security interest and before filing, either (i) gives new value before the expiration of the thirty day period specified in paragraph I of section 8, or (ii) gives value after said period, and who in either event before filing also obtains delivery of goods from a trustee shall hold the subject matter of his purchase free of the entruster's security interest; but a transferee in bulk can take only under (ii) of this subdivision (b).

(c) If the entruster consents to the placing of goods subject to a trust receipt transaction in the trustee's stock in trade or in his sales or exhibition rooms, or allows such goods to be so placed or kept, such consent or allowance shall have like effect as granting the trustee liberty of sale.

III. As to all cases covered by this section the purchase of goods, documents or instruments on credit shall constitute a purchase for new value, but the entruster shall be entitled to any debt owing to the trustee and any security therefor, by reason of such purchase; except that the entruster's right shall be subject to any set-off or defence valid against the trustee and accruing before the purchaser has actual notice of the entruster's interest.

**10. Entruster's Right to Proceeds.** Where, under the terms of the trust receipt transaction, the trustee has no liberty of sale or other disposition, or, having liberty of sale

or other disposition, is to account to the entruster for the proceeds of any disposition of the goods, documents or instruments, the entruster shall be entitled, to the extent to which and as against all classes of persons as to whom his security interest was valid at the time of disposition by the trustee, as follows:

(a) to the debts described in paragraph III, section 9 and also

(b) to any proceeds or the value of any proceeds, whether such proceeds are identifiable or not, of the goods, documents or instruments, if said proceeds were received by the trustee within ten days prior to either application for appointment of a receiver of the trustee, or the filing of a petition in bankruptcy or judicial insolvency proceedings by or against the trustee, or demand made by the entruster for prompt accounting; and to a priority to the amount of such proceeds or value; and also

(c) to any other proceeds of the goods, documents or instruments which are identifiable, unless the provision for accounting has been waived by the entruster by words or conduct; and knowledge by the entruster of the existence of proceeds, without demand for accounting made within ten days from such knowledge, shall be deemed such a waiver.

**11. Liens in Course of Business Good Against Entruster.** Specific liens arising out of contractual acts of the trustee with reference to the processing, warehousing, shipping or otherwise dealing with specific goods in the usual course of the trustee's business preparatory to their sale shall attach against the interest of the entruster in said goods as well as against the interest of the trustee, whether or not filing has occurred under this act; but this section shall not obligate the entruster personally for any debt secured by such lien; nor shall it be construed to include the lien of a landlord.

**12. Entruster Not Responsible on Sale by Trustee.** An entruster holding a security interest shall not, merely by virtue of such interest or of his having given the trustee liberty of sale or other disposition, be responsible as principal or as vendor under any sale or contract to sell made by the trustee.

**13. Filing and Refiling Concerning Trust Receipt Transactions Covering Documents or Goods.**

I. Any entruster undertaking or contemplating trust receipt transactions with reference to documents of goods is entitled to file with the secretary of state, a statement, signed by the entruster and the trustee containing:

(a) a designation of the entruster and the trustee, and of the chief place of business of each within this state, if any; and if the entruster has no place of business within the state, a designation of his chief place of business outside the state; and

(b) a statement that the entruster is engaged, or expects to be engaged, in financing under trust receipt transactions the acquisition of goods by the trustee; and

(c) a description of the kind or kinds of goods covered or to be covered by such financing.

II. The following form of statement (or any other form of statement containing substantially the same information) shall suffice for the purposes of this act:

“Statement of Trust Receipt Financing

“The entruster, ..... whose chief place of business within this state is at ....., (or who has no place of business within this state and whose chief place of business outside this state is at .....) is or expects to be engaged in financing under trust receipt transactions the acquisition by the trustee, ..... whose chief place of business within this state is at ..... of goods of the following description:

(Signed) ..... Entruster  
(Signed) ..... Trustee.”

III. It shall be the duty of the secretary of state to mark each statement filed with a consecutive file number, and with the date and hour of filing, and to keep such statement in a separate file; and to note and index the filing in a suitable index, indexed according to the name of the trustee and containing a notation of the trustee’s chief place of business as given in the statement. The fee for such filing shall be one dollar.

IV. Presentation for filing of the statement described in paragraph I. and payment of the filing fee, shall constitute filing under this act, in favor of the entruster, as to any documents or goods falling within the description in the statement which are within one year from the date of such filing, or have been, within thirty days previous to such filing, the subject-

matter of a trust receipt transaction between the entruster and the trustee.

V. At any time before expiration of the validity of the filing, as specified in paragraph IV, a like statement, or an affidavit by the entruster alone, setting out the information required by paragraph I, may be filed in like manner as the original filing. Any filing of such further statement or affidavit shall be valid in like manner and for like period as an original filing, and shall also continue the rank of the entruster's existing security interest as against all junior interests. It shall be the duty of the secretary of state to mark, file and index the further statement or affidavit in like manner as the original.

**14. Limitations on Extent of Obligation Secured.** As against purchasers and creditors, the entruster's security interest may extend to any obligation for which the goods, documents or instruments were security before the trust receipt transaction, and to any new value given or agreed to be given as a part of such transaction; but not, otherwise, to secure past indebtedness of the trustee; nor shall the obligation secured under any trust receipt transaction extend to obligations of the trustee to be subsequently created.

**15. Act Not Applicable to Certain Transactions.** This act shall not apply to single transactions of legal or equitable pledge, not constituting a course of business, whether such transactions be unaccompanied by delivery of possession, or involve constructive delivery, or delivery and redelivery, actual or constructive, so far as such transactions involve only an entruster who is an individual natural person, and a trustee entrusted as a fiduciary with handling investments or finances of the entruster; nor shall it apply to transactions of bailment or consignment in which the title of the bailor or consignor is not retained to secure an indebtedness to him of the bailee or consignee.

**16. Election Among Filing Statutes.** As to any transaction falling within the provisions both of this act and of any other act requiring filing or recording the entruster shall not be required to comply with both, but by complying with the provisions of either at his election may have the protection given by the act complied with; except that buyers in the ordinary course of trade as described in paragraph II of section 9, and lienors as described in section 11, shall be



protected as therein provided, although the compliance of the entruster be with the filing or recording requirements of another act.

**17. Cases Not Provided For.** In any case not provided for in this act the rules of law and equity, including the law merchant, shall continue to apply to trust receipt transactions and purported pledge transactions not accompanied by delivery of possession.

**18. Uniformity of Interpretation.** This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

**19. Constitutionality.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**20. Title.** This act may be cited as the Uniform Trust Receipts Act.

**21. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

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**CHAPTER 197.**

**AN ACT RELATIVE TO EXAMINATIONS FOR THE PRACTICE OF OPTOMETRY.**

SECTION

1. The practice of optometry.

SECTION

2. Takes effect.

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

**1. The Practice of Optometry.** Amend section 8 of chapter 207 of the Public Laws by inserting after the word "person" in the first line the words, who is a citizen of the United States or a Canadian province in which like privileges are granted to citizens of the United States, or who has declared his intention of becoming a citizen of the United States and has taken out his first papers therefor, so that said section as amended shall read as follows: **8. Examinations.** Any person, who is a citizen of the United States or a Canadian province in which

like privileges are granted to citizens of the United States, or who has declared his intention of becoming a citizen of the United States and has taken out his first papers therefor, may appear before said board at any of its regular meetings and be examined with reference to his knowledge and skill in optometry.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

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## CHAPTER 198.

AN ACT RELATING TO THE DEPARTMENT OF STATE POLICE.

SECTION

1. Rewards paid to treasury.

SECTION

2. Takes effect.

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

**1. Rewards Paid to Treasury.** Amend section 11 of chapter 134 of the Laws of 1937 by striking out the entire section and inserting in place thereof the following: **11. Rewards Paid to Treasury.** Any fee for the performance of an act in line of duty or reward for the apprehension or the conviction of any person, or for the recovery of any property, received by or payable to any employee, shall be paid by him to the commissioner of motor vehicles who shall immediately forward the same to the state treasurer. All fines and costs assessed against any violator of law apprehended or prosecuted by a police employee, except such as may be assessed against persons committing or attempting to commit a felony, shall be sent, by the court collecting the same from such law violator, to the commissioner of motor vehicles within five days from their payment, and by him immediately paid into the state treasury. The commissioner of motor vehicles shall forward to the superintendent such information as he may direct relative to said fees, fines and costs.

**2. Takes Effect.** This act shall take effect July 1, 1939.

[Approved June 16, 1939.]

## CHAPTER 199.

AN ACT RELATIVE TO THE INSPECTION OF MOTOR VEHICLES.

## SECTION

1. Inspection of motor vehicles.

## SECTION

2. Takes effect.

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

**1. Motor Vehicle Equipment.** Amend section 6-a of chapter 100 of the Public Laws, as inserted by section 1, chapter 80, Laws of 1931, by striking out said section and inserting in place thereof the following: **6-a. Inspection Authorized.** The commissioner of motor vehicles may require the inspection of any motor vehicle or trailer to determine whether or not it is unsafe or improperly equipped or otherwise unfit to be operated. Such inspection shall be made at such times and in such manner as the commissioner may specify, provided that during the time after the close of the regular inspection period special regulations shall be made by the commissioner to permit newly registered vehicles and vehicles the ownership of which have been transferred to be operated upon the highways for a period of five days before inspection. The commissioner may authorize properly qualified persons to make inspections, without expense to the state, at stations designated by him, and may at any time revoke such authorization or designation.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

## CHAPTER 200.

AN ACT RELATIVE TO TRUCKS USED FOR TIMBER SALVAGE.

## SECTION

1. Extension of time.  
2. Laws suspended.

## SECTION

3. Takes effect.

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

**1. Extension of Time.** Any motor vehicle truck, owned by a resident or non-resident, which has been registered under the provisions of chapter 1 of the Laws of 1939, under a

special certificate, may, upon payment of the fee hereinafter provided, be operated as provided in said chapter 1 on the highways of this state for the further period from July 1, 1939, to December 1, 1939. The fee for such extended special registration shall be one third of the amount which would otherwise be required for one year's registration. The motor vehicle commissioner is hereby authorized to issue such evidence of such extended registration as he may determine to carry out the purposes of this act.

**2. Laws Suspended.** The provisions of chapters 100 and 102 of the Public Laws relative to the registration of trucks by residents and non-residents inconsistent with the provisions hereof are hereby suspended in so far as they affect the registration of motor trucks engaged in hauling logs or logging equipment. This suspension shall be in effect until December 1, 1939, and during the time of such suspension the provisions hereby suspended shall be inoperative and of no effect in so far as they affect such trucks.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

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## CHAPTER 201.

### AN ACT RELATING TO THE GENERAL FUNDS OF THE STATE.

#### SECTION

1. Appropriation.

#### SECTION

2. Takes effect.

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

**1. Appropriation.** A sum not exceeding one million six hundred and twenty-five thousand dollars for the fiscal year ending June 30, 1940, and a sum not exceeding one million eight hundred and twenty-five thousand dollars for the fiscal year ending June 30, 1941, are hereby appropriated for the use of the state for general purposes and such sums shall be a charge upon the special fund constituted by chapter 126, Laws of 1931, as amended. The state treasurer, at such times and in such amounts as the governor and council may determine, within the limits hereinbefore provided, may transfer such sums from said special fund to the general funds of the state.

**2. Takes Effect.** This act shall take effect July 1, 1939.  
[Approved June 16, 1939.]

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## CHAPTER 202.

AN ACT PERMITTING TRUSTEE PROCESS TO BE SERVED ON THE  
STATE IN PERSONAL ACTIONS AGAINST STATE  
OFFICIALS OR EMPLOYEES.

## SECTION

1. Trustee process; state officials  
or employees.

## SECTION

2. Takes effect.

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

**1. Trustee Process; State Officials or Employees.** The salary or wages of any state official or employee for services rendered or labor performed for the state before the service of a writ shall be subject to trustee process in accordance with the provisions of chapter 356 of the Public Laws, as amended. The trustee writ shall be served upon the state treasurer who shall be chargeable as any other trustee, providing, however, that if the writ is duly entered in court the treasurer shall discharge himself by paying to the clerk of that court such portion of said salary or wages as is due or payable at the time of service of said writ on the treasurer; and provided further that the state treasurer shall not be chargeable unless the writ shall be served upon him before the check for such salary or wages has left his custody.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

## CHAPTER 203.

## AN ACT RELATING TO THE NEW HAMPSHIRE WATER RESOURCES BOARD.

## SECTION

1. Project reports, procedure.
2. Real estate, authority to acquire.

## SECTION

3. Public facilities, relocation.
4. Takes effect.

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

**1. Project Reports, Procedure.** Amend section 6, chapter 121 of the Laws of 1935, as amended by section 3, chapter 118 of the Laws of 1937 by striking out the whole thereof and by substituting therefor the following: **6. Project Reports; Hearing and Order.** Said New Hampshire water resources board, before commencing any project, shall submit to the governor and council a report, including a detailed description and plan of the project, a detailed estimate of the total cost thereof and of the revenues to be derived therefrom. The governor and council, upon receiving such report, shall determine whether the proposed project will be of public use and benefit and within the authority conferred upon said corporation by this act. They shall cause a hearing to be held thereon and, if it shall appear that the project would be of public use and benefit and within the authority conferred upon said corporation, they may, by written order, direct said corporation to proceed with such project. The governor and council shall order notice of the hearing upon any such report to be given in such manner as they shall deem fit.

**2. Real Estate, Authority to Acquire.** Amend section 8, chapter 121, Laws of 1935, as amended by section 6, chapter 118, Laws of 1937, by striking out the whole thereof and by substituting therefor the following: **8. Acquisition of Property.** For the purposes of any project within its authority under the provisions of this act, said corporation may acquire such land, easements, flowage rights and interests or rights in lands of any nature whatsoever, hereinafter referred to as real estate, as may be needed by purchase, lease or otherwise and upon such terms and conditions, including price, as the corporation may deem reasonable. Whenever any real estate, including such as may be held for public use, of any county, city, town, school district, village district or other political subdivision is required for the purposes of any such

project the commissioners for such county, the mayor and city council or other governing body for such city, the selectmen for such town, the school board for such district, and the commissioners or other governing body for such village district or political subdivision may grant and convey or surrender such real estate for such compensation and upon such terms and conditions as may be agreed upon by such official representatives and the corporation. The said corporation shall also have the right to acquire by eminent domain any real estate necessary for the purposes of any such project in the manner hereinafter provided:

I. Said corporation shall apply by petition to the superior court for the county in which such real estate is located, to acquire such real estate for and in the name of the state and to have assessed the damages occasioned by the taking. There shall be filed with such petition a plan or location of the real estate to be acquired and there shall be set forth in the petition the names and residences so far as known to said corporation of all persons having or claiming to have any right, title or interest in or to such real estate. Where such real estate is located in more than one county the petition may be filed in either county.

II. The superior court shall order notice of any such petition to be given in such manner as justice may require. The procedure shall in general be in accordance with the practice in equity. The preliminary questions, if any, and the issues relating to the rights, titles and interests of the parties shall be heard and determined before the assessment of damages. To assess the damages occasioned by the taking the superior court, unless the parties elect a trial by jury, may appoint three suitable persons as commissioners, who shall, after hearing the parties assess the damages and make report of the assessment to the superior court. If either party shall so elect, the damages shall be assessed by jury. Upon payment or tender of the amount of the judgment rendered in any such petition the title to the real estate to be acquired thereby shall vest in the state and suitable order or decree may be entered confirming title.

III. In trying any question of damages, the appraisal for taxation of such real estate, and in cases where less than the whole tract or interest is sought to be acquired, the appraisal for taxation of the entire tract or interest, by the selectmen

or tax assessors for the tax year in which such application shall have been filed, and for as many preceding years as the commissioners or the court may consider relevant, shall be competent as evidence of value.

IV. All such petitions shall be prosecuted to final judgment on behalf of the corporation by the attorney-general or such other person as may be designated by the governor and council.

V. Said corporation at any time after filing such petition may enter upon and take possession of the real estate to be acquired thereby upon providing such security as justice may require, to pay any damages occasioned by the entry or to satisfy any judgment which may be rendered on the petition. The amount of the security and all questions relating thereto may be determined by the superior court upon the application of either party.

For purposes of surveying and other investigation, said corporation shall be entitled to enter upon any real estate, doing no unnecessary damage, and the owner thereof may, if the parties are unable to agree, recover any damages sustained by him by reason of any preliminary entry authorized by this section, by action at law against said corporation. All real estate acquired under the provisions of this act shall be held in the name of the state except as otherwise herein provided. Forthwith upon the acquisition by the corporation in the name of the state, through purchase, condemnation, or otherwise, of any real estate, the same shall, without further action, and by virtue of this act, be and become dedicated to the use and purposes of the corporation.

**3. Public Facilities, Relocation.** Amend section 9 of chapter 121, Laws of 1935, by striking out the whole thereof and by substituting therefor the following: **9. Changing Locations.** Whenever it shall become necessary for the purposes of any project within the authority of said corporation under this act to flow water upon or otherwise prevent the use of any highway, bridge, electric transmission, or distribution line, telephone or telegraph line, or other property or facilities in public use, if the board shall find that the accommodation or convenience of the public requires a change in the grade of such highway or bridge, or the relocation of such highway, bridge, electric transmission or distribution line, telephone or telegraph line, or other property or facilities in



public use, and if it shall be unable to agree with the person, corporation, town or other municipality having such highway, bridge, electric transmission or distribution line, telephone or telegraph line, or other property or facilities for such change in grade or for such relocation, said corporation may apply by petition to the superior court in the county where such highway, bridge, electric transmission or distribution line, telephone or telegraph line, or other property or facilities, or any part thereof, is located for authority to change the grade of such highway or bridge, or for the relocation of such highway, bridge, electric transmission or distribution line, telephone or telegraph line, or other property or facilities, and for determination of the damages, if any, which may be occasioned to any person, corporation, town or other municipality by reason of such change or relocation. The superior court upon the filing of such petition shall order notice thereof to be given in such manner as may seem fit and such proceedings shall be had thereon as justice may require. For the purpose of relocating any such highway, bridge, electric transmission or distribution line, telephone or telegraph line, or other property or facilities, the superior court may appoint three suitable persons as commissioners, who shall, after hearing the parties, make such relocation and file a return of their proceedings in the superior court. Said corporation in accordance with the terms of the final decree, including the payment or tender of such damages as may be awarded, shall be entitled to proceed with such change in grade or such relocation. Said corporation may acquire such lands, easements and other rights and interests in land as may be necessary for the relocation of any highway, bridge, electric transmission or distribution line, telephone or telegraph line, or other property or facilities in public use in the manner provided in section 8 hereof, but the title thereto shall be taken in the name of the person, corporation, town or other municipality for whose benefit said real estate is acquired.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

## CHAPTER 204.

AN ACT TO PROVIDE FOR REIMBURSEMENT ON ACCOUNT OF LOSS  
TO TOWNS AND CITIES FOR LOSS IN TAX VALUATION  
INCIDENTAL TO FLOOD CONTROL PROJECTS.

## SECTION

1. Reimbursement of cities and towns authorized.
2. Equalization.

## SECTION

3. Limitation.
4. Takes effect.

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

**1. Reimbursement to Cities and Towns Authorized.** On or before the first day of October of each year, the state treasurer shall pay to each town and city in which any land or interest therein is acquired by the United States, with the consent of the state, for use in connection with the construction, maintenance and operation of flood control projects named in section 1 of an act entitled "An Act consenting to the acquisition of land by the United States for flood control and navigation purposes," approved May 31, 1939, a sum equal to the taxes which would have been assessed against said lands or interest therein in such town if the same had been included in the list of taxable property for such year, at the assessed valuation of the same as determined for the tax year 1939, for a period of three years next ensuing the year said lands or interest therein becomes exempt from taxation, less any amount paid or due that town for that year by or from the United States or any agency thereof because of loss of taxable valuation, the amount of said payment to be determined by the tax commission and certified by it to the state treasurer on or before the fifteenth day of September of each year for which such reimbursement is to be made hereunder; and the governor is hereby authorized to draw his warrant for the payment thereof out of any money in the treasury not otherwise appropriated. Provided, however, that no payments shall be made or required hereunder on account of reimbursement for loss of taxes on any structure which may be erected on such premises in connection with the construction or use of said project, or on account of any railroad or other public utility which may be relocated as a result of such acquisition and which thereafter is included in the list of taxable property in said town when relocated.

**2. Equalization.** The valuation upon which the reimbursement provided by section 1 hereof is based shall be included in computing town and county taxes and equalization of school and highway costs for the period during which such reimbursement is made.

**3. Limitation.** The amount of state funds to be expended under this act shall not exceed the sum of thirty thousand dollars for any one tax year. In the event that said amount is insufficient to cover the purposes of this act then the towns entitled to benefits hereunder shall be reimbursed proportionately from said sum of thirty thousand dollars.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

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## CHAPTER 205.

### AN ACT RELATING TO SALARY OF THE LABOR COMMISSIONER.

SECTION	{	SECTION
1. Salary of labor commissioner.		2. Takes effect.

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

**1. Labor Commissioner.** Amend section 4 of chapter 174 of the Public Laws by striking out the word "three" in the first line thereof and inserting in place thereof the word, four, so that said section as amended shall read as follows: **4. Salary; Expenses.** The salary of the commissioner shall be four thousand dollars a year, and his actual expenses incurred in the work of his office shall be paid on duly detailed vouchers approved by the governor.

**2. Takes Effect.** This act shall take effect July 1, 1939.

[Approved June 16, 1939.]

## CHAPTER 206.

AN ACT ESTABLISHING A COMMISSION FOR THE PURPOSE OF  
STUDYING THE POSSIBILITIES OF PROTECTING INDIVIDUALS  
UNEMPLOYED BECAUSE OF SICKNESS OR ILL HEALTH.

## SECTION

1. Commission established.
2. Powers.
3. Duties.
4. Authority to collect data.

## SECTION

5. Appointment of personnel.
6. Quarters.
7. Appropriation.
8. Takes effect.

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

**1. Commission Established.** There is hereby created the commission on disability benefits, hereinafter referred to as the commission, consisting of three appointive members and the labor commissioner, who shall act as chairman, and the administrator of the unemployment compensation division, who shall act as secretary, *ex-officiis*. The appointive members of the commission shall be appointed by the governor with the advice and consent of the council for a term of two years each or until the report required under section 3 has been filed. Vacancies in the commission shall be filled in the same manner as original appointments. The members of the commission, other than the *ex-officio* members, shall serve without compensation but shall be allowed actual expenses incurred in the course of their duties as such commissioners.

**2. Powers.** The chairman of the commission, with the advice and consent of the commission, may spend such money as may be appropriated from time to time to fulfill the duties imposed by this act.

**3. Duties.** The duties of the commission shall be to compile a report on the possibility of protecting individuals unemployed because of sickness or ill health. This report shall be filed in the office of the secretary of state for the use of the executive department and for such distribution as the governor may order.

**4. Authority to Collect Data.** The commission is hereby authorized and empowered to secure such data from departments and institutions of the state and local government as may be necessary for the purposes herein specified.

**5. Appointment of Personnel.** The chairman of the commission, with the advice and consent of the commission, is

hereby authorized to appoint and fix the compensation of such assistants as may be necessary to carry out the purposes of this act.

**6. Quarters.** Such office space and equipment shall be made available in the offices of the unemployment compensation division as the chairman of this commission shall deem necessary.

**7. Appropriation.** There is hereby appropriated for the purposes of this act the sum of two thousand five hundred dollars. The commission shall have no authority or power to incur debts or contract any liabilities in the name of the state over and above the amount of the appropriation made herein. The governor is hereby authorized to draw his warrant for the sum herein appropriated out of any money in the treasury not otherwise appropriated.

**8. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

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## CHAPTER 207.

### AN ACT PROVIDING FOR THE RECONSTRUCTION OF A TOLL BRIDGE AT HAMPTON HARBOR.

SECTION	SECTION
1. Appropriation.	6. Short-term notes.
2. Location.	7. Eminent domain.
3. Condition; federal assistance.	8. Tolls.
4. Bond issue authorized.	9. Operation and maintenance.
5. Accounts; sale; disposition of proceeds.	10. Takes effect.

WHEREAS, the governor with the advice of the council in accordance with the provisions of chapter 159 of the Laws of 1933 acquired for the state a certain toll bridge known as the Hampton Harbor Toll bridge on the Ocean Boulevard spanning the Hampton river, and

WHEREAS, the present bridge is inadequate to satisfactorily meet the traffic needs at said location, now therefore

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

**1. Appropriation.** A sum not exceeding three hundred and fifty thousand dollars (\$350,000) is hereby appropriated

for the purpose of rebuilding the Hampton Harbor Toll bridge, providing for new approaches thereto and removing the present bridge structure to be expended under the direction of the governor and council.

**2. Location.** The location of the bridge hereby authorized shall be determined by the governor and council with special reference to public needs, both as to present and future requirements and said bridge shall conform with the navigation requirements of the War Department of the United States so that it may reasonably accommodate navigation and highway traffic.

**3. Condition; Federal Assistance.** The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable to secure federal funds for the purposes hereof. The appropriation made by section 1 hereof shall only become available when a federal grant for the purposes hereof is made by the federal government, or any agency thereof.

**4. Bond Issue Authorized.** The state treasurer, under the direction of the governor and council, is hereby authorized to borrow upon the credit of the state an amount not exceeding three hundred and fifty thousand dollars to provide the funds herein appropriated and for that purpose may issue bonds at such times, in such denominations and with such rates of interest, dates of maturity and other provisions as the governor and council shall determine. Such bonds shall contain an express guarantee, which shall be deemed a contract on the part of the state, that tolls will be collected, in accordance with the provisions hereof until the date of maturity of said bonds or until sufficient money shall have accumulated to pay said bond issue and the interest thereon at the dates of maturity. The bonds authorized herein shall be signed by the state treasurer and countersigned by the governor and shall be deemed a pledge of the faith and credit of the state.

**5. Accounts; Sale; Disposition of Proceeds.** The secretary of state shall keep an account of all such bonds countersigned by the governor, showing the number and amount of each bond, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond showing the number thereof, the name of the person to whom sold, the amount received

for the same, the date of the sale and the date of maturity. The treasurer may negotiate and sell such bonds by direction of the governor and council in such manner as they may determine most advantageous for the state. The proceeds of the sale of such bonds shall be held by the treasurer and paid out by him upon warrants drawn by the governor for the purposes of this act alone and the governor, with the advice and consent of the council, shall draw his warrants for the payment from the funds provided for by this act of all sums expended or due for the purposes herein authorized.

**6. Short-Term Notes.** Prior to the issuance of the bonds above described the treasurer, upon the direction of the governor and council, may for the purposes of this act borrow money from time to time on short-term loans to be refunded by the issuance of the bonds above described.

**7. Eminent Domain.** If the governor and council shall be unable to purchase any lands which may be deemed necessary for the purposes hereof the procedure for acquiring said lands shall be as provided in sections 18 to 28 inclusive of chapter 19 of the Public Laws as amended.

**8. Tolls.** The provisions of section 6 of chapter 159 of the Laws of 1933, as amended by chapter 50 of the Laws of 1935, relative to tolls shall apply to the collection of tolls upon the reconstructed Hampton Harbor Toll bridge. Said tolls shall be collected until the date of maturity of the bonds issued under the provisions of said chapter 159 and the bonds issued under the provisions hereof or until sufficient money shall have accumulated to pay said bonds and the interest thereon at the dates of maturity.

**9. Operation and Maintenance.** From the toll receipts provided by sections 6 and 8 of chapter 159 of the Laws of 1933, as amended by chapter 50 of the Laws of 1935, the reconstructed toll bridge at Hampton Harbor and appurtenances, excluding the approaches thereto, upon the completion of the reconstruction and opening to traffic, shall be operated and maintained until toll collections, as hereinbefore provided, shall cease and thereafter the expense of maintenance and operation shall be a charge upon the highway funds. The maintenance of the approaches to said bridge and its appurtenances shall be a charge upon the highway funds.

**10. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

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## CHAPTER 208.

### AN ACT PROVIDING FUNDS FOR IMPROVEMENTS IN THE STATE HOUSE.

SECTION

1. Transfer of appropriation.

SECTION

2. Takes effect.

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

**1. Transfer of Appropriation.** From any unexpended balance of the funds provided for the construction and equipment of the state house annex and the Manchester armory, as provided by chapters 172 and 174 of the Laws of 1937, which, in the opinion of the governor and council, is not needed for the purposes of said acts there may be expended by the governor and council a sum not to exceed forty thousand dollars, (\$40,000) for the remodeling and equipment of offices in the state house necessitated because of the reassignment of offices for certain departments.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

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## CHAPTER 209.

### AN ACT PROVIDING A DEFICIENCY APPROPRIATION FOR CERTAIN STATE DEPARTMENTS.

SECTION

1. Appropriation.

SECTION

2. Takes effect.

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

**1. Appropriation.** The sum of \$165,065.37 is hereby appropriated to meet deficits in certain state departments and for certain items as follows: For constitutional convention \$26,244.13; for legislative expenses \$70,000; for adjutant-



general's department for hurricane damage and timber salvage at Rye Harbor camp site \$734.34; for state police \$15,000; for insurance department \$5,600; for state house department \$2,526; for secretary of state \$4,936.75; for forestry department—timber salvage \$24,244.15; for state library waterproofing \$2,430; for state treasury audit \$850; for state sanatorium \$5,000; for the purchase by the state of a colored motion picture called "The Ninth State" advertising New Hampshire's industrial, recreational and agricultural resources to be placed in the custody of the state planning and development commission for distribution and for reimbursement of private subscriptions filed with the state comptroller \$7,500. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

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## CHAPTER 210.

### AN ACT FOR IMPROVEMENTS AT THE STATE PRISON.

SECTION	SECTION
1. Appropriation.	5. Accounts.
2. Federal assistance.	6. Short-term notes.
3. Bonds or notes authorized.	7. Takes effect.
4. Form; proceeds of sale.	

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

**1. Appropriation.** The sum of ninety-five thousand dollars (\$95,000) or so much thereof as may be necessary, is hereby appropriated for the construction and equipment of a building for additional accommodations at the state prison, said building to adjoin the present cell block and to extend to the present north wall, and for additional kitchen and dining room equipment at the state prison.

**2. Federal Assistance.** The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government or any agency thereof as they may deem advisable to secure federal funds for the purposes of this act. In case such federal funds are secured

for the purposes hereof said funds shall not be used in addition to the amount appropriated by the state hereunder but the total amount of federal and state funds to be expended for said purposes shall not exceed the sum of ninety-five thousand dollars.

**3. Bonds or Notes Authorized.** In order to provide the funds for the appropriation made by the state hereunder the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state a sum not exceeding ninety-five thousand dollars and for that purpose may issue bonds or notes in the name and on behalf of the state. Such bonds or notes shall be deemed a pledge of the faith and credit of the state.

**4. Form; Proceeds of Sale.** The governor and council shall determine the form of such bonds or notes, their rate of interest, using their best efforts to secure the lowest rate obtainable, the dates when interest shall be paid, the dates of maturity, the places where principal and interest shall be paid, and the time or times of issue. Such bonds or notes shall be signed by the treasurer and countersigned by the governor. The treasurer may negotiate and sell such bonds or notes under the direction of the governor and council in such manner as they may deem to be most advantageous to the state. Out of the proceeds of the sale of said bonds or notes the governor is authorized to draw his warrants for the sums hereinbefore appropriated for the purposes of this act.

**5. Accounts.** The secretary of state shall keep an account of all such bonds or notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the time when payable, and the date of delivery to the treasurer. The treasurer shall keep an account of each bond or note, showing the number and amount 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.

**6. Short-Term Notes.** Prior to the issuance of the bonds or notes hereunder, the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term notes to be refunded by the issuance of the bonds or notes hereunder, provided however that at no one time shall the indebtedness of the state

on such short-term notes exceed the sum of ninety-five thousand dollars.

**7. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

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## CHAPTER 211.

### AN ACT PROVIDING FOR A DIVISION OF MUNICIPAL ACCOUNTING WITHIN THE STATE TAX COMMISSION.

#### SECTION

1. Division of municipal accounting; director; petition for audits; reports of audits; expenses.

2. State tax commission.

#### SECTION

3. County audits.

4. Appropriation.

5. Takes effect.

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

**1. Municipal Accounting Division.** Amend chapter 68 of the Public Laws, as amended by chapter 165, Laws of 1933, by striking out all of said chapter after section 21 and inserting in place thereof the following new subdivision:

#### **Division of Municipal Accounting**

**22. Division Established; Director.** There is hereby created within the state tax commission a division of municipal accounting which shall be under the general supervision of the tax commission. The division shall be in the charge of an officer to be known as director who shall be appointed by the commission, with the approval of the governor and council. The salary of said director shall be fixed by the commission, with the approval of the governor and council.

**23. Assistants.** The commission, with the approval of the governor and council, shall appoint such assistants as may be necessary for the performance of the duties of the division.

**24. Municipal Accounts to be Uniform.** The accounting officers of the several counties, cities, towns, school and village districts, and departments thereof, within the state, shall keep uniform accounts in a manner prescribed by the commission.

**25. Financial Reports of Municipalities.** Such accounting officers shall on or before March first of each year, return to

the division of municipal accounting financial reports on prescribed forms showing the summary of receipts and expenditures, according to the uniform classifications, during their last fiscal year and a balance sheet showing assets and liabilities at the close thereof. Such accounting officers shall also furnish at other times such information as the commission may require. The information contained in said financial reports shall be tabulated and included as a part of the annual report of the tax commission.

**26. Petition for Audit by Vote of Municipality.** Any town, school district, village district or precinct, at the annual meeting or special meeting legally called therefor, may petition the commission for an audit of the accounts and said commission, as soon as possible after the receipt of such petition, shall cause such audit to be made.

**27. County Audit.** The county convention of any county may petition the commission for an audit of the accounts of said county, and said commission as soon as possible after the receipt of such petition, shall cause such audit to be made.

**28. Petition by Officers.** The commissioners of any county, selectmen of any town, school board of any school district and commissioners of any village district or precinct, may petition the commission for an audit of the accounts of their respective unit of government. If conditions appear to the commission to warrant it, it shall, as soon as possible after the receipt of such petition, cause such audit to be made.

**29. Audit on Motion of Commission.** The commission may cause an audit to be made of the accounts of any county, city, town, school district, village district or precinct, as often as once in two years, or whenever conditions appear to it to warrant such audit.

**30. Powers of Director; Examination of Witnesses.** For the purpose of conducting such audits the commission, the director or its duly authorized assistants shall have authority to examine any papers, books or other documents pertaining to said municipality and shall have power to summon and examine under oath any officer or other person relative to the affairs and management of such municipality.

**31. Publication of Report of Audit.** Upon the completion of each audit, as herein provided, a report thereof shall be made to the proper local officials, and a copy of such report or

a summary of its essential features shall be published in the next annual report of the county, city, town, school district, village district or precinct concerned.

**32. Expenses.** All expenses incurred in carrying out the purposes of this subdivision shall be paid in the first instance from the appropriation for the commission, but each county, city, town, school district, village district or precinct shall, upon notification by the commission of the amount due, reimburse it for all such expenses, except salaries of members of the division incurred in the audit of such municipality. Said reimbursement shall be credited to the appropriation for the commission.

**2. State Tax Commission.** Amend section 10 of said chapter 68 by striking out said section and inserting in place thereof the following: **10. Assistants.** They may, with the approval of the governor and council, appoint such assistants as may be necessary.

**3. Amendment.** Amend said chapter 68 by inserting after section 17 the following section: **17-a. County Audits.** In order that accounting and reporting may be uniform in all the counties the tax commission is hereby directed to prescribe regulations for the auditing of such county accounts as are provided for in section 19, chapter 35 of the Public Laws. The county auditors shall carry out said regulations and make reports to said commission as requested. The county commissioners, superintendent of the county farm and county treasurer of the several counties shall keep their accounts in the form prescribed by the tax commission and the annual report of each county shall show said accounts and be published in the form prescribed by said commission.

**4. Appropriation.** The sum of forty-five hundred dollars (\$4,500) is hereby appropriated for the tax commission for each of the fiscal years ending June 30, 1940, and June 30, 1941, to carry out the provisions of this act. The sums hereby appropriated shall be in addition to the sums appropriated for municipal accounting in the so-called budget acts making appropriations for the state departments for said fiscal years.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

## CHAPTER 212.

AN ACT AUTHORIZING AGRICULTURAL CO-OPERATIVE ASSOCIATIONS TO GENERATE, TRANSMIT, AND DISTRIBUTE ELECTRIC ENERGY AND TO CONDUCT OTHER SERVICES IN CONNECTION THEREWITH.

## SECTION

1. Associations for rural electrification; powers; application of laws; reports; service; exemption.

## SECTION

2. Separability of provisions.  
3. Repeal; takes effect.

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

**1. Authorization.** Amend chapter 224 of the Public Laws, as amended by chapter 73, Laws of 1933, by adding after section 3 the following new sections:

**3-a. Rural Electrification.** An association incorporated under the provisions of this section shall have the following powers:

I. To generate, manufacture, purchase, acquire, accumulate and transmit electric energy, and to distribute, sell, supply and dispose of electric energy to its members, to governmental agencies and political subdivisions, and to other persons not in excess of ten per cent (10%) of the number of its members, but no person shall become a member unless such person shall agree to use electric energy furnished by the co-operative when such electric energy shall be available through its facilities, and membership shall cease if such person shall fail or refuse to use electric energy made available by the co-operative or if electric energy shall not be made available by the co-operative within a specified time after such person shall have become a member; provided, however, that such service shall be rendered only to persons residing on premises not receiving central station service on the effective date of this amendment and to such other persons as the public service commission may find upon petition and after notice and hearing, that it is in the public interest that such association should render such service; and provided, further, that the provisions of section 7 of chapter 224 of the Public Laws as amended by section 2 of chapter 73, Laws of 1933, with respect to qualifications of members shall not apply to mem-

bers of a co-operative association organized under this paragraph.

II. To make loans to persons to whom electric energy is or will be supplied by the co-operative for the purpose of, and otherwise assist such persons in, wiring their premises and installing therein electric and plumbing fixtures, appliances, apparatus and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such electric and plumbing fixtures, appliances, apparatus, and equipment, and to accept or otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor.

III. To construct, purchase, take, receive, lease as lessee, or otherwise acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, electric transmission and distribution lines or systems, electric generating plants, lands, buildings, structures, dams, plants and equipment, and any and all kinds and classes of real or personal property whatsoever, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the co-operative is organized.

IV. To purchase or otherwise acquire, and to own, hold, use and exercise and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise dispose of or encumber, franchises, rights, privileges, licenses, rights of way and easements.

V. To borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness therefor, and to secure the payment thereof by mortgage, pledge, deed of trust, or any other encumbrance upon any or all of its then owned or after-acquired real or personal property, assets, franchises, revenues or income.

VI. To construct, maintain and operate electric transmission and distribution lines along, upon, under and across all public thoroughfares, including without limitation, all roads, highways, streets, alleys, bridges and causeways, and upon, under and across all publicly owned lands, subject, however, to the requirements in respect to the use of such thoroughfares and lands that are imposed by the respective

authorities having jurisdiction thereof upon corporations constructing or operating electric transmission and distribution lines or systems.

VII. To exercise the power of eminent domain in the manner provided in chapter 244 of the Public Laws, as amended, for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems.

VIII. To do and perform any and all other acts and things, and to have and exercise any and all other powers which may be necessary, convenient or appropriate to accomplish the purpose for which the co-operative is organized.

**3-b. Application of Laws.** Co-operative associations organized under section 3-a shall have all of the powers and privileges of co-operatives organized under any other provisions of this chapter.

**3-c. Reports.** Co-operative associations organized under section 3-a shall be subject to the provisions of section 7 and sections 12 to 18 inclusive of chapter 240 of the Public Laws, provided, however, that if any such association shall file annually with the public service commission, a certified copy of the annual report required to be filed by it with any agency or department of the United States of America pursuant to any mortgage or deed of trust executed by it, such association shall be deemed to have complied fully with all the requirements of this section.

**3-d. Service.** Any person, not receiving central station service who shall apply for membership in a co-operative association organized under this paragraph and shall offer to comply with all reasonable terms and conditions in connection therewith shall be entitled to be admitted to membership therein and to be served thereby and, if such application shall be denied, such person may petition the public service commission which shall have power, if it finds after a hearing that such denial was unreasonable, to order such association to admit such person to membership and to serve such person upon such reasonable terms and conditions as the commission shall prescribe. The provisions of chapter 239 of the Public Laws shall be applicable to any order granting or denying any such petition.

**3-e. Exemption.** Except as otherwise provided in sections 3-a to 3-d, inclusive, co-operative associations organized under



section 3-a shall be exempt from the jurisdiction of the public service commission of this state.

**2. Separability of Provisions.** If any provisions of sections 3-a to 3-e inclusive, or the application of such provision to any person, body, or circumstance shall be held invalid, the remainder of said sections, or the application of such provision to persons, bodies or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

**3. Repeal; Takes Effect.** All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect upon its passage.

[Approved June 16, 1939.]

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## CHAPTER 213.

### AN ACT RELATING TO THE PRACTICE OF OPTOMETRY.

#### SECTION

1. Optometry board, rules and regulations.

#### SECTION

2. Takes effect.

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

**1. Practice of Optometry.** Amend chapter 207 of the Public Laws, by adding after section 30, the following section:  
**31. Rules and Regulations.** Said board may make and promulgate necessary rules and regulations governing the procedure of the board, the admission of applicants for examination for certificates of registration as optometrists, and for the enforcement of this chapter and the carrying out of the intent and purposes therein expressed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 17, 1939.]

## CHAPTER 214.

## AN ACT TO PROVIDE FOR A REVISION OF THE PUBLIC LAWS.

SECTION	SECTION
1. Commission appointed.	3. Appropriation.
2. Compensation.	4. Takes effect.

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

**1. Commission Appointed.** The governor, with the advice and consent of the council, shall as soon as may be, appoint a commission consisting of two persons learned in the law, whose duty it shall be to revise, codify and amend the Public Laws of this state now in force, including those of the present session and the constitutional amendment adopted following the last constitutional convention, and arrange the same, as far as they deem wise, according to the form and order of the Public Laws, and prepare the same for publication before and make a report to the next session of the legislature in January, 1941. In the case of the death or inability of a person to serve pursuant to said appointment, the governor, with the advice and consent of the council, shall have authority to fill such vacancy.

**2. Compensation.** The commissioners shall be reimbursed for their reasonable expenses, including stenographic service, and they shall receive in addition such compensation as the governor and council shall determine. The commission is authorized to purchase necessary supplies and, with the approval of the governor and council, to contract for the printing and binding of its report. In any contract for the printing and binding of the report, provision shall be made for the preservation of the forms from which the report is printed so that the same may be available for the reprint of such portions of such report as may be adopted by the legislature. In the event the commission is unable to secure satisfactory terms for the printing and binding of said report, the same shall be submitted for bids.

**3. Appropriation.** For carrying out the purposes of this act the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the fiscal year beginning July 1, 1939, and the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropri-

ated for the fiscal year beginning July 1, 1940, and any sum not expended in the first fiscal year may be added to the appropriation for the succeeding fiscal year.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved June 17, 1939.]

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## CHAPTER 215.

### AN ACT RELATING TO THE TAKING OF RACCOON.

SECTION	SECTION
1. Open season for taking rac-	3. Takes effect.
coon.	
2. Repeal.	






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

**1. Open Season; Method of Taking.** Amend section 3, chapter 200 of the Public Laws, as amended by section 4, chapter 124 of the Laws of 1935 and chapter 132 of the Laws of 1937 by striking out said section and inserting in place thereof the following new section: **3. Raccoons.** Raccoons may be taken and possessed with the aid of and by the use of a dog and gun from October first to December first. No person shall take more than three raccoons from twelve noon of one day to twelve noon of the following day, nor more than ten raccoons in one season. No person shall hunt raccoons at night by the use of a rifle, revolver or pistol larger than twenty-two calibre long rifle or by the use of shotgun shells carrying shot larger than number four or by the use of a light other than a kerosene lantern exclusive of the pressure type or a flashlight with more than seven cells.

**2. Repeal.** All acts and parts of acts inconsistent with this act are hereby repealed.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 17, 1939.]

## CHAPTER 216.

## AN ACT TO PROTECT THE GOLDEN AND BALD EAGLE.

## SECTION

1. Definition.
2. Golden and bald eagle.

## SECTION

3. Takes effect.

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

**1. Definition.** Amend the paragraph relative to unprotected birds in section 1, chapter 197, Public Laws, as inserted by section 1, chapter 124, Laws of 1935, by striking out said paragraph and inserting in place thereof the following: Unprotected Birds: English sparrows, European starlings, owls, crows and hawks except the golden and bald eagle and except such birds as are protected by the laws of the federal government.

**2. Golden and Bald Eagle.** Amend chapter 199 of the Public Laws, as inserted by section 3, chapter 124, Laws of 1935, by inserting after section 6 the following new section:

**6-a. Prohibition.** No person shall hunt, capture, kill, take, possess any golden or bald eagle and no person shall molest or disturb the nest or young of any of said birds. Any person who violates any of the provisions of this section shall be fined not more than fifty dollars.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 17, 1939.]

## CHAPTER 217.

## AN ACT RELATING TO SALARIES OF CLERKS OF MUNICIPAL COURTS.

## SECTION

1. Salary of clerk of municipal court of Manchester.

## SECTION

2. Takes effect.

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

**1. Clerks of Municipal Courts.** Amend section 8, chapter 323 of the Public Laws by striking out the words "seven hundred and fifty" and inserting the words, twelve hundred, and

by striking out the word "quarterly" and inserting the word, monthly, so that said section as amended shall read as follows: 8. **Salaries.** The clerk of the Manchester municipal court shall receive an annual salary of twelve hundred dollars, to be paid by said city in equal monthly payments; the salaries of all other clerks of municipal courts in cities or towns of five thousand population or more shall be not less than one hundred and fifty dollars, and as much more as the city or town in which such court is located may vote to pay.

2. **Takes Effect.** This act shall take effect upon its passage.

[Approved June 17, 1939.]

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## CHAPTER 218.

### AN ACT PROVIDING FOR IMPROVEMENTS AT RYE HARBOR.

#### SECTION

1. Appropriation.
2. Expenditure.
3. Federal assistance.
4. Transfer of funds.

#### SECTION

5. Funds authorized.
6. Short-term notes.
7. Acquisition of real estate.
8. Takes effect.

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

1. **Appropriation.** There is hereby appropriated a sum not exceeding one hundred thousand dollars for the purpose of developing and improvement of Rye Harbor, provided a grant is made by the federal government or any agency thereof in connection therewith.

2. **Expenditure.** Said appropriation shall be expended under the direction of the governor and council for the dredging and improvement of Rye Harbor.

3. **Federal Assistance.** The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable to secure federal funds or assistance for the purposes of this act.

4. **Transfer of Funds.** In addition to the funds appropriated by section 1 hereof any unexpended balance from the appropriation authorized by chapter 183 of the Laws of 1937 for the construction of the Rye Harbor jetties is hereby transferred to and made available for the purposes of this act.

Said unexpended balance as herein provided shall be available for the purposes hereof even although no grant is made by the federal government or any agency thereof.

**5. Funds Authorized.** The state treasurer is hereby authorized to borrow upon the credit of the state an amount not exceeding one hundred thousand dollars to provide the funds herein appropriated, and for that purpose may issue bonds and notes, at such times, in such denominations, and with such rates of interest, dates of maturity and other provisions as the governor and council shall determine. The proceeds from the sale of said bonds and notes shall be held by the treasurer and paid out by him upon warrant drawn by the governor, with the advice and consent of the council, for the purposes herein set forth.

**6. Short-Term Notes.** Prior to the issuance of the notes or bonds herein provided, the treasurer, under the direction of the governor and council, may, for said purpose, borrow money from time to time on short-term notes, to be refunded by the issuance of said bonds or notes.

**7. Acquisition of Real Estate.** The governor, with the advice and consent of the council, is hereby authorized and empowered to acquire for the state, either by purchase or by eminent domain proceedings in accordance with sections 18 to 28 inclusive of chapter 19 of the Public Laws as amended, such real estate or interests therein in the vicinity of Rye Harbor as is deemed necessary for the carrying out of the purposes of this act.

**8. Takes Effect.** This act shall take effect upon its passage.

[Approved June 17, 1939.]

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## CHAPTER 219.

### AN ACT PROVIDING FOR THE MERGER AND CONSOLIDATION OF CORPORATIONS.

SECTION

1. Merger and consolidation of corporations.

SECTION

2. Takes effect.

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

**1. Corporations.** Amend Public Laws chapter 225 by inserting after section 40 the following new section: **40-a.**

**Merger and Consolidation.** I. Any such corporation may by vote of the holders of two thirds of each class of stock entitled to vote on the subject, present or represented by proxy and voting at a meeting duly called for the purpose, merge or consolidate with any other corporation or corporations organized for any or all of the purposes authorized by section 2 of this chapter, in accordance with the provisions of this section.

II. Such merger or consolidation shall be accomplished by an agreement duly executed by the authorized officers of the corporations involved, which agreement shall prescribe the terms and conditions of the merger or consolidation and the mode of carrying the same into effect, shall include or have appended true copies of the authorizing votes of the stockholders of the corporations effecting such merger or consolidation, the name of the continuing or resulting corporation, its objects or purposes, the location of its principal place of business in this state, the names and addresses of its officers and directors, a statement that by-laws have been adopted according to law, the amount of its presently authorized capital stock and the classes thereof, if any, and, in case one or more corporations merge into an existing corporation, the amount of its outstanding capital stock and the classes thereof, if any, the amount of stock presently to be issued and the classes thereof, if any, and the consideration therefor, or, in case two or more corporations consolidate into a new corporation, the amount of stock presently to be issued and the classes thereof, if any, and the consideration therefor, said agreement shall be authenticated by affidavit, and subscribed and sworn to by the treasurer and a majority of the board of directors of the corporations effecting such merger or consolidation, who shall therein also make oath that the consideration for which stock with nominal or par value is to be issued under the terms of the agreement is to the best of their knowledge, information and belief of actual value in money at least equal to the par value of the stock proposed to be issued therefor. Said merger or consolidation agreement shall be submitted to the attorney-general or assistant attorney-general, who shall examine the same and may require such amendment thereof or such additional information as he may consider necessary. If he finds that such agreement conforms to the provisions of this section, he shall so certify and endorse his approval thereon. Thereupon, such merger or consolidation agreement

and the endorsement thereon shall, upon payment of the fee herein provided for, be recorded in the office of the secretary of state, who shall thereupon issue a certificate substantially in the form provided by section 15 of this chapter, but altered to show the fact of a merger of one or more corporations into an existing corporation or the consolidation of two or more corporations into a new corporation under the provisions of this section, as the case may be, declaring that such merger or consolidation has become effective and that the continuing or resulting corporation has been duly established in accordance with the terms of such agreement. The secretary of state shall date and sign said certificate and cause the seal of the state to be thereunto affixed.

III. Such certificate shall effectively amend the original certificate of incorporation of the corporation continuing after such merger or establish the existence of the corporation resulting from such consolidation, shall have the force and effect of a special charter and shall automatically repeal the charters of any or all the corporations organized under the laws of New Hampshire which cease business as a result of such merger or consolidation, provided, however, that the corporations whose charters are so repealed shall continue as bodies corporate for the term of three years for the purpose of concluding such consolidation or merger and of closing and settling their concerns and for no other purpose, but subject to the jurisdiction of the superior court to revive such corporations if justice so requires for special purposes. Such certificate shall for all purposes, but subject to existing liens, transfer to the continuing or resulting corporation full title to all the property, real, personal or mixed, tangible or intangible, situate in this state, of all of the other corporations involved in such merger or consolidation; provided, however, that the transfer of any real estate shall not be effective against any person except the corporations involved for more than sixty days from the date of such certificate, unless and until such certificate or a copy thereof certified by the secretary of state or a proper deed conveying such title shall have been recorded in the office of the register of deeds for the county or counties in which any of the real estate involved is situated.

IV. The fee for recording the merger or consolidation agreement shall be as provided in section 91 of this chapter,



except that credit shall be given for all organization fees theretofore paid to the state of New Hampshire by the corporations involved in such merger or consideration and except that a fee of five dollars shall be paid in any case.

V. The corporation continuing after such merger or resulting from such consolidation shall upon application of either party be substituted as a party plaintiff or defendant in all proceedings pending in behalf of or against any of the corporations involved in such merger or consolidation, as the case may be, and said corporation shall be subject to all the liabilities and obligations of each such corporation and all rights of creditors of each such corporation and all liens upon the property of each of them shall be preserved unimpaired, as to the property affected by such liens at the time of such consolidation or merger, and all debts, liabilities and obligations of such corporations and each of them shall thenceforth attach to the continuing or resulting corporation and may be enforced against it to the same extent as if said debts, liabilities or obligations had been incurred or contracted by it.

VI. Any stockholder present in person or by proxy at a meeting called to consider a proposed merger or consolidation under the provisions of this section and voting against such merger or consolidation, who shall within thirty days after any such vote to merge or consolidate make a demand in writing upon the corporation for payment to him for his stock at its fair value, shall be entitled to the benefits and subject to the provisions of sections 55 to 58, inclusive, of this chapter.

VII. Any such corporation may merge or consolidate with a similar corporation not organized under the laws of the state of New Hampshire by complying with the provisions of this section so far as applicable.

VIII. Nothing in this section shall relieve the corporations involved in a merger or consolidation, or the corporation continuing after or resulting from a merger or consolidation, provided for in this section, from compliance with the provisions of law relating to the regulation of public utilities, regulating the transmission of water generated electric energy outside the state of New Hampshire or imposing any other obligation for the protection of the public welfare which applied to the merging or consolidating corporation at the time of such merger or consolidation. No merger or consoli-

dation involving a public utility operating in this state shall become effective without a finding by the public service commission that such merger or consolidation is consistent with the public good.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 17, 1939.]

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## CHAPTER 220.

AN ACT RELATING TO THE CONTROL OF NAVIGATION AT HAMPTON HARBOR, THE INLET, SO CALLED, AND HAMPTON RIVER.

SECTION

1. Control of navigation at Hampton harbor; harbor-master.

SECTION

2. Takes effect.

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

**1. Control of Navigation.** Amend chapter 152 of the Public Laws by inserting after section 12 the following new subdivision:

**Hampton Harbor, Harbor Inlet and Hampton River**

**12-a. Harbor-Master.** The New Hampshire shore and beach preservation and development commission may annually choose a harbor-master whose duty it shall be to oversee Hampton Harbor, the inlet thereto and Hampton river, to preserve and regulate navigation within said waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessity or an emergency arises, and to inquire into and prosecute all offenses under section 12-c hereof. For the purposes hereof said harbor-master with the approval of the said commission may make such reasonable rules and regulations as he shall deem proper. Said harbor-master shall receive for his services such salary as the towns abutting on the harbor may determine and pay.

**12-b. Definition.** The word "vessel" as used in this subdivision shall include boats of all sizes propelled by sail, machinery or hand, scows, dredgers, shellfish cars and craft of every kind.

**12-c. Penalty.** Whoever violates any of the rules and regulations of the harbor-master promulgated under the au-

thority of section 12-a, or refuses or neglects to obey the lawful and reasonable orders of the harbor-master, or resists him in the execution of his duties, shall be fined not more than fifty dollars. All fines collected under the provisions of this section shall be forwarded by the court collecting the same to the New Hampshire shore and beach preservation and development commission and by it applied toward the salary of said harbor-master.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 17, 1939.]

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**CHAPTER 221.**

AN ACT RELATIVE TO THE STATE HOSPITAL AND LACONIA STATE SCHOOL.

SECTION

- 1. Appropriation.
- 2. Bonds or notes authorized.
- 3. Accounts.

SECTION

- 4. Short-term notes.
- 5. Federal assistance.
- 6. Takes effect.

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

**1. Appropriation.** For the purpose of additional facilities for the state hospital there is hereby appropriated the sum of one million dollars for such of the following items as the governor and council may approve: (a) to cover the cost to change the electric system from D. C. to A. C. current, including wiring, motors and equipment; (b) power plant equipment; (c) pump and elevator for the Thayer building; (d) new steam main for the Walker building; (e) exhaust heaters for the Walker and Tobey buildings; (f) vacuum system for the Kent building; (g) laundry equipment; (h) renovation of water mains and hydrants; (i) construction and equipment of a medical-surgical building or admission building; (j) the construction and equipment of one patients dormitory of one hundred beds to be located on land of the state hospital; (k) and the construction and equipment of one patients dormitory of one hundred beds to be located on land of the Laconia State School, the site of the latter dormitory to be chosen by the trustees of said school with the approval of the governor and

council; said dormitory upon completion shall be under the jurisdiction and control of the trustees of said school; feeble-minded adults may with the approval of the trustees and superintendent of said school be transferred from the state hospital by its superintendent to said dormitories and other feeble-minded adults may, with the approval of the trustees and superintendent of said school, be committed thereto, as now by law permitted; (l) purchase of land, to be located not more than five miles from the present hospital grounds in Concord; (m) for additions and extensions to the commissary department. The appropriation hereby made shall be expended by the trustees of the state hospital except the dormitory at the Laconia State School which shall be by the trustees of the state school, in accordance with plans and specifications to be approved by the governor and council.

**2. Bonds or Notes Authorized.** To provide funds for the appropriation made by section 1 hereof the state treasurer is hereby authorized, under the direction of the governor and council, to borrow upon the credit of the state not exceeding the sum of one million dollars and for that purpose may issue bonds or notes in the name and on behalf of the state of New Hampshire. The governor and council shall determine the form of such bonds or notes, their rate of interest, the dates when interest shall be paid, the dates of maturity, the places where principal and interest shall be paid and the time or times of issue. Such bonds or notes 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 proceeds of the sale of such bonds or notes shall be held by the treasurer and paid out by him upon warrants drawn by the governor for the purposes of this act alone and the governor, with the advice and consent of the council, shall draw his warrants for the payment from the funds provided for herein of all sums expended or due for the purposes herein authorized. Such bonds or notes may be negotiated by the treasurer by direction of the governor and council as they deem to be most advantageous to the state.

**3. Accounts.** The secretary of state shall keep an account of all such bonds or notes countersigned by the governor, showing the number and amount of each bond or note, the time of countersigning, the date of delivery to the treasurer

and the date of maturity. The state treasurer shall keep an account of each bond or note 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 date of maturity.

**4. Short-Term Notes.** Prior to the issuance of the bonds or notes hereunder the treasurer, under the direction of the governor and council, may for the purposes hereof borrow money from time to time on short-term loans to be refunded by the issuance of the bonds or notes hereunder, provided however that at no one time shall the indebtedness of the state on such short-term loans exceed the sum of one million dollars.

**5. Federal Assistance.** The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable to secure federal funds for the purposes hereof. In case such federal funds are made available for the purposes hereof said funds shall not be in addition to the amount appropriated by the state hereunder but the total amount of federal and state funds to be expended for the purposes hereof shall not exceed the sum of one million dollars.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved June 17, 1939.]

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## CHAPTER 222.

### AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE OF NEW HAMPSHIRE FOR THE YEAR ENDING JUNE 30, 1940.

SECTION  
1. Appropriation.

SECTION  
2. Takes effect.

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

**1. Appropriations.** 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 June 30, 1940, to wit:

A continuing appropriation which shall not lapse,  
shall not be transferred to any other depart-  
ment, institution or account, and which shall  
be for the expenses of the legislature only . . . \$135,000

Council of State Governments .....		\$250
For the executive department:		
Office of governor:		
Salary of governor .....	\$5,000	
Salary of governor's secretary .	3,000	
Clerical expenses .....	6,040	
Current expenses .....	4,425	
Equipment .....	200	
	<hr/>	
Total .....		\$18,665
Council per diem and expenses .....		6,500
Contingent fund .....		5,000
Emergency fund for protection of interests of the state .....		45,000
	<hr/>	
Total executive department .....		\$75,165
For judicial branch:		
Supreme court:		
Salaries of supreme court jus- tices .....	\$35,000	
Clerical expenses of supreme court .....	4,650	
Current expenses .....	4,200	
Printing and binding New Hampshire reports .....	3,500	
Examination of law students ..	300	
	<hr/>	
Total .....		\$47,650
Superior court:		
Salaries of superior court jus- tices .....	\$42,000	
Current expenses .....	18,000	
	<hr/>	
Total .....		60,000

## Probate court:

Salaries of probate court justices .....	\$17,600
Salaries of registers and deputies .....	20,300
	<hr/>
Total .....	37,900
	<hr/>
Total judicial branch .....	\$145,550

## For adjutant-general's department:

## Office of adjutant-general:

Salary of adjutant-general ....	\$4,000
Clerical expenses .....	3,400
Current expenses .....	600
	<hr/>
Total .....	\$8,000

## National Guard:

Salaries .....	\$40,000
Current expenses .....	12,350
	<hr/>
Total .....	52,350

## Armories:

Salaries .....	\$12,440
Current expenses .....	20,560
	<hr/>
Total .....	33,000

Rifle ranges .....	960
Officers' uniforms .....	2,800
	<hr/>

Total adjutant-general's department .. \$97,110

## For department of agriculture:

## Office of commissioner:

Salary of commissioner .....	\$3,500
Salary of deputy commissioner .	2,750
Clerical expenses .....	4,015
Current expenses .....	1,402
Equipment .....	100
	<hr/>
Total .....	\$11,767

Institutes and public meetings .....		\$1,060
Granite State Dairymen's Association .....		500
New Hampshire Horticultural Society .....		1,000
New Hampshire Sheep Breeders' Association .....		250
Nursery inspection .....		800
Feeding stuffs inspection .....		5,000
Fertilizer inspection .....		1,864
Seed inspection .....		1,050
Insecticides and fungicides .....		200
Apiary law .....		300
Insect suppression:		
Salary of deputy commissioner .	\$1,600	
Salaries of clerks and assistants	8,765	
Current expenses .....	1,985	
Equipment .....	150	
		<hr/>
Total .....		12,500
Dairy inspection:		
Salary of inspector .....	\$2,400	
Current expenses .....	1,100	
		<hr/>
Total .....		3,500
Licensing milk dealers .....		500
Fair exhibits .....		500
Bureau of markets:		
Salaries .....	\$3,187	
Current expenses .....	750	
Equipment .....	25	
		<hr/>
Total .....		3,962
Crop reporting services .....		1,000
Printing and mailing bulletins .....		5,000
Labeling services .....		500
Apple grading .....		800
Egg inspection:		
Salary of inspector .....	\$1,650	
Current expenses .....	1,575	
Equipment .....	25	
		<hr/>
Total .....		3,250



## Division of animal industry:

Salary of state veterinarian . . .	\$3,500
Clerical expenses . . . . .	9,646
Current expenses . . . . .	3,700
Veterinarians' services . . . . .	57,460
Current expenses . . . . .	3,000
Testing fees . . . . .	15,000

Total . . . . .	92,306
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Total department of agriculture . . . . .	\$147,609
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## For attorney-general's department:

Salary of attorney-general . . . . .	\$4,000
Salary of assistant attorney-general . . . . .	4,000
Salary of chief clerk . . . . .	2,000
Salary of law clerk . . . . .	1,800
Salary of research clerk . . . . .	2,000
Clerical expenses . . . . .	6,250
Current expenses . . . . .	3,250
Equipment . . . . .	400
Fees to registers of probate . . . . .	4,250
Legacy tax expenses . . . . .	1,200

Total attorney-general's department . .	\$29,150
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## For comptroller's department:

Salary of comptroller . . . . .	\$5,000
Salary of assistant comptroller . .	3,300
Clerical expenses . . . . .	15,012.50
Current expenses . . . . .	2,500
Equipment . . . . .	1,500

## Mailing division:

Clerical expenses . . . . .	\$3,435	
Current expenses . . . . .	365	3,800

Total . . . . .	\$31,112.50
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Granite State Deaf Mute Mission .....	\$150
Old Home Week Association .....	300
New Hampshire Historical Society .....	500
Military organizations .....	200
Firemen's Relief Fund .....	4,000
Prisoners' Aid Association .....	600
New Hampshire Veterans' Association .....	1,500

---

Total comptroller's department ..... \$38,362.50.

For forestry and recreation:

Administration:

Salary of state forester .....	\$3,500
Salary of assistant state forester .....	2,500
Clerical expenses .....	7,800
Current expenses .....	4,300
Equipment .....	100

---

Total ..... \$18,200

Nursery:

Salaries .....	\$5,000
Current expenses .....	2,240
Equipment .....	200

---

Total ..... 7,440

Reforestation ..... 1,900

District chiefs:

Salaries .....	\$4,465
Current expenses .....	2,650

---

Total ..... 7,115

Lookout stations .....		\$10,000
Prevention of fires .....		4,800
Forest fire bills to towns .....		7,500
White pine blister rust eradication:		
Salaries .....	\$3,700	
Current expenses .....	263	
Motor vehicles .....	800	
Equipment .....	100	
		<hr/>
Total .....		4,863
Recreation:		
Salary of director .....	\$2,100	
Seasonal personnel .....	19,203	
Current expenses .....	8,535	
Equipment .....	3,745	
		<hr/>
Total .....	\$33,583	
Less estimated revenue ....	18,500	
		<hr/>
Net appropriation .....		15,083
Co-operation, federal emergency program...		6,000
		<hr/>
Total forestry department .....		\$82,901
For G. A. R. ....		\$600
For insurance department:		
Salary of commissioner .....	\$5,000	
Salary of deputy commissioner .	1,800	
Salary of examiner .....	2,500	
Clerical expenses .....	10,550	
Current expenses .....	4,850	
		<hr/>
Total insurance department .....		\$24,700
For bureau of labor:		
Office of commissioner:		
Salary of commissioner .....	\$4,000	
Clerical expenses .....	5,525	
Current expenses .....	2,900	
Equipment .....	200	
		<hr/>
Total .....		\$12,625

Minimum wage division:	
Salary of director .....	\$2,400
Salaries of four investigators ..	6,000
Clerical expenses .....	3,100
Current expenses .....	7,000
	<hr/>
Total .....	18,500
Interstate compacts .....	100
Factory inspection:	
Salaries of inspectors .....	\$6,250
Clerical expenses .....	1,250
Current expenses .....	3,500
Equipment .....	100
	<hr/>
Total .....	11,100
National employment office:	
Salaries, managers .....	\$10,340
Current expenses .....	4,660
	<hr/>
Total .....	15,000
	<hr/>
Total bureau of labor .....	\$57,325
For purchasing agent:	
Salary of purchasing agent .....	\$4,000
Clerical expenses .....	8,600
Current expenses .....	2,060
Equipment .....	200
	<hr/>
Total purchasing agent .....	\$14,860
For state department:	
Office of secretary:	
Salary of secretary .....	\$4,000
Salary of deputy secretary ....	2,700
Clerical expenses .....	9,125
Current expenses .....	2,700
Equipment .....	1,200
	<hr/>
Total .....	\$19,725

Copying ancient records .....	\$3,225
State and provincial records .....	3,740
Direct primary .....	400
Presidential primary .....	7,000
Daniel Webster birthplace .....	900
Australian ballot .....	265

---

Total state department ..... \$35,255

For state house department:

Salary of superintendent .....	\$2,500
Other salaries .....	44,250
Current expenses .....	46,700
Equipment .....	500
Special repairs .....	1,000
State library maintenance .....	9,289
Franklin Pierce homestead main- tenance .....	550

---

Total state house department ..... \$104,789

For state library:

Salary of librarian .....	\$2,500
Salary of cataloger .....	1,800
Clerical expenses .....	8,056
Current expenses .....	3,600
Books .....	7,500
Equipment .....	775

---

Total state library ..... \$24,231

For state police:

Salary of superintendent .....	\$4,000
Salary of deputy superintendent .	3,500
Other salaries .....	106,670
Clerical expenses .....	5,880
Current expenses .....	63,300
Equipment .....	47,200

---

Total ..... \$230,550  
 Less revenue ..... 150,000

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Net appropriation ..... 80,550      \$80,550

Of the above appropriation the sum of \$150,000 shall be a charge upon the funds received by the state treasurer from fees collected by the motor vehicle department from registration and licensing motor vehicles and operators, and the sum of \$80,550 shall be a charge upon the general funds of the treasury.

For treasury department:

Office of treasury:

Salary of treasurer .....	\$4,000
Salary of deputy treasurer ....	2,700
Clerical expenses .....	13,860
Current expenses .....	5,500

Total .....	\$26,060
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Trust fund obligations:

Teachers' institutes .....	\$2,388.93
Benjamin Thompson fund ....	31,887.27
Agricultural college fund .....	4,800.00
Hamilton Smith fund .....	400.00
Kimball legacy .....	270.14
Fiske legacy .....	1,055.14

Total .....	40,801.48
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Intangible tax division:

Clerical expenses .....	\$1,912.50
Current expenses .....	410.00

Total .....	\$2,322.50
Less revenue .....	2,322.50

Net appropriation .....	00.00
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Bounties .....	\$5,500
Burial of soldiers and sailors .....	8,500
Collection of gasoline tax:	
Salary of inspector .....	\$2,000
Clerical expenses .....	900
Current expenses .....	845
Equipment .....	200

Total .....	<u>\$3,945</u>
Less revenue .....	3,945

Net appropriation .....	<u>00.00</u>
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Total treasury department .....	<u>\$80,861.48</u>
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For weights and measures:

Salary of commissioner .....	\$3,000
Salary of not more than four in-	
spectors .....	8,000
Clerical expenses .....	1,500
Current expenses .....	5,405

Total weights and measures .....	<u>\$17,905</u>
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For University of New Hampshire:

Maintenance chapter 180, section	
18 .....	\$553,390.50

Extension work under the Smith-	
Lever Act .....	36,000

Section 23, chapter 180 of the Public Laws is hereby suspended for the fiscal year ending June 30, 1940.

Total University of New Hampshire ...	<u>\$589,390.50</u>
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## For Industrial School:

## Administration:

Salary of superintendent .....	\$4,000	
Salary of assistant superintendent .....	2,600	
Clerical expenses .....	2,730	
Current expenses .....	2,100	
Equipment .....	100	
		<hr/>
Total .....		\$11,530

## Instruction:

Salaries .....	\$5,280	
Current expenses .....	150	
Equipment .....	175	
		<hr/>
Total .....		5,605

## Custodial care:

Salaries .....	\$18,970	
Current expenses .....	18,620	
Equipment .....	2,000	
		<hr/>
Total .....		39,590

Auxiliary to custodial care ..... 550

## Operation of plant:

Salaries .....	\$1,680	
Current expenses .....	13,015	
Equipment .....	500	
		<hr/>
Total .....		15,195

## Maintenance of plant:

Salaries .....	\$3,120	
Current expenses .....	1,350	
Equipment .....	500	
		<hr/>
Total .....		4,970



## Agriculture:

Salaries .....	\$3,265
Current expenses .....	6,800
Equipment and stock .....	1,000

Total .....	11,065
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## Parole office:

Salaries .....	\$900
Current expenses .....	1,300
Equipment .....	100

Total .....	2,300
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Total Industrial School .....	\$90,805
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## For Laconia State School:

## Administration:

Salary of superintendent .....	\$4,000
Clerical expenses .....	8,110
Current expenses .....	2,888
Equipment .....	75

Total .....	\$15,073
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## Professional care and treatment:

Salaries .....	\$45,170
Current expenses .....	3,210
Equipment .....	250

Total .....	48,630
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## Custodial care:

Salaries .....	\$11,800
Current expenses .....	45,000
Equipment .....	1,250

Total .....	58,050
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## Operation of plant:

Salaries .....	\$4,590
Current expenses .....	26,885

Total .....	31,475
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## Maintenance of plant:

Salaries .....	\$6,540
Current expenses .....	5,240
Equipment .....	250

Total .....	<u>12,030</u>
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## Agriculture:

Salaries .....	\$20,856
Current expenses .....	19,765
Equipment .....	850

Total .....	<u>\$41,471</u>
Less revenue .....	830

Net appropriation .....	<u>40,641</u>
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Total Laconia State School .....	<u>\$205,899</u>
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## For New Hampshire State Hospital:

## Administration:

Salary of superintendent .....	\$5,000
Salary of assistant superintendent .....	3,375
Other salaries .....	27,125
Current expenses .....	5,575
Equipment .....	200

Total .....	<u>\$41,275</u>
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## Professional care and treatment:

Salaries .....	\$233,063
Current expenses .....	25,212.50
Equipment .....	1,875

Total .....	<u>\$260,150.50</u>
Less revenue .....	3,500

Net appropriation .....	<u>\$256,650.50</u>
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## Custodial care:

Salaries .....	\$68,355
Current expenses .....	242,035.60
Equipment .....	8,750
	<hr/>
Total .....	\$319,140.60
Less revenue .....	2,000
	<hr/>

Net appropriation .....\$317,140.60

## Operation of plant:

Salaries .....	\$26,900
Current expenses .....	90,256
Motor vehicle .....	5,000
Equipment .....	500
	<hr/>
Total .....	\$122,656
Less revenue .....	500
	<hr/>

Net appropriation ..... 122,156

## Maintenance of plant:

Salaries .....	\$45,000
Current expenses .....	14,375
Equipment .....	600
	<hr/>

Total ..... 59,975

## Agriculture:

Salaries .....	\$15,450
Current expenses .....	31,789
Motor vehicle .....	900
Equipment .....	1,485
	<hr/>

Total .....	\$49,624
Less revenue .....	2,000
	<hr/>

Net appropriation ..... 47,624

Total State Hospital .....\$844,821.10



## For State Prison:

## Administration:

Salary of warden .....	\$3,250
Clerical expenses .....	3,050
Current expenses .....	1,575

Total .....	\$7,875
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Instruction .....	2,000
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## Custodial care:

Salaries .....	\$35,000
Current expenses .....	50,400
Equipment .....	2,000

Total .....	87,400
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## Auxiliary to prison care and custody:

Salaries .....	\$2,500
Current expenses .....	3,750
Other expenses .....	1,500

Total .....	7,750
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## Operation of plant:

Salaries .....	\$2,940
Current expenses .....	6,500

Total .....	9,440
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Maintenance of plant .....	4,000
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Prison farm .....	2,200
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## Parole department:

Salary parole officer .....	\$2,000
Salary assistant parole officer...	1,250
Clerical expenses .....	1,090
Current expenses .....	2,175

Total .....	6,515
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Total State Prison .....	\$127,180
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## For State Sanatorium:

## Administration:

Salary of superintendent .....	\$4,000
Clerical expenses .....	1,370
Current expenses .....	1,270
Equipment .....	335

Total .....	\$6,975
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## Professional care and treatment:

Salaries .....	\$15,675
Current expenses .....	5,750
Equipment .....	275

Total .....	21,700
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## Custodial care:

Salaries .....	\$9,735
Current expenses .....	24,525
Equipment .....	850

Total .....	35,110
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## Operation of plant:

Salaries .....	\$8,110
Current expenses .....	10,500
Motor vehicle .....	500
Equipment .....	425

Total .....	19,535
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## Maintenance of plant:

Salaries .....	\$1,100
Current expenses .....	2,000
Equipment .....	100

Total .....	3,200
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## Agriculture:

Salaries .....	\$3,050
Current expenses .....	2,150
Equipment .....	150

Total .....	5,350
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Total State Sanatorium .....	\$91,870
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## For state board of education:

## Administration:

Salaries .....	\$39,075
Current expenses .....	13,300
Equipment .....	500

Total .....	\$52,875
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Equalization—state aid .....	350,000
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Superintendents' salaries (state share) .....	100,000
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Conferences .....	1,500
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## Vocational education (Smith-Hughes):

Salaries .....	\$3,750
Current expenses .....	1,500
Other expenses .....	100

Total .....	5,350
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## Vocational rehabilitation:

Salaries .....	\$2,200
Current expenses .....	5,300
Equipment .....	500

Total .....	8,000
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## Education of deaf:

Current expenses .....	16,500
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## George Deen Act:

Salaries .....	\$2,500
Current expenses .....	1,000
Other expenses .....	1,000

Total .....	4,500
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## Keene Teachers College:

Salaries .....	\$125,479.89
Current expenses .....	60,770.11
Equipment .....	3,750
Other expenses .....	1,000

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Total ..... 191,000

## Plymouth Teachers College:

Salaries .....	\$71,540
Current expenses .....	44,835
Equipment .....	1,500
Other expenses .....	300

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Total ..... 118,175

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Total appropriation available for expenditure .....\$847,900

The revenues, estimated as follows, shall be applied to the above appropriation:

Per capita tax .....	\$158,107
Literary fund .....	42,500
Unorganized places .....	7,862.23
Rebate (\$3.50 tax) .....	7,811.12

## Keene Teachers College:

Tuition .....	28,000
Board .....	68,000
Federal Smith-Hughes .....	6,000
Other .....	1,000

## Plymouth Teachers College:

Tuition .....	12,000
Board .....	45,875
Other .....	300

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Total estimated revenue ..... 377,455.35

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Total net estimated appropriation state board of education .....\$470,444.65



In addition to the above appropriation said department shall receive for disbursement the income of the teachers' colleges dormitories and practice schools, and the sums paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

For board of health:

Office of secretary:

Salary of secretary .....	\$4,000	
Clerical expenses .....	1,800	
Current expenses .....	3,375	
Equipment .....	100	
		<hr/>
Total .....		\$9,275

Vital statistics:

Salaries .....	\$4,150	
Current expenses .....	810	
Equipment .....	210	
		<hr/>
Total .....		5,170

Public health nursing:

Salary of director .....	\$2,400	
Clerical expenses .....	10,400	
Current expenses .....	4,335	
		<hr/>
Total .....		17,135

Control of venereal diseases:

Salaries and fees .....	\$6,020	
Current expenses .....	2,680	
Equipment .....	200	
		<hr/>
Total .....		8,900
Purchase of antitoxin .....		1,200

Maternal and child health:		
Clerical expenses .....	\$1,075	
Conference fees .....	1,000	
Current expenses .....	800	
	<hr/>	
Total .....		2,875
Crippled children's services:		
Clerical expenses .....	\$3,550	
Current expenses .....	7,450	
	<hr/>	
Total .....		11,000
Laboratory of hygiene:		
Salary of director .....	\$4,000	
Clerical expenses .....	2,782	
Salary of chemists, bacteriologists and technician .....	9,500	
Current expenses .....	4,550	
	<hr/>	
Total .....		20,832
Sanitation:		
Salaries of engineers and inspectors .....	\$8,600	
Current expenses .....	3,250	
	<hr/>	
Total .....		11,850
		<hr/>
Total board of health .....		\$88,237
For department of public welfare:		
Administration:		
Board .....		\$4,500
Office of commissioner:		
Salary of commissioner .....	\$4,000	
Salaries other .....	17,722	
Current expenses .....	6,945	
Equipment .....	500	
	<hr/>	
Total .....	\$29,167	
Less revenue .....	1,400	
	<hr/>	
Net appropriation .....		27,767

## Research and statistics:

Clerical expenses .....	\$5,150
Current expenses .....	2,325
Equipment .....	150

Total .....	7,625
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## Accounts and audits:

Clerical expenses .....	\$8,260
Current expenses .....	3,075
Equipment .....	300

Total .....	11,635
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## Service:

## Veterans officer:

Salary of officer .....	\$2,000
Current expenses .....	2,000

Total .....	4,000
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## Foster care:

Clerical expenses .....	\$2,800
Current expenses .....	950

Total .....	3,750
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## Social service index:

Clerical expenses .....	\$1,820
Current expenses .....	425
Equipment .....	275

Total .....	2,520
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## Field services:

Salaries .....	\$103,480
Current expenses .....	49,730
Equipment .....	2,220

Total .....	\$155,430
Less revenue .....	47,521.68

Net appropriation .....	107,908.32
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Blind administration and services:	
Salaries .....	\$8,850
Current expenses .....	5,279
Other expenses .....	1,200
	<hr/>
Total .....	15,329
Old age assistance .....	357,711.50
Aid to dependent children .....	203,333.33
Aid to needy blind .....	39,500
Workshop of the blind:	
Salaries .....	\$6,935
Current expenses .....	9,740
	<hr/>
Total .....	\$16,675
Less revenue .....	12,000
	<hr/>
Net .....	4,675
Aid to tuberculous persons .....	78,000
Education of blind .....	9,000
Sight conservation .....	4,000
Civilian conservation corps .....	1,200
	<hr/>
Total .....	\$882,454.15
Less—old year balance .....	67,500
	<hr/>
Total department of public welfare ....	\$814,954.15
In this department any balances which may be unexpended shall not lapse, but shall be for the further use of the department.	
For John Nesmith fund .....	\$3,700
For bank commission:	
Salary of commissioner .....	\$5,000
Salary of deputy commissioners .	6,000
Clerical expenses .....	19,575
Current expenses .....	11,408
Equipment .....	125
	<hr/>
Total .....	\$42,108
Less revenue .....	2,000
	<hr/>
Net appropriation .....	\$40,108

## For cancer commission:

Professional service .....	\$12,500
Clerical expenses .....	3,750
Current expenses .....	16,100
Equipment .....	150

Total cancer commission ..... \$32,500

For state planning and development  
commission:

## Development division:

Salary of publicity director ...	\$4,000
Clerical expenses .....	11,526
Current expenses .....	45,074
Equipment .....	500
Other expenses .....	150

Total ..... \$61,250

Less revenue ..... 1,250

Total ..... \$60,000

## Division of industrial promotion:

Salaries .....	\$6,350
Current expenses .....	3,550
Equipment .....	100

Total ..... 10,000

For World's Poultry Congress ..... 5,000

To be spent in co-operation with the New Hampshire Poultry Growers' Association for advertising New Hampshire poultry at the 1939 World's Poultry Congress.

Regional associations\* ..... 12,500

\* This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$2,500 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

Tourist service .....		\$4,000
Planning division:		
Salary of director .....	\$4,000	
Clerical expenses .....	15,322	
Current expenses .....	4,842	
Equipment .....	750	
	<hr/>	
Total .....	\$24,914	
Less revenue .....	500	
	<hr/>	
Net appropriation .....		24,414
Land use board .....		500
		<hr/>
Total planning and development com- mission .....		\$116,414
For public library commission:		
Office of commission:		
Salary of secretary .....	\$2,000	
Clerical expenses .....	7,380	
Current expenses .....	825	
Equipment .....	250	
	<hr/>	
Total .....		\$10,455
Traveling libraries:		
Current expenses .....	\$675	
Books .....	3,000	
	<hr/>	
Total .....		3,675
Institutes .....		500
Field work .....		2,465
State aid .....		1,000
		<hr/>
Total public library commission .....		\$18,095

## For public service commission:

Salaries three commissioners . . . .	\$15,000
Engineers, legal fees, experts and clerical expenses . . . . .	44,200
Current expenses . . . . .	24,880
Equipment . . . . .	3,300
Other expenses . . . . .	25

Total . . . . .	\$87,405
Less revenue . . . . .	22,500

Total public service commission . . . . . \$64,905

## For state tax commission:

## Office of commission:

Salary three commissioners . . .	\$10,000
Clerical expenses . . . . .	9,800
Current expenses . . . . .	7,775
Equipment . . . . .	400

Total . . . . .	\$27,975
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## Municipal accounting:

Salary of accountant . . . . .	\$2,000
Clerical expenses . . . . .	6,200
Current expenses . . . . .	3,550
Equipment . . . . .	250

Total . . . . .	\$12,000
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## Assessment of intangible tax:

Clerical expenses . . . . .	\$7,580
Current expenses . . . . .	2,300
Equipment . . . . .	200

Total . . . . .	\$10,080
Less revenue . . . . .	10,080

Net appropriation . . . . . 00

Assessment of gas and electric utilities tax:	
Clerical expenses .....	\$2,400
Current expenses .....	175
	<hr/>
Total .....	\$2,575
Less revenue .....	2,575
	<hr/>
Net appropriation .....	00
For administration of tobacco tax:	
Clerical expenses .....	\$14,800
Current expenses .....	14,600
Equipment .....	600
	<hr/>
Total .....	30,000
	<hr/>
Total state tax commission .....	\$69,975
For milk control board:	
Salaries .....	\$7,711
Current expenses .....	5,189
Equipment .....	100
	<hr/>
Total milk control board .....	\$13,000
For probation department:	
Salary of director .....	\$4,000
Salaries of not more than six pro- bation officers .....	12,200
Salary of psychiatrist .....	2,500
Clerical expenses .....	5,250
Current expenses .....	11,200
Equipment .....	850
Conferences and training .....	500
	<hr/>
Total probation department .....	\$36,500
For water control commission .....	\$5,900
For * stream flow gauging stations ..	\$7,250
* Of the sum herein appropriated for stream flow gauging stations, the sum of \$2,750 shall be a charge upon the high- way funds.	
Less transfer from highway funds .....	2,750
	<hr/>
Net appropriation .....	\$4,500



For water resources board .....	\$20,000
For Eastern States Exposition building commission	\$1,000
For pharmacy commission .....	\$3,000
For board of optometry .....	\$735
For board of chiropractic examiners .....	\$700
For registration of veterinary surgeons .....	\$100
For commission of arts and crafts .....	\$10,000
For teachers' retirement board .....	\$20,000
For fish and game department .....	\$230,000
Less estimated revenue .....	230,000
Net appropriation .....	00

In addition to the above appropriation the fish and game department shall receive for disbursement any income of the fish and game fund, in excess of the above estimate; provided, however that if said income of the fish and game fund is less than the above estimate of \$230,000 a sum sufficient to make the total equal \$230,000 is hereby appropriated from the general funds.

In addition to the sums hereinbefore appropriated there is hereby appropriated the sum of thirty thousand dollars (\$30,000), or such part of said sum as may be necessary for the state house annex sinking fund, as provided in section 6, chapter 172 of the Laws of 1937.

Any unexpended balance of this appropriation shall lapse and shall not be transferred to any other state appropriation.

**2. Takes Effect.** This act shall take effect July 1, 1939.  
 [Approved June 17, 1939.]

•  
**CHAPTER 223.**

AN ACT MAKING APPROPRIATION FOR THE EXPENSES OF THE  
 STATE OF NEW HAMPSHIRE FOR THE YEAR ENDING  
 JUNE 30, 1941.

SECTION 1. Appropriation.		SECTION 2. Takes effect.
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*Be it enacted by the Senate and House of Representatives in General Court convened:*

**1. Appropriations.** 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 June 30, 1941, to wit:

A continuing appropriation which shall not lapse, shall not be transferred to any other department, institution or account, and which shall be for the expenses of the legislature only... \$135,000

Council of State Governments ..... \$250

For the executive department:

Office of governor:

Salary of governor ..... \$5,000

Salary of governor's secretary ..... 3,000

Clerical expenses ..... 6,140

Current expenses ..... 4,425

Equipment ..... 200

---

Total office of governor ..... \$18,765

Council per diem and expenses: ..... 7,500

Contingent fund ..... 5,000

Emergency fund for protection of interests of  
the state, July 1, 1940 to Dec. 30, 1940.... 22,500

Jan. 1, 1941 to June 30, 1941.... 22,500

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Total executive department ..... \$76,265

For judicial branch:

Supreme court:

Salaries of supreme court  
justices ..... \$35,000

Clerical expenses of supreme  
court ..... 4,650

Current expenses ..... 4,200

Printing and binding N. H.  
reports ..... 3,500

Examination of law students .. 300

---

Total supreme court ..... \$47,650

Superior court:

Salaries of superior court  
justices ..... \$42,000

Current expenses of superior  
court ..... 18,000

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Total superior court ..... 60,000

## Probate court:

Salaries of probate court judges	\$17,600
Salaries of probate court regis- ters and deputies	20,300

Total probate court	37,900
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Total judicial branch	\$145,550
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## For adjutant-general's department:

## Office of the adjutant-general:

Salary of adjutant-general	....	\$4,000
Clerical expenses	.....	3,500
Current expenses	.....	600

Total office of adjutant-general	.....	\$8,100
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## National Guard:

Salaries	.....	\$40,000
Current expenses	.....	12,350

Total	.....	52,350
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## Armories:

Salaries janitors	.....	\$12,440
Current expenses	.....	20,560

Total	.....	33,000
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Rifle ranges	.....	960
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Officers' uniforms	.....	2,800
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Total adjutant-general's department	...	\$97,210
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## For department of agriculture:

## Office of commissioner:

Salary of commissioner	.....	\$3,500
Salary of deputy commissioner	..	2,750
Clerical expenses	.....	4,165
Current expenses	.....	2,152
Equipment	.....	100

Total	.....	\$12,667
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Institutes and public meetings .....	\$1,060	
Granite State Dairymen's Association .....	500	
New Hampshire Horticultural Society.....	1,000	
New Hampshire Sheep Breeders' Association.	250	
Nursery inspection .....	800	
Feeding stuffs inspection .....	5,000	
Fertilizer inspection .....	1,864	
Seed inspection .....	1,050	
Insecticides and fungicides .....	200	
Apiary law .....	300	
Insect suppression:		
Salary of deputy commissioner	\$1,600	
Salaries of clerks and assistants	8,765	
Current expenses .....	1,985	
Equipment .....	150	
Total .....		12,500
Dairy inspection:		
Salary of inspector .....	\$2,400	
Current expenses .....	1,100	
Total .....		3,500
Licensing milk dealers .....	500	
Fair exhibits .....	500	
Bureau of markets:		
Salaries .....	\$3,237	
Current expenses .....	750	
Equipment .....	25	
Total .....		4,012
Crop reporting services .....	1,000	
Printing and mailing the bulletin .....	5,000	
Labeling services .....	500	
Apple grading .....	800	
Egg inspection:		
Salary of inspector .....	\$1,700	
Current expenses .....	1,575	
Equipment .....	25	
Total .....		3,300

## Division of animal industry:

Salary of state veterinarian . . . .	\$3,500
Clerical expenses . . . . .	9,996
Current expenses . . . . .	3,700
Veterinarians' services . . . . .	57,560
Expenses of veterinarians . . . . .	3,000
Testing fees . . . . .	15,000

Total . . . . .	92,756
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Total department of agriculture . . . . .	\$149,059
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## For attorney-general's department:

Salary of attorney-general . . . . .	\$4,000
Salary of assistant attorney-general . . . . .	4,000
Salary of chief clerk . . . . .	2,000
Salary of law clerk . . . . .	1,800
Salary of research clerk . . . . .	2,000
Clerical expenses . . . . .	6,300
Current expenses . . . . .	3,705
Equipment . . . . .	400
Fees to registers of probate . . . . .	4,250
Legacy tax expenses . . . . .	1,200

Total attorney-general's department . . . .	\$29,655
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## For comptroller's department:

Salary of comptroller . . . . .	\$5,000
Salary of assistant comptroller . . . .	3,300
Clerical expenses . . . . .	15,337.50
Current expenses . . . . .	2,700
Equipment . . . . .	200

## For mailing division:

Clerical expenses . . . . .	3,535
Current expenses . . . . .	365
Equipment . . . . .	50

Total . . . . .	\$30,487.50
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Granite State Deaf Mute Mission .....	\$150
Old Home Week Association .....	300
New Hampshire Historical Society .....	500
Military organizations .....	200
Fireman's relief fund .....	4,000
Prisoners' Aid Association .....	600
New Hampshire Veterans' Association .....	1,500

---

Total comptroller's department ..... \$37,737.50

For forestry and recreation department:

Administration:

Salary of state forester .....	\$3,500
Salary of assistant state forester .....	2,500
Clerical expenses .....	8,100
Current expenses .....	4,535
Equipment .....	100

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Total ..... \$18,735

Nursery:

Salaries .....	\$5,000
Current expenses .....	2,240
Equipment .....	200

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Total ..... 7,440

Reforestation:

District chiefs: .....	\$1,900
Salaries .....	\$4,465
Current expenses .....	2,650

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Total district chiefs ..... 7,115

Lookout stations .....	10,000
Prevention of fires .....	4,800
Forest fire bills to towns .....	7,500

White pine blister rust eradication:

Salaries .....	\$3,750
Current expenses .....	288
Equipment .....	100

---

Total ..... 4,138

Recreation:	
Salary of director .....	\$2,200
Seasonal personnel .....	21,223
Current expenses .....	9,313
Equipment .....	3,720
	<hr/>
Total .....	\$36,456
Less estimated revenue ....	20,375
	<hr/>
Net appropriation .....	16,081
Co-operation federal emergency program ....	5,000
	<hr/>
Total forestry and recreation .....	\$82,709
For G. A. R. ....	\$600
For insurance department:	
Salary of commissioner .....	\$5,000
Salary of deputy commissioner ..	1,800
Salary of examiner .....	2,500
Clerical expenses .....	10,800
Current expenses .....	4,850
	<hr/>
Total .....	\$24,950
For bureau of labor:	
Office of commissioner:	
Salary of commissioner .....	\$4,000
Clerical expenses .....	5,600
Current expenses .....	3,150
Equipment .....	200
	<hr/>
Total .....	\$12,950
Minimum wage division:	
Salary of director .....	\$2,400
Salaries of four investigators ..	6,000
Clerical expenses .....	3,250
Current expenses .....	7,000
	<hr/>
Total .....	18,650

Interstate compacts .....		\$100
Factory inspection:		
Inspectors .....	\$6,300	
Clerical expenses .....	1,300	
Current expenses .....	3,500	
Equipment .....	100	
	<hr/>	
Total .....		11,200
National employment office:		
Salaries, managers .....	\$10,340	
Current expenses .....	4,660	
	<hr/>	
Total .....		15,000
		<hr/>
Total bureau of labor .....		\$57,900
For purchasing agent:		
Salary of purchasing agent .....	\$4,000	
Clerical expenses .....	8,750	
Current expenses .....	2,060	
Equipment .....	200	
	<hr/>	
Total .....		\$15,010
For state department:		
Office of secretary:		
Salary of secretary .....	\$4,000	
Salary of deputy secretary .....	2,700	
Clerical expenses .....	9,275	
Current expenses .....	2,200	
Equipment .....	150	
	<hr/>	
Total .....		\$18,325
Copying ancient records .....		2,640
State and provincial records .....		3,740
Direct primary .....		10,740
Daniel Webster birthplace .....		800
Australian ballot .....		7,075
	<hr/>	
Total state department .....		\$43,320



For state house department:	
Salary of superintendent .....	\$2,500
Other salaries .....	51,952
Current expenses .....	45,750
Equipment .....	600
State library maintenance .....	9,289
Franklin Pierce homestead main- tenance .....	400
	<hr/>
Total .....	\$110,491
For state library:	
Salary of librarian .....	\$2,500
Salary of cataloguer .....	1,800
Clerical expenses .....	8,356
Current expenses .....	3,600
Books .....	7,500
Equipment .....	775
	<hr/>
Total .....	\$24,531
For state police:	
Salary of superintendent .....	\$4,000
Salary of deputy superintendent . .	3,500
Salaries—other .....	106,670
Clerical expenses .....	5,880
Current expenses .....	62,900
Equipment .....	15,200
	<hr/>
Total .....	\$198,150
Less M. V. revenue .....	150,000
	<hr/>
Net appropriation .....	\$48,150

Of the above appropriation the sum of \$150,000 shall be a charge upon the funds received by the state treasurer from fees collected by the motor vehicle department from registration and licensing motor vehicles and operators, and the sum of \$48,150 shall be a charge upon the general funds of the treasury.

## For treasury department:

## Office of treasury:

Salary of treasurer .....	\$4,000
Salary of deputy treasurer ....	2,700
Clerical expenses .....	14,275
Current expenses .....	5,775

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Total ..... \$26,750

## Trust obligations:

Teachers' institutes .....	\$2,388.93
Benjamin Thompson fund ....	31,887.27
Agricultural college fund ....	4,800.00
Hamilton Smith fund .....	400.00
Kimball legacy .....	270.14
Fiske legacy .....	1,055.14

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Total ..... 40,801.48

## Intangible tax division:

Clerical expenses .....	\$1,950
Current expenses .....	410

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Total ..... \$2,360  
Less revenue ..... 2,360

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Net appropriation ..... 00.00

Bounties ..... 5,500

Burial of soldiers and sailors ..... 8,500

## Collection of gasoline tax:

Salary of inspector .....	\$2,000
Clerical expenses .....	950
Current expenses .....	845
Equipment .....	200

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Total ..... \$3,995  
Less revenue ..... 3,995

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Net appropriation ..... 00.00

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Total treasury department ..... \$81,551.48

## For weights and measures:

Salary of commissioner .....	\$3,000
Salaries of not more than four inspectors .....	8,000
Clerical expenses .....	1,550
Current expenses .....	5,225

Total ..... \$17,775

## For University of New Hampshire:

Maintenance chap. 180, section 18	\$553,390.50
Extension work under the Smith- Lever Act .....	36,000

Section 23, chapter 180 of the  
Public Laws is hereby suspended  
for the fiscal year ending June  
30, 1941.

Total ..... \$589,390.50

## For Industrial School:

## Administration:

Salary of superintendent .....	\$4,000
Salary of assistant superin- tendent .....	2,600
Clerical expenses .....	2,880
Current expenses .....	2,200

Total ..... \$11,680

## Instruction:

Salaries .....	\$5,580
Current expenses .....	150
Equipment .....	175

Total ..... 5,905

## Custodial care:

Salaries .....	\$18,970
Current expenses .....	18,620
Equipment .....	2,000

Total ..... 39,590

Auxiliary to custodial care .....		\$550
Operation of plant:		
Salaries .....	\$1,680	
Current expenses .....	13,015	
	<hr/>	
Total .....		14,695
Maintenance of plant:		
Salaries .....	\$3,120	
Current expenses .....	1,350	
Equipment .....	500	
	<hr/>	
Total .....		4,970
Agriculture:		
Salaries .....	\$3,265	
Current expenses .....	6,800	
Equipment and stock .....	1,000	
	<hr/>	
Total .....		11,065
Parole officers:		
Salaries .....	\$950	
Current expenses .....	1,300	
Equipment .....	100	
	<hr/>	
Total .....		2,350
		<hr/>
Total Industrial School .....		\$90,805
For Laconia State School:		
Administration:		
Salary of superintendent .....	\$4,000	
Clerical expenses .....	8,224	
Current expenses .....	2,888	
Equipment .....	110	
	<hr/>	
Total .....		\$15,222
Professional care and treatment:		
Salaries .....	\$45,345	
Current expenses .....	3,210	
Equipment .....	250	
	<hr/>	
Total .....		48,805

## Custodial care:

Salaries .....	\$11,800	
Current expenses .....	45,000	
Equipment .....	1,250	
		<hr/>
Total .....		58,050

## Operation of plant:

Salaries .....	\$4,590	
Current expenses .....	26,885	
		<hr/>
Total .....		31,475

## Maintenance of plant:

Salaries .....	\$6,540	
Current expenses .....	5,240	
Equipment .....	250	
		<hr/>
Total .....		12,030

## Agriculture:

Salaries .....	\$20,856	
Current expenses .....	19,565	
Motor vehicles .....	4,000	
Equipment .....	850	
		<hr/>
Total .....	\$45,271	
Less revenue .....	830	
		<hr/>
Net appropriation .....		44,441

Total Laconia State School .....\$210,023

## For New Hampshire State Hospital:

## Administration:

Salary of superintendent .....	\$5,000	
Salary of assistant superintendent .....	3,375	
Other salaries .....	27,625	
Current expenses .....	6,110	
Equipment .....	250	
		<hr/>
Total .....		\$42,360

## Professional care and treatment:

Salaries .....	\$239,370
Current expenses .....	25,890.50
Equipment .....	1,875

Total .....	\$267,135.50
Less revenue .....	3,500

Net appropriation ..... 263,635.50

## Custodial care:

Salaries .....	\$69,455
Current expenses .....	249,016.20
Motor vehicles .....	900
Equipment .....	9,500

Total .....	\$328,871.20
Less revenue .....	2,000

Net appropriation ..... 326,871.20

## Operation of plant:

Salaries .....	\$26,900
Current expenses .....	90,522
Equipment .....	900

Total .....	\$118,322
Less revenue .....	500

Net appropriation ..... 117,822

## Maintenance of plant:

Salaries .....	\$45,000
Current expenses .....	14,375
Equipment .....	600

Total ..... 59,975

## Agriculture:

Salaries .....	\$15,450
Current expenses .....	31,689
Equipment .....	1,685

Total .....	\$48,824
Less revenue .....	2,000

Net appropriation ..... 46,824

Total State Hospital ..... \$857,487.70

## For soldiers' home:

## Office of commander:

Salary of commander .....	\$1,800
Clerical expenses .....	245
Current expenses .....	455

Total ..... \$2,500

## Custodial care:

Salaries .....	\$5,100
Current expenses .....	9,275
Equipment .....	100

Total ..... 14,475

## Professional care and treatment:

Salaries .....	\$3,000
Current expenses .....	800

Total ..... 3,800

## Operation of plant:

Salaries .....	\$1,450
Current expenses .....	4,100
Equipment .....	25

Total ..... 5,575

## Maintenance of plant:

Salaries .....	\$150
Current expenses .....	3,450
Equipment .....	25

Total ..... 3,625

Agriculture:		
Salaries .....	\$1,100	
Current expenses .....	825	
Equipment .....	100	
	<hr/>	
Total .....		2,025
		<hr/>
Total for soldiers' home .....		\$32,000
For State Prison:		
Administration:		
Salary of warden .....	\$3,250	
Clerical expenses .....	3,050	
Current expenses .....	1,575	
	<hr/>	
Total .....		\$7,875
Instruction .....		2,000
Custodial care:		
Salaries .....	\$35,000	
Current expenses .....	50,400	
Equipment .....	1,500	
	<hr/>	
Total .....		86,900
Auxiliary to prison care and custody:		
Salaries .....	\$2,500	
Current expenses .....	3,750	
Other expenses .....	1,500	
	<hr/>	
Total .....		7,750
Operation of plant:		
Salaries .....	\$2,940	
Current expenses .....	6,500	
	<hr/>	
Total .....		9,440
Maintenance of plant .....		4,000
Prison farm .....		2,200



## Parole department:

Salary parole officer .....	\$2,000
Salary assistant parole officer ..	1,300
Clerical expenses .....	1,140
Current expenses .....	2,175

Total .....	6,615
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Total State Prison .....	\$126,780
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## For State Sanatorium:

## Administration:

Salary of superintendent .....	\$4,000
Clerical expenses .....	1,420
Current expenses .....	1,520
Equipment .....	250

Total .....	\$7,190
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## Professional care and treatment:

Salaries .....	\$15,875
Current expenses .....	5,750
Equipment .....	200

Total .....	21,825
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## Custodial care:

Salaries .....	\$9,735
Current expenses .....	24,525
Equipment .....	200

Total .....	34,460
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## Operation of plant:

Salaries .....	\$8,110
Current expenses .....	10,500
Equipment .....	250

Total .....	18,860
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## Maintenance of plant:

Salaries .....	\$1,100
Current expenses .....	2,000
Equipment .....	100

Total .....	3,200
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## Agriculture:

Salaries .....	\$3,050
Current expenses .....	2,150
Equipment .....	150

Total .....	5,350
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Total State Sanatorium .....	\$90,885
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## For state board of education:

## Administration:

Salaries .....	\$39,475
Current expenses .....	14,300
Equipment .....	500

Total .....	\$54,275
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Equalization—state aid .....	350,000
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Superintendents' salaries—state share .....	100,000
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Conferences .....	1,500
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## Vocational education (Smith-Hughes)

Salaries .....	\$3,950
Current expenses .....	1,500
Other expenses .....	100

Total .....	5,550
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## Vocational rehabilitation:

Salaries .....	\$2,300
Current expenses .....	7,000
Equipment .....	700

Total .....	10,000
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## Education of deaf:

Current expenses .....	16,500
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## George Deen Act:

Salaries .....	\$2,500
Current expenses .....	1,000
Other expenses .....	1,000

Total .....	4,500
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## Keene Teachers College:

Salaries .....	\$122,158.89
Current expenses .....	60,400
Equipment .....	3,750
Other expenses .....	750

Total ..... 187,058.89

## Plymouth Teachers College:

Salaries .....	\$77,300
Current expenses .....	50,300
Equipment .....	1,500
Other expenses .....	2,300

Total ..... 131,400

Total appropriation available for ex-  
penditure ..... 860,783.89

The revenues, estimated as follows,  
shall be applied to the above  
appropriation:

Per capita tax .....	\$156,000
Literary fund .....	42,500
Unorganized places .....	7,862.23
Rebate (3.50 tax) .....	7,811.12

## Keene Teachers College:

Tuition .....	27,000
Board .....	65,000
Federal Smith-Hughes .....	6,000
Other receipts .....	1,000

## Plymouth Teachers College:

Tuition .....	12,000
Board .....	60,875
Other receipts .....	300

Total estimated revenue ..... 386,348.35

Total net estimated appropriation state

board of education .....\$474,435.54

In addition to the above appropriation said department shall receive for disbursement the income of the teachers' colleges dormitories and practice schools, and the sums

paid by school districts for the salaries of superintendents under section 40, chapter 117 of the Public Laws. In this department any balance, excepting the equalization fund, which may be unexpended in any fiscal year, shall be placed in a special fund available for use for maintenance purposes the following year by and with the consent of the governor and council.

For board of health:

Office of secretary:

Salary of secretary .....	\$4,000
Clerical expenses .....	1,800
Current expenses .....	3,650
Equipment .....	100

Total .....		\$9,550
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Vital statistics:

Salaries .....	\$4,250
Current expenses .....	810

Total .....		5,060
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Public health nursing:

Salary of director .....	\$2,400
Clerical expenses .....	10,600
Current expenses .....	4,335

Total .....		17,335
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Control of venereal diseases:

Salaries and fees .....	\$6,070
Current expenses .....	2,630
Equipment .....	200

Total .....		8,900
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Purchase of antitoxin .....	1,200
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Maternal and child health:

Clerical expenses .....	\$1,125
Conference fees .....	1,000
Current expenses .....	550

Total .....		2,675
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Crippled children's services:		
Clerical expenses .....	\$3,600	
Current expenses .....	7,400	
	<hr/>	
Total .....		11,000
Laboratory of hygiene:		
Salary of director .....	\$4,000	
Clerical expenses .....	2,882	
Salary of chemists, bacteriologists and technician .....	9,800	
Current expenses .....	4,550	
	<hr/>	
Total .....		21,232
Sanitation:		
Salaries of engineers and inspectors .....	\$8,600	
Current expenses .....	3,250	
	<hr/>	
Total .....		11,850
		<hr/>
Total board of health .....		\$88,802
For department of public welfare:		
Administration:		
Board .....		\$4,500
Office of commissioner:		
Salary of commissioner .....	\$4,000	
Salaries—other .....	18,122	
Current expenses .....	7,820	
Equipment .....	600	
	<hr/>	
Total .....	\$30,542	
Less revenue .....	1,400	
	<hr/>	
Net appropriation .....		29,142
Research and statistics:		
Clerical expenses .....	\$5,275	
Current expenses .....	2,325	
Equipment .....	60	
	<hr/>	
Total .....		7,660

## Accounts and audits:

Clerical expenses .....	\$8,610
Current expenses .....	3,250
Equipment .....	400

Total .....		12,260
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## Service:

## Veterans' officer:

Salary of officer .....	\$2,000
Current expenses .....	2,000

Total .....		4,000
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## Foster care:

Clerical expenses .....	\$2,900
Current expenses .....	950

Total .....		3,850
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## Social service index:

Clerical expenses .....	\$1,920
Current expenses .....	450
Equipment .....	35

Total .....		2,405
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## Field service:

Salaries .....	\$125,780
Current expenses .....	57,570
Equipment .....	2,195

Total .....	\$185,545
Less revenue .....	59,442.48

Net appropriation .....		126,102.52
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## Blind administration and services:

Salaries .....	\$9,100
Current expenses .....	5,279
Other expenses .....	1,200

Total .....		15,579
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Old age assistance .....	\$493,924.75
Aid to dependent children .....	203,333.33
Aid to needy blind .....	41,200
Workshop for the blind:	
Salaries .....	\$6,935
Current expenses .....	9,740
	<hr/>
Total .....	\$16,675
Less revenue .....	12,000
	<hr/>
Net appropriation .....	4,675
Aid to tuberculous persons .....	78,000
Education of blind .....	9,000
Sight conservation .....	4,000
Civilian conservation corps .....	1,250
	<hr/>
Total department of public welfare...	\$1,040,881.60

In this department any balances which may be unexpended shall not lapse, but shall be for the further use of the department.

For John Nesmith fund .....

\$3,700

For bank commission:

Salary of bank commissioner .....	\$5,000
Salaries of deputy commissioners..	6,000
Clerical expenses .....	19,600
Current expenses .....	11,208
Equipment .....	125
	<hr/>
Total .....	\$41,933
Less revenue .....	2,000
	<hr/>

        Net appropriation .....

\$39,933

For cancer commission:

Professional service .....	\$12,500
Clerical expenses .....	3,800
Current expenses .....	16,050
Equipment .....	150
	<hr/>

        Total cancer commission .....

\$32,500

For state planning and development commission:

Development division:

Salary of publicity director . . . .	\$4,000
Clerical expenses . . . . .	11,976
Current expenses . . . . .	45,074
Equipment . . . . .	500
Other expenses . . . . .	150
<hr/>	
Total . . . . .	\$61,700
Less revenue . . . . .	1,250
<hr/>	

Net appropriation . . . . . 60,450

Division of industrial promotion:

Salaries . . . . .	\$6,400
Current expenses . . . . .	3,500
Equipment . . . . .	100
<hr/>	

Total . . . . . 10,000

\*Regional associations . . . . . 12,500

\* This appropriation shall be administered by the state planning and development commission for the aid of regional development associations. Not more than \$2,500 may be allotted by the commission to any one regional association whose bounds, form of organization and program shall first have been approved by the commission. Any unexpended portion of this appropriation shall lapse and shall not be transferred to any other state appropriation.

Tourist service . . . . . 4,000

Planning division:

Salary of director . . . . .	\$4,000
Clerical expenses . . . . .	15,872
Current expenses . . . . .	4,842
Equipment . . . . .	750
<hr/>	

Total . . . . . \$25,464

Less revenue . . . . . 500

Net appropriation . . . . . 24,964

Land use board . . . . . 500

Total planning and development commission . . . . . \$112,414



## For public library commission:

## Office of commission:

Salary of secretary .....	\$2,000
Clerical expenses .....	7,630
Current expenses .....	975
Equipment .....	250

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Total ..... \$10,855

## Traveling libraries:

Current expenses .....	\$675
Books .....	3,000

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Total ..... 3,675

Institutes ..... 500

Field work ..... 2,465

State aid ..... 1,000

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Total public library commission ..... \$18,495

## For public service commission:

Salaries—three commissioners ..	\$15,000
Engineers, legal fees, experts and clerical expenses .....	45,600
Current expenses .....	25,630
Equipment .....	2,300
Other expenses .....	25

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Total ..... \$88,555

Less revenue ..... 21,400

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Total public service commission ..... \$67,155

## For state tax commission:

## Office of commission:

Salary—three commissioners ..	\$10,000
Clerical expenses .....	9,800
Current expenses .....	6,875
Equipment .....	400

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Total ..... \$27,075

Municipal accounting:	
Salary of accountant .....	\$2,000
Clerical expenses .....	6,350
Current expenses .....	3,550
Equipment .....	250
	<hr/>
Total .....	\$12,150
Assessment of intangible tax:	
Clerical expenses .....	\$7,680
Current expenses .....	2,300
Equipment .....	200
	<hr/>
Total .....	\$10,180
Less revenue .....	10,180
	<hr/>
Net appropriation .....	00
Assessment of gas and electric utilities tax:	
Clerical expenses .....	\$2,450
Current expenses .....	175
	<hr/>
Total .....	\$2,625
Less revenue .....	2,625
	<hr/>
Net appropriation .....	00
Administration of tobacco tax:	
Clerical expenses .....	\$13,400
Current expenses .....	14,600
Equipment .....	200
	<hr/>
Total .....	28,200
	<hr/>
Total state tax commission .....	\$67,425
For milk control board:	
Salaries .....	\$7,811
Current expenses .....	5,089
Equipment .....	100
	<hr/>
Total milk control board .....	\$13,000

For probation department:	
Salary of director .....	\$4,000
Salaries of not more than seven probation officers .....	14,400
Salary of psychiatrist .....	2,500
Clerical expenses .....	6,350
Current expenses .....	12,000
Equipment .....	200
Conferences and training .....	500
	<hr/>
Total probation department .....	\$39,950
For water control commission .....	\$5,900
For * stream flow gauging stations ...	\$7,250
Less transfer from highway funds	2,750
	<hr/>
Net appropriation .....	\$4,500
* Of the sum herein appropriated for stream flow gauging stations, the sum of \$2,750 shall be a charge upon the highway funds.	
For water resources board .....	\$20,000
For Eastern States Exposition Building Commis- sion .....	\$1,000
For pharmacy commission .....	\$3,000
For board of optometry .....	\$735
For chiropractic examiners .....	\$700
For registration of veterinary surgeons .....	\$100
For commission of arts and crafts .....	\$10,000
For teachers retirement board .....	\$20,000
For fish and game department .....	\$230,000
Less estimated revenue .....	230,000
	<hr/>
Net appropriation .....	00

In addition to the above appropriation the fish and game department shall receive for disbursement any income of the fish and game fund, in excess of the above estimate; provided,

however that if said income of the fish and game fund is less than the above estimate of \$230,000 a sum sufficient to make the total equal \$230,000 is hereby appropriated from the general funds.

In addition to the sums hereinbefore appropriated there is hereby appropriated the sum of thirty thousand dollars (\$30,000), or such part of said sum as may be necessary for the state house annex sinking fund, as provided in section 6, chapter 172 of the Laws of 1937.

Any unexpended balance of this appropriation shall lapse and shall not be transferred to any other state appropriation.

**2. Takes Effect.** This act shall take effect July 1, 1940.

[Approved June 17, 1939.]

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## CHAPTER 224.

### AN ACT RELATING TO THE DEVELOPMENT OF AERONAUTICAL FACILITIES.

#### SECTION

1. Name of act.
2. Declaration of purpose.
3. Definitions.
4. Appointment of director.
5. Compensation.
6. Duties.
7. Establishment authorized.

#### SECTION

8. Public ownership.
9. Suits affecting.
10. Acceptance of federal aid.
11. Use of air navigation facilities.
12. Appropriation.
13. Saving clause.
14. Takes effect.

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

**1. Name of Act.** This act shall be known and may be cited as the New Hampshire Aeronautics Act of 1939.

**2. Declaration of Purpose.** It is hereby declared that the purpose of this act is to further the public interest by (a) the encouragement and development of an air transportation system properly adapted to the present and future needs of the state by the establishment, construction and maintenance of air navigation facilities to meet these needs, and (b) the encouragement and development of civil aeronautics.

**3. Definitions.** As used in this act, unless the context otherwise requires, the following words shall have the following meanings:

- I. "Aeronautics" means the science and art of flight.

II. "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

III. "Airport" means a landing area providing certain specified facilities and services for use in connection with air transportation.

IV. "Landing area" means any locality, either of land or water, including airports and intermediate landing fields which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

**4. Appointment of Director.** There is hereby created the office of director of aeronautics. Said director shall be appointed by the governor with the advice and consent of the council, and shall serve for an indefinite term, at the pleasure of the governor and council.

**5. Compensation.** The director shall serve without compensation but shall be reimbursed in a sum not to exceed fifteen hundred dollars for all traveling and other expenses incurred by him in the discharge of his official duties.

**6. Duties.** The director, immediately after appointment shall prepare and present to the governor and council a comprehensive, state-wide program for the development, construction and maintenance of air navigation facilities, with preliminary plans and estimates of cost, and the recommended apportionment of these costs between the state and local municipalities. The director shall, with the approval of the governor and council, execute all matters pertaining to the promotion and development of aeronautics in the state. The director shall exercise general supervision, control and direction, on behalf of the state, over all matters pertaining to the location, construction and maintenance of all air navigation facilities, now or hereafter built or maintained, either in whole or in part, with money appropriated from the state treasury. He may recommend to the governor and council that the state

acquire land, easements and rights of way for the establishment of air navigation facilities.

**7. Establishment Authorized.** The director, with the approval of the governor and council, shall establish a state airways system, consisting of landing areas, both land and water, airport and airway marking and lighting, and other aids to air navigation, adequate for air transportation service to the entire state. The system shall be supplementary to the federal airways system and such parts of it as are provided and maintained by federal agencies within the state. The system may include all air navigation facilities maintained for public use, whether publicly or privately owned, under such terms and conditions as meet the approval of the director.

**8. Public Ownership.** The state is hereby authorized to acquire, construct, maintain, and operate, any air navigation facility, and may do so jointly with the United States, other states, or with any governmental unit of the state.

**9. Suits Affecting.** The construction, maintenance and operation of air navigation facilities is hereby declared a public governmental function, and no action or suit shall be brought or maintained against the state, or any county or town thereof, or its officers, agents, servants, or employees, in or about the construction, maintenance, operation, superintendence, or management of any air navigation facility.

**10. Acceptance of Federal Aid.** The state and the towns are hereby authorized to accept funds from the United States for the construction and maintenance of air navigation facilities. The director is hereby authorized to act for the state and towns with representatives of the federal government, in all matters pertaining to acceptance of such federal aid.

**11. Use of Air Navigation Facilities.** There shall be no exclusive right for the use of any landing area or air navigation facility upon which state or federal funds have been expended. Provided that the state acquiring air navigation facilities under the provisions of this act, is authorized to construct for or lease to any person the use of the facilities, and may establish reasonable rent or fees therefor.

**12. Appropriation.** For the purposes of this act there is hereby appropriated the sum of fifteen hundred dollars annually and the governor is hereby authorized to draw his

warrant for said sum out of any money in the treasury not otherwise appropriated.

**13. Saving Clause.** In case any phrase or provision hereof shall be declared unconstitutional, the remaining provisions shall not by reason thereof be invalid and the remainder of the act and its application shall not be affected thereby.

**14. Takes Effect.** This act shall take effect upon its passage.

[Approved June 17, 1939.]

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## CHAPTER 225.

### AN ACT RELATIVE TO BONDS OF WHOLESALER AND MANUFACTURER PERMITTEES FOR THE SALE OF CERTAIN ALCOHOLIC BEVERAGES, AND FOR A BUILDING FOR THE STATE LIQUOR COMMISSION.

#### SECTION

1. Bond for wholesalers and manufacturers.
2. Appropriation.
3. Expenditure.

#### SECTION

4. Location; use of building.
5. Federal assistance.
6. State funds.
7. Takes effect.

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

**1. Wholesalers and Manufacturers.** Amend chapter 99 of the Laws of 1933, by inserting after section 22, as inserted by section 4, chapter 134 of the Laws of 1939, the following section: **22-a. Bond Required.** Each wholesaler or manufacturer holding a permit under the provisions hereof shall annually give to the state of New Hampshire a bond with sureties satisfactory to the commission in such penal sum as may be determined by the commission, but not exceeding ten thousand dollars, conditioned upon the payment of the fees required under the provisions of this chapter. The amounts due under said bond shall be recoverable in an action of debt to be brought by the attorney-general upon complaint of said commission. The commission may waive the giving of such bond if reports and payments are made at times which precede the statutory requirements and which are satisfactory to the commission.

**2. Appropriation.** A sum not exceeding one hundred and twenty thousand dollars (\$120,000) or so much thereof as may

be necessary is hereby appropriated for the purpose of constructing and equipping a building for the use of the state liquor commission for an office building and liquor warehouse, provided a grant is made by the federal government in connection therewith.

**3. Expenditure.** Said appropriation shall be expended by the state liquor commission in accordance with plans and specifications to be approved by the governor and council.

**4. Location; Use of Building.** Said building shall be located in the city of Concord on Bridge street on land acquired by the state by deed from Rubie J. Corser, dated October 5, 1935. If, at any time, there shall be available in said building any space which in the opinion of the state liquor commission is not needed by said commission said space may be assigned by the governor and council to any other state department.

**5. Federal Assistance.** The governor and council are hereby authorized to co-operate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable to secure federal funds for the purposes of this act. In case federal funds are made available for the purposes hereof and the appropriation made by section 1 thus becomes effective the federal funds secured shall not be in addition to the amount appropriated by the state but the total amount of state and federal funds expended for the purposes hereof shall not in any event exceed the sum of one hundred and twenty thousand dollars.

**6. State Funds.** From the net revenue derived from the sale of liquor in state stores, as provided by chapter 3 of the Laws of the special session of 1934, the state treasurer is hereby authorized to establish a special fund of not exceeding the sum of one hundred and twenty thousand dollars to provide the necessary funds to carry out the provisions of this act, provided a federal grant is made available for the purposes hereof. If said special fund is provided the governor is hereby authorized to draw his warrants from said fund for the purposes hereof.

**7. Takes Effect.** This act shall take effect July 1, 1939.  
[Approved June 17, 1939.]



## CHAPTER 226.

## AN ACT RELATIVE TO THE POWERS OF THE FISCAL AGENT OF COOS COUNTY.

## SECTION

1. Coos county fiscal agent.

## SECTION

2. Takes effect.

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

**1. Coos County Fiscal Agent.** Amend chapter 91 of the Laws of 1939, as amended by chapter 175 of the Laws of 1939, by inserting after section 2-a, the following new section: **2-b. Additional Powers.** During the time this act is in force the fiscal agent, with the approval of the superior court, or any justice thereof in vacation, may borrow from time to time such sums as shall be deemed necessary for the purpose of refunding existing notes and issue therefor serial notes, payable within seven years from their respective dates of issue. Such notes shall be signed by the fiscal agent and countersigned by the county treasurer. The clerk of the court shall attest and record such notes.

**2. Takes Effect.** This act shall take effect upon its passage and shall remain in effect until April 1, 1941, provided however that said serial notes issued hereunder shall be payable prior to April 1, 1948.

[Approved June 17, 1939.]

## CHAPTER 227.

## JOINT RESOLUTION RELATIVE TO A COMMISSION FOR INVESTIGATION OF FLOOD CONTROL AND POWER DEVELOPMENT IN NEW HAMPSHIRE.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT there be and hereby is established a commission, consisting of the governor *ex officio*, who shall act as chairman, attorney-general, chairman of the land use board, chairman of the water resources board, one member of the house of representatives, appointed by the speaker of the house and one member of the senate, appointed by the president of the senate

and one member appointed by the governor, to inquire into and investigate flood control, water power development and other public problems relating thereto. The commission shall examine and inquire into the methods best adaptable to protect and preserve the natural resources and sovereignty of the state in the acquisition by it or the United States government or any department, agency or commission thereof, of lands, rights of way, flowage rights, easements and other interests and property for the purposes of flood control, water power development and other public projects incidental thereto. The commission shall make a report forthwith to the governor and council setting forth its recommendations. The members of said commission shall serve without pay but shall be entitled to reasonable expenses actually incurred and shall have the power to employ legal, engineering, technical, and clerical assistance, and is hereby given all the necessary power and authority to procure such data and information as may be germane to its inquiry and investigation from departments, commissions and institutions and agencies and any officer of the state and municipal governments and from any person, partnership, association and corporation and shall have the further power in the name of the state to request from all departments, commissions and divisions of the government of the United States, whatever facts are in its possession pertinent to this inquiry and investigation. A sum not to exceed five thousand dollars (\$5,000) be and hereby is appropriated for said inquiry and investigation, and the governor is hereby authorized to draw his warrant for said sum or so much thereof as is necessary out of any money in the treasury not otherwise appropriated.

[Approved January 12, 1939.]

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## CHAPTER 228.

### JOINT RESOLUTION PROVIDING FOR STATE ADVERTISING AT THE NEW YORK WORLD'S FAIR.

WHEREAS, by chapter 230 of the Laws of 1937, the legislature made appropriations to be expended during the years ending June 30, 1938 and June 30, 1939, for advertising the recreational and other advantages of this state through the New England Council, and

WHEREAS, said appropriations were contingent upon similar appropriations by the other New England states, and

WHEREAS, since some of the other New England states did not contribute their share to said project, the appropriation of \$17,800 for the year ending June 30, 1938, was not expended and lapsed, and the appropriation of \$17,800 for the year ending June 30, 1939, has not been expended, and

WHEREAS, it is desirable and in the public interest to use said sums for advertising purposes through other means, therefore, be it

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of seventeen thousand eight hundred dollars (\$17,800), being the lapsed appropriation for state advertising through the New England Council for the year ending June 30, 1938, as provided by chapter 230 of the Laws of 1937, be and hereby is appropriated for the purpose of advertising the resources, recreational advantages, agricultural and industrial opportunities of the state of New Hampshire at the New York World's Fair, and the unexpended balance of the appropriation of seventeen thousand eight hundred dollars (\$17,800) for the year ending June 30, 1939, as provided by said chapter, be and hereby is transferred and made available for said state advertising purposes at the New York World's Fair. The said sums hereby appropriated and transferred shall be expended under the direction of the state planning and development commission and shall not lapse until June 30, 1941. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

[Approved January 12, 1939.]

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## CHAPTER 229.

JOINT RESOLUTION IN FAVOR OF GUY S. NEAL AND OTHERS.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT Guy S. Neal be allowed the sum of twenty-three dollars and seventy-five cents; that Harold Fournier be

allowed the sum of twenty dollars; that Cyril J. Fretwell be allowed the sum of fifty dollars; that Herbert M. Thyng be allowed the sum of four dollars; that Palmer C. Read be allowed the sum of four dollars; that Charles H. Bean, Jr. be allowed the sum of eight dollars; that Charles F. Adams be allowed the sum of four dollars; that Edgar Jacques be allowed the sum of two dollars and fifty cents; that Herbert S. Currier be allowed the sum of two dollars and fifty cents; that Gerald L. Wadman be allowed the sum of two dollars and fifty cents; that Carl Jewell be allowed the sum of three dollars; that Robert Stark be allowed the sum of two dollars and fifty cents; that Alice V. Flanders be allowed the sum of eight dollars; that Raymond B. Lakeman be allowed the sum of twenty-seven dollars; that Benjamin H. Bragg be allowed the sum of twenty-four dollars; that Charles C. Sargent be allowed the sum of four dollars; that William W. Allen be allowed the sum of twelve dollars; in full for their services at the organization of the present senate and house, and that the governor be authorized to draw his warrant for the same on the treasury.

[Approved January 31, 1939.]

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## CHAPTER 230.

### JOINT RESOLUTION MEMORIALIZING THE FEDERAL HOSPITALIZATION BOARD OF THE UNITED STATES VETERANS' ADMINISTRATION.

WHEREAS, there are a large number of war veterans residents of this state who are in need of hospital care and treatment, and

WHEREAS, there is a lack of sufficient facilities in the veterans administration hospitals in the New England area to care for these men, many of whom need immediate hospitalization, and

WHEREAS, it is the established policy of the federal government to furnish hospital care and treatment to needy war veterans, and

WHEREAS, except for the state of Rhode Island, the state of New Hampshire is the only state in New England that does not have within its borders a veterans hospital, therefore be it

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

THAT the federal board of hospitalization of the United States Veterans Administration be and is hereby urged to proceed at once with plans for the erection of a veterans administration hospital in this state, and be it further

*Resolved,* that copies of this resolution be transmitted at once to General Frank T. Hines Administrator of Veterans Affairs and chairman of the federal hospitalization board, to Senator H. Styles Bridges, to Senator Charles W. Tobey, and Congressmen Arthur B. Jenks and Foster Stearns.

[Approved February 15, 1939.]

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## CHAPTER 231.

### JOINT RESOLUTION APPROPRIATING FUNDS FOR THE PUBLICATION OF WAR-TIME MILITARY RECORDS.

WHEREAS the services rendered by the several military organizations and the individual men and women of New Hampshire who served in the armed forces of the nation during war time constitute a glorious record of which they and all the people justly are proud and which should be preserved and made available for consultation in authentic form; and

WHEREAS an official historical record of the achievements of New Hampshire soldiers and sailors who fought in the War of the Rebellion was prepared and published in 1895 under the auspices and at the expense of the state; and

WHEREAS the state committee on military records and history has been engaged for nearly four years, in collaboration with the federal government, in assembling information relating to the military history of New Hampshire, and in collecting and arranging for publication the personal military records of citizens of our state who served with the colors during the Spanish-American War, the tour of service on the Mexican border, the World War, or in any military or naval expedition in which the United States engaged in the course of the last forty-one years; and

WHEREAS the publication of these more recent records in official form will complete the historical record of the participation of New Hampshire men and women in all the wars and military expeditions of our country since the Civil War and place this state on a parity with other states, in this respect; and

WHEREAS the existing records are being consulted constantly in connection with claims for pensions, compensation, hospitalization, medical attention, employment and other matters of concern to war veterans, with resulting wear and tear on irreplaceable documents and hazard of their loss; now, therefore, be it

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of five thousand dollars (\$5,000) be and hereby is appropriated to be expended for the preparation, printing, publication, and distribution of the military records of the men and women of New Hampshire who served in any branch of the armed forces of the United States in the course of the Spanish-American War, the Philippine insurrection, the campaign in Porto Rico, the tour of duty on the Mexican border, the World War, or any military or naval expedition in which the United States engaged since the Civil War, this sum to be expended by the state committee on military records and history appointed by the governor on January 12, 1939, as shown by the records in the office of the secretary of state. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved March 7, 1939.]

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## CHAPTER 232.

### JOINT RESOLUTION IN FAVOR OF MOUNT WASHINGTON OBSERVATORY.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of seven hundred fifty dollars (\$750) be and hereby is appropriated for the period from January 1, 1939 to

July 1, 1939 for the Mount Washington Observatory, to be used for the work of said corporation in scientific research relative to weather observations, rendering assistance to persons climbing Mount Washington and for other work of said corporation. Said sum shall be paid out upon warrant of the governor and council and shall be a charge upon money in the treasury not otherwise appropriated.

[Approved March 7, 1939.]

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### CHAPTER 233.

#### JOINT RESOLUTION IN FAVOR OF MOUNT WASHINGTON OBSERVATORY.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of fifteen hundred dollars (\$1,500) be and hereby is appropriated for the year beginning July 1, 1939, and a like sum for the year beginning July 1, 1940, for the Mount Washington Observatory, to be used for the work of said corporation in scientific research relative to weather observations, rendering assistance to persons climbing Mount Washington and for other work of said corporation. Said sums shall be paid out upon warrant of the governor and council and shall be a charge upon money in the treasury not otherwise appropriated.

[Approved March 7, 1939.]

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### CHAPTER 234.

#### JOINT RESOLUTION IN FAVOR EASTERN STATES EXPOSITION.

WHEREAS, the torrential storm and hurricane occurring during the week of September 18-24, 1938, when the Eastern States Exposition was being held, which caused a loss of the normal income approximating \$175,000, thereby making it practically impossible to carry on the work of this great New England educational and industrial institution unless approximately \$80,000 be supplied to make possible its continuance and future operation, and

WHEREAS, the state of New Hampshire owns a magnificent building approximating a cost value of \$80,000, located upon the grounds of the said Eastern States Exposition at West Springfield, Massachusetts, said building annually used for approximately four months during the year as an outpost of friendliness and sentinel of good will to tourists and others seeking information about the state's recreational, agricultural and industrial resources, and as a place to exhibit the products of the farms, factories and scenic attractions of the state, and

WHEREAS, a quota of \$5,000 of public funds is being solicited from the state of New Hampshire to help in this emergency and safeguard the state's interest and investment, therefore, be it

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

THAT the sum of five thousand dollars (\$5,000) be and hereby is appropriated for the purpose of aiding in repairing the damage done to the said Eastern States Exposition, and assuring its continued operation in the interest of New England and particularly in the interest of New Hampshire's investment therein. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved April 19, 1939.]

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## CHAPTER 235.

JOINT RESOLUTION IN FAVOR OF MRS. LESTER M. AVERY.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the state treasurer be directed to pay to Mrs. Lester M. Avery, widow of the late Lester M. Avery, the balance of salary due said decedent as a member of the house of representatives.

[Approved April 19, 1939.]



**CHAPTER 236.**JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE  
VETERANS' ASSOCIATION.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of nine thousand dollars (\$9,000) be and hereby is appropriated to replace and repair buildings, appurtenances and grounds owned by the New Hampshire Veterans' Association at The Weirs damaged and destroyed by the storm of September 21, 1938. Said appropriation shall be expended by a suitable agent to be appointed by the governor and council, and the governor is authorized to draw his warrant for the payment of said sums out of any money in the treasury not otherwise appropriated.

[Approved May 2, 1939.]

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**CHAPTER 237.**

## JOINT RESOLUTION IN FAVOR OF ROBERT RAMIG.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of two hundred dollars (\$200) be and hereby is allowed Robert Ramig of Bedford to compensate him for expenses and damages incurred while employed by the state highway department. The sum hereby appropriated shall be a charge upon the highway funds.

[Approved May 2, 1939.]

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**CHAPTER 238.**

## JOINT RESOLUTION RELATING TO OCCUPATIONAL DISEASES.

WHEREAS, the commission appointed for the study of occupational diseases in New Hampshire has submitted to the legislature its report and

WHEREAS, a further study of said diseases should be made in the interest of the public welfare

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the governor and council forthwith appoint a commission of nine persons to study occupational diseases in this state. The membership of the commission shall include three physicians, three representatives of labor and three representatives of industry in this state. Its investigation shall include a study of the types, frequency and causes of such diseases in this state, the severity and length of the disability occasioned thereby, methods of prevention and the adequacy of our compensation laws in such cases. The commission shall serve without pay and expense and shall report its findings and recommendations to the next legislature.

[Approved May 16, 1939.]

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### CHAPTER 239.

JOINT RESOLUTION TO PROVIDE FOR ADDITIONAL FACILITIES AT THE STATE SANATORIUM.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of eight thousand two hundred dollars (\$8,200) be and hereby is appropriated for additional facilities at the state sanatorium as follows: For X-ray apparatus, the sum of two thousand dollars; for the construction of a cottage for the use of the assistant physician, five thousand dollars, and for sheathing the inside of the recreational hall, one thousand two hundred dollars. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

[Approved May 17, 1939.]

**CHAPTER 240.****JOINT RESOLUTION IN APPRECIATION OF THE WORK OF SCHOOL SAFETY PATROLS.**

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the thanks of the general court of the state of New Hampshire be and hereby are extended to all the school safety patrols throughout the state for their faithfulness in watching over the safety of the school children in whom is centered New Hampshire's hope for the future, and that a copy of this resolution be sent to the department of education for transmission to the schools in the state where such school patrols are maintained and to the A.A.A. of New Hampshire, which club sponsored this movement.

[Approved May 23, 1939.]

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**CHAPTER 241.****JOINT RESOLUTION MAKING APPROPRIATION FOR THE STATE PRISON FARM.**

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of one thousand nine hundred and fifty dollars (\$1,950) be and hereby is appropriated for equipment at the state prison farm as follows: Installing heater, five hundred fifty dollars (\$550); cooling equipment, six hundred dollars (\$600); farm equipment, five hundred dollars (\$500) and fencing, three hundred dollars (\$300). The governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.

[Approved May 23, 1939.]

**CHAPTER 242.****JOINT RESOLUTION RELATIVE TO THE REPAIR OF THE JOHN STARK HOUSE IN MANCHESTER.**

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of three thousand dollars (\$3,000) be and hereby is appropriated and allowed Molly Stark Chapter, Inc. D. A. R. for making certain repairs to the John Stark house in the city of Manchester. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved May 24, 1939.]

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**CHAPTER 243.****JOINT RESOLUTION CONCERNING A NATIONAL PATRIOTIC REVIVAL PLAN.**

WHEREAS, the whole world, rent asunder by strife and contention, violence and intolerance, is today in a state of turmoil and uncertainty, marked by a titanic struggle between democracy and autocracy, while in this country anti-American forces are striving to discredit and destroy the ideals and institutions symbolized by the American flag, and social, political and economic forces are combating one another; and

WHEREAS, never before in the history of the nation has there been greater need among our people for the unity, co-operation and tolerance for which our country's flag stands; and

WHEREAS, with the stars and stripes as its emblem The United States Flag Association, a non-profit, non-partisan and non-sectarian organization incorporated under federal law and headed by the President of the United States as Honorary President General, is, with the co-operation of various groups, organizations and fields of activity in our national life, conducting a national patriotic revival, culminating in Flag Week, June eighth to fourteenth next, for the two-fold purpose

(1) of awakening our people to the dangers threatening our national life, thereby causing them to resolve as never before to uphold and preserve our country's ideals and institutions, and

(2) of promoting national unity, patriotic co-operation and racial and religious tolerance; therefore, be it

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT they heartily indorse the plan for a great national patriotic revival, and that the governor is hereby authorized and requested, first, to direct the state commissioner of education to arrange for the suitable observance of Flag Week in all the public schools, and, secondly, to issue a proclamation calling upon the state officials to display the United States flag on all state buildings during Flag Week, and inviting the people of the state to fly the flag at their homes and other suitable places as well as on their cars, and that in every community they hold special exercises at which means shall be taken to give significant expression to our thoughtful love of America, our pride in its glorious history, our faith in its destiny, our devotion to its ideals and institutions and our determination to uphold and preserve them now and forever.

[Approved May 31, 1939.]

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## CHAPTER 244.

JOINT RESOLUTION FOR SECURING AND HOLDING IN NEW HAMPSHIRE THE 1942 SKI FEDERATION WORLD CHAMPIONSHIPS.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the governor, with the advice and consent of the council, appoint an advisory committee to consider the advisability and possibility of securing for and holding in New Hampshire the 1942 International Ski Federation World Championship and to work with the National Ski Association of America for that purpose. The sum of three hundred dollars is hereby appropriated for the purposes hereof and the governor is

hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.

[Approved June 2, 1939.]

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#### CHAPTER 245.

JOINT RESOLUTION IN FAVOR OF GORDON F. HARRIS OF WARNER.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of two thousand one hundred and ten dollars and thirty-six cents (\$2,110.36) be and hereby is appropriated for the following purposes: One hundred and twenty dollars (\$120) to Dr. Robert O. Blood, ten dollars (\$10) to Dr. Thomas J. Halligan, twelve dollars and fifty cents (\$12.50) to Dr. Lloyd H. Cogswell for medical services for Gordon F. Harris of Warner, ninety-one dollars and eighty-six cents (\$91.86) to said Gordon F. Harris for expenses incurred by him for medical and hospital care, due to an injury suffered by him, July 27, 1937, resulting from an accident on the firing range used by the 172nd Field Artillery of the N. H. National Guard in the town of Salisbury; and forty dollars (\$40) per month be paid to Gordon F. Harris until a total of one thousand eight hundred and seventy-six dollars (\$1,876) has been paid to compensate him for loss of income and permanent injury; said monthly payments to be made through the office of the state treasurer. The sums hereby appropriated shall be in full settlement of said claims and the governor is hereby authorized to draw his warrant for said sums out of any money in the state treasury not otherwise appropriated.

[Approved June 2, 1939.]

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#### CHAPTER 246.

JOINT RESOLUTION IN FAVOR OF ERNEST MOORE.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of three hundred and fifty dollars (\$350) be and hereby is appropriated to Ernest Moore of Rye for

damage to his motor vehicle and personal injuries, said expenses being the result of an accident caused by a cave-in on the Ocean Boulevard in the town of Rye, February 27, 1939. The sum hereby appropriated shall be in full settlement of said claims and shall be a charge upon the highway funds.

[Approved June 2, 1939.]

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### CHAPTER 247.

#### JOINT RESOLUTION IN FAVOR OF EVERETT HUNNEWELL.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of sixty-nine dollars be and hereby is appropriated to Dr. C. L. Smart, of Laconia, one hundred forty dollars to Laconia Hospital, of Laconia, and seven hundred ninety-one dollars to Everett Hunnewell, for reimbursement for expenses sustained as a result of accidental injury to said Everett Hunnewell in New Hampton while working for the state highway department on Shingle Camp hill, so called, on February 10, 1938. Said sum shall be a charge upon the highway funds and shall be in full settlement of any claim for said accident by said Everett Hunnewell.

[Approved June 13, 1939.]

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### CHAPTER 248.

#### JOINT RESOLUTION FOR A MEMORIAL WORK OF THE SESQUICENTENNIAL OF THE FEDERAL CONSTITUTION.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of two thousand dollars (\$2,000) be and hereby is appropriated for the compilation and publication of a memorial work commemorating New Hampshire's part in the federal constitution and its sesquicentennial celebration. Said sum shall be expended under the direction of the governor and council; provided that said publication shall include a reprint of the first one hundred and twenty pages of "History of New Hampshire Convention" by Joseph B. Walker, pub-

lished in 1888. All copies of the work to be published hereunder shall be sold for such sums as the governor and council shall determine and all receipts from said sale shall be turned into the general funds of the state; provided, however, that one copy of the work shall be sent free of charge by the secretary of state to each free public library established under the laws of the state of New Hampshire. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved June 13, 1939.]

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### CHAPTER 249.

#### JOINT RESOLUTION IN FAVOR OF JOSEPH CARON.

WHEREAS, in 1908 there was turned into the state treasury the amount of forty-seven dollars and thirty-eight cents (\$47.38) from the Nashua Savings Bank as unclaimed, a deposit belonging to Joseph Caron of Nashua, and

WHEREAS, the said deposit escheated to the state before it was claimed by the said Joseph Caron, now, therefore,

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of forty-seven dollars and thirty-eight cents (\$47.38) be allowed and paid to Joseph Caron of Nashua. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved June 13, 1939.]

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### CHAPTER 250.

#### JOINT RESOLUTION IN FAVOR OF EMMA S. MCGIRR.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the state treasurer be and hereby is directed to pay to Emma S. McGirr, widow of the late George F. McGirr of Con-



cord, duly elected member of the house of representatives, the sum of two hundred dollars.

[Approved June 13, 1939.]

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### CHAPTER 251.

JOINT RESOLUTION IN FAVOR OF HARRY S. TAYLOR.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the following sums be allowed and appropriated in connection with injuries sustained by Harry S. Taylor of Salisbury, while employed at the State Nursery by the forestry and recreation department, November 30, 1936, said accident being due to the explosion of a blasting cap: Dr. A. A. Beaton, eighty-two dollars (\$82); Dr. James S. Shaw, fifteen dollars (\$15); Dr. R. A. Hernandez of Laconia, ten dollars (\$10); Dr. Greenwood of Boston, ten dollars (\$10); Eye Clinic of Hanover, ten dollars (\$10); travelling expense, twenty-eight dollars and ten cents (\$28.10); and that the sum of seventeen hundred dollars (\$1,700) be allowed said Harry S. Taylor to compensate him for loss of vision of one eye caused by said accident. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated and it shall be in full settlement of said claims.

[Approved June 15, 1939.]

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### CHAPTER 252.

JOINT RESOLUTION IN FAVOR OF FRED D. PARSONS.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of five hundred dollars (\$500) be and hereby is allowed Fred D. Parsons of Rye to reimburse him for damages suffered by him of standing timber, young trees and seedlings by a fire which originated on the adjoining property belonging to the state of New Hampshire. The governor is hereby authorized to draw his warrant for said sum out of

any money in the treasury not otherwise appropriated, and it shall be in full settlement of said claim.

[Approved June 15, 1939.]

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### CHAPTER 253.

JOINT RESOLUTION MAKING AN APPROPRIATION FOR THE CONSTRUCTION AND EQUIPMENT OF A PIGGERY AT THE STATE PRISON.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of two thousand dollars (\$2,000) be and hereby is appropriated for the construction and equipment of a piggery for the state prison. The governor is hereby authorized to draw his warrants for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved June 15, 1939.]

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### CHAPTER 254.

JOINT RESOLUTION PROVIDING SPECIAL EMERGENCY APPROPRIATIONS FOR FOREST FIRE PROTECTION.

WHEREAS a state of fire emergency exists in many parts of New Hampshire as a result of down timber, slash and debris caused by the hurricane of September 21, 1938 and

WHEREAS the federal government through the organization of the New England Forest Emergency and Northeastern Timber Salvage Administration, and with the services of the Civilian Conservation Corps, the Works Progress Administration, the Agricultural Conservation Program and other agencies is rendering invaluable aid to the state, towns and landowners and spending large sums thereby in preventing the future spread of forest fires by clearing the brush from the roadsides, near buildings and other places of particular importance, as well as in salvaging merchantable down timber which helps to reduce the fire hazard, and co-operating in other ways with the state in fire prevention and control, and

WHEREAS the major objectives of the federal services in forest fire protection are the reduction of fire hazard by clearing areas of slash from fallen timber and when needed, supplementing local facilities in suppression of extraordinary fires, leaving to the state the basic responsibility to support and strengthen its own system of forest fire protection in order to more adequately meet the emergency situation which has arisen, therefore, be it

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of one hundred thousand dollars (\$100,000) is hereby appropriated and made available for the period from the date of the passage hereof until June 30, 1941, said sum to be expended by the forestry and recreation department, with the approval of the governor and council, (1) thirty thousand dollars (\$30,000) for the state's portion of expenses of fighting forest and brush fires as provided by sections 23 and 26 of chapter 191 of the Public Laws, as amended by chapter 133, Laws of 1929, and (2) seventy thousand dollars (\$70,000) to provide additional administrative assistance, patrol by the state and in co-operation with the towns and other agencies, services of fire wardens on inspection and other preventive work, fire plans, maps and materials for educational programs, operation and maintenance of extra fire lookout stations and telephone lines, aid to towns in securing adequate tool supplies for fire fighting purposes, state power pumps and hose for use of groups of towns, trucks fully equipped for general emergency calls and such other materials, supplies, equipment and services as may be needed. An additional sum of eight thousand dollars (\$8,000) is hereby appropriated and made available for the period from July 1, 1939, to January 1, 1940, to be expended by the forestry and recreation department, with the approval of the governor and council, for continuing the emergency timber salvage advisory work in the public interest. The governor is hereby authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved June 15, 1939.]

**CHAPTER 255.**

## JOINT RESOLUTION IN FAVOR OF WILLIAM KASKONAS.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of five hundred and eighty-seven dollars and forty cents (\$587.40) be and hereby is appropriated and allowed William Kaskonas of Dunbarton for injuries he received in November, 1937, while in the employ of the state highway department and the sum of seventy-two dollars (\$72) be allowed Dr. Robert J. Graves for services to said William Kaskonas in connection with said injuries. The sums hereby appropriated shall be a charge upon the highway funds, and shall be in full settlement of said claims.

[Approved June 15, 1939.]

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**CHAPTER 256.**

## JOINT RESOLUTION IN FAVOR OF THE TOWN OF HOOKSETT.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of eight hundred eighty-one dollars and eighty-one cents (\$881.81) be and hereby is appropriated and allowed to reimburse the town of Hooksett for disbursements made on account of Alvin Heath who was injured April 28, 1938, while employed by the state in fighting a forest fire. That the sum of two thousand dollars (\$2,000) be allowed said Alvin Heath, to be paid monthly at the rate of forty dollars (\$40) per month. The governor is hereby authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated, and it shall be in full settlement of said claims.

[Approved June 15, 1939.]

**CHAPTER 257.**

JOINT RESOLUTION IN FAVOR OF CHARLES HASHIM.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of one thousand dollars (\$1,000) be and hereby is allowed and paid to Charles Hashim of Derry to reimburse him for damages arising out of a condemnation proceeding instituted by the state board of health. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved June 16, 1939.]

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**CHAPTER 258.**

JOINT RESOLUTION IN FAVOR OF H. W. HILLIER OF LANCASTER.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of seventeen hundred dollars (\$1,700) be allowed and paid to H. W. Hillier for personal injuries sustained by him while employed by the state highway department at Dalton, March 9, 1938, occasioned by the premature explosion of dynamite. Said sum shall be a charge upon the highway funds and shall be in full settlement of said claim.

[Approved June 16, 1939.]

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**CHAPTER 259.**

JOINT RESOLUTION IN FAVOR OF CLYDE HUDSON.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of four thousand three hundred and two dollars and forty-five cents (\$4,302.45) be and hereby is appropriated for the following purposes: The sum of one thousand dollars to Clyde Hudson of Grantham; Donald C. Moriarty, M. D., Newport, fourteen dollars; Hitchcock Clinic, Hanover, Dr. Tyson, two dollars; Mary Hitchcock Hospital,

Hanover, three hundred and three dollars and forty-five cents; M. C. Kiniry, R. N., Woodstock, Vt., one hundred and forty dollars; Mary Carmichael, R. N., Hanover, sixty dollars; Francis Cacioppo, R. N., Hanover, twenty-five dollars; Mrs. Francis Brown, R. N., Hanover, eighty-seven dollars and fifty cents, Bertha V. Colby, R. N., Hanover, seventeen dollars and fifty cents and Thelma Bushway, R. N., Norwich, Vt., thirteen dollars, expenses on account of an accident suffered by said Clyde Hudson while working for the state on the state highway on November 14, 1938; and in addition to the above sum to Clyde Hudson the sum of two thousand six hundred and forty dollars is hereby allowed said Clyde Hudson, to him or to his wife, if living, to be paid in weekly installments of eight dollars and eighty cents per week for three hundred weeks, from November 14, 1938. The sums hereby appropriated shall be in full settlement of said claims and shall be a charge upon the highway funds.

[Approved June 16, 1939.]

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## CHAPTER 260.

JOINT RESOLUTION IN FAVOR OF GUY S. NEAL AND OTHERS.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT Guy S. Neal, sergeant-at-arms, and Raymond B. Lakeman, sergeant-at-arms, be allowed the sum of \$652.50 each; that H. Raymond Danforth, chaplain, be allowed the sum of \$568; that Harold Fournier, custodian, be allowed the sum of \$592; that Lenne C. Twombly, Harry S. Yeaton, Clifton B. Tarlson, Sherman L. Greer, William W. Allen, doorkeepers, be allowed the sum of \$568 each; that Edwin P. Jones, warden, be allowed the sum of \$568; that Edgar E. Jacques, warden, be allowed the sum of \$568; that Herbert M. Thyng, messenger, be allowed the sum of \$512; that Benjamin H. Bragg, Cowling Hilton, messengers, be allowed the sum of \$560 each; that William P. Haselton, messenger, be allowed the sum of \$580; that Paul Amos Mansur, messenger, be allowed the sum of \$580; that Robert L. Stark, speaker's page, be allowed the sum of \$426; that Herbert S. Currier, Maurice Oleson, Carl Parsons, Bruce Singleton, William Geni-

matas, pages, be allowed the sum of \$355 each; that Palmer C. Read, judiciary messenger, be allowed the sum of \$568; that Cyril J. Fretwell, clerk of the house, be allowed the sum of \$500; that Benjamin F. Greer, clerk of the senate, be allowed the sum of \$500; that Percy S. Congdon, assistant clerk of the house, be allowed the sum of \$500; that Frank M. Ayer, assistant clerk of the senate, be allowed the sum of \$500; that Alice V. Flanders, house stenographer, be allowed the sum of \$1,136; that Bessie A. Callaghan, senate stenographer, be allowed the sum of \$1,136; that Marion C. Colby, Frances C. Barnard, house stenographers, be allowed the sum of \$852 each; that Ruth Cotton, senate stenographer, be allowed the sum of \$852; that Thelma K. Budway, judiciary stenographer, be allowed the sum of \$781; that Eleanor C. Brown, appropriations stenographer, be allowed the sum of \$710; that Frances A. Hall, senate stenographer, be allowed the sum of \$710; that Marion G. Alexander, legislative advisor, be allowed the sum of \$500; that W. J. Chadbourne, photographer, be allowed the sum of \$1,000; that Mayland H. Morse, governor's attorney, be allowed the sum of \$2,922.45.

The above-mentioned sums shall be a charge upon the legislative appropriation.

[Approved June 16, 1939.]

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## CHAPTER 261.

### JOINT RESOLUTION IN FAVOR OF THOMAS J. CALLAHAN.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of one thousand five hundred and fifty-four dollars and fifty-seven cents (\$1,554.57) be and hereby is appropriated as follows: The sum of five hundred dollars (\$500) to be allowed and paid to Thomas J. Callahan to compensate him for injuries suffered by him while working for the state highway department on the repair of the Durham road, so called, in the city of Dover on March 26, 1936; the sum of three hundred and thirty-six dollars and seven cents (\$336.07) be allowed and paid to Elliot Hospital, Manchester; the sum of one hundred and seventy-six dollars and fifty cents (\$176.50) be allowed and paid to the Wentworth

Hospital, Dover, and the sum of five hundred and forty-two dollars (\$542) be allowed and paid Dr. E. A. Jones, Manchester, said bills having been contracted for by said Thomas J. Callahan on account of said accidents. The sums hereby appropriated and allowed shall be in addition to the compensation heretofore and hereafter to be allowed said Thomas J. Callahan from the highway department as workmen's compensation for said injuries, shall be a charge upon the highway funds and shall be in full settlement of the above claims.

[Approved June 17, 1939.]

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## CHAPTER 262.

### JOINT RESOLUTION IN FAVOR OF JAMES F. DONAHUE AND GEORGE C. HAMLIN.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of six thousand four hundred dollars be and hereby is allowed and appropriated to compensate James F. Donahue and George C. Hamlin both of Bartlett in the county of Carroll, doing business as Donahue & Hamlin for developing the Willey House in Crawford Notch and turning over to the state thirty-four buildings consisting of restaurant, store, laundry and cabins, a water system delivering water to all buildings, an electric light plant for the manufacture and transmission of electricity to the thirty-four buildings, clearing of land of rocks, trees and stumps to make possible the erection of thirty-four buildings, road construction on the mountain side. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The sum herein appropriated shall be in full settlement of all claims which the said James F. Donahue and George C. Hamlin or Donahue & Hamlin, Inc. may have against the state of New Hampshire or the forestry and recreation commission arising out of the leases and occupation of the said Willey House property.

[Approved June 17, 1939.]



## CHAPTER 263.

## NAMES CHANGED.

From January, 1937, to January, 1939, the registers of probate returned to the secretary of state the following changes of names made by the probate court:

**Rockingham County**—Marion Amelia Allison to Marion Amelia Ewer; William Edward Allison to William Edward Ewer; Eva M. Hartford to Eva M. Thibeault; Baby Patterson to Nancy Neal; Jean Courser to Jean Courser Morrill; Jean Courser Morrill to Jean Ann Morrill; Maurice Kelley to Robert Franklin Kelley; Gertie . . . . to Gertie Kuntz; Joseph Rocker, 3rd to Thomas Barr Rocker; Barbara J. Dockham to Margaret Rose Peterson; Richard S. Prescott to Wilfred Rowland Kimball; Shirley Adams Davis to Walter Adams Davis; William Richard Anthony to William Richard Dennison; Pluma Jane Boyd to Pluma Jane Fowler; Virginia Andrea Boyd to Virginia Andrea Fowler; Athanasios Aristides Marinopoulos to Arthur Marinos; Carrie W. Carlson to Carrie W. Raynes; Mary Ann Rogers to Elaine Frances Stevens; Veronica Nora O'Connor to Veronica Nora Critchley; Earl Jenvin Batchelder to Erle Nathaniel Priest; Phillip Burton Gough to Joseph Phillips Grave; Phillip Gerald Croft to Phillip Gerald Schubert; Riccardo Raffaele Papasotero to Ralph Rosa; Barbara M. Whiteaker to Barbara Mae Brown; Gloria Elaine Cookson to Nancy Rouner; George Oliver Cookson to Lucius Henry Chappell; David Mills Lawrence to Donald Guy Berry; Impi Jackson to Sally Ellen Scott; Edward Timothy Dwyer to Stephen Nathaniel Roberts; Anthony Andreus Coelho to Anthony Andrews; Elizabeth Andreus Coelho to Elizabeth Andrews; John Andrews Coelho to John Andrews; Walter Andrews Coelho to Walter Andrews; Mooney or Mendal Wexler to Murray Wexler; Lizzie Hill Downing Hartford to Elizabeth Hill Downing Hartford; Shirley Carol Dame to Shirley Carol Keller; William Litch Harrigan to William Litch Peek; Priscilla Locke to Priscilla Gorman; George Albert Locke to George Albert Gorman; Mrs. Ruth L. Fitts to Miss Ruth T. Lane; Reginald Jacques to Wallace Reginald Jacques; Baby Quigley to Joan Rosaline Berry; George Grace to Joseph Richard Grace; Dorothy Elinor Conrad to Dorothy Elinor Seavey.

**Strafford County**—Sheldon Harold Halpert to Sheldon Harold Cook; John Herbert Moulton to John Herbert Carpenter; Nancy E. Pillsbury to Nancy E. Buswell; Samuel Ruggerio to Samuel Rogers; Leonel Wilfred Deschants to Leonel Wilfred Fields; Marjorie L. Pickering to Marjorie L. Charrette; Lona Effie Burgess to Lona Effie McNeil; Richard Augustus McKay to Richard Augustus Donlon; Deborah May Morse to Deborah May Small; Everett Gordon Galloway to Everett John Galloway; Alberta May Nielsen to Yvonne May Aspinall; Mary Lora Estes to Mary Lora Dunlap; Grover Newbury to George Grover Newbury; Francis Joseph Crawford to Francis Joseph Carpenter; Joan Beverly Ostler to Joan Beverly Cassell; Roland Henry Drouin to Roland Henry Therrien; Jeannette Lefebvre to Jeannette Antoinette Brady; Mary-Rose Rachel Houle to Mary-Rose Rachel Vezeau; Janet Louise Mackey to Janet Louise Burleigh; Edvill B. Dowling to Edvill B. Howland; Paul R. Geary to Paul R. Bowden; Barbara R. Geary to Barbara R. Bowden; Beverly E. Geary to Beverly E. Bowden; June Lorraine Huntsman to June Lorraine Deveau; Richard Gaffney to Richard Croft; Alice Irene Poisson to Alice Irene Fisher; Florence L. Poisson to Florence Louise Fisher; Brenda O. Poisson to Brenda Ora Fisher; Ora M. Poisson to Ora Mary Fisher; Roland J. Poisson to Roland John Fisher; Robert Eugene Unglaub to Robert Eugene Dolph; Adolf Elias Unglaub to James Elias Dolph; Anna Katherine Unglaub to Anna Katherine Dolph; Jacqueline Joan Christie to Jacqueline Joan Christie Butterfield; Robert Morton Christie to Robert Morton Christie Butterfield; Shirley May Smart to Shirley May Peck; Ethel M. Bough to Ethel M. Whitehouse; Roberta Strafford Keller to Roberta Strafford Cassell; Helen Elizabeth Bough to Helen Elizabeth Caldwell; Marilyn Barbour to Geneva Marilyn Wentworth; Helen Louise Londo to Natalie Lorraine Jenness; Pauline Gagnon to Pauline Dubois; Roland Gagnon to Roland Dubois; June Gagnon to June Dubois; Aurel Gagnon to Aurel Dubois; Winifred Dorothy Tappan to Winifred Dorothy Knapp; Russell Edward Londo to Russell Edward Ellis; Bertha Hayes Atwood to Bertha Guernsey Hayes; George Paul Gray to William Edgar Gray, Jr.; Loretta Lorraine Trahan to Loretta Lorraine LaFrance.

**Belknap County**—Glenna M. Estey to Glenna M. Buchanan; Lenona Elizabeth Huston to Leona Elizabeth Perry; Romeo De Blois to Romeo Richard De Blois; George F. Merrill to George Frederick Derby; Lorenzo A. Morin to Lorenzo Joseph Morin; Roselle M. Huntington to Roselle M. Torrey; Charles Henry Scott, Jr. to Charles Henry Morse.

Changed by adoption: Russell Emile Clairmont to Russell Emile Boissoneault; Gladys Perkins Bickford to Gladys Sargent Bickford; Foster E. Varrell to Foster E. Varrell; George Walter Varrell to George Walter Varrell; Marjorie Woodward to Marjorie Woodward Ives; Priscilla Johnson to Priscilla Gurney; Germaine Prince to Germaine Prince; Napoleon Prince to Paul Prince; Anthony Joseph Bisson to Anthony Joseph Dupuis; Mary Jane Brosseau to Mary Jane Deslandes; Betty Caroline Fogg to Betty Caroline Cass; Barbara Louise Parsons to Barbara Louise Wheeler; Clifton William Reardon to Clifton William Fogg; Stuart D. Phillips Stetson to Stuart D. Phillips Stetson; Edmund F. MacQuarrie to Edmund Francis Fields; Robert James Breck to Charles O. Hopkins; Robert George Wallace to Robert George Casey; . . . . Sampson to Cynthia Colby.

**Carroll County**—Julia F. Davis to Julia F. Garland; Ellsworth Smith Ervine to Kenneth Grafton Evans; Earle Joseph Hilliard to John Leslie Taylor; Linnie Marie Mayott to Linnie Marie Thompson; John Frederick McLellan to John Frederick Starrett; Irving Howard Eaton to Richard Howard Charles; Leon E. Harriman to Ernest Carleton Bogle; Selma Fay Harriman to Fay Elizabeth Bogle; Earl Francis Chase to Earl Francis Hagar; Kirk P. Brewer to Kirk P. Read; Helen E. Floyd to Helen E. Herrick; Barbara M. Floyd to Barbara M. Herrick; Joseph Beauchemin to Arthur Joseph Bushman; Louise Beauchemin to Bertha Louise Bushman; Robert John Beauchemin to Robert John Bushman; Willis L. Lemorn to Willis Lemwood Nason; Levon Henry Takesian to Levone H. Takesian Fairbanks; Tobia Blake Brownrigg to Tobia Blake Brownrigg Goodson; Tuleta Tutt to Joan Zita Tutt.

**Merrimack County**—Rosie M. Ireland to Rosie M. Jones; Ralph Withey to Harry Onley Lewis; Robert S. Borrás to Robert L. Fickett; Everet Joseph Thayer to Everett Joseph Mozier, Jr.; E. Paul O'Connell to E. Paul Roberts; John William Zalanskas to John William Zorn; Paul Douglas

deLahunta to Alexander deLahunta; Emily May Otto to Emily May Radcliffe Otto; Winifred Jewell to Winifred Bean; Bertie C. Tilton to Bert C. Tilton; Lois H. Holmes to Lois H. Heath; Kachadoor Kachadoorian to Benjamin Kane; Harry Lugsch to Harry Lugsch Wisner; Matthew F. Oliver to Matthew Frank Brown; Ibar Robert Derosier to Ibar Robert Lord; Woodrow John Derosier to Woodrow John Lord; Catherine J. Jenvey Lindsey to Catherine J. Jenvey; Dorothea Cecilia Marie Chenette to Dorothy Cecilia Marie Chenette; Alpha Metivier to Alfred Metivier; Frederick L. Lancisi to Frederick L. Lancey; Marion B. Lancisi to Marion B. Lancey; Nella D. Lancisi to Nella D. Lancey; Robert F. Lancisi to Robert F. Lancey; Dale Miner to Dale Miner Blandin; Mabel R. Dow to Mabel R. Scott; Arthur LaMora to Arthur Lamoureux; Louise C. Whipple to Louise C. Guptill.

Changed by adoption—Roger Chouinard to Roger Chouinard Leblanc; Harold Everett Thurber to Harold Everett Boulay; "Baby" Bergstrom to John Sanderson; Ronald Allen Barklay, Jr. to Ronald Allen Charles; Nancy Ann Files to Nancy Ann Files Gilson; Raymond Russell to Raymond Russell Marden; Charles P. Bessette to Charles Parker Corson; Jannette Nadeau to Jannette Couturier; William Marinelli to William LaClair; Lawrence Theodore Pero to Paul Arsenault; Barbara Elizabeth Adams to Barbara Elizabeth Reed; Shirley Belle Adams to Shirley Belle Reed; Virginia Belleveau to Clara Louisa Boutelle; "Baby" Hill to Roger Lewis Whiting; Stuart Sanborn to Clarence Miles Boutelle; Priscilla Velma Brideau to Priscilla Velma Gosselin; Hilma Mae Jewett to Alice Ann Corbin; Paul Frederick Hoyt to Paul Frederick Clark; Janet Guertin to Beverly Janet Yeo; Katherine Odell Adkins to Katherine Odell Green; Marjorie Mae Murphy to Marjorie Mae Joyce; Elsie Margaret Bacon to Elsie Margaret Allen; "Baby" MacDonald to Richard Lawrence Sanderson; Dennis John Croft to Peter Blaisdell; Sylvia Pearl Fogg to Sylvia Pearl LaRochelle; Barbara Jeanne Hartman to Barbara Jeanne Comolli; Caroline Atta Smith to Patricia Ann Mundy; Roberta Goddard to Natalie Ann Clough; Donald Francis Savage to Donald Francis Savage Durost; Carl Edward Bent to Carl Edward Williams.

**Hillsborough County**—Madeline Longeran to Madeline Hill; Hector MacIsaac to Hector Homoleski; Eva Chatrai or

Charter to Eveline Richer; Darrel Lamora to John Francis Lamora; Leopold Norton Booth to Lee Norton Booth; Joseph G. Biron to Joseph Larion; Lucien Raoul Beaulieu to Richard Lucien Beaulieu; George Albert Michaud to George Albert Graham; Diogenes Lioliopoulos to Daniel Lylis; Beatrice Ann Silva to Beatrice Ann Byam; Cecile B. Caron to Cecile Lorette Beaudet; Ernest William Charland to Ernest William Blake; Ida Lubin to Gussie Talent; Doris Glines Belmont to Doris Glines; Humphrey Edward DeSchuiteneer to Humphrey Edward Scannell; August DeSchuiteneer to August Scannell; August Edward DeSchuiteneer to Edward August Scannell; Julia Christina DeSchuiteneer to Julia Christina Scannell; Frank C. J. Dziadosz to Frank C. J. Jadosz; Charles Przybyla to Charles Prisby; Joseph H. Barbeau to Joseph Bellefeuille; David Bernard Kaufman to David Kay; Peter H. Tsourides (Sourides) to Peter H. Landis; Stanley Kwiatek to Stanley K. Flower; Emerson Smith to Edward Emerson Smith; Joseph Pierre Menard to Joseph Pierre Maynard; William Henry Martin to William Henry Parker; Joseph Paul Emile Des-Groseilliers to Paul Robinson DeGross; Alfred H. Raza to Alfred H. Ranger; Edward A. Raza to Edward A. Ranger; George A. Raza to George A. Ranger; Aime Raza to Aime Ranger; Doris C. Loughlin to Doris Charlotte McAuliffe; Roberta Gervais to Roberta Germas; Robert W. Perdue to Robert W. Hunter; Alfreda Joan Warcholik to Alfreda Joan Walker; Charles Karanikas to Charles Kearns; Alphonsine Goulet to Alphonsine Larochelle; Kimon Basil to Kimon Vasilou; Theologia Lioliopoulos to Theo Lylis; Tanous Seibaha to Tanous Seibaha Saad; John Papalevizopoulos or Papalevizos to John A. Papp; Helen Papalevizou to Helen Papp; James Papalevizou to James Papp; George Papalevizou to George Papp; Catherine Papalevizou to Catherine Papp; Alexandra Papalevizou to Alexandra Papp; Joseph Alphonse Ferland to Alphonse Ferland Normand; Celina Caron to Celina Rock; Chow Shuck Yee to John S. Yee; Panagiotis Tempelis to Peter Spiretos; Efthemios A. Adamopoulos to Timothy Adams; Angelina Macri to Angeline Mary Costantino; Hermen Henrie L'Homme to John Joseph Manning; Neil Stanley Hodgdon to Donald Hodgdon Marshall; William Argeropoulos to Antonio Argeropoulos; Harold Malhoit to Wilfred Malhoit; Theodore Lioliopoulos to Theodore Lylis; Elsie A. Coldwell to Elsie C.

Doyle; Wasyl Kott to Russell Kott; Thomas McGuigan to Thomas Guthrie; Mabel Zeisel to Mabel J. Frost; Robert Wallace to Robert Wallace Boyer; Paula Hidden to Paula A. Hiatt; Adolfena Smietana or Smeitami to Ardele Krym; Felix Francis Smietana to Felix Francis Krym; John S. Caraphilakis to John S. Caraphil.

Changed by adoption—Richard Hayes Hickman to Richard Hayes Rogers; Marion S. Aldred to Marion S. Coons; J. Edward Aldred to J. Edward Coons; Marjorie W. Aldred to Marjorie W. Coons; Herbert A. Aldred to Herbert A. Coons; Bertha Alice Young to Alice Mae Tripp; Rita V. Simoneau to Marie Violette Rita Belanger; Norman Gabriel to Norman Gero; Richard Gabriel to Richard Gero; Paul Gabriel to Paul Gero; Charles J. Fournier to Robert Hadley Griffin; Alice Everhart to Florence Jane Lucas; Dorothy May Pepin to Dorothy May Blanch; David Keith Aldrich to Fred Lorraine Fottler; Robert Royal Brown to Robert R. Flaherty; Florence Emma Gaudette to Florence Emma Francoeur; Donald Bruce Signor to Donald Bruce Steele; Joan Yvonne Brochu to Carola Joan Travini; Aldea Pearle Smith to Aldea Pearle White; Beatrice Ann Collins to June Elaine Brown; Adrian Glenwood Seavey to Adrian Glenwood Seger; Merritt F. Porter to Merritt Daniel Booth; Alice Bacon to Rosamond Woodruff; Robert Foster Walsh to Thomas Paul Bradford; Rene Andre Thibodeau to Rene Andre D'Amours; John J. Goonan, Jr. to John J. Dennis; Doris Klardie to Doris Hermsdorf; Georgette Cassista to Nancy Berube; Murielle Renaud to Pauline Laretta Lavoie; Timothy John Chapman to Maurice William Godbout, Jr.; Josephine Mary Raymond to Kathleen Mary Mullen; Carol Mary Sander-son to Carol Mary Savoy; Baby Paquette to Maxine Ann Wainwright; Jane Davenport to Jane Taylor; Janet Marion Shaw to Janet Marion Rogers; Theresa Ann to Theresa Ann Lafontaine; Herbert Charles Blake to Herbert Charles Dallaire; Baby Lawson to John Lance Koenig; Ronald Baxter to Lewis Ronald Ashford; Robert Elude Castonguay to Robert Elude Cote; Joseph Alfred Gagnon to Joseph Alfred Gadbois; Stanley Lee Wilder to Robert Allan Vantine; Mary Margaret Brickley to Sonia Margaret Bernaiche; Robert Louis Sevigny to Robert Joseph Vachon; Huntley Joseph Tranfalia or Tran-faglan to Nikolaos Daskalopoulos; Marie Carol Tremblay to

Marie Claire Rose Lemelin; William Lavallee to William Linehan; Baby Cloutier to Pauline Jeanne Duhamel; Faith McIntosh to Faith Fox; June Wood to Helen Marguerite Copadis; Inez Fisk to Inez Webb; Douglas P. Scanlon to Donald Cote; Merilyn Huckins to Merilyn Ramsdell; Leonard George Doyle to Ronald Herbert Noyes; Doris Lillian Othot to Marie Leona Claffin; Barbara Jean Sheldon to Joan Barbara Rollins; Yvette Loiselle to Yvette L. Dufort; Robert Henry Latuch to Robert Henry Harwood; Davena Hartford to Sandra Eastman; Leo Raymond Tremblay to Rodney John Colasacco.

**Cheshire County**—Preksfy Bartashievick to Wilfred Bartashievich; Isakka W. Bakka to Walter John Parker; Urho Isaac Maki to Earl Urho Mackey; Natalie Frances Greene to Natalie Frances Roberts; Alan Proctor Greene to Alan Proctor Roberts; Elsie G. Carter to Elsie G. Hornig; Walter Charles Corey to Walter Edson Clough; Marion Dorothy Gregory to Marion Dorothy Lafleur; Marion Shaw Manning to Marion Duffy Manning; Thomas Anthony Tartaglia to Thomas Anthony Tyler; Mary Heron to Shirley Ann Burgoyne; Baby boy Cyr to Robert Allen Whitcomb; Marian E. Gates to Marian E. Lawrence; Joseph Alfred Guguy to Fred Albert Duguay; Robert J. Drugg to Robert J. Qualters; Marie Libbarres to Helen Fotes Libbarres; Francis Metz to Francis Woodward; Bernice Viola Clough to Bernice Viola Woodward; Lucile W. Desgranges to Lucile Wilson Bedor; Richard Edmunds to Richard O. Stone; Grace Mae Stebbins to Shirley Grace Spencer; Louis Israel Medvidofsky to Louis I. Medoff; Rose G. Medvidofsky to Rose Gertrude Medoff; Maurice Medvidofsky to Maurice Medoff; Marshal Medvidofsky to Marshall Medoff; Alexander Robertson James to Alexander James; James Miles to James Hogan Beaulieu; Donald Koski to Donald James Allen; Reino John Hakala to Reino John Hackler; Shirley May Wood to Shirley May Ouelette; Lawrence Webster to George Lawrence Ryder; Francis Robert Stanley to Francis Robert Shulenberg; Mary Ann Pelletier to Marianne Lorena Pelletier; Betty Lou Mantyla to Sally Jane Knight; Cynthia May Richardson to Yvonne Agnes Bushway; Rosie Kazanas to Jennie John Kazanas; Shirley Ann Rose to Carol Ann Rose; Viola Mae Heald to Viola Mae Vaughn; Dennis Page Fuller to James Lewis Crandall; Jacqueline Elizabeth Payne to Jacqueline

Elizabeth Davis; August Honkamaki to August Maki; Evelyn Belle Bowhay to Evelyn Belle Foster; Elenor Frances Hewes to Eleanor Frances Campbell; Francis Morris Walker to John Thomas Moore, Jr.; . . . . Wahlen to Wayne Weston Faery.

**Sullivan County**—Madeline Madore to Madeleine Foisy; Harry John Pallas to Harry John Bowles; John Henry Spatz to John Henry Young; Harry W. Laprise to Harry W. Gross; Alexander Meczelski to Alexander Mitchell; Bertha Parizo to Bertha Pariseau; Thomas Francis to Thomas Francis St. Clair; Alice Gertrude Plummer to Alice Gertrude Chapman; Ada G. Coty to Ada G. Colby; Arthur J. Mayo to Untamo Penttila; Arvo Armas Peltonen to Arnold Armas Peltonen; Roy Bunker to Roy B. Parmelee; Margaret M. Malony to Margaret M. Croshere; Lee Robert Richardson to Ronald Edward Spooner; Conrad Higgins to Laurence R. Johnson; Oliver A. Lemere to Levi A. Lemere; Alik Koozanovich to Alexander Kowzan; Merritt Anderson Waterhouse to Merritt Tattrie; George John Kukolander to George John Starr; Marie Virginia Lawless to Louise Amanda Brunell; Angelina Jeanette Valenti to Angelina Jeanette Valenti; Catherine Constance Valenti to Catherine Constance Valenti; Milton William Ihalainen to Milton William Halainen; Kathleen Celarius to Kathleen Morgan.

**Grafton County**—Raymond Allen Bissell to Raymond Allen Davio; Mathilde Brown to Mathilde Louise Skinner; Harold Bunce to James Wallace Lewis; Paul W. Carter, Jr. to Earl Sampson Howard; Edward Henry Conery to Wilfred Loren Smith; Leon Coty to Leon R. Saunders; Donald Courage to Donald Richard Noyes; Patricia Ann Doubleday to Patricia Ann Wolfsohn; Bertha Ellis to Viola Priscilla Gavel; Mildred Irene Gould to Mildred Irene Gould Foster; George Raymond Hobart to Elton William Wescott; Barbara Rae James to Barbara James Goss; Pauline McLellan to Pauline Angela Sweet; Edward Horace Pattee to Edward Standish Pattee; Hannah Mary Pennock to Billie Hannah Mary Pennock; Leslie Marston Reed to Leslie Reed Marston; Vernon Ned Trumbull to Vernon Ned Bergh; Priscilla Mae Wilkins to Carlene Priscilla Barton; Amelia Abdelnour to Amealia Samaha; Harleem Abdelnour to Harleem Samaha; Lora Abdelnour to Laura Samaha; Esther May Briggs to Esther Lucille Ray; Christina Carr to Christina Beth Jesseman; Beverley Ann Cady to Beth



Ann Olsson; James Thurlow Colley to George Washington Ellis; Edris Davis Dzengelewski to Edris Davis Bowers; Stanley Edward Dzengelewski to Stanley Edward Bowers; Ughtree Newell Downing to Hugh Newell Downing; Marcia Edna Fuller to Marcia Edna Gay; Ralphie Jean Grenier to Robert Jean Allen; Robert Bruce Osmer to Robert Bruce Warcup; Murray Sargent, Jr. to Donald Ashworth Richardson; Evaline Lewis Samaha to Evelyn Samaha; Robert Prince Schmohl to Robert Prince Houghton; Bertha May Schmohl to Bertha May Houghton; Charlotte Schmohl to Charlotte Houghton; Nancy Ann Stevenson to Nancy Lee Keniston; Margaret E. Whitman to Margaret E. Brown.

**Coos County**—Junior Percival Johnson to Jon Percival Johnson; Everett E. Douse to Everett E. Palmer; Joseph Paul Hamel to Joseph Paul Bourassa; David G. Mattice to David G. Macloon; Edna L. Mattice to Edna L. Macloon; Sharon K. Mattice to Sharon K. Macloon; Francisco DiMaria to Frank DiMaria McGee; Clara Curtis to Claire Curtis; Lawrence A. Longstaff to Granville Aulis Longstaff; Marjorie Helen Queor to Patricia Alice Connolly; Gladys Eliza LaPlante to Gladys Elizabeth Hinman; Donald Edward LaMontagne to Donald Edward Arsenault.

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From January, 1937, to January, 1939, the registers of probate returned to the secretary of state the following changes of names made by the superior court in divorce proceedings:

**Rockingham County**—Thelma F. Fontenot to Thelma F. Hersey; Alison I. Rowe to Alison Jean Ingalls; Helen Cooney Hallinan to Helen Cooney; Margaret Furman to Margaret Rocker; Mary F. Hamblett to Mary F. Blair; Sylvia Underhill Dollard to Sylvia Louise Underhill; Lillian Coburn Kieve to Lillian Coburn Emerson; Rosa D. Morse to Rosa D. Shoulders; Louise H. Niescier to Louise Frances Huntoon; Mary T. O'Leary to Mary T. Marshall; Dorothy V. Perfect to Dorothy V. Emery; Isabel (or Isabella) L. M. Rogers to Isabel (or Isabella) L. M. Kujeske; Marion D. Wetherell to Marion Dearborn Clark; Marguerite A. Witham to Marguerite A. Ball; Harriet H. Davis to Harriet H. Harrison; Norma Emma Coldwell Doherty to Norma Emma Coldwell; Irene M. Martel to Irene M. Sinclair; Laura J. Noel to Laura J. Gauthier;

Beatrice Hartford Scarborough to Beatrice Hartford; Josephine Davison to Josephine Guiffrida; Beatrice Shaw Estes to Beatrice Shaw; Jennie B. Gordon to Jennie B. Hardy; Harriet B. Nicholson to Harriet L. Hodgdon; Marion D. Wetherell to Marion Dearborn Clock; Isabelle Beatrice Williams to Isabelle Beatrice Thompson; Alma Mary Pellegrino to Alma Mary Rainville; Harriett B. Cleeves to Harriett Prescott Bell; May Belle Triplett to May Belle Moody; Ethel P. Uhlig to Ethel Powers; Mertie Burrowes to Mertie Bunker Matthews; Ida M. Dunton to Ida May Tivey.

**Stafford County**—Jeannette G. Wilson to Jeannette G. Aiken; Isabelle Tracey Farley Schoonmaker to Isabelle Tracey Farley; Anne V. Folsom to Anne V. Jacobs; Yvonne M. Poulis to Yvonne M. Forgues; Alberta A. Roberts to Alberta A. Doyon; Evelyn M. Drouin to Evelyn Marie Daverio; Vivien M. Lagasse to Vivien M. Rothwell; Harriet E. Strachan to Harriet E. Hill; Doris A. Lieach to Doris A. Annis; Alexina Beaudoin to Alexina Plante; Ann L. Toomey to Ann L. Meader; Ruth A. Eastman to Ruth Atherton; Marjorie L. Cook to Marjorie L. Charette; Freda B. Martineau to Freda E. Burrows; Shirley Dickie to Shirley Pinkham; Clara May White to Clara May Kelley; Irma Rogers to Irma Grover; Emma M. Forbes to Emma M. Boulanger; Gladys Louise Tripp to Gladys Louise Mosely.

**Belknap County**—Elizabeth Malouin to Elizabeth Wakefield; Gertrude Gagne Lapierre to Gertrude Nancy Gagne; Cecile West MacIntosh to Cecile Viola West; Elsie Staples to Elsie Roberge; Carrie Roy to Carrie Merrill; Dorothy Berry to Dorothy Belanger; Ruby B. Kimball to Ruby B. Keating; Emilienne L. Forrest to Emilienne L. Cormier; Mildred E. Wasson Chaffin to Mildred E. Wasson; Beatrice K. Riley Sheldon to Beatrice K. Riley.

**Carroll County**—Alice E. Cheney to Alice E. Philippe; Mary E. Cody to Mary Monahan; Irene A. Higgins to Irene Moriarty; Katherine F. Varney to Katherine F. Corson; Joanna M. Welch to Joanna M. Nickerson; Marilyn F. Brooks to Delmour E. Brooks.

**Merrimack County**—Minerva C. Clark to Minerva C. Nickerson; Irene E. Tibbetts to Irene E. Oday; Irene M. Houle to Irene M. Martel; Lillian B. Andreevski to Lillian Broadhurst; Geraldine H. Stewart to Geraldine Hamilton; Nora Lundeen

to Nora Mayhew; Priscilla Small to Priscilla Ruth Freitas; Irene C. Clough to Irene Bennett; Mona Caldwell to Mona Thompson; Gladys W. Burbank to Gladys May Wilson; Gertrude M. Hood to Gertrude M. Hodge; Blanche Gordon Fletcher to Blanche Gordon.

**Hillsborough County**—M. Josephine Lavery to Mary Josephine Welch; Marie Louise Bisson to Marie Louise Belaire; Sylvia LaFountain Edison to Sylvia Ethel LaFountain; Emma Charait to Emma A. Wineberg; Florence E. Sibulkin to Florence Martin; Margaret Boivin to Margaret Zullo; Clara Martin Fitts to Clara Martin; Agnes G. Furman to Agnes G. Chauncey; Louise A. Barry to Louise A. Wamester; Alberta Rivard to Alberta Mitchell; Donna W. Colby to Donna A. Whittle; Jule Ivon to Jule Kelley; Valeda Burelle to Valeda Goodhue; Thelma King Jervah to Thelma King; Elsie Doyle to Elsie A. Coldwell; Jennie Giles to Jennie Kudolis; Emilienne Normand Mooney to Emilienne Normand; Delia Blaise to Delia Chartrand; Ethel Bourzikas to Ethel Sofatzis; Marguerite A. Locicero to Marguerite A. Wright; Anna H. McLaughlin to Anna E. Hubbard; Myra Smith Shirra to Myra Smith; Ruth C. Stanard to Ruth A. Christopher; Mary DeRome to Mary Garland; Bridget L. Allen to Bridget L. King; Mary E. Perry to Mary E. Emerson; Eva M. Meader to Eva M. Boisvert; Bessie Elizabeth Maynard Kapela to Bessie Elizabeth Maynard; Margaret J. Lamprinakas to Margaret J. Belrose; Mary A. McAllister to Mary A. McGuigan; Dorothy Elizabeth Cobb to Dorothy Elizabeth Kelley; Vera J. Deeg to Vera J. Robbins; Jeannette Bond to Jeannette St. Pierre; Grace Maud McQuillan to Grace Maud Bowler; Dorothy Josephine Colburn to Dorothy Josephine Fiske; Alice A. Delehanty to Alice A. Warren; Amy L. Benedick to Amy L. Tilton; Blanche Rousseau to Blanche Bergeron; Harriet M. Friese to Harriet M. Barschdorf; Lida Kelley to Lida Dion; Rose Anna Valles to Rose Anna Desrochers; Amelia M. Guerriero to Amelia M. Bellefleur; Nellie Noel to Nellie Balukonis; Melverta Brooks to Melverta Poore; Rita Milliard to Rita Boldini; Beatrice L. Michaud to Beatrice L. Burelle; Marion M. Ford to Marion MacCann; Vera Owens Chesnulevich LeClair to Vera Owens Chesnulevich; Christine Denno to Christine Gianakos; Julia Korkovelos to Julia Gurska; Mildred Snarski to Mildred Adams; Elizabeth Gardner Freeman to Elizabeth Gardner

Rodger; Esther H. Smith to Esther Hopkins; Alice K. Varnum to Alice Kuriger; Dorothy Emma Denison to Dorothy Emma Hoitt.

**Cheshire County**—Pauline Laura Gordon to Pauline Laura Orkins; Edna Evelyn Ferguson to Edna Evelyn Bernier; Pauline B. Jarvis to Pauline I. Baker; Gladys E. Hayes to Gladys Evelyn Swain; Kathleen H. Duval to Kathleen H. Pollard; Beatrice Julia Cimone to Beatrice Julia LaPointe; Ellen LaDuca to Ellen Spydell; Josephine Carey Briggs to Josephine Carey; Florence Lee Barron Parsons to Florence Lee Barron; Evelyn L. Warner to Evelyn Lucille Lee; Bernice Eleanor Higgins to Bernice Eleanor Winn; Dorothy C. Stevens to Dorothy Lawler Cleghorn; Delia E. Killeen to Delia E. Webster; Mary M. Taylor to Mary Mleczko; Florence Ophelia McGuigan to Florence Ophelia Bodware.

**Sullivan County**—Marion O. Williams to Marion O. Smith (1936); Dorothy Anna Clement to Dorothy Anna Farnsworth; Ada B. Whittier to Ada B. York; Clare Florence D'Amante to Clare Florence Lower; Hazel E. Hill to Hazel E. Richardson; Lucie A. Wilson to Lucie A. Streeter; Josie M. Sheldon to Josie M. Schroeder; Christina A. Nagle to Christina A. Shea; Flossie L. Johnson to Flossie Ada LaBelle; Eva Baker Stebbins Whitney to Eva Baker Stebbins; Mary Anna Lepicier to Mary Anna Therriault; Grace E. Braley to Grace E. Bedell; Vina Guest to Vina E. Niles; Marcella Helen Martin to Marcella Helen Putnam; Katherine Smith Pfeiderer to Katherine Smith; Avis Cuthbert to Avis Reynolds; Hazel Bell Williams Morse to Hazel Bell Williams.

**Grafton County**—Olive B. Straw to Olive B. Bush; Eva A. Dame to Eva A. Welcome; Alice Gray to Alice King; Goldie F. Sargent to Goldie F. Ford; Barbara L. Whipple to Barbara L. Bruce; L. Aileen Coghlan to L. Aileen Kebrich; Bertha Hobbs LaMarre to Bertha Louise Hobbs; Myrtle H. Gardner to Myrtle Hodsdon; Alice D. Olsen to Alice D. Ladeau; Vera A. Stevens to Vera A. Straw; Althea Brown to Althea Gould; Nellie S. Pickering to Nellie Julia Sweet; Wilhelmine Haberer Girndt to Wilhelmine Haberer Hinnen; Lora E. Duplessis to Lora E. Goodrich; Beatrice Pollack to Beatrice Morrissette; Marguerite M. Barrett to Marguerite Maxine Bomhower; Flora Arline Renihan to Flora Arline Silsby.

**Coos County**—Olive V. Temple to Olive V. Bennett; Vera E. Ball to Vera E. Lakin; Annie McGillivary Mason to Annie McGillivary; Alberta Gray Callan to Alberta Gray; Clementine Evans to Clementine Asselin; Ruth Deal to Ruth Moss; Annie M. Arlinsky to Annie M. Rosi; Lillian A. Livingston to Lillian A. Bennett; Ruth Libby Barnard to Ruth Brenda Libby; Elsie R. Egan to Elsie R. Woodrow; Gertrude M. McGennis to Gertrude M. Willis; Serita Noyes Brinkman to Serita Noyes; Lillian Louks to Lillian Smith.

# PRIVATE ACTS

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## CHAPTER 264.

AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE TOWN SCHOOL DISTRICT OF CONWAY.

SECTION		SECTION
1. Proceedings validated.		2. Takes effect.

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

**1. Proceedings Validated.** The proceedings of the town school district of Conway, taken at the special meeting held September 30, 1938 and the appropriation of eighty-five thousand five hundred and forty-three dollars and the issuance of notes and bonds in that amount pursuant to said proceedings, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved January 25, 1939.]

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## CHAPTER 265.

AN ACT RATIFYING CERTAIN ACTION OF THE ROCKINGHAM COUNTY DELEGATION.

SECTION		SECTION
1. Action legalized.		2. Takes effect.

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

**1. Action Legalized.** The votes and action taken by the Rockingham county delegation at a meeting duly called and held on the fifteenth day of April, 1938, on the following proposals, are hereby legalized and confirmed:

“Voted that we appropriate the sum of forty-two thousand dollars to pay an existing debt of the county of Rockingham for that amount now evidenced by short term notes and indebtedness, the same to be raised by the sale of the bonds of said county at the lowest rate of interest obtainable by sale in accordance with the provisions of the Public Laws. Said

bonds to be issued in denominations of one thousand dollars each, payable both as to principal and interest at the counting room of the Exeter Banking Company at Exeter, New Hampshire. Said issue to be in serial form, the first bonds payable not later than one year from date of issue and the whole issue to be retired in not more than twelve years.

“Said bonds to be issued under the provisions of the Municipal Bonds Statute (so called) of the State of New Hampshire as set out in the Public Laws and amendments thereto. Such matters of form, etc., as may by statute be left to the discretion of the county commissioners, are hereby left to their discretion.”

**2. Issuance of Bonds Legalized.** The action of the county commissioners and the treasurer of said county of Rockingham, in issuing forty-two one-thousand-dollar bonds dated June 1, 1938, under and by virtue of the above votes of the county delegation, is hereby legalized and confirmed and said bonds are hereby declared to be legal, valid and binding obligations of said county of Rockingham.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved February 8, 1939.]

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## CHAPTER 266.

### AN ACT LEGALIZING THE NOVEMBER, 1938, ELECTION IN THE TOWN OF BARNSTEAD

SECTION

1. Proceedings legalized.

SECTION

2. Takes effect.

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

**1. Proceedings Legalized.** The votes and proceedings at the biennial election of the town of Barnstead, held on the eighth day of November, 1938, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 15, 1939.]

## CHAPTER 267.

AN ACT RELATING TO THE NEW HAMPSHIRE CONGREGATIONAL-CHRISTIAN CONFERENCE.

## SECTION

1. Limitation on amount of property authorized to hold.

## SECTION

2. Takes effect.

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

**1. Property, Authorized to Hold.** Section 4 of chapter 415 of the Laws of 1913 is hereby amended by striking out the words "one million dollars" and inserting in the place thereof the words, two million five hundred thousand dollars, so that said section as amended shall read as follows: **Sect. 4.** Said corporation is authorized and empowered to receive and hold funds, securities and property to an amount not exceeding two million five hundred thousand dollars.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved February 23, 1939.]

## CHAPTER 268.

AN ACT AUTHORIZING THE TOWN OF NEWMARKET TO ISSUE REFUNDING NOTES OR BONDS.

## SECTION

1. Authorization to issue notes or bonds.  
2. Terms.

## SECTION

3. Application of general laws.  
4. Takes effect.

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

**1. Authorization.** The town of Newmarket is hereby authorized to issue its serial notes or bonds to an amount not exceeding thirty thousand dollars (\$30,000) for the purpose of refunding outstanding indebtedness. Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer.

**2. Terms.** Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, and in such amounts, and in such manner



as the board of selectmen and treasurer of said town may determine, at a rate of interest to be fixed by said board.

**3. Application of General Laws.** Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

**4. Takes Effect.** This act shall take effect when its provisions shall have been approved by a majority of those present and voting at the regular or any special meeting of the legal voters of the town of Newmarket during the year 1939, the warrant for which shall contain an article calling for the consideration of such approval.

[Approved February 23, 1939.]

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## CHAPTER 269.

### AN ACT RELATING TO THE CHARTER OF THE CITY OF SOMERSWORTH.

#### SECTION

1. Interpretation.
2. Municipal elections.
3. Council.
4. Administration.
5. Mayor.
6. City clerk.

#### SECTION

7. Selectmen.
8. School board.
9. Tenure of office of present officers.
10. Appointive officers.
11. Takes effect.

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

**1. Interpretation.** The original charter of the city of Somersworth chapter 171, Laws of 1893, and any amendments are hereby repealed as far as inconsistent herewith but otherwise are in full force and effect.

**2. Municipal Elections.** Municipal elections shall be held on Tuesday next following the first Monday in November beginning with 1939 and biennially thereafter. Excepting moderators, supervisors of the check-lists and officers elected or receiving appointments in manner otherwise provided, all city and other officials shall be chosen at such municipal elections.

**3. Council.** At the municipal election to be held on the Tuesday following the first Monday in November, 1939, and biennially thereafter, each ward shall elect two councilmen.

The term of office of each shall be for two years and until his successor shall be chosen and qualified in his stead.

**4. Administration.** The administration of the fiscal, prudential and general municipal affairs of said city and the government thereof shall be vested in one principal officer to be called a mayor and a board of ten members to be called the council. The mayor and council shall act as one body to be called the city council.

**5. Mayor.** The mayor shall be chosen at the municipal election for a term of two years and shall receive a salary of seven hundred dollars per annum. He 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 shall extend to individual items of appropriation. He shall preside in the meetings of the city council, but shall have no vote except in case of an equal division. In the absence of the mayor, the council may elect by ballot one of the members chairman who shall have all the powers of performing all the duties of the mayor during such absence, or during disability or a vacancy in office from any cause.

**6. City Clerk.** The mayor and city council shall take their respective oaths on the first Tuesday of January following their election, and at such time shall choose by ballot a city clerk whose term of office shall continue for two years, and until another shall be chosen and qualified to act in his stead. The term of office of the city clerk, elected on the third Tuesday of March, 1937, is hereby extended to the first Tuesday of January, 1940.

**7. Selectmen.** At the municipal election to be held on the Tuesday following the first Monday in November, 1939, and biennially thereafter, three selectmen shall be elected by and from the qualified voters of each ward who shall hold their respective offices for the term of two years and until others shall be chosen and qualified to act in their stead.

**8. School Board.** At the municipal election to be held on the Tuesday following the first Monday in November, 1939, and biennially thereafter, one member of the school board shall be elected from each ward for a term of two years. The city council shall, between the third and the last day of January, 1940, and biennially thereafter, elect five members of said

school board to serve for two years each. The persons so elected by the said wards and the city council shall be residents of said city and shall constitute said school board and their terms of office shall begin on the first Tuesday of February next after their respective elections.

**9. Tenure of Office of Present Officers.** The term of each officer elected at the annual municipal election, except the school board, whose term would otherwise have expired in March, 1939, is hereby extended to the first Tuesday of January, 1940, and the term of each other such officer of said city holding office prior to said first Tuesday in January, 1940, shall expire on said date. The term of office of each member of the school board elected at the annual municipal election whose term would otherwise have expired in April, 1939, is hereby extended to the first Tuesday of February, 1940, and the term of office of each other member of the school board holding office prior to the first Tuesday of February, 1940, shall expire on said date.

**10. Appointive Officers.** In order that the purposes of this act for holding the municipal election biennially instead of annually may be carried out the mayor and council are hereby authorized to extend the term of office of persons whose terms under said appointments would otherwise expire prior to the first Tuesday of January, 1940, to said date.

**11. Takes Effect.** This act shall take effect upon its passage.

[Approved March 1, 1939.]

CHAPTER 270.

AN ACT LEGALIZING THE ACTION TAKEN BY THE BETHLEHEM VILLAGE DISTRICT ANNUAL MEETING AND TRANSFERRING CERTAIN POWERS FROM THE BOARD OF WATER COMMISSIONERS TO THE VILLAGE COMMISSIONERS OF SAID DISTRICT.

SECTION	SECTION
1. Proceedings legalized.	3. Repeal; takes effect.
2. Transfer of powers and duties.	

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

**1. Proceedings Legalized.** The proceedings of the Bethlehem Village District at the annual meeting holden on the tenth day of March, 1937, and the acts of the commissioners taken under the vote at that meeting since said date are hereby legalized and made valid.

**2. Transfer of Powers and Duties.** All powers and duties now conferred upon the board of water commissioners for the Bethlehem Village Precinct by chapter 154 of the Laws of 1905 are hereby transferred to the commissioners of the Bethlehem Village District constituted under chapter 295 of the Laws of 1925.

**3. Repeal; Takes Effect.** Sections 1, 2 and 3 of chapter 154 of the Laws of 1905, relative to the establishment of a board of water commissioners, are hereby repealed and this act shall take effect upon its passage.

[Approved March 9, 1939.]

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CHAPTER 271.

AN ACT RELATING TO SCHOOL PRIVILEGES IN THE TOWN OF LISBON.

SECTION	SECTION
1. Repeal.	2. Takes effect.

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

**1. Repeal.** Chapter 215 of the Laws of 1907 is hereby repealed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 9, 1939.]

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## CHAPTER 272.

### AN ACT TO AMEND THE CHARTER OF COE'S NORTHWOOD ACADEMY.

SECTION

1. Name changed; property authorized to hold.

SECTION

2. Takes effect.

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

**1. Name Changed; Property Authorized to Hold.**

Amend chapter 123 of the Laws of 1867 as amended by chapter 96 of the Laws of 1875, by striking out sections 1 and 2 thereof, and substituting therefor the following:

**Section 1.** That Ezra Tasker, John G. Mead, William B. Sherban, Thomas B. Norton, William T. Willey, John J. Cate, James Griffin, Luther Tasker, Warren P. Swain, Samuel N. Towle, and their associates and successors, are hereby made a body politic and corporate by the name of Coe-Brown Northwood Academy; and by that name may sue and be sued, prosecute and defend to final judgment and execution; and shall have and enjoy all the powers and privileges, and be subjected to all the liabilities, incident to corporations of a similar character. **Sect. 2.** Said corporation is hereby empowered to establish and maintain, in Northwood, in the county of Rockingham, a school designed to encourage and promote the diffusion of knowledge in all the branches of academic education; and, for that purpose, may acquire and hold, by gift, bequest, or otherwise, real and personal estate not exceeding five hundred thousand dollars; may erect suitable buildings, employ proper teachers and assistants, and establish all necessary by-laws and regulations for their government, and exercise any other power proper to carry into effect the object of this act; provided, said by-laws and regulations shall not be repugnant to the constitution and laws of this state.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

## CHAPTER 273.

## AN ACT AUTHORIZING THE TOWN OF BELMONT TO ISSUE REFUNDING NOTES OR BONDS.

## SECTION

1. Authorization.
2. Form; terms.
3. Debt limit.

## SECTION

4. Application of laws.
5. Proceedings legalized.
6. Takes effect.

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

**1. Authorization.** The town of Belmont is hereby authorized to issue its serial notes or bonds to an amount not exceeding eighteen thousand dollars (\$18,000) for the purpose of refunding outstanding indebtedness of the town, including the indebtedness incurred by the selectmen of said town relative to the financing of the Works Progress Administration project on the Tilton road.

**2. Form; Terms.** Said serial notes or bonds shall be signed by the selectmen and countersigned by the treasurer. Said issue shall be due and payable at such times, not more than twenty years from their date of issue, and in such amounts, and in such manner as the board of selectmen and treasurer of said town may determine at a rate of interest to be fixed by said board.

**3. Debt Limit.** The debt authorized by this act shall be exempt from the limitations imposed upon the borrowing capacity of towns by section 7 of chapter 59 of the Public Laws.

**4. Application of Laws.** Except as otherwise provided in this act the provisions of the Municipal Bonds Statute shall apply to the notes or bonds issued hereunder.

**5. Proceedings Legalized.** The vote and proceedings of the town of Belmont at the annual meeting of March, 1938, relative to the Works Progress Administration project hereinbefore referred to, and the action of the selectmen in financing said project, are hereby ratified, legalized and confirmed.

**6. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

### CHAPTER 274.

#### AN ACT RELATIVE TO THE ISSUE OF NOTES BY THE COUNTY OF MERRIMACK.

## SECTION

1. Issue of notes authorized.

## SECTION

2. Takes effect.

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

**1. Issue Authorized.** The county commissioners of the county of Merrimack are hereby empowered and authorized to issue for and in behalf of said county, from time to time during the calendar years 1939, 1940 and 1941, short-time notes not exceeding in amount at one time outstanding the sum of fifty-seven thousand dollars (\$57,000) for the purpose of refunding all or any part of the fifty-seven thousand dollars outstanding notes issued under chapter 299 of the Laws of 1937, and for the purpose of refunding notes issued under this act, including the purpose of restoring to the treasury funds taken therefrom and used temporarily to pay any of the said notes now outstanding or issued hereunder.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 16, 1939.]

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### CHAPTER 275.

#### AN ACT RELATING TO LAND USED FOR SCHOOL PURPOSES IN THE TOWN OF NEWFIELDS.

## SECTION

1. Repeal.

## SECTION

2. Takes effect.

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

**1. Repeal.** Chapter 214 of the Laws of 1889, relative to the bounds of the school district of the town of Newfields, formerly South Newmarket, is hereby repealed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 21, 1939.]

## CHAPTER 276.

## AN ACT AUTHORIZING THE CITY OF FRANKLIN TO ISSUE REFUNDING NOTES OR BONDS.

## SECTION

1. Authorization.
2. Terms.

## SECTION

3. Application of general laws.
4. Takes effect.

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

**1. Authorization.** The city of Franklin is hereby authorized to issue its serial notes or bonds to an amount not exceeding eighty-two thousand dollars (\$82,000) for the purpose of refunding outstanding indebtedness. Said serial notes or bonds shall be signed by the mayor and countersigned by the treasurer of said city.

**2. Terms.** Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, and in such amounts, and in such manner as the mayor and city council and treasurer of said city may determine at a rate of interest to be fixed by said mayor, city council and city treasurer.

**3. Application of General Laws.** Except as otherwise provided in this act, the provisions of chapter 59 of the Public Laws shall apply to the serial notes or bonds herein authorized.

**4. Takes Effect.** This act shall take effect when its provisions shall have been approved by majority of those present and voting at a regular or any special meeting of said mayor and city council, during the year 1939.

[Approved March 21, 1939.]

## CHAPTER 277.

## AN ACT RELATING TO THE UNION SCHOOL DISTRICT IN CONCORD.

## SECTION

1. Union School District in Concord.

## SECTION

2. Repeal; takes effect.

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

**1. Union School District in Concord.** Amend section 1 of chapter 230 of the Laws of 1927 entitled "An Act in amend-



ment of the laws relating to the Union School District in Concord," by striking out said section and inserting in place thereof the following: **1. Official Ballot.** For all elections of moderator, clerk, treasurer and members of the board of education of Union School District in Concord the voting shall be upon an official ballot only. A plurality of votes cast shall be necessary for election to each office to be filled.

**2. Repeal; Takes Effect.** All acts and parts of acts inconsistent with this act shall not apply to said Union School District, and this act shall take effect upon its passage.

[Approved March 30, 1939.]

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### CHAPTER 278.

AN ACT TO LEGALIZE THE BIENNIAL ELECTION HELD ON THE EIGHTH DAY OF NOVEMBER, 1938, IN THE TOWN OF MIDDLETON.

SECTION  
1. Legalizing election.

SECTION  
2. Takes effect.

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

**1. Legalizing Election.** The votes and proceedings of the biennial election held on the eighth day of November, 1938, in the town of Middleton be and hereby are legalized and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved March 30, 1939.]

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### CHAPTER 279.

AN ACT RELATING TO THE FRATERNAL ORDER OF EAGLES OF MANCHESTER, N. H.

SECTION  
1. Power to hold property.

SECTION  
2. Takes effect.

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

**1. Power to Hold Property.** Amend section 3 of chapter 312 of the Laws of 1909 by striking out in the third line the

word "five" and inserting in place thereof the word, twenty-five, so that said section as amended shall read as follows:

**Sect. 3.** Said corporation shall have power to hold real and personal estate by gift, bequest or otherwise, to an amount not exceeding twenty-five thousand dollars, and may dispose of the same at pleasure.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved April 5, 1939.]

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## CHAPTER 280.

AN ACT RELATING TO THE ISSUE OF BONDS BY THE COUNTY OF BELKNAP.

SECTION

1. Belknap county bonds.
2. Accounts.

SECTION

3. Takes effect.

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

**1. Belknap County Bonds.** The county commissioners of the county of Belknap are hereby empowered and authorized to issue for and in behalf of said county serial bonds to an amount not exceeding one hundred and twenty thousand dollars for the purpose of refunding outstanding notes of said county. Said bonds shall be payable in substantially equal annual instalments of principal beginning not more than one year and ending not more than ten years from their date. The county commissioners shall determine the form of said bonds and their dates, maturities, rate of interest and place of payment. Said bonds shall be sold at not less than par at public or private sale by the treasurer with the approval of the county commissioners.

**2. Accounts.** The treasurer shall keep an account of each bond, showing the number and amount 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.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 4, 1939.]

## CHAPTER 281.

## AN ACT RELATING TO THE TOWN OF RYE.

## SECTION

1. Authorization.

## SECTION

2. Takes effect.

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

**1. Authorization.** The town of Rye is hereby authorized to vote on the question of the acquisition or establishment of a municipal water works in accordance with chapter 153 of the Laws of 1935, as the same is now or hereafter amended, as if it had not voted on said question on the fifteenth and thirtieth days of September, 1938.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 10, 1939.]

## CHAPTER 282.

## AN ACT AUTHORIZING THE PLYMOUTH VILLAGE FIRE DISTRICT TO ISSUE NOTES OR BONDS.

## SECTION

1. Authorization.  
2. Terms.

## SECTION

3. Application of general laws.  
4. Takes effect.

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

**1. Authorization.** The Plymouth Village Fire District is hereby authorized to issue its serial notes or bonds to an amount not exceeding fifty-nine thousand dollars (\$59,000) for the following purposes: three thousand five hundred dollars for refunding outstanding indebtedness for the fire department, thirty-five thousand dollars for refunding outstanding indebtedness for the water department, fourteen thousand five hundred dollars for refunding outstanding indebtedness for the sewer department and six thousand dollars for reconstruction for the sewers. Said serial notes or bonds shall be signed by the commissioners of said district, or a majority thereof, and countersigned by the treasurer of said district.

2. **Terms.** Said issue of serial notes or bonds shall be due and payable at such times, not more than twenty years from their date of issue, in such manner and with such provisions as the commissioners of said district, or a majority thereof, shall determine, and at a rate of interest to be fixed by said commissioners.

3. **Application of General Laws.** Except as otherwise provided by this act the provisions of chapter 59 of the Public Laws shall apply to the notes or bonds herein authorized.

4. **Takes Effect.** This act shall take effect upon its passage.

[Approved May 10, 1939.]

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## CHAPTER 283.

### AN ACT RELATIVE TO THE CONGREGATIONAL SOCIETY IN TAMWORTH.

#### SECTION

1. Congregational Society in Tamworth.
2. Change in date of annual meetings.

#### SECTION

3. Takes effect.

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

1. **Congregational Society in Tamworth.** Amend the third paragraph of an act entitled "An Act to incorporate certain persons by the name of the Congregational Society in Tamworth," approved December 11, 1812, by striking out the words "which Sums shall be assessed upon the members of said corporation in proportion to their rateable property" so that said paragraph as amended shall read as follows: And be it further enacted, that the said Society, at any meeting legally warned and holden for that purpose, may by a majority of voters present, raise such Sums of Money as they shall think necessary for building and repairing a meeting house and supporting a Minister of the congregational order, and the said Society may hold estate, real or personal, to the amount of Ten Thousand dollars solely for the purposes aforesaid.

2. **Change in Date of Annual Meetings.** Amend the sixth paragraph of said act relative to said society by striking out the word "March" and inserting in place thereof the word,

January, so that said paragraph as amended shall read as follows: And be it further enacted, that the said Society shall hold a meeting on the First Monday of January annually for the choice of officers.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved May 11, 1939.]

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## CHAPTER 284.

### AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE TOWN MEETING OF THE TOWN OF LYNDEBOROUGH.

SECTION

1. Proceedings validated.

SECTION

2. Takes effect.

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

**1. Proceedings Validated.** The proceedings of the town of Lyndeborough taken at the adjourned meeting of March 21, 1939, and the appropriation of four thousand dollars for bridge construction and the proceedings relative to the issuance of notes in that amount for that purpose, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved May 23, 1939.]

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## CHAPTER 285.

### AN ACT RELATIVE TO THE SEWER SYSTEM IN THE TOWN OF WOLFEBORO.

SECTION

1. Wolfeboro.

SECTION

2. Takes effect.

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

**1. Wolfeboro.** The board of water commissioners for the town of Wolfeboro shall have the management and control of the sewer system in said town. Said commissioners are hereby authorized and empowered to appoint and employ all necessary officers, agents and servants with such powers and duties

as from time to time may be prescribed by said town. Said board of water commissioners shall have and exercise all the rights and powers of boards of sewer commissioners.

**2. Takes Effect.** This act shall take effect September 1, 1939.

[Approved May 31, 1939.]

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## CHAPTER 286.

### AN ACT RELATIVE TO THE POWERS OF THE SCHOOL DISTRICT OF HAMPTON.

#### SECTION

1. Debt limit increased.
2. Net debt.

#### SECTION

3. Proceedings legalized.
4. Takes effect.

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

**1. Debt Limit Increased.** The school district of Hampton in the town of Hampton is hereby authorized to incur indebtedness in an amount not exceeding one hundred and ten thousand dollars (\$110,000) for the purpose of erecting a school building and for equipment thereof.

**2. Net Debt.** In ascertaining and fixing the net debt of the town of Hampton, the village district of Hampton Beach, and said school district, under the provisions of chapter 59 of the Public Laws all indebtedness incurred under the authority of this act shall be deducted in computing the debt incurring capacity of the town of Hampton, the village district of Hampton Beach, and of said school district under section 7, chapter 59 of the Public Laws.

**3. Proceedings Legalized.** The votes and proceedings of the annual school district meeting of the school district of the town of Hampton held in the town of Hampton on the fourth day of April, 1939, are hereby legalized, ratified and confirmed.

**4. Takes Effect.** This act shall take effect upon its passage.

[Approved May 31, 1939.]

## CHAPTER 287.

## AN ACT VALIDATING THE PROCEEDINGS OF THE RECESSED TOWN MEETING IN THE TOWN OF MILFORD.

SECTION

1. Proceedings legalized.

SECTION

| 2. Takes effect.

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

**1. Proceedings Legalized.** The votes and proceedings of the recessed town meeting held in the town of Milford, April 25, 1939, and the appropriation of forty thousand dollars for improvement of the water system and the proceedings relative to the issuance of notes in that amount for that purpose, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 2, 1939.]

## CHAPTER 288.

## AN ACT RELATING TO THE TRUSTEES OF TILTON SCHOOL.

SECTION

1. Tilton School.

SECTION

| 2. Takes effect.

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

**1. Tilton School.** Section 1 of chapter 299 of the Laws of 1919, being an amendment of an act approved December 29, 1852, as amended by chapter 198, Laws of 1903, relative to Tilton School, formerly known as the New Hampshire Conference Seminary and later as Tilton Seminary, and the nomination of trustees thereof, is hereby repealed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1939.]

### CHAPTER 289.

#### AN ACT VALIDATING PROCEEDINGS OF THE ANNUAL MEETING OF THE CONWAY VILLAGE FIRE DISTRICT.

## SECTION

1. Proceedings validated.

## SECTION

2. Takes effect.

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

**1. Proceedings Validated.** The proceedings of the Conway Village Fire District held March 27, 1939, and the appropriations and raising of money pursuant to said proceedings, are hereby legalized, ratified and confirmed.

**2. Takes Effect.** This act shall take effect upon its passage.

[Approved June 7, 1939.]

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### CHAPTER 290.

#### AN ACT RELATING TO UNION SCHOOL DISTRICT IN KEENE.

## SECTION

1. Union School District in Keene.  
2. Official ballots.  
3. Filing of candidacy.

## SECTION

4. Mode of balloting.  
5. Takes effect.

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

**1. Union School District in Keene.** All district officers of Union School District in Keene shall be chosen by official ballot, by a plurality vote. Such ballots shall be prepared by the clerk at the expense of the district in such number as to him seems adequate.

**2. Official Ballots.** Upon such official ballots, the names of the candidates for each office shall be grouped in the alphabetical order of their surnames. 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 elected. Under each group shall be left as many blank spaces as there are persons to be elected to such office. At the right of each name shall be a square. The voter shall indicate his choice by making a cross in the square opposite the candidate of his choice or by writing the name of any person or persons for



whom he desires to vote in the appropriate blank space or spaces.

**3. Filing of Candidacy.** Any person qualified to be elected to any of said offices shall be entitled to have his name printed upon said official ballot as a candidate upon filing written declaration with the clerk not later than five o'clock in the afternoon of the sixth day preceding the day of the annual meeting.

**4. Mode of Balloting.** The polls shall be open promptly at the hour for which the meeting is warned and shall remain open at least one hour. One official ballot shall be placed in the hands of each voter as he enters the polling place. The moderator may appoint tellers to receive and tally the votes. After all other business of the meeting has been transacted and all voters present have been given an opportunity to cast their ballot and the one hour having transpired, the moderator shall declare the polls closed, the final tally shall be made by the tellers and the moderator shall declare the results.

**5. Takes Effect.** This act shall take effect upon its adoption by a majority vote of the qualified voters present and voting at any legal meeting of said district.

[Approved June 13, 1939.]

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## CHAPTER 291.

### AN ACT TO REPEAL CHARTERS OF CERTAIN CORPORATIONS.

#### SECTION

1. Charters repealed.
2. Remedies preserved.
3. Reinstatement.

#### SECTION

4. Disposition of property.
5. Takes effect.

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

**1. Charters Repealed.** The charter or certificate of incorporation of each of the following named corporations is hereby repealed, revoked and annulled except as otherwise here specified:

Academy Cleansers & Dyers, Inc. (Keene, 1935)

Acme Furniture & Woodworking Company (Derry, 1936)

Acme Neon Company, Inc. (Nashua, 1937)

Adams Shoe Stores Co. (Manchester, 1937)

- Advocate Press, Inc., The (Claremont, 1934)  
Aldrich and Son, Inc., F. E. (Franconia, 1930)  
Allison Hotels, Inc. (Carroll, 1936)  
Alton Electric Light & Power Company (Alton, 1898)  
American Amusement Company, Inc. (Newport, 1936)  
American Peat Company, Inc. (Rochester, 1932)  
Andover Ice Company (Andover, 1938)  
Apt Shoe Co., E. R. (formerly Gale Brothers Incorporated,  
Exeter, 1894) Rockland, Mass.  
Archibald Engineering Company (Meredith, 1928)  
Ashland Lumber Company, The (Ashland, 1909)  
Asquam Lumber Company (formerly Asquam Transportation  
Company, Ashland, 1901)  
Athens Restaurant, Inc. (Manchester, 1933)  
Auburn Street Realty Company (Concord, 1929)  
Ayer Realty Company (Plymouth, 1933)  
Baldwin Lumber Company (Stratford, 1935)  
Banana Sales Company, Inc. (Haverhill, Mass., 1936)  
Behr-Flex, Incorporated (Manchester, 1933)  
Belknap Heel Corporation (Center Barnstead, 1937)  
Belknap Stocking Company (Laconia, 1906)  
Belmont-Bonnie Brae Inc. (            1937)  
Benson Lumber Company (Derry, 1930)  
Bethlehem Electric Company (formerly Bethlehem Electric  
Light Company, Bethlehem, 1897)  
Betty's Crystal House Candies, Incorporated (formerly Betty's  
Glasshouse Goodies, Incorporated, Manchester, 1930)  
Bockus and Kilonis Wild Animal Circus, Inc. (Manchester,  
1936)  
Boufford & Sons, J. N. (Manchester, 1928)  
Bradford Handle Co., Inc. (South Kingston, 1936)  
Brodie Electric & Automobile Company (Manchester, 1909)  
Brookside, Inc. (Manchester, 1937)  
Cadue's Garage, Inc. (Tilton, 1936)  
Camp Merriwoode, Incorporated (Stoddard, 1936)  
Campton Electric Light Company (Campton, 1928)  
Capitol City Airways, Inc. (Concord, 1937)  
Capitol Theatre, Inc. (Franklin, 1935)  
Carroll County Independent (Conway, 1925)  
Carroll County Land & Lumber Company (Ossipee, 1919)  
Cavanaugh Lumber Company, J. Carl (Manchester, 1931)

- Citizens' Construction Company (Manchester, 1921)  
Clearing House Plan, Inc., The (Manchester, 1933)  
Clientele Market, Incorporated (Manchester, 1937)  
Clover Hill Orchards Company (Wilton, 1928)  
Cocheco Engineering & Construction Co. (Rochester, 1936)  
Cole Shoe Company, B. E. (Manchester, 1929)  
Community Store (Lancaster, 1936)  
Community Wood Heel Corporation (Center Barnstead, 1933)  
Concord Air Service, Inc. (Concord, 1936)  
Concord Airport Corporation (Concord, 1926)  
Concord Atlantic Mica Company (Concord, 1936)  
Concord Manufacturing Company (Concord, 1874)  
Continental Box Company (Newmarket, 1934)  
Conway Shoe Co. (Keene, 1935)  
Cotton and Company, Incorporated, Luther E. (Exeter, 1931)  
Couture & Co. Inc. (Manchester, 1931)  
Crane & Herbert, Inc. (Manchester, 1928)  
Cronin Hotel Company, The (Wolfeborough, 1922)  
Crosby Buick, Inc. (formerly Phenix Garage, Inc., Concord, 1918)  
D-X Radio Exchange, Incorporated, The (Manchester, 1937)  
Danbury Lumber & Novelty Company (Danbury, 1927)  
Dartmouth Press, Incorporated, The (Hanover, 1915)  
Delta Sigma Alumni of Alpha Tau Omega, Inc. (Hanover, 1934)  
Davis Hardware Stores Inc. (Nashua, 1937)  
Davis Holding Company (Manchester, 1926)  
Derry Sportsmens Association (Pittsfield, 1931)  
Dodge-Freedman Live Poultry Company, Incorporated (Concord, 1936)  
Doherty Incorporated, James A. (Manchester, 1937)  
Donahue & Hamlin, Inc. (Hart's Location, 1925)  
Dramfa Corporation, The (Exeter, 1929)  
Draper-Maynard Company, The (Plymouth, 1911)  
Draper-Maynard Company, Inc., The (Plymouth, 1937)  
Durable Welt Co., Inc. (Somersworth, 1935)  
Durable Welt Shoe Co., Inc. (Exeter, 1937)  
East Andover Light & Power Company (East Andover, 1921)  
Eastern Express Co., Inc. (formerly Todd's Highway Express, Inc., Wilton, 1934)  
Eastern Heel Company (Claremont, 1936)

- Eastern Mining Co., Inc. (Alstead, 1936)  
Eaton & Son, Inc., H. A. (Littleton, 1936)  
Eddie's Furniture Company, Inc. (Manchester, 1934)  
Electric Inc. (formerly Cash Supply Company Incorporated,  
Plymouth, 1924)  
Emerson Company, C. S. (formerly The Emerson Company,  
Derry, 1925)  
Emerson Shoe Corporation, John (Rochester, 1932)  
Emerson's Sons, W. A. (Hampstead, 1906)  
Emma's Beauty Shop, Incorporated (Manchester, 1936)  
Engel-Cone Shoe Company (Laconia, 1936)  
English Inns, Inc. (Portsmouth, 1936)  
Exeter Shoe Company, Inc. (Exeter, 1929)  
Exeter Shoe Corporation (Exeter, 1937)  
Fabyan Company (Carroll, 1922)  
Fairbanks-Keefe, Inc. (Boscawen, 1936)  
Fairmont Fur Farms, Incorporated (Mont Vernon, 1930)  
Farmers' Trading Post, Inc., The (Derry, 1933)  
Field, Inc., Albert N. Parlin (formerly Austin Corbin Air-  
port, Inc., Newport, 1929)  
Franconia Hotel Company (Lincoln, 1935)  
Freedom Electric Company, The (Freedom, 1921)  
Furman-Meyers Co. of N. H., Inc. (Goffstown, 1936)  
Gable Shoe Manufacturing Company, Inc. (Raymond, 1935)  
Gardiner-Beardsell Counter Company (Nashua, 1935)  
Gauron's, Inc. (Keene, 1935)  
Geddes Motors Inc. (Keene, 1936)  
General Auto Sales, Inc. (Berlin, 1934)  
General Insurance Agency, Incorporated, The (Concord, 1935)  
Gilbert, Inc., Colgate (Walpole, 1936)  
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The principal place of business and date and year of incorporation, when given in the above list, are included for the purpose of distinguishing corporations of the same or similar names.

**2. Remedies Preserved.** No remedy against any such corporation, its stockholders or officers, for any liability previously incurred, shall be impaired hereby.

**3. Reinstatement.** Any such corporation may, within ninety days after the date that this act takes effect, reinstate itself as a corporation by the payment of any fees in arrears and the filing with the secretary of state of any annual returns required by law and a statement under oath, signed by the clerk or secretary of such corporation, that it desires that its charter or certificate of incorporation shall remain in full force and effect.

**4. Disposition of Property.** Any corporation whose charter is hereby repealed, revoked and annulled, shall, nevertheless, continue as a body corporate for the term of three years from the date that this act takes effect, for the purpose of presenting and defending suits by or against it and of gradually closing and settling its concerns and distributing its assets, including the disposition and transfer of all or any part of its property and for no other purpose; provided that the superior court shall have power at any time when it shall be made to appear, upon the petition of any interested party, that the protection of proprietary or other rights requires the doing of any act or thing by or in behalf of any such corporation to order the doing of such acts or things, and for this purpose may appoint and authorize an agent to act for and in

the name of such corporation and any action so ordered and done shall be effective corporate action.

**5. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

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## CHAPTER 292.

### AN ACT RELATING TO THE BOND ISSUE OF BELKNAP COUNTY.

#### SECTION

1. Belknap county refunding bonds.

#### SECTION

2. Issue.
3. Takes effect.

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

**1. Belknap County Refunding Bonds.** Belknap county is hereby authorized to refund its entire bond issue except one hundred and twenty thousand dollars (\$120,000) recently issued at the lowest obtainable interest.

**2. Issue.** Such refunding may be through authority of the county convention at a special meeting called for the purpose in accordance with the provisions for county bonds in chapter 38 of the Public Laws and shall not exceed the sum of two hundred and twenty-five thousand dollars.

**3. Takes Effect.** This act shall take effect upon its passage.

[Approved June 16, 1939.]

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## CHAPTER 293.

### AN ACT IN AMENDMENT OF THE CHARTER OF THE CITY OF KEENE.

#### SECTION

1. City of Keene, charter.
2. Biennial meeting.
3. Convention.
4. Mayor and councilmen.
5. Salaries.
6. Vacancies.
7. Application of laws.

#### SECTION

8. Ordinances.
9. Referendum.
10. Adoption of provisions.
11. Future change in form of government.
12. Repeal.

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

**1. City of Keene.** The legislative and administrative powers of the city of Keene shall be vested in a mayor and

ten councilmen. The city council shall consist of a mayor as *ex-officio* chairman and the ten councilmen 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. Two councilmen shall be chosen from each ward by the qualified voters thereof. Seven members shall constitute a quorum to transact all business. The city clerk shall act as clerk of the city council.

**2. Biennial Meeting.** The biennial meeting of the regular voters of the city of Keene for the choice of city and ward officers shall be held on the first Tuesday next following the first Monday in November, 1941, and biennially thereafter. All city and ward officers then elected shall hold their respective offices for four years from the first Tuesday in January next succeeding, and until others are chosen and qualified in their stead, except as hereinafter provided.

**3. Convention.** The mayor and councilmen shall meet in convention to take the oath of office on the first Tuesday of the January after they are elected, at 10:00 o'clock in the forenoon.

**4. Mayor and Councilmen.** The voters of the city of Keene shall elect at the biennial meeting of November, 1941, by plurality vote, a mayor for a term of two years, and two councilmen from each ward. That candidate for councilman who shall receive the greatest number of votes in his ward shall hold his office for the term of four years from the first Tuesday of January next thereafter and until his successor is elected and qualified. The candidate for councilman who shall receive the next greatest number of votes in his ward shall hold his office for the term of two years from the first Tuesday of January next thereafter and until his successor is elected and qualified. In case of a tie vote in any ward for the two candidates who receive the greatest number of votes, the city clerk shall determine by lot who shall be councilman for four, and who shall be councilman for two, years. Thereafter one councilman shall be elected in each ward at each biennial election for a term of four years as provided in section 2.

**5. Salaries.** The city council shall have the powers vested in like city bodies by statute and may make rules and ordinances pertaining to the city which are not inconsistent there-

with. The first city council elected under the provisions of this act shall determine the salary of the mayor, but not to exceed twelve hundred dollars per year, salaries of the councilmen, not to exceed one hundred dollars per year each, and the salaries of other city officers. Thereafter the salary of the mayor and councilmen, within the aforementioned limits, may be increased or decreased by the affirmative vote of seven members of the city council taken at a regular meeting, notice of such proposed increase or decrease having been given at a regular meeting at least thirty days previously. The salaries of the mayor and councilmen shall not be increased during their term of office.

**6. Vacancies.** When a vacancy occurs in the office of mayor by death, resignation, or otherwise, that vacancy shall be filled under the provisions of sections 5 and 6, chapter 51, of the Public Laws or amendments thereto, except that a member of the council shall be eligible for the election to the office of mayor. Vacancies in the city council shall be filled as provided in section 7, chapter 52, Public Laws.

**7. Application of Laws.** The Public Laws of the state so far as they relate to the powers and duties of mayors of cities; to the powers and duties of city councils; to the nominations and election of city officers; to the preparing, printing and preservation of ballots and check-lists for use at such elections, and all other laws then in effect in the city of Keene shall continue in full force and effect in the government of the city, except so far as they are repealed and modified by the provisions hereof.

**8. Ordinances.** All valid ordinances of the city of Keene in effect on the first Tuesday of January, 1942, when this act shall become effective, shall continue in full force and effect unless they are repealed, modified, or otherwise changed by this enactment or by the city council as established by section 1 hereof.

**9. Referendum.** This act shall not take effect unless it is adopted by a majority vote at the next regular municipal election to be held in the city of Keene on the Tuesday next following the first Monday in November, 1939. The selectmen of the several wards in said city shall insert in their warrant for said election, an article providing for taking the sense of the qualified voters upon the following question: Shall

the provisions of an act entitled "An Act in amendment of the charter of the city of Keene," be adopted? The city clerk shall, in preparing the ballots for said election, place upon the face of said ballots the question: "Shall the provisions of an act entitled 'An Act in amendment of the charter of the city of Keene,' 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. Only those ballots which have been marked with a preference on said question shall be counted in determining the result of said vote.

**10. Adoption of Provisions.** If the provisions of said act are adopted at said election by a majority vote, said provisions shall take effect as follows: So much as relates to the preliminaries for and the holding and conduct of the first municipal primary and election shall take effect upon such adoption. For all other purposes, the act shall take effect on the first Tuesday of January, 1942.

**11. Future Change in Form of Government.** Said city may from time to time modify, in whole or in part, its form of government above set forth and adopt instead thereof a bicameral form, a city manager form, or any other form of local government which shall conform to and not conflict with the laws of the state, under such rules and regulations as the city council, or such body as may be substituted therefor, may prescribe.

**12. Repeal.** All acts and parts of acts inconsistent herewith are hereby repealed.

[Approved June 17, 1939.]

STATE OF NEW HAMPSHIRE

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Office of Secretary of State,  
Concord, September 20, 1939.

I hereby certify that the acts and resolutions and changes of names contained in this volume have been compared with the originals in this office and found to be correctly printed.

ENOCH D. FULLER,  
*Secretary of State.*

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PREPARED BY

MARION G. ALEXANDER





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TO  
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