













ACTS  
AND  
RESOLVES  
PASSED BY THE  
General Court of Massachusetts,

IN THE YEAR

1888,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,  
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING  
CHANGES IN THE STATUTES, CHANGES OF  
NAMES OF PERSONS, ETC., ETC.

PUBLISHED BY THE  
SECRETARY OF THE COMMONWEALTH.



BOSTON :

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,

No. 18 Post Office Square.

1888.





# A CONSTITUTION

OR

## FORM OF GOVERNMENT

FOR THE

Commonwealth of Massachusetts.

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### PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic, how formed. Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into

an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

## PART THE FIRST.

### *A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.*

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein. 2 Cush. 104. 12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession of sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI, substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of GOD, and of public instructions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public Protestant teachers

Legislature empowered to compel provision for public worship;

of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, etc.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. 8 Met. 162. Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, etc.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man

Service rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of gov-  
ernment; right  
of people to  
institute and  
change it.

VII. Government is instituted for the common good ; for the protection, safety, prosperity, and happiness of the people ; and not for the profit, honor, or private interest of any one man, family, or class of men : Therefore the people alone have an incontestible, unalienable, and indefeasible right to institute government ; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people  
to secure rota-  
tion in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life ; and to fill up vacant places by certain and regular elections and appointments.

All, having the  
qualifications  
prescribed,  
equally eligible  
to office.  
For the defini-  
tion of "inhabit-  
ant," see Ch. 1,  
Sect. 2, Art. 11.  
Right of protec-  
tion and duty of  
contribution  
correlative.

IX. All elections ought to be free ; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Taxation found-  
ed on consent.  
16 Mass. 326.  
1 Pick. 418.  
7 Pick. 344.  
12 Pick. 181, 467.  
16 Pick. 87.  
23 Pick. 390.  
7 Met. 388.  
4 Gray, 474.  
7 Gray, 363.  
14 Gray, 154.  
1 Allen, 150.  
4 Allen, 474.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection ; to give his personal service, or an equivalent, when necessary : but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Private prop-  
erty not to be  
taken for public  
uses without,  
etc.  
6 C'ush. 327.  
14 Gray, 155.  
16 Gray, 417,  
431.

1 Allen, 150. 103 Mass. 120, 624. 113 Mass. 45. 127 Mass. 50, 52,  
11 Allen, 530. 106 Mass. 356, 362. 116 Mass. 463. 358, 363, 410, 413.  
12 Allen, 223, 230. 108 Mass. 202, 213. 126 Mass. 428, 441. 129 Mass. 559.  
100 Mass. 544, 510. 111 Mass. 130.

Remedies, by  
recourse to the  
law, to be free,  
complete and  
prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it ;

completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially, and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

Prosecutions regulated.  
8 Pick. 211.  
10 Pick. 9.  
18 Pick. 434.  
21 Pick. 542.  
2 Met. 329.  
12 Cush. 246.  
1 Gray, 1.  
5 Gray, 160.  
8 Gray, 329.  
10 Gray, 11.  
11 Gray, 438.  
2 Allen, 361.  
11 Allen, 238-240, 264, 439, 473.  
12 Allen, 170.  
97 Mass. 579, 573.  
100 Mass. 287, 295.  
105 Mass. 418.

107 Mass. 172, 180.      118 Mass. 443, 451.      122 Mass. 332.      127 Mass. 550, 554.  
108 Mass. 5, 6.      120 Mass. 118, 120.      124 Mass. 464.      129 Mass. 559.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, etc.  
8 Gray, 329, 373.  
105 Mass. 418.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the great securities of the life, liberty, and property of the citizen.

Crimes to be proved in the vicinity.  
2 Pick. 559.  
121 Mass. 61, 62.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Right of search and seizure regulated.  
Const. of U. S., Amend't IV.  
2 Met. 329.  
5 Cush. 369.  
1 Gray, 1.  
13 Gray, 454.  
10 Allen, 403.  
109 Mass. 136, 139.  
126 Mass. 269, 273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, etc.  
Const. of U. S., Amend't VII.  
2 Pick. 382.  
7 Pick. 366.  
5 Gray, 144.  
8 Gray, 373.  
11 Allen, 574, 577.  
102 Mass. 45, 47.

114 Mass. 388, 390.      122 Mass. 505, 516.      125 Mass. 182, 185.  
120 Mass. 320, 321.      123 Mass. 590, 593.      128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil. 5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent. 8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

*Ex post facto* laws prohibited. 12 Allen, 421, 424, 428, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not to convict of treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Excessive bail or fines, and cruel punishments, prohibited. 5 Gray, 482.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be quartered in any house, unless, etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt from law-martial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court. 3 Pick. 471. 1 Gray, 472. 4 Allen, 591. 7 Allen, 385. 195 Mass. 219, 221, 223. Tenure of their office.

Salaries.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of executive, judicial, and legislative departments. 2 Cush. 577. 2 Allen, 361. 8 Allen, 247, 253. 100 Mass. 282, 286. 114 Mass. 247, 249. 116 Mass. 317. 129 Mass. 559.

## PART THE SECOND.

*The Frame of Government.*

Title of body politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

## CHAPTER I.

## THE LEGISLATIVE POWER.

## SECTION I.

*The General Court.*

Legislative department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of time, etc., see amendments, Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto. 99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases,

Bill may be passed by two-thirds of each house, notwithstanding.



the votes of both houses shall be determined by yeas and nays ; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same : whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed ; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without ; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof ; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for ; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. § Mass. 567.

General court may constitute judicatories, courts of record, etc.  
8 Gray, 1.  
12 Gray, 147, 154.

Courts, etc., may administer oaths.

General court may enact laws, etc.  
9 Gray, 426.  
4 Allen, 473.  
12 Allen, 223, 237.  
100 Mass. 544, 557.  
116 Mass. 467, 470.

may enact laws, etc., not repugnant to the constitution.  
6 Allen, 558.

may provide for the election or appointment of officers.  
115 Mass. 602.

may prescribe their duties.

may impose taxes, etc.  
 12 Mass. 252.  
 5 Allen, 428.  
 6 Allen, 558.  
 8 Allen, 247, 253.  
 10 Allen, 235.  
 11 Allen, 268.  
 12 Allen, 77, 223,  
 235, 237, 240, 298,  
 300, 312, 313, 500,  
 612.  
 93 Mass. 19.  
 100 Mass. 285.  
 104 Mass. 575,  
 585.  
 103 Mass. 267.  
 114 Mass. 338,  
 391.  
 116 Mass. 461.  
 118 Mass. 336,  
 389.  
 123 Mass. 493,  
 495.  
 127 Mass. 413.

may impose taxes, etc., to be disposed of for defence, protection, etc.  
 8 Allen, 217, 256.  
 Valuation of estates once in ten years, at least, while, etc.  
 8 Allen, 247.  
 120 Mass. 347.

this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

## CHAPTER I.

### SECTION II.

#### *Senate.*

Senate, number of, and by whom elected.  
 Superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXII.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

For provision as to co-councillors, see amendments, Art. XVI.

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz. :— Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Counties to be districts, until, etc.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors. Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV. As to cities, see amendments, Art. II. These provisions as to the qualifications of voters, superseded by amendments, Arts. III, XX, and XXVIII. Word “inhabitant” defined. See also amendments, Art. XXIII, which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

Time changed to first Wednesday of January. See amendments, Art. X.

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Senate to be final judge of elections, etc., of its own members.

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

Time changed to first Wednesday of January by amendments, Art. X  
Majority changed to plurality by amendments, Art. XIV.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Vacancies, how filled.  
Changed to election by people.  
See amendments, Art. XXIV.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Qualifications of a senator.  
Property qualification abolished.  
See amendments, Art. XIII.  
For further provision as to residence, see also amendments, Art. XXII.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Senate not to adjourn more than two days.

shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

shall try all impeachments.

Oath.  
Limitation of sentence.

of honor, trust, or profit, under this commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Quorum.  
For further provisions, see amendments, Art. XXII.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

## CHAPTER I.

### SECTION III.

#### *House of Representatives.*

Representation of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representatives, by whom chosen.  
Superseded by amendments, Arts XII and XIII., which were also superseded by amendments, Art XXI.  
7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.]

Proviso as to towns having less than 150 ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Towns liable to fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expenses of travelling to and from the general court, how paid.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Qualifications of a representative.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

New provision as to residence. See amendments, Art. XXI. Property qualifications abolished by amendments, Art. XIII.

Qualifications of a voter. These provisions superseded by amendments, Arts. III., XX., and XXVIII. See also amendments, Art. XXIII., which was annulled by Art. XXVI.

Representatives, when chosen.

House alone can impeach.

House to originate all money bills.

not to adjourn more than two days.

quorum. Superseded by amendments, Art. XXI.

to judge of returns, etc., of its own members; to choose its officers and establish its rules, etc.

may punish for certain offences. 14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the general assembly.

Senate.  
Governor and council may punish  
General limitation.  
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

## CHAPTER II.

### EXECUTIVE POWER.

#### SECTION I.

##### *Governor.*

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled — THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be — HIS EXCELLENCY.

His title.

To be chosen annually.  
Qualifications

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

Requirement of religious declaration abolished by amendments, Art. VII.

By whom chosen, if he have a majority of votes.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall,

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.



in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and [in case of an election by a majority of all the votes returned], the choice shall be by them declared and published; [but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.]

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a majority.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.

court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X. Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec-

Limitation.

Governor and council may pardon offences, except, etc.

But not before conviction.  
109 Mass. 323.

Judicial officers, etc., how nominated and appointed.  
For provisions as to election of attorney-general, see amendments, Art. XVII.

Militia officers, how elected  
Limitation of age struck out by amendments, Art. V.

How commissioned.

Election of officers.

Major-generals, how appointed and commissioned.

Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. 13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall ex-

hibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

## CHAPTER II.

### SECTION II.

#### *Lieutenant-Governor.*

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—His HONOR; and who shall be qualified, in point of [religion,] property, and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor: his title and qualifications. The requirement of belief in the christian religion was abolished by amendments, Art. VII.

How chosen. Election by plurality pro.

vided for by amendments, Art. XIV.

President of council. Lieutenant-governor a member of, except, etc.

Lieutenant-governor to be acting governor, in case, etc.

sentatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

## CHAPTER II.

### SECTION III.

#### *Council, and the Manner of settling Elections by the Legislature.*

Council. Number of councillors changed to eight. See amendments, Art. XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number: from whom, and how chosen. Modified by amendments, Arts. X and XIII. Superseded by amendments, Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators become councillors, their seats to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to have more than two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor in case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may be adjourned until, etc.

Order thereof. Superseded by amendments, Arts. XVI. and XXV.

CHAPTER II.

SECTION IV.

*Secretary, Treasurer, Commissary, etc.*

ARTICLE I. [The secretary, treasurer, and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible

Secretary, etc., by whom and how chosen. For provision as to election of secretary, treasurer, and receiver-general, and auditor and attorney-general, see amendments, Art. XVII.

Treasurer ineligible for more than five successive years.

as treasurer and receiver-general more than five years successively.

Secretary to keep records; to attend the governor and council, etc.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

## CHAPTER III.

### JUDICIARY POWER.

Tenure of all commissioned officers to be expressed  
Judicial officers to hold office during good behavior, except, etc.  
But may be removed on address.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required.  
122 Mass. 600,  
126 Mass. 557,  
561.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office.  
3 Cush. 554.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for holding probate courts.  
12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.



V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

of marriage, divorce, and alimony.  
Other provisions made by law.  
105 Mass. 327.  
116 Mass. 317.

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## CHAPTER IV.

### DELEGATES TO CONGRESS.

The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

Delegates to congress.

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## CHAPTER V.

### THE UNIVERSITY AT CAMBRIDGE AND ENCOURAGEMENT OF LITERATURE, ETC.

#### SECTION I.

#### *The University.*

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, —it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to

Harvard College.

Powers, privileges, etc., of the president and fellows, confirmed.

have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

All gifts, grants, etc., confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Who shall be overseers.

See Statutes,  
1831, 221.  
1852, 27.  
1859, 212.  
1865, 173.  
1883, 65.

Power of alteration reserved to the legislature.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

## CHAPTER V.

## SECTION II.

*The Encouragement of Literature, etc.*

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97.

## CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

Oaths, etc.

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

[“ I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God.”]

Oath of office.

“ I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God.”

Proviso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the

people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*“ I do swear,” “ and abjure,” “ oath or,” “ and abjuration,”* in the first oath, and in the second oath, the words] *“ swear and,”* and [in each of them] the words *“ So help me, God;”* subjoining instead thereof, *“ This I do under the pains and penalties of perjury.”*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz. : judge of probate — sheriff — register of probate — or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject. I. Allen, 553.

No person holding the office of judge of the supreme judicial court — secretary — attorney-general — solicitor-general — treasurer or receiver-general — judge of probate — commissary-general — [president, professor, or instructor of Harvard College] — sheriff — clerk of the house of representatives — register of probate — register of deeds — clerk of the supreme judicial court — clerk of the inferior court of common pleas — or officer of the customs, including in this description naval officers — shall at the

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible  
offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc.,  
disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money  
ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Property quali-  
fications may  
be increased.  
See amend-  
ments, Art.  
XIII.

Provisions  
respecting  
commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions re-  
specting writs.  
2 Pick. 592.  
3 Met. 58.  
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of  
former laws,  
except, etc.  
1 Mass. 59.  
2 Mass. 534.  
8 Pick. 399, 316.  
16 Pick. 167, 115.  
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of  
*habeas corpus*  
secured, except,  
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same.”

The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Officers of former government continued until, etc.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

## ARTICLES OF AMENDMENT.

Bill, etc., not approved within five days, not to become a law, if legislature adjourn in the mean time.  
3 Mass. 567.  
See Const., Ch. I., § 1, Art. 11.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court empowered to charter cities.  
122 Mass. 354.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.  
112 Mass. 200.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding

Qualifications of voters for governor, lieutenant-governor, senators and representatives.  
11 Pick. 538, 549.  
14 Pick. 341.  
14 Mass. 367.  
5 Met. 162, 298, 591, 594.  
7 Gray, 299.  
122 Mass. 595, 597.  
124 Mass. 596.



such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such elections.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

*Provided*, That when any person shall be of the denomination called Quakers, and shall decline taking said oath,

For educational qualification, see amendments, Art. XX. For provision as to those who have served in the army or navy in time of war, see amendments, Art. XXVIII.

Notaries public, how appointed and removed.

Vacancies in the offices of secretary and treasurer, how filled. This clause superseded by amendments, Art. XVII.

Commissary-general may be appointed, in case, etc.

Militia officers, how removed.

Who may vote for captains and subalterns.

Oath to be taken by all officers. See Const., Ch. VI., Art. I.

Proviso. Quakers may affirm.

he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility  
of offices.  
122 Mass. 445,  
609.  
123 Mass. 555.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer, and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia officers excepted.

Amendments to  
constitution,  
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the quali-

fied voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first

Commencement  
of political year,

and termination.

Meetings for the  
choice of gov-  
ernor, lieuten-  
ant-governor,  
etc., when to be  
held.  
This clause  
superseded by  
amendments,  
Art. XV.

Article, when to  
go into opera-  
tion.

election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of GOD and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred

Inconsistent provisions annulled.

Religious freedom established. See Dec. of Rights, Art. III.

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was suspended by amendments, Art. XIII, which was also suspended by amendments, Art. XXI. Representatives, how apportioned.

and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

Provisions as to census superseded by amendments, Arts XXI and XXII. Senatorial districts declared permanent. Provisions as to senators superseded by amendments, Art. XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

122 Mass. 595.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, till up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Qualifications of councillors.

Freehold as a qualification for a seat in general court or council not required.

Art. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

Art. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

Eight councillors to be chosen by the people. 122 Mass. 595, 593.

Legislature to district state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, XXV.

Organization of the government.

ART. XVII. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the



manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintend-

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

School moneys not to be applied for sectarian schools. For original provision as to schools, see constitution, Part First, Art. III.

12 Allen, 500,  
508.  
103 Mass. 94, 96,

Legislature to  
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people.  
8 Gray, 1.  
13 Gray, 74.  
110 Mass. 172,  
173.

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Proviso.  
For other quali-  
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Art. XXVI.

Census of legal  
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See P. S. c. 31.

House of repre-  
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members.  
Legislature to  
apportion, etc.  
10 Gray, 613.

once of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth;

and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

One hundred members a quorum.

Census, etc. See P. S. c. 31.

- thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.
- ART. XXIII.** [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]
- ART. XXIV.** Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.
- ART. XXV.** In case of a vacancy in the council, from a failure of election, or other cause, the senate and house
- Voters to be basis of apportionment of senators.
- Senate to consist of forty members.
- Senatorial districts, etc.
- See amendments, Art. XXIV.
- Qualifications of senators.
- Sixteen members a quorum.
- Residence of two years required of naturalized citizens, to entitle to suffrage or make eligible to office. This article annulled by Art. XXVI.
- Vacancies in the senate.
- Vacancies in the council.

of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Officers of Harvard College may be elected members of general court.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax.

Persons having served in the U. S. army or navy, etc., not to be disqualified from voting, etc.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this Commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

## CONSTITUTION OF THE

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

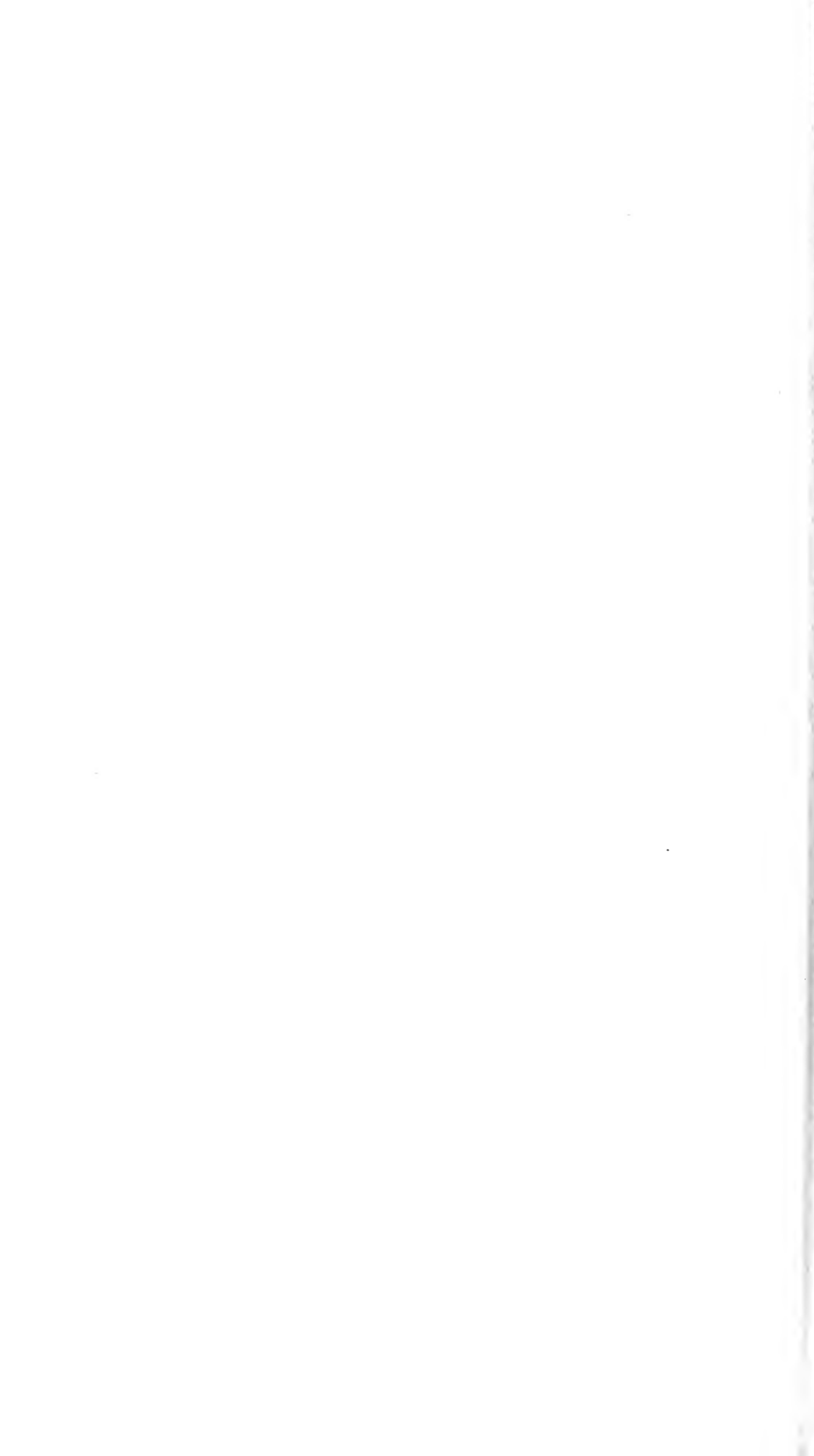
The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.





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ACTS AND RESOLVES

OF

MASSACHUSETTS.

---

1888.

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187 The General Court of 1888 assembled on Wednesday, the fourth day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect were taken and subscribed by His Excellency OLIVER AMES, and His Honor JOHN Q. A. BRACKETT, on Thursday, the fifth day of January, in the presence of the two Houses assembled in convention.

# ACTS AND RESOLVES.

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AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE FOR THE *Chap. 1*  
GENERAL COURT.

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

SECTION 1. The clerk of the senate and the clerk of the house of representatives may each employ, from time to time, such additional clerical assistance as may be necessary for the despatch of public business, and they may each incur therefor an expense not exceeding fifteen hundred dollars in any one year. Clerks of senate and house may employ additional clerical assistance.

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

*Approved January 17, 1888.*

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE *Chap. 2*  
GOVERNMENT FOR THE PRESENT YEAR.

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except as herein provided, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-eight, to wit : — Appropriations.

## LEGISLATIVE DEPARTMENT.

For the salaries of the clerks of the senate and house of representatives, three thousand dollars each. Clerks of senate and house.

For the salaries of the assistant clerks of the senate and house of representatives, one thousand five hundred dollars each. Assistant clerks.

Sergeant-at-arms.	For the salary of the sergeant-at-arms, three thousand dollars.
Clerk.	For the salary of the clerk of the sergeant-at-arms, one thousand eight hundred dollars.
Engineer.	For the salary of the engineer at the state house, one thousand five hundred dollars.
Watchmen.	For the salaries of the watchmen at the state house, one thousand dollars each.
Sergeant-at-arms' messengers.	For the salaries of the three messengers to the sergeant-at-arms, known as sergeant-at-arms messengers, eleven hundred dollars each.
Firemen and janitor.	For the salaries of the fireman at the state house, and fireman and janitor at the Commonwealth building, nine hundred dollars each.
Assistant fireman.	For the salary of the assistant fireman at the state house, two dollars and one-half per diem, for each day employed.

## EXECUTIVE DEPARTMENT.

Lieutenant-governor, council.	For the compensation of the lieutenant-governor, two thousand dollars, and for the executive council, six thousand four hundred dollars.
Travelling expenses.	For the travelling expenses of the executive council, five hundred dollars.
Private secretary.	For the salary of the private secretary of the governor, two thousand dollars.
Executive clerk.	For the salary of the executive clerk of the governor and council, one thousand seven hundred dollars.
Messenger.	For the salary of the messenger of the governor and council, one thousand dollars.

## SECRETARY'S DEPARTMENT.

Secretary.	For the salary of the secretary of the Commonwealth, three thousand dollars.
First clerk.	For the salary of the first clerk in the secretary's department, two thousand dollars.
Second clerk.	For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars.
Third clerk.	For the salary of the third clerk in the secretary's department, one thousand five hundred dollars.
Extra clerks and messenger.	For a messenger, and such additional clerical assistance as the secretary may find necessary, a sum not exceeding eleven thousand dollars.

## TREASURER'S DEPARTMENT.

For the salary of treasurer and receiver-general, five thousand dollars. Treasurer.

For the salary of the first clerk in the treasurer's department, two thousand five hundred dollars. First clerk.

For the salary of the second clerk in the treasurer's department, two thousand dollars. Second clerk.

For the salary of the cashier in the treasurer's department, two thousand dollars. Cashier.

For the salary of the third clerk in the treasurer's department, one thousand four hundred dollars. Third clerk.

For the salary of the fund clerk in the treasurer's department, one thousand four hundred dollars. Fund clerk.

For the salary of the receiving teller in the treasurer's department, one thousand four hundred dollars. Receiving teller.

For the salary of the paying teller in the treasurer's department, one thousand two hundred dollars. Paying teller.

For such additional clerical assistance in the treasurer's department as may be necessary for the despatch of public business, a sum not exceeding one thousand dollars. Extra clerks.

## TAX COMMISSIONER'S DEPARTMENT.

For the salary of the deputy tax commissioner, three thousand dollars. Deputy tax commissioner.

For the salary of the first clerk in the office of the deputy tax commissioner, two thousand dollars. First clerk.

For the salary of the second clerk in the office of the deputy tax commissioner, one thousand five hundred dollars. Second clerk.

For such additional clerical assistance as the deputy tax commissioner and commissioner of corporations may find necessary for the despatch of public business, a sum not exceeding fourteen thousand dollars. Extra clerks.

## AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, three thousand dollars. Auditor of accounts.

For the salary of the first clerk in the auditor's department, two thousand dollars. First clerk.

For the salary of the second clerk in the auditor's department, one thousand seven hundred dollars. Second clerk.

For the salaries of the two extra clerks in the auditor's department, one thousand two hundred dollars each; and Extra clerks.

for such additional clerical assistance as the auditor may find necessary, a sum not exceeding five hundred dollars.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general.	For the salary of the attorney-general, four thousand dollars.
Assistant.	For the salary of the assistant attorney-general, two thousand dollars.
Law clerk.	For the salary of a law clerk to the attorney-general, one thousand dollars.

COMMISSIONERS ET AL.

Commissioners on savings banks.	For the salaries of the commissioners on savings banks, six thousand dollars.
First and second clerks.	For the salary of the first clerk of the commissioners on savings banks, one thousand five hundred dollars; for the salary of the second clerk of said commissioners, nine hundred dollars.
Insurance commissioner.	For the salary of the insurance commissioner, three thousand dollars.
Deputy.	For the salary of the deputy insurance commissioner, two thousand five hundred dollars.
First clerk.	For the salary of the first clerk of the insurance commissioner, two thousand dollars.
Second clerk.	For the salary of the second clerk of the insurance commissioner, one thousand five hundred dollars.
Third clerk.	For the salary of the third clerk of the insurance commissioner, one thousand two hundred dollars.
Extra clerks.	For such additional clerks and assistants as the public business in his charge may require, a sum not exceeding eight thousand dollars.
Inspectors of gas meters.	For the salary of the inspector of gas meters, two thousand dollars; for the salary of the assistant inspector of gas meters, one thousand two hundred dollars.
Commissioners of prisons, secretary.	For the salary of the secretary of the commissioners of prisons, two thousand five hundred dollars.
Clerical assistance.	For clerical assistance in the office of the commissioners of prisons, a sum not exceeding one thousand seven hundred dollars.
Agents.	For salaries of agents to the commissioners of prisons, a sum not exceeding two thousand four hundred dollars.
Railroad commissioners.	For salaries of the railroad commissioners, eleven thousand dollars.



For the salary of the clerk of the railroad commissioners, two thousand five hundred dollars.	Clerk.
For the salary of the accountant of the railroad commissioners, two thousand five hundred dollars.	Accountant.
For the salary of the assayer and inspector of liquors, one thousand two hundred dollars.	Assayer and inspector of liquors.
For the salary of the chief of the bureau of statistics of labor, two thousand five hundred dollars.	Chief, bureau of statistics of labor.
For the salary of the first clerk in the bureau of statistics of labor, one thousand five hundred dollars.	First clerk.
For the salary of the second clerk in the bureau of statistics of labor, one thousand three hundred dollars.	Second clerk.
For such additional assistance, and for the necessary expenses of the bureau of statistics of labor, as may be necessary, a sum not exceeding five thousand dollars.	Additional assistance and expenses.
For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding six thousand five hundred dollars.	Statistics of manufactures.
For the salary of the third commissioner on state aid, one thousand eight hundred dollars.	Commissioner on state aid.
For clerical assistance, salary and expenses of agents, and other necessary expenses of the commissioners on state aid, a sum not exceeding six thousand two hundred and forty dollars.	Clerical assistance and expenses.
For salaries of the harbor and land commissioners, five thousand five hundred dollars.	Harbor and land commissioners.
For the compensation and expenses of the engineer, for clerical and other assistants authorized by the harbor and land commissioners, a sum not exceeding thirty-three hundred dollars.	Engineer and assistants.
For the salary of the chief examiner of the civil service commission, two thousand five hundred dollars; and for the salary of the secretary of said commission, one thousand two hundred dollars.	Civil service commission.
For the salaries of the gas commissioners, eight thousand dollars; and for the compensation and expenses of the clerk of the gas commissioners, a sum not exceeding two thousand dollars.	Gas commissioners.
For the salary of the controller of county accounts, two thousand five hundred dollars; and for the salaries of the clerks of the controller of county accounts, three thousand dollars.	Controller of county accounts.

Board of arbitration. For the salaries of the members of the state board of arbitration, six thousand dollars: and for the salary of the clerk of said board, nine hundred dollars.

#### AGRICULTURAL DEPARTMENT.

Secretary, board of agriculture. For the salary of the secretary of the board of agriculture, two thousand five hundred dollars.

Clerk. For the salary of the clerk of the secretary of the board of agriculture, one thousand two hundred dollars.

Clerical assistance. Lectures. For other clerical assistance in the office of the secretary of the board of agriculture, and for lectures before the board at its annual and other meetings, a sum not exceeding eight hundred dollars.

#### EDUCATIONAL DEPARTMENT.

Secretary, board of education. For the salary and expenses of the secretary of the board of education, three thousand four hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Assistant librarian and clerk. For the salary of the assistant librarian and clerk of the board of education, two thousand five hundred dollars.

Clerical assistance. For such clerical assistance in the state library as may be found necessary, a sum not exceeding two thousand five hundred dollars.

Purchase of books. For the purchase of books for the state library, three thousand three hundred dollars.

#### MILITARY DEPARTMENT.

Adjutant-general. For the salary of the adjutant-general, three thousand six hundred dollars.

First clerk. For the salary of the first clerk in the adjutant-general's department, two thousand dollars.

Second clerk. For the salary of the second clerk in the adjutant-general's department, one thousand six hundred dollars.

Additional clerk. For the salary of an additional clerk in the adjutant-general's department, one thousand six hundred dollars.

Extra clerks. For the salaries of two extra clerks in the adjutant-general's department, one thousand two hundred dollars each.

Messenger. For the salary of the messenger in the adjutant-general's department, eight hundred dollars.

Additional clerical assistance. For such additional clerical assistance as the adjutant-general may find necessary, and for compensation of

employees at the state arsenal, a sum not exceeding five thousand five hundred dollars. Employees at arsenal.

For the salary of the surgeon-general, one thousand two hundred dollars. Surgeon-general.

## MISCELLANEOUS.

For the salary of the secretary of the state board of health, two thousand five hundred dollars. Secretary, board of health.

For the arrangement and preservation of state records and papers under the direction of the secretary of the Commonwealth, a sum not exceeding five thousand dollars. State records and papers.

For the completion of the decennial census of the year eighteen hundred and eighty-five, a sum not exceeding two thousand dollars. Decennial census.

For the salaries of the agents for the commissioners of prisons, for the year eighteen hundred and eighty-seven, eight hundred and sixty dollars and seventy-five cents. Agents, commissioners of prisons.

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

*Approved January 24, 1888.*

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND MILEAGE OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, AND FOR EXPENSES IN CONNECTION THEREWITH.

## Chap. 3

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to wit:— Appropriations.

For compensation of senators, thirty thousand seven hundred and fifty dollars. Senators, compensation.

For mileage of senators, a sum not exceeding four hundred and fifty dollars. Mileage.

For compensation of representatives, one hundred and eighty thousand seven hundred and fifty dollars. Representatives, compensation.

For mileage of representatives, a sum not exceeding two thousand five hundred dollars. Mileage.

For compensation of the chaplains of the senate and house of representatives, three hundred dollars each. Chaplains.

For the salaries of the doorkeepers of the senate and house of representatives, fourteen hundred dollars each. Doorkeepers.

For compensation of the assistant doorkeepers, postmaster, messengers and pages to the senate and house of Postmaster, messengers and pages.

representatives, a sum not exceeding twenty-three thousand one hundred dollars.

Contingent and necessary expenses.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding seven thousand dollars.

Summoning witnesses.

For expenses of summoning witnesses before committees and for fees for such witnesses, a sum not exceeding two hundred dollars.

Expenses of committees.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding ten thousand dollars.

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

*Approved January 28, 1888.*

#### Chap. 4

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE JUDICIAL DEPARTMENTS OF THE GOVERNMENT DURING THE PRESENT YEAR.

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

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-eight, to wit:—

#### SUPREME JUDICIAL COURT.

Supreme judicial court, — clerk.

For the salary of the clerk of the supreme judicial court, three thousand dollars.

Reporter.

For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars.

Officers and messenger.

For the salaries of the officers and messenger of the supreme judicial court, sixteen hundred dollars.

Clerk of Suffolk county.

For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars.

Expenses.

For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

#### SUPERIOR COURT.

Superior court, — chief justice.

For the salary of the chief justice of the superior court, fifty-three hundred dollars.

Associate justices.

For the salaries of the eleven associate justices of the superior court, fifty-five thousand dollars.

## COURTS OF PROBATE AND INSOLVENCY.

For the salary of the judge of probate and insolvency for the county of Suffolk, five thousand dollars. Judges, probate and insolvency, — Suffolk, Middlesex.

For the salary of the judge of probate and insolvency for the county of Middlesex, three thousand five hundred dollars. Worcester.

For the salary of the judge of probate and insolvency for the county of Worcester, three thousand dollars. Essex.

For the salary of the judge of probate and insolvency for the county of Essex, three thousand dollars. Norfolk.

For the salary of the judge of probate and insolvency for the county of Norfolk, twenty-five hundred dollars. Bristol.

For the salary of the judge of probate and insolvency for the county of Bristol, two thousand dollars. Plymouth.

For the salary of the judge of probate and insolvency for the county of Plymouth, two thousand dollars. Berkshire.

For the salary of the judge of probate and insolvency for the county of Berkshire, sixteen hundred dollars. Hampden.

For the salary of the judge of probate and insolvency for the county of Hampden, twenty-five hundred dollars. Hampshire.

For the salary of the judge of probate and insolvency for the county of Hampshire, fourteen hundred dollars. Franklin.

For the salary of the judge of probate and insolvency for the county of Franklin, fourteen hundred dollars. Barnstable.

For the salary of the judge of probate and insolvency for the county of Barnstable, twelve hundred dollars. Nantucket.

For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars. Dukes County.

For the salary of the judge of probate and insolvency for the county of Dukes county, six hundred dollars. Registers, — Suffolk.

For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars. Middlesex.

For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars. Worcester.

For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars. Essex.

For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars. Norfolk.

For the salary of the register of probate and insolvency for the county of Norfolk, fifteen hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Bristol, eighteen hundred dollars.

- Plymouth. For the salary of the register of probate and insolvency for the county of Plymouth, fifteen hundred dollars.
- Hampden. For the salary of the register of probate and insolvency for the county of Hampden, eighteen hundred dollars.
- Berkshire. For the salary of the register of probate and insolvency for the county of Berkshire, sixteen hundred dollars.
- Hampshire. For the salary of the register of probate and insolvency for the county of Hampshire, fourteen hundred dollars.
- Franklin. For the salary of the register of probate and insolvency for the county of Franklin, fourteen hundred dollars.
- Barnstable. For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars.
- Nantucket. For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars.
- Dukes county. For the salary of the register of probate and insolvency for the county of Dukes county, six hundred dollars.
- Assistant registers, — Suffolk. For the salary of the assistant register of probate and insolvency for the county of Suffolk, two thousand dollars.
- Middlesex. For the salary of the assistant register of probate and insolvency for the county of Middlesex, fifteen hundred dollars.
- Worcester. For the salary of the assistant register of probate and insolvency for the county of Worcester, fifteen hundred dollars.
- Essex. For the salary of the assistant register of probate and insolvency for the county of Essex, eighteen hundred dollars.
- Norfolk. For the salary of the assistant register of probate and insolvency for the county of Norfolk, eleven hundred dollars.
- Clerk, Suffolk. For the salary of the clerk to the register of probate and insolvency for the county of Suffolk, twelve hundred dollars.
- Clerical assistance, Suffolk. For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, twelve hundred dollars.
- Clerical assistance, Middlesex. For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding fifteen hundred dollars.
- Clerical assistance, Essex. For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding one thousand dollars.

For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding eight hundred dollars. Clerical assistance, Worcester.

For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, a sum not exceeding sixty-four hundred dollars. Clerical assistance in the several counties.

For expenses of courts of probate and insolvency, a sum not exceeding two thousand dollars. Expenses.

## DISTRICT ATTORNEYS.

For the salary of the district attorney for Suffolk district, five thousand dollars. District attorney, Suffolk.

For the salary of the first assistant district attorney for Suffolk district, twenty-eight hundred dollars. First assistant.

For the salary of the second assistant district attorney for Suffolk district, twenty-five hundred dollars. Second assistant.

For the salary of the clerk for the district attorney for Suffolk district, twelve hundred dollars. Clerk.

For the salary of the district attorney for the northern district, twenty-four hundred dollars. District attorney, — northern district.

For the salary of the district attorney for the eastern district, twenty-four hundred dollars. Eastern district.

For the salary of the district attorney for the southeastern district, eighteen hundred dollars. Southeastern district.

For the salary of the district attorney for the southern district, eighteen hundred dollars. Southern district.

For the salary of the district attorney for the middle district, twenty-one hundred dollars. Middle district.

For the salary of the district attorney for the western district, twenty-one hundred dollars. Western district.

For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars. Northwestern district.

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

*Approved January 28, 1888.*

AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, PURCHASE OF PAPER, PUBLISHING LAWS, AND PREPARING TABLES AND INDEXES RELATING TO THE STATUTES.

*Chap. 5*

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day Appropriations.

of December in the year eighteen hundred and eighty-eight, to wit : —

Printing and binding public documents.

For printing and binding the series of public documents, under the direction of the secretary of the Commonwealth, a sum not exceeding thirty thousand dollars.

Pamphlet edition of acts and resolves.

For printing the pamphlet edition of the acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding twenty-five hundred dollars.

“Blue book” edition of acts and resolves.

For printing and binding the “blue book” edition of the acts and resolves of the present year, with the governor’s message, and other matters in the usual form, a sum not exceeding thirty-five hundred dollars.

Newspaper publication of laws, etc.

For the newspaper publication of the general laws, and all information intended for the public, a sum not exceeding five hundred dollars.

Term reports.

For reports of decisions of the supreme judicial court, a sum not exceeding twenty-four hundred dollars.

Assessors’ books and blanks.

For assessors’ books and blanks furnished cities and towns by the secretary of the Commonwealth, a sum not exceeding one thousand dollars.

Registration.

For registration books and blanks, indexing returns, and editing the registration report, a sum not exceeding two thousand dollars.

Paper for state printing.

For the purchase of paper for the Commonwealth, used in the execution of the contract for the state printing, under the direction of the secretary of the Commonwealth, a sum not exceeding twenty thousand dollars.

Tables and indexes.

For preparation of tables and indexes relating to the statutes of the present year and previous years, under the direction of the governor, a sum not exceeding three hundred dollars.

Legislative printing and binding.

For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding twenty-three thousand dollars.

SECTION 2. This act shall take effect upon its passage.  
*Approved January 28, 1888.*

**Chap. 6**

AN ACT IN RELATION TO THE COPYING OF CERTAIN PLANS AND RECORDS IN THE REGISTRY OF DEEDS FOR THE SOUTHERN DISTRICT OF MIDDLESEX COUNTY.

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

Certain records and plans in Middlesex county to be copied, etc.

SECTION 1. The county commissioners of Middlesex county are hereby empowered to cause the work of copying certain records and plans in the registry of deeds for



the southern district of said county, authorized by chapter ninety-eight of the acts of the year eighteen hundred eighty-six, to be completed and paid for in the manner therein provided, and to cause to be expended such sum in addition to the sum mentioned in section one of said act as may be necessary therefor.

SECTION 2. This act shall take effect upon its passage.  
*Approved January 30, 1888.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

*Chap. 7*

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-eight, to wit :—

Appropriations.

For the payment of salaries, wages and labor at the state industrial school for girls at Lancaster, a sum not exceeding seventy-three hundred dollars; and for other current expenses at said institution, a sum not exceeding eleven thousand three hundred dollars.

Industrial school for girls at Lancaster.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 1, 1888.*

AN ACT MAKING APPROPRIATIONS FOR COMPENSATION AND MILEAGE OF OFFICERS AND MEN OF THE VOLUNTEER MILITIA, AND FOR OTHER EXPENSES OF THE MILITARY DEPARTMENT.

*Chap. 8*

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-eight, to wit :—

Appropriations.

For compensation of officers and men of the volunteer militia, a sum not exceeding ninety-five thousand dollars.

Militia, — compensation.

For transportation of officers and men of the volunteer militia, while on military duty, a sum not exceeding eighteen thousand dollars.

Transportation

For incidental and contingent expenses of the adjutant-general's department, a sum not exceeding thirty-five hundred dollars.

Incidental expenses.

- Headquarters and armories. For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-six thousand dollars.
- Quartermaster's supplies. For quartermaster's supplies, a sum not exceeding twelve thousand dollars.
- Quartermaster-general, expenses. For incidental and contingent expenses of the quartermaster-general's department, a sum not exceeding five thousand dollars.
- Camp ground. For grading and care of the camp ground of the Commonwealth at Framingham, a sum not exceeding one thousand dollars.
- Military accounts. For military accounts in connection with the volunteer militia, not otherwise provided for, a sum not exceeding four thousand dollars.
- Medical supplies. For medical supplies for the use of the volunteer militia, a sum not exceeding five hundred dollars.
- Surgeon-general, expenses. For incidental and contingent expenses of the surgeon-general, a sum not exceeding five hundred dollars.
- Record of sailors, marines, etc. For expenses in connection with the record of Massachusetts officers, sailors and marines, a sum not exceeding two thousand dollars.
- Disposition of proceeds of sales of grass at camp ground. Any sums of money received under the provisions of section eighty-seven of chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-seven, and from the sale of grass at the state camp ground during the year eighteen hundred and eighty-eight, may be expended by the quartermaster-general, during the present year, under the direction of the governor and council, for the construction and repair of buildings or other structures on said ground.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 1, 1888.*

**Chap. 9** AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE STATE DISTRICT POLICE FORCE.

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

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses of the district police force during the year eighteen hundred and eighty-eight, to wit: —
- District police, salary of chief. For the salary of the chief of the state district police force, a sum not exceeding two thousand dollars.

For compensation of members of the state district police force, a sum not exceeding thirty-one thousand five hundred dollars. Compensation.

For travelling expenses actually paid by members of the state district police force, a sum not exceeding twelve thousand four hundred dollars. Travelling expenses.

For incidental, contingent and office expenses of the chief and members of the state district police force, a sum not exceeding thirty-five hundred dollars. Incidental and other expenses.

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

*Approved February 1, 1888.*

AN ACT TO AUTHORIZE THE SUPREME COUNCIL OF THE ROYAL ARCANUM TO HOLD ITS ANNUAL MEETINGS IN THE DISTRICT OF COLUMBIA OR DOMINION OF CANADA.

*Chap. 10*

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

The Supreme Council of the Royal Arcanum may hold its annual meetings in the district of Columbia or in any province of the Dominion of Canada wherein a grand council of said association is established; and its acts at such meetings shall have the same effect as if done within the Commonwealth. May hold annual meeting in Canada or in District of Columbia.

*Approved February 1, 1888.*

AN ACT MAKING APPROPRIATIONS FOR THE COMMONWEALTH'S FLATS IMPROVEMENT FUND AND FOR THE PRISON AND HOSPITAL LOAN SINKING FUND.

*Chap. 11*

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

The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes herein specified, to wit :— Appropriations.

For the Commonwealth's flats improvement fund, for the purpose of improving the Commonwealth's flats at South Boston, as authorized by chapter forty-six of the resolves of the year eighteen hundred and eighty-six, a sum not exceeding ten thousand dollars. Commonwealth's flats improvement fund.

For the prison and hospital loan sinking fund, as authorized by section thirty-six of chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four, the sum of sixty thousand dollars. Prison and hospital loan sinking fund

*Approved February 1, 1888.*

*Chap. 12* AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES.

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

- Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except as herein directed, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-eight: —
- State normal schools. For the support of state normal schools, a sum not exceeding seventy-one thousand eight hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes, and the excess, if any, from the treasury of the Commonwealth.
- State normal art school. For the support of the state normal art school, a sum not exceeding fifteen thousand five hundred dollars, to be paid from the moiety of the income of the Massachusetts school fund applicable to educational purposes, and the excess, if any, from the treasury of the Commonwealth.
- Teachers' institutes. For expenses of teachers' institutes, a sum not exceeding two thousand dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes.
- County teachers' associations. For expenses of county teachers' associations, a sum not exceeding three hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes.
- Massachusetts teachers' association. For the Massachusetts teachers' association, the sum of three hundred dollars, to be paid out of the moiety of the income of the Massachusetts school fund applicable to educational purposes, subject to the approval of the board of education.
- Board of education, salaries, etc., of agents. For the salaries and expenses of the agents of the state board of education, a sum not exceeding thirteen thousand five hundred dollars.
- Incidental expenses. For incidental expenses of the state board of education, and of the secretary thereof, a sum not exceeding twelve hundred dollars.
- Dukes county teachers' association. For the Dukes county teachers' association, the sum of fifty dollars.
- Pupils in state normal schools. For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual

payments, to be expended under the direction of the state board of education.

For travelling and other necessary expenses of the state board of education, a sum not exceeding four hundred dollars. Travelling expenses of board.

For the Perkins institution and Massachusetts school for the blind, the sum of thirty thousand dollars. School for the blind.

For the support of Massachusetts beneficiaries in asylums for the deaf and dumb, and in other institutions of the same character, a sum not exceeding thirty-two thousand dollars. Beneficiaries in asylums for deaf and dumb.

For the Massachusetts school for the feeble-minded, the sum of twenty-five thousand dollars. School for the feeble-minded.

For contingent expenses of the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding eight hundred dollars. Contingent expenses of library.

The income of the Rogers book fund, of the Todd normal school fund, and of the two technical educational funds, shall be expended in accordance with the provisions of the various acts relating thereto. Rogers book fund and Todd normal school fund.

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

*Approved February 1, 1888.*

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PROPRIETORS OF FOREST HILLS CEMETERY.

*Chap. 13*

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

SECTION 1. The trustees of the proprietors of Forest Hills Cemetery shall annually choose one of their number to be president, who shall also be president of the corporation, and shall annually choose the treasurer and secretary of said corporation either from their own number or at large. Said trustees shall fill any vacancy or vacancies that may occur in said board of trustees, the person or persons so elected to fill such vacancy or vacancies to hold office only from the time of election by said trustees to the next annual meeting of the proprietors of the corporation. Election of officers and filling of vacancies.

SECTION 2. Said trustees shall make such by-laws not inconsistent with the laws of this Commonwealth as may be necessary or useful in conducting and controlling the affairs of said corporation. Trustees may make by-laws.

SECTION 3. All acts and parts of acts inconsistent with or contrary to the provisions of this act are hereby repealed. Repeal of inconsistent acts.

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

*Approved February 1, 1888.*

*Chap. 14* AN ACT AUTHORIZING THE OLD COLONY STEAMBOAT COMPANY TO INCREASE ITS CAPITAL STOCK.

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

May increase capital stock.

SECTION 1. The Old Colony Steamboat Company may increase its capital stock to an amount not exceeding fifteen hundred thousand dollars, the same to be fixed from time to time by vote of the stockholders, subject to the provisions of the general laws regulating the payment of capital stock.

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

*Approved February 2, 1888.*

*Chap. 15* AN ACT MAKING APPROPRIATIONS FOR INCIDENTAL, CONTINGENT AND MISCELLANEOUS EXPENSES OF THE VARIOUS DEPARTMENTS AND COMMISSIONS OF THE COMMONWEALTH.

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

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-eight, to wit: —

LEGISLATIVE DEPARTMENT.

Senate stationery.

For stationery for the senate, purchased by the clerk, a sum not exceeding nine hundred dollars.

House stationery.

For stationery for the house of representatives, purchased by the clerk, a sum not exceeding sixteen hundred dollars.

Sergeant-at-arms' stationery.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding eight hundred dollars.

Incidental and contingent expenses.

For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars.

EXECUTIVE DEPARTMENT.

Expenses of executive department.

For the contingent expenses of the executive department, the sum of three thousand dollars.

Postage, printing, etc.

For postage, printing and stationery of the executive department, a sum not exceeding eight hundred dollars.

Contingent expenses.

For the contingent expenses of the governor and council, a sum not exceeding two thousand dollars.

For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars. Postage, printing and stationery.

## STATE HOUSE EXPENSES, ETC.

For repairs, improvements and furniture at the state house, a sum not exceeding ten thousand dollars. State house repairs, etc.

For fuel and lights for the state house, a sum not exceeding six thousand dollars. Fuel and lights.

For repairs, improvements, furniture and other necessary expenses at the Commonwealth building, a sum not exceeding five thousand dollars. Commonwealth building, repairs, etc.

For repairs, improvements, furniture, rent and other necessary expenses at house number thirteen Beacon street, a sum not exceeding eight thousand dollars. Beacon street, number thirteen.

For rent of rooms for the use of the civil service commissioners, a sum not exceeding eight hundred dollars. Civil service commissioners.

For rent of rooms for the use of the bureau of statistics of labor, and for the services of a janitor, a sum not exceeding three thousand dollars. Bureau of statistics of labor, rent.

For contingent expenses of the bureau of statistics of labor, to be expended under the direction of the sergeant-at-arms, a sum not exceeding five hundred dollars. Contingent expenses.

For rent of rooms for the use of the controller of county accounts, a sum not exceeding six hundred and fifty dollars. Controller of county accounts, rent.

For expenses of running the elevators at the state house, a sum not exceeding three thousand dollars, the same to include all necessary repairs to said elevators. Expenses of running elevators.

## INCIDENTAL AND CONTINGENT EXPENSES.

For incidental expenses in the department of the secretary of the Commonwealth, a sum not exceeding three thousand dollars. Incidental expenses, secretary.

For incidental and contingent expenses in the department of the treasurer and receiver-general, a sum not exceeding twenty-two hundred and fifty dollars. Treasurer.

For incidental and contingent expenses in the department of the tax commissioner, a sum not exceeding three thousand dollars. Tax commissioner.

For expenses of the state valuation, under the direction of the deputy tax commissioner, a sum not exceeding three thousand dollars. State valuation.

Commissioner of corporations.	For incidental expenses of the commissioner of corporations, a sum not exceeding four hundred dollars.
Auditor.	For incidental expenses in the department of the auditor of the Commonwealth, a sum not exceeding eight hundred dollars.
Attorney-general.	For incidental expenses of the attorney-general, a sum not exceeding nineteen hundred and five dollars; and for expenses of civil actions, a sum not exceeding three hundred dollars.

## COMMISSIONERS, ET AL.

Harbor and land commissioners.	For travelling and other necessary expenses incidental thereto, of the harbor and land commissioners, a sum not exceeding one thousand dollars.
Incidental and contingent expenses.	For incidental and contingent office expenses of the harbor and land commissioners, a sum not exceeding five hundred dollars.
Insurance commissioner.	For incidental expenses of the department of the insurance commissioner, a sum not exceeding twenty-five hundred dollars.
Railroad commissioners.	For compensation of experts or other agents, for rent of office and for incidental and contingent expenses of the railroad commissioners, a sum not exceeding seventy-seven hundred and fifty dollars.
Commissioners on savings banks.	For travelling and incidental expenses of the commissioners on savings banks, a sum not exceeding two thousand dollars.
Gas commissioners.	For travelling and incidental expenses of the gas commissioners, a sum not exceeding one thousand dollars.
Inspectors of gas meters.	For travelling and incidental expenses of the inspector and assistant inspector of gas meters, a sum not exceeding six hundred and fifty dollars; and for furnishing such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred and fifty dollars.
Civil service commissioners.	For compensation and expenses of the civil service commissioners, a sum not exceeding twenty-five hundred dollars.
Clerical services, etc.	For clerical services, examination expenses, printing, advertising, travelling and incidental expenses of the commissioners and chief examiner, a sum not exceeding six thousand dollars.
Commissioners on inland fisheries.	For compensation and expenses of the commissioners on inland fisheries, a sum not exceeding six thousand three hundred and fifty dollars.



For travelling and office expenses of the controller of county accounts, a sum not exceeding three thousand dollars: and for rent of said office to January first of the present year, being for two months, one hundred and eight dollars and thirty-three cents: and for steam heat, a sum not exceeding one hundred dollars.

Controller of county accounts.

For travelling, incidental and contingent expenses of the state board of arbitration, a sum not exceeding thirty-one hundred dollars.

Board of arbitration.

For travelling and general expenses of the state board of health, a sum not exceeding sixty-eight hundred dollars.

Board of health.

For the payment of rent of rooms in Ticknor building for the use of the bureau of statistics of labor for storage purposes, a sum not exceeding five hundred dollars.

Bureau of statistics of labor, rent.

#### AGRICULTURAL.

For bounties to agricultural societies, nineteen thousand two hundred dollars.

Agricultural societies, bounties.

For travelling and necessary expenses of the members of the board of agriculture, a sum not exceeding sixteen hundred dollars.

Expenses of board.

For incidental expenses of the board of agriculture, a sum not exceeding five hundred dollars.

Incidental expenses.

For travelling and other necessary expenses of the secretary of the board of agriculture, a sum not exceeding three hundred and fifty dollars.

Secretary.

For the dissemination of useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding one thousand dollars.

Lectures at farmers' institutes.

For maintaining an agricultural experimental station at the Massachusetts agricultural college in the town of Amherst, the sum of ten thousand dollars.

Experimental station in Amherst.

For the Massachusetts agricultural college, for the purpose of providing eighty free scholarships, the sum of ten thousand dollars.

Agricultural college.

For the purpose of exterminating contagious diseases among horses, cattle and other animals, a sum not exceeding seven thousand dollars.

Contagious diseases among cattle, etc.

#### EXPENSES RESULTING FROM THE WAR OF THE REBELLION.

For the reimbursement of cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding three

State and military aid to volunteers and their families.

hundred and seventy-five thousand dollars; the same to be paid on or before the first day of December of the present year.

## Expenses.

For postage, printing and all other necessary expenses in carrying out the provisions of the state and military aid laws, a sum not exceeding five hundred dollars.

## Bounties to soldiers.

For payment of bounties due to Massachusetts soldiers who served in the late war, a sum not exceeding one thousand dollars.

## MISCELLANEOUS.

## Removal of wrecks, etc.

For expenses in connection with the removal of wrecks and other obstructions from tide waters, a sum not exceeding five thousand dollars.

## Moneys of insolvent corporations deposited in the treasury.

For the payment of unclaimed moneys in the hands of the receivers of certain insolvent corporations, after the same has been deposited in the treasury of the Commonwealth, a sum not exceeding five thousand dollars.

## Public administrators.

To carry out the provisions of the act relative to the payment from the treasury of the Commonwealth of funds received from public administrators, a sum not exceeding four thousand dollars.

## Roads in Mashpee.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and eighty-seven, the sum of three hundred dollars.

## Weights and measures for new towns.

For weights, measures, balances, and reports, for sundry newly incorporated towns, a sum not exceeding twenty-four hundred dollars.

## Primary, reform and industrial schools.

For travelling and other necessary expenses of the trustees of the state primary, reform and industrial schools, a sum not exceeding twelve hundred dollars.

## Inspection of milk, food and drugs.

For salaries and expenses in connection with the inspection of milk, food and drugs, a sum not exceeding ten thousand dollars.

## Appropriation of fees.

The fees under section twelve of chapter sixty of the Public Statutes are hereby appropriated to be used in accordance with the provisions of said section.

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

*Approved February 2, 1888.*

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

*Chap.* 16

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of certain expenses in excess of appropriations therefor in the year eighteen hundred and eighty-seven, to wit:—

For travelling expenses of members of the state board of agriculture, sixty-two dollars and sixty-nine cents. Board of agriculture.

For salaries at the state almshouse at Tewksbury, three hundred and forty-eight dollars and twenty-six cents; and for current expenses at said institution, twenty-five hundred and seventy-seven dollars and seventy-eight cents. State almshouse at Tewksbury.

For current expenses at the Lyman school for boys, fifteen hundred and thirty dollars and eighty-eight cents. Lyman school for boys.

For the decennial census, twelve hundred and seventy-five dollars. Decennial census.

For salaries and expenses at the state normal schools, four thousand and ninety-five dollars and twenty-eight cents. State normal schools.

For improvements on the grounds of the state normal school at Worcester, fourteen hundred and twenty-five dollars and thirty-six cents. Normal school at Worcester.

For a new building at the state normal school at Framingham, four hundred and ninety-one dollars and forty-two cents. Normal school at Framingham.

For medical examinations and inquests, fifteen dollars. Medical examinations, etc.

For printing and binding the general laws, eighty-four dollars and fifty-six cents. General laws.

For printing and binding the blue book edition of the acts and resolves, five hundred and twenty-six dollars and sixty-nine cents. Blue book.

For travelling expenses of committees, eighty-eight dollars and fifty-six cents. Expenses of committees.

For travelling expenses of the commissioners of prisons, two hundred and eighty-two dollars and twenty-nine cents. Commissioners of prisons.

Massachusetts reformatory.

For current expenses at the Massachusetts reformatory at Concord, eight thousand nine hundred and seventy-eight dollars and fifty-three cents.

Topographical survey, etc.

For expenses in connection with the topographical survey and map of Massachusetts, eighty-eight dollars and sixty cents.

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

*Approved February 8, 1888.*

**Chap. 17** AN ACT MAKING AN APPROPRIATION FOR PRINTING AND BINDING THE DECENNIAL CENSUS.

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

Appropriation.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of completing the printing and binding the decennial census, taken under the authority of chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-four:—

Decennial census.

For printing and binding the remaining copies of the decennial census, as authorized by chapter thirty-eight of the resolves of the year eighteen hundred and eighty-five, a sum not exceeding twenty thousand dollars.

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

*Approved February 8, 1888.*

**Chap. 18** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRIMARY SCHOOL AT MONSON.

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

Appropriation.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses at the state primary school at Monson, for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-eight, to wit:—

State primary school at Monson.

For salaries and wages at the state primary school at Monson, a sum not exceeding seventeen thousand dollars; and for current expenses at said institution, a sum not exceeding thirty-three thousand dollars; and for boarding out children, a sum not exceeding four thousand dollars.

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

*Approved February 8, 1888.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap. 19*  
 AT THE LYMAN SCHOOL FOR BOYS, AT WESTBOROUGH.

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for payment of salaries and expenses at the Lyman school for boys, at Westborough, for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-eight, to wit:— Appropriation.

For the payment of salaries, wages and labor at the Lyman school for boys, at Westborough, a sum not exceeding twelve thousand five hundred dollars; and for other current expenses at said institution, a sum not exceeding eighteen thousand four hundred dollars. Lyman school for boys at Westborough.

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

*Approved February 8, 1888.*

AN ACT TO INCORPORATE THE TOWN NECK LAND AND IMPROVEMENT COMPANY OF SANDWICH. *Chap. 20*

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

SECTION 1. Samuel Fessenden, Ezra T. Pope, F. S. Pope, Charles Dillingham, F. C. Eldred, George N. Chipman, George T. McLaughlin, their associates and successors, are made a corporation by the name of the Town Neck Land and Improvement Company of Sandwich, with power to purchase and hold, in fee simple or otherwise, all or any part of that tract of land situated in Sandwich, known as Town Neck, and other lands in said Sandwich, not exceeding in all five hundred acres. Town Neck Land and Improvement Company of Sandwich.

SECTION 2. Said corporation shall have power to sell and convey, lease, mortgage, or otherwise dispose of and deal with said corporate property or any part thereof, and to manage, improve, and to lay out streets and passages, and otherwise improve the same, as it shall deem expedient, with all the rights and privileges, and subject to all the duties, limitations and restrictions conferred or imposed by general laws which now are or hereafter may be in force applicable to such corporations. Powers and duties.

SECTION 3. The capital stock of said corporation shall be five thousand dollars divided into shares of fifty dollars each, and said corporation, subject to the provisions of Capital stock and shares.

law, may increase the said stock from time to time to an amount not exceeding forty-five thousand dollars.

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

*Approved February 8, 1888.*

*Chap. 21* AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRISON, MASSACHUSETTS REFORMATORY, THE REFORMATORY PRISON FOR WOMEN, AND FOR EXPENSES IN CONNECTION THEREWITH.

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

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, eighteen hundred and eighty-eight, to wit : —

State prison, salaries and expenses. For the payment of salaries and wages at the state prison at Boston, a sum not exceeding fifty-two thousand dollars ; and for other current expenses at said institution, a sum not exceeding sixty-nine thousand dollars.

Massachusetts reformatory, salaries and expenses. For the payment of salaries and wages at the Massachusetts reformatory at Concord, a sum not exceeding fifty-eight thousand dollars ; and for other current expenses at said institution, a sum not exceeding one hundred and four thousand dollars.

Reformatory prison for women, salaries and expenses. For the payment of salaries and wages at the reformatory prison for women at Sherborn, a sum not exceeding twenty-four thousand dollars ; and for other current expenses at said institution thirty-two thousand four hundred dollars.

Removing prisoners from prison for women. For expenses incurred in removing prisoners to and from the reformatory prison for women, a sum not exceeding two hundred dollars.

Removing prisoners from Massachusetts reformatory. For expenses incurred in removing prisoners to and from the Massachusetts reformatory, a sum not exceeding one thousand dollars.

Support of prisoners removed. For the payment of the cost of supporting prisoners removed from the reformatory prison for women, a sum not exceeding four hundred dollars.

Board of prisoners. For board of prisoners removed from the Massachusetts reformatory, a sum not exceeding four hundred dollars.

Aid to convicts discharged from state prison. For the salary of the agent for aiding convicts discharged from the state prison, one thousand dollars ; and for expenses of such agent, a sum not exceeding three

thousand dollars, to be used in rendering assistance to said convicts.

For the salary of the agent for aiding discharged female convicts, discharged from the prisons of the Commonwealth, a sum not exceeding seven hundred dollars; and for expenses of said agent, and for assistance to said convicts, a sum not exceeding twenty-three hundred dollars.

Aid to discharged female convicts.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding five thousand dollars.

Prisoners discharged from the Massachusetts reformatory.

For incidental and contingent expenses of the commissioners of prisons, a sum not exceeding eight hundred dollars.

Commissioners of prisons.

For travelling expenses of the commissioners of prisons and of the secretary thereof, a sum not exceeding one thousand dollars.

Travelling expenses.

For travelling expenses of the agents of the commissioners of prisons, a sum not exceeding five hundred dollars.

Expenses of agents.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars.

Fugitives from justice.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 9, 1888.*

AN ACT TO DEFINE THE MEANING OF THE WORDS "CONTRACT FOR THE LABOR OF PRISONERS", AS USED IN CHAPTER FOUR HUNDRED AND FORTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

*Chap. 22*

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

SECTION 1. The words "contract for the labor of prisoners", used in chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven, shall not be construed as applying to a contract for the manufacture of articles by the piece, under what is known as the "piece price system", with persons who furnish the materials used in such manufacture.

Contract for the labor of prisoners.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 9, 1888.*

AN ACT RELATING TO THE PRINTING AND DISTRIBUTION OF THE ANNUAL REPORTS OF THE BUREAU OF STATISTICS OF LABOR.

*Chap. 23*

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

SECTION 1. There shall be printed annually six thousand copies of the report of the bureau of statistics of

Report of the bureau of statistics of labor.

labor, to be distributed in accordance with the provisions of chapter four of the Public Statutes; and in addition thereto five hundred copies in parts, to be distributed by the bureau of statistics of labor.

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

*Approved February 9, 1888.*

*Chap. 24*

AN ACT CONCERNING THE STATE LIBRARY.

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

Five thousand dollars to be annually appropriated for the state library.

SECTION 1. Five thousand dollars shall be annually appropriated for the state library and expended under the direction of the trustees and librarian thereof in purchasing or otherwise procuring such books, maps, charts and works as they deem most useful; in binding and keeping in good condition the works in said library, and in purchasing furniture and other necessary conveniences therefor.

SECTION 2. Chapter one hundred ninety-six of the acts of the year eighteen hundred eighty-two is hereby repealed.

*Approved February 9, 1888.*

*Chap. 25*

AN ACT TO CHANGE THE NAME OF THE BRIDGMAN AND SMYTHE COMPANY.

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

Name changed.

SECTION 1. The name of the Bridgman and Smythe Company, incorporated under the general laws of the Commonwealth, is hereby changed to The William E. Smythe Company.

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

*Approved February 9, 1888.*

*Chap. 26*

AN ACT TO CHANGE THE NAME OF THE HARRELL MANUFACTURING COMPANY.

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

Name changed.

SECTION 1. The name of The Harrell Manufacturing Company, a corporation organized under the general laws of the Commonwealth, is hereby changed to the J. J. Warren Company.

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

*Approved February 9, 1888.*



AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE ALMSHOUSE AT TEWKSBURY. *Chap. 27*

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses at the state almshouse at Tewksbury, during the year ending on the thirty-first day of December, eighteen hundred and eighty-eight, to wit : —

For the payment of salaries, wages and labor at the state almshouse at Tewksbury, a sum not exceeding twenty-eight thousand three hundred dollars; and for other current expenses at said institution, a sum not exceeding seventy-one thousand eight hundred dollars.

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

*Approved February 9, 1888.*

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES. *Chap. 28*

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified, to meet sundry charitable expenses for the year ending on the thirty-first day of December in the year eighteen hundred and eighty-eight, to wit : —

STATE BOARD OF LUNACY AND CHARITY.

For travelling and other necessary expenses of the state board of lunacy and charity, a sum not exceeding sixteen hundred dollars.

For the salary and incidental expenses of the clerk and auditor of the state board of lunacy and charity, a sum not exceeding seventeen hundred dollars.

For salaries and expenses in the department of in-door poor, a sum not exceeding twenty-eight thousand dollars.

For salaries and expenses in the department of out-door poor, a sum not exceeding eighteen thousand dollars.

For salaries and expenses in the department of the inspector of charities, a sum not exceeding ten thousand dollars.

- Agent.** For salary and expenses of the prosecuting agent of the state board of lunacy and charity, a sum not exceeding fifteen hundred dollars.
- Auxiliary visitors.** For travelling and other necessary expenses of the auxiliary visitors of the state board of lunacy and charity, a sum not exceeding two thousand dollars.

## MISCELLANEOUS CHARITABLE EXPENSES.

- State paupers in lunatic hospitals.** For the support and relief of state paupers in the lunatic hospitals and asylums of the Commonwealth, a sum not exceeding one hundred and fifty-four thousand dollars.
- Transportation of paupers.** For the transportation of state paupers, a sum not exceeding fifteen thousand dollars.
- Transportation to almshouse.** For the transportation of state paupers to the state almshouse, a sum not exceeding seven hundred dollars.
- Settlement and bastardy.** For expenses attending the management of cases of settlement and bastardy, a sum not exceeding one thousand dollars.
- Neglected children.** For the care and maintenance of indigent and neglected children and juvenile offenders, a sum not exceeding fifteen thousand dollars.
- Infant asylums.** For the reimbursement of infant asylums for the support of infants having no known settlement in this Commonwealth, for the present and previous years, a sum not exceeding eighty-five hundred dollars.
- Sick state paupers.** For the support of sick state paupers by cities and towns, a sum not exceeding forty-two thousand five hundred dollars, which is made applicable for the payment of claims for the present and previous years.
- Burial of state paupers.** For the burial of state paupers by cities and towns, for the present and previous years, a sum not exceeding seventy-five hundred dollars.
- Temporary support.** For the temporary support of state paupers by cities and towns, for the present and previous years, a sum not exceeding thirteen thousand dollars.
- Outside foundlings.** For the support and transportation of outside foundlings, a sum not exceeding twelve thousand dollars.
- Paupers in school for feeble-minded.** For the support of state paupers in the Massachusetts school for the feeble-minded, a sum not exceeding five thousand dollars.
- Dangerous diseases.** For expenses incurred in connection with small pox and other diseases dangerous to the public health, a sum not exceeding five thousand dollars.

For expenses incurred in connection with medical examinations and inquests, a sum not exceeding thirty-five hundred dollars. Medical examinations and inquests.

For annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johannot, a sum not exceeding eight hundred dollars. Johannot annuities.

For annuities to soldiers and others, authorized by the legislature, a sum not exceeding twenty-nine hundred and twenty-eight dollars. Annuities to soldiers, etc.

For pensions, a sum not exceeding five hundred and twenty dollars. Pensions.

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

*Approved February 9, 1888.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE FARM AT BRIDGEWATER. *Chap. 29*

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of salaries and expenses at the state farm at Bridgewater, during the year ending on the thirty-first day of December, eighteen hundred and eighty-eight, to wit: — Appropriations.

For the payment of salaries, wages and labor at the state farm at Bridgewater, a sum not exceeding fifteen thousand three hundred dollars, and for current expenses at said institution, a sum not exceeding forty thousand three hundred dollars. Salaries, expenses, etc.

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

*Approved February 13, 1888.*

AN ACT MAKING AN APPROPRIATION FOR INVESTIGATIONS INTO THE BEST METHODS OF PROTECTING THE PURITY OF INLAND WATERS. *Chap. 30*

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

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the payment of certain expenses in connection with the protection of the purity of inland waters, during the year ending on the thirty-first day of December in the year eighteen hundred and eighty-eight, to wit: — Appropriation.

Investigations into best methods of water supplies, disposal of sewage, etc.

For providing for investigations into the best methods of assuring the purity of water supplies, disposal of sewage, for services of engineers, clerks and other assistants, made necessary and authorized by chapter two hundred and seventy-four of the acts of the year eighteen hundred and eighty-six, which requires the state board of health to have general care and oversight of all inland waters, and report measures for preventing the pollution of the same, also for the proper disposal of all sewage matter, a sum not exceeding twenty-five thousand dollars.

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

*Approved February 13, 1888.*

*Chap. 31* AN ACT MAKING AN APPROPRIATION FOR COMPENSATION AND EXPENSES OF THE JOINT SPECIAL COMMITTEE APPOINTED BY THE LEGISLATURE OF EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

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

Appropriation.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for compensation and expenses of the members of the joint special committee, appointed under an order of the legislature of the year eighteen hundred and eighty-seven, to consider the subject of the employment and schooling of children, to wit: —

Committee on employment and schooling of children.

For compensation and expenses of a joint special committee of the legislature of the year eighteen hundred and eighty-seven, a sum not exceeding twenty-five hundred and forty-five dollars and nine cents.

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

*Approved February 13, 1888.*

*Chap. 32* AN ACT IN RELATION TO THE HITCHCOCK FREE HIGH SCHOOL IN BRIMFIELD.

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

Hitchcock Free High School, fifteen trustees.

SECTION 1. Chapter two hundred and twenty-five of the acts of the year eighteen hundred and fifty-five, as amended by chapter one hundred and ninety of the acts of the year eighteen hundred and seventy-five, is hereby further amended so that the number of trustees of the Hitchcock Free High School in Brimfield shall be fifteen instead of thirteen, and any suitable person shall be eligible to the office of trustee: *provided, however, that*

at least nine of said trustees shall be residents of the town of Brimfield.

SECTION 2. The board of trustees may at such time as they shall deem best divide by lot or otherwise the board into five classes of three members each, of whom one class shall vacate office at such date thereafter as the board shall determine, and another class on the same date in each year thereafter. After such classification of the board the full term of office for the trustees shall be five years; and any vacancy during a term may be filled for the unexpired portion thereof.

Trustees to be divided into classes.

Vacancies.

SECTION 3. Out of the accumulation of the building fund the trustees may expend a sum not exceeding seven hundred dollars for the purchase of land for the use of the school and for improving the same. Whenever the accumulations of the building fund amount to the sum of eight thousand dollars, the income of the fund and of the accumulation thereafter may be applied to defray the expenses of instruction in said school: *provided, however*, that when it shall be required for the original purposes of the fund to expend any portion of the accumulation and the sum remaining after such expenditure shall be less than eight thousand dollars, the income shall be held and applied to restore the accumulation to the said sum of eight thousand dollars.

Disposition of building fund.

SECTION 4. The trustees are hereby authorized to fix and pay a reasonable sum as compensation to the treasurer for his services. Any fit person, whether one of the trustees or not, shall be eligible to the office of treasurer.

Treasurer may be compensated.

SECTION 5. The trustees may extend the privileges of the library at the school to any persons who have been connected with the school as trustees, teachers or pupils, and to teachers in the town schools while so employed.

Privileges of library.

SECTION 6. Said Hitchcock Free High School may hold real and personal property for the purposes named in its act of incorporation to an amount not exceeding two hundred thousand dollars.

Real and personal property.

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

*Approved February 13, 1888.*

**Chap. 33** AN ACT TO AMEND THE CHARTER OF THE MUTUAL BOILER INSURANCE COMPANY OF BOSTON.

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

Contingent  
mutual liability  
of policy  
holders.

SECTION 1. Section three of chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-seven is hereby amended so that it shall read as follows:— *Section 3.* Said corporation shall, in its by-laws and policies, fix the contingent mutual liability of its policy holders for the payment of losses and expenses not provided for by its cash funds. Such contingent liability shall be not less than five times the amount of the cash premium, payable at such times and in such sums as the directors of the corporation may order or assess, pursuant to the by-laws, and shall constitute the entire liability of such policy holder. The total amount of the liability shall be plainly and legibly stated on the back of each policy.

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

*Approved February 13, 1888.*

**Chap. 34** AN ACT TO AUTHORIZE THE CITY OF SALEM TO ACCEPT THE DEED OF GIFT OF MARY A. BERTRAM AND OTHERS, AND TO CARRY OUT THE PROVISIONS THEREOF.

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

May accept  
deed of Mary  
A. Bertram and  
others.

SECTION 1. All requisite power and authority is hereby given to the city of Salem, acting by the city council thereof, to accept the deed of Mary A. Bertram and others, dated December twenty-eighth, A.D. eighteen hundred and eighty-seven, for the purpose of establishing and maintaining a free public library in said city, and to carry out said purpose in the manner specified in said deed.

City of Salem  
Public Library  
Loan.

SECTION 2. Said city is hereby authorized to borrow a sum not exceeding twenty-five thousand dollars to be used for carrying out said purpose in the manner aforesaid, and it may issue therefor bonds, notes or scrip not exceeding the amount borrowed; said bonds, notes and scrip shall bear on their face the words "City of Salem Public Library Loan, act of eighteen hundred and eighty-eight", and shall be payable at the expiration of a period not exceeding twenty-five years from the date of issue, shall bear interest payable semi-annually at a rate not

exceeding six per centum per annum, and shall be signed by the mayor and treasurer of said city. The said city may sell said securities at public or private sale, or pledge the same for money borrowed for the purpose aforesaid, upon such terms and conditions as it may deem proper; or, if the board of trustees provided for in said deed is willing to invest in said bonds, notes or scrip the fund of twenty-five thousand dollars to be paid to said board by said city, the city may deliver to said board said bonds, notes or scrip with the same effect as if it had paid over to said board the proceeds of the sale of said bonds, notes or scrip, and the trustees shall have the same rights as any other purchaser or purchasers thereof.

May sell securities at public or private sale.

SECTION 3. The said city may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate instalments as will extinguish the same within the time prescribed in this act; and when such provision has been made the amount required thereby shall without further order be assessed by the assessors of said city in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes. If said city does not make such provisions, said loan shall be subject to all the provisions of section nine of chapter twenty-nine of the Public Statutes.

Payment may be provided for in annual instalments.

SECTION 4. This act shall take effect upon its acceptance by the city council of said city.

*Approved February 13, 1888.*

AN ACT TO INCORPORATE THE BEVERLY FUEL SOCIETY.

*Chap. 35*

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

SECTION 1. Elisha Whitney, Charles T. Lovett, William C. Boyden, Samuel Porter, Augustus N. Clark, William Endicott, Hezekiah O. Woodbury, John Girdler, George Roundy, Francis Norwood, Joseph H. Baker, Patrick J. Lynch, Robert R. Endicott, Edward L. Giddings, William R. Driver, Joseph C. Kilham, Thomas A. Lefavour, Robert G. Bennett, Frederick W. Choate, their associates and successors, are hereby made a corporation by the name of the Beverly Fuel Society, with the powers and subject to the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force and applicable to such corporations.

Beverly Fuel Society incorporated.

May elect officers and may make by-laws.

SECTION 2. The said corporators, their associates and successors, may elect such officers and make and ordain such by-laws and regulations as they may deem necessary for their own government, and the proper management of the funds committed to their care, and also have power to elect new members to said society.

Real and personal property not to exceed \$25,000.

SECTION 3. The said society may take and hold any real or personal property that may come into their possession either by donation or bequest to an amount not exceeding twenty-five thousand dollars and may use the income of such property and such portions of said principal sum as they may in their best judgment deem necessary for the purchase and distribution of fuel to the worthy poor of the town of Beverly.

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

*Approved February 13, 1888.*

*Chap. 36* AN ACT TO INCORPORATE THE TRUSTEES OF THE DELTA UPSILON SOCIETY OF WILLIAMS COLLEGE.

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

Corporators.

SECTION 1. Milton B. Whitney, James White, William R. Broughton, Lewis A. Jones, William W. Newell, their associates and successors, are made a corporation by the name of the trustees of the Delta Upsilon Society of Williams College, for the purpose of holding and managing the real and personal estate of the Delta Upsilon Society of Williams College, with the powers and subject to the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force and applicable to such corporations.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate for the uses of the above named society to an amount not exceeding twenty thousand dollars which shall not be exempt from taxation.

Trustees not to exceed seven in number.

SECTION 3. The trustees of said corporation shall have authority to fill all vacancies in their board: and the number of said trustees shall never exceed seven.

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

*Approved February 16, 1888.*



AN ACT TO AUTHORIZE THE TOWN OF ABINGTON TO MAKE AN  
ADDITIONAL WATER LOAN. Chap. 37

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

SECTION 1. The town of Abington, for the purposes mentioned in section five of chapter two hundred and six of the acts of the year eighteen hundred and eighty-five, may issue bonds, notes or scrip, to be denominated on the face thereof Abington Water Loan, to an amount not exceeding thirty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes: said bonds, notes or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Abington water loan by said town: *provided*, that the whole amount of such bonds, notes or scrip issued by said town for the same purposes, shall not in any event exceed the amount of one hundred and eighty thousand dollars.

May issue bonds  
not to exceed  
\$30,000.

Proviso.

SECTION 2. This act shall take effect upon its acceptance by the town of Abington at an annual meeting within two years from the passage of this act, by a majority of voters present and voting thereon.

Subject to ac-  
ceptance by the  
town.

*Approved February 16, 1888.*

AN ACT TO CHANGE THE NAME OF THE TRUSTEES OF ARMENIA COL-  
LEGE FUNDS. Chap. 38

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

SECTION 1. The name of the Trustees of Armenia College funds, a corporation organized under the general laws of the Commonwealth, is hereby changed to The Trustees of Euphrates College funds.

Name changed.

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

*Approved February 16, 1888.*

AN ACT TO INCORPORATE THE WHITMAN SAVINGS BANK. Chap. 39

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

SECTION 1. David B. Gurney, David A. Gurney, B. F. Hastings, William R. Vining, Charles F. Allen, their associates and successors, are hereby made a corporation by the name of the Whitman Savings Bank, with authority to establish and maintain a savings bank in the town of Whitman, with all the powers and privileges and subject

Whitman Sav-  
ings Bank in-  
corporated.

to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

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

*Approved February 16, 1888.*

**Chap. 40** AN ACT REQUIRING SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO CALL IN THEIR BOOKS OF DEPOSIT AT STATED INTERVALS.

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

Books of deposit to be called in for verification.

DURING the year eighteen hundred and eighty-nine and every third year thereafter savings banks and institutions for savings shall call in the books of deposit of their depositors for verification in such manner as their respective boards of trustees may elect.

*Approved February 16, 1888.*

**Chap. 41** AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE CIVIL SERVICE COMMISSION.

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

Salary established.

SECTION 1. The salary of the secretary of the civil service commission, beginning with the first day of January in the year eighteen hundred and eighty-eight, shall be fifteen hundred dollars a year, and at the same rate for any portion of a year.

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

*Approved February 16, 1888.*

**Chap. 42** AN ACT TO AUTHORIZE THE BOSTON AND PROVIDENCE RAILROAD CORPORATION TO LEASE ITS RAILROAD TO THE OLD COLONY RAILROAD COMPANY.

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

May lease road, etc., to the Old Colony Railroad Company.

SECTION 1. The Boston and Providence Railroad Corporation may make a lease of its road, property and franchise to the Old Colony Railroad Company in such manner and upon such terms and conditions as are provided by the general laws of the Commonwealth for the leasing of railroads, and the Old Colony Railroad Company may accept the same lease; and if a sinking fund is required by the terms of such lease, the provisions of section seventy-four of chapter one hundred and twelve of the Public Statutes shall not apply to the investment thereof.

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

*Approved February 17, 1888.*

## AN ACT IN RELATION TO THE NANTASKET BEACH RAILROAD.

Chap. 43

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

SECTION 1. The maintenance and operation of the Nantasket beach railroad, as now constructed from a point on the line of the Old Colony railroad in Hingham to its terminus on Windmill point in the town of Hull, under the provisions of all general laws which now are, or may hereafter be applicable to the location, maintenance, and operation of railroads, is hereby authorized, and the bonds, and mortgage of its road, franchise, and property to secure the same, made by the Nantasket Beach Railroad Company on the twenty-third day of March, in the year eighteen hundred and eighty-one, and recorded in Plymouth registry of deeds, book four hundred and sixty-three, pages two hundred and seventy-one to two hundred and seventy-four, and the foreclosure of said mortgage and sale of said property to Arthur W. Moors, trustee for the holders of said bonds, are hereby ratified and confirmed, and said Arthur W. Moors, or his successor in said trust, being thereto duly authorized, may lease, agree to sell and convey, and sell and convey said railroad, franchise and property, and any other property held in connection therewith to the Old Colony Railroad Company, which may lease or purchase the same, or any part thereof, by vote of its directors, upon such terms and conditions as they and said Moors, trustee, or his successor in said trust, may agree.

Maintenance of road authorized, and foreclosure of mortgage, etc., ratified.

Road may be leased to the Old Colony Railroad Company.

SECTION 2. If the Old Colony Railroad Company shall lease said railroad, it shall have all the powers and privileges in relation thereto, and in relation to the taking of land or other property for additional tracks, depot, and station purposes, or the building of branches or extensions thereof, or any other purpose for which railroad corporations may hereafter be authorized to take land or property, which it has, or may have, in relation to its own road; but said railroad shall not be required to be operated during the winter season, provided other accommodations are furnished by the corporation in possession of the road to the satisfaction of the board of railroad commissioners, which accommodations such corporation is authorized to furnish.

Powers and privileges if lease is made.

Accommodations during the winter season. ●

SECTION 3. Nothing herein contained shall be construed to diminish, affect or impair the existing rights

Certain rights and remedies not impaired.

and remedies against the Nantasket Beach Railroad Company secured to the owners of land and other property under chapter one hundred and twelve of the Public Statutes; and such owners shall have the same rights and remedies against the Old Colony Railroad Company as they now have against the Nantasket Beach Railroad Company.

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

*Approved February 17, 1888.*

*Chap. 44* AN ACT TO AUTHORIZE THE SEAMEN'S WIDOW AND ORPHAN ASSOCIATION OF SALEM TO HOLD ADDITIONAL REAL AND PERSONAL PROPERTY.

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

May hold additional real and personal property.

SECTION 1. The Seamen's Widow and Orphan Association in the city of Salem is hereby authorized to hold real and personal property in addition to what is now authorized by law, to an amount not exceeding fifty thousand dollars, for the purposes specified in its act of incorporation.

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

*Approved February 17, 1888.*

*Chap. 45* AN ACT TO CHANGE THE NAME OF THE GRAFTON CENTRE RAILROAD COMPANY.

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

Name changed.

SECTION 1. The name of the Grafton Centre Railroad Company, incorporated under the general laws of the Commonwealth, is hereby changed to the Grafton and Upton Railroad Company.

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

*Approved February 17, 1888.*

*Chap. 46* AN ACT TO AMEND SECTION TWENTY-FOUR OF CHAPTER ONE HUNDRED AND NINETY-TWO OF THE PUBLIC STATUTES RELATING TO THE ENFORCEMENT OF CERTAIN LIENS UPON PERSONAL PROPERTY.

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

Liens upon personal property.

SECTION 1. Section twenty-four of chapter one hundred ninety-two of the Public Statutes is hereby amended by inserting after the word "resides", in the eleventh line thereof, the words:—or has his usual place of business.

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

*Approved February 17, 1888.*

## AN ACT TO INCORPORATE THE TOWN OF AVON.

*Chap. 47**Be it enacted, etc., as follows:*

SECTION 1. All that territory now the town of Stoughton, in the county of Norfolk, comprised within the following limits, that is to say: beginning at a point on the easterly line of Stoughton, where the Old Colony railroad crosses said easterly line; thence southwesterly along the westerly side of said Old Colony railroad about four hundred and sixty rods to a point on the westerly side of the culvert where Saulisbury brook passes under said railroad; thence in a straight line south about five hundred and thirty-two rods to the westerly side of Oak street, where it intersects South street; thence southerly again along the westerly side of Oak street about seventy-five rods to the Brockton line; thence easterly along said Brockton line about six hundred and eighty-seven and one-half rods to the Hollbrook line; thence in a straight line northerly about eight hundred and ninety-four rods along the Hollbrook line and the Randolph line to the point of beginning, is hereby incorporated as a town by the name of Avon, and said town of Avon is hereby invested with all the powers, privileges, rights and immunities, and made subject to all the duties, liabilities and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Town of Avon  
incorporated;  
set off from  
Stoughton.

SECTION 2. The inhabitants and estates within said town of Avon and the owners of said estates shall be holden to pay all arrears of taxes which have been legally assessed upon them by the town of Stoughton and all taxes heretofore assessed and not collected shall be collected and paid to the treasurer of the town of Stoughton in the same manner as if this act had not been passed; and until the next state valuation the town of Avon shall annually in the month of November pay to the town of Stoughton twenty per cent. of all the state and county taxes that may be assessed upon said town of Stoughton.

Payment of  
arrears of taxes.

SECTION 3. The towns of Stoughton and Avon shall be respectively liable for the relief and support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlement was gained whether by original acquisition or derivation within their respective limits; and the town of Avon shall pay annually to the town of Stoughton twenty per cent. of all costs for the

Relief and sup-  
port of paupers.

support or relief of those persons who now do or shall hereafter stand in need of relief or support as paupers and whose settlement by original acquisition or derivation was gained by reason of military service as a part of the quota of the town of Stoughton or who cannot be located on the site whence their settlement was derived or whereon it was acquired.

Suits, etc., to be instituted and defended by Stoughton.

SECTION 4. All suits and proceedings at law or in equity where the cause of action in favor of or against the town of Stoughton arose before the passage of this act shall be instituted and prosecuted or defended by the town of Stoughton with the same effect as if this act had not been passed; and the amount recovered in any such suit or proceeding by or against said town of Stoughton shall be received or paid as the case may be by the town of Stoughton, and reckoning costs and expenses, including counsel fees, shall be divided between the towns of Stoughton and Avon in the proportion of twenty per cent. to the town of Avon and eighty per cent. to the town of Stoughton.

Division of costs and expenses.

Division of corporate property and debts.

SECTION 5. The corporate property belonging to the town of Stoughton at the date of the passage of this act and the public debt of said town existing at said date shall be divided between the towns of Stoughton and Avon in the proportion of eighty per cent. to the town of Stoughton and twenty per cent. to the town of Avon; and said town of Avon shall receive from said town of Stoughton twenty per cent. of whatever amount may hereafter be refunded to said town of Stoughton from the state or United States to reimburse said town of Stoughton for bounties to soldiers, or state aid paid soldiers' families, after deducting all reasonable expenses; and said town of Stoughton and said town of Avon shall jointly bear the expense of making the survey and establishing the line between the said towns of Stoughton and Avon.

In case of disagreement, commissioners to be appointed by the superior court.

SECTION 6. In case the said towns of Stoughton and Avon shall not agree in respect to a division of property, debts, or town paupers, the superior court for the county of Norfolk shall upon the petition of either town appoint three competent and disinterested persons to hear the parties and make award thereon; and their award or the award of any two of them, being accepted by said court, shall be final. In making said award said commissioners shall assign the real estate belonging to the town of

Award of commissioners.

Stoughton at the time of the passage of this act to the town within which said estate shall be situated so far as such a division shall be practicable.

SECTION 7. The town of Avon shall, until otherwise provided by law, continue to be a part of the second congressional district, of the second councillor district, of the second Norfolk senatorial district, and the seventh Norfolk representative district; and at all elections the inhabitants of the town of Avon shall vote at polling places to be furnished within the said town. The selectmen and clerk of the town of Avon shall make returns of elections as if the town had existed at the time of the formation of said districts.

Election districts.

SECTION 8. Any justice of the peace within and for the county of Norfolk may issue his warrant directed to any inhabitant of the town of Avon requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs to meet at the time and place therein appointed for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings: and said warrant shall be served by publishing a copy thereof in some newspaper printed in the town of Stoughton or city of Brockton, and by posting up copies thereof, all attested by the person to whom the same is directed, in three public places in said town of Avon seven days at least before such time of meeting. Such justice, or in his absence such inhabitant required to notify the meeting, shall preside until the choice of moderator in said meeting is made. The selectmen of the town of Stoughton shall before such meeting prepare a list of voters in said town of Avon, qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the moderator thereof is chosen.

First meeting for election of town officers.

SECTION 9. This act shall take effect upon its passage.

*Approved February 21, 1888.*

AN ACT MAKING AN APPROPRIATION FOR CONTINUING THE PREPARATION FOR PUBLICATION AND FOR THE PUBLICATION OF THE PROVINCIAL LAWS.

*Chap. 48*

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

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose

Appropriation.

of continuing the preparation for publication and for the publication of the provincial laws, during the year eighteen hundred and eighty-eight, to wit: —

Publication of the provincial laws.

For the purpose of continuing the preparation for publication and for the publication of the provincial laws, as provided for in chapter forty-three of the resolves of the year eighteen hundred and sixty-five, but subject to the provisions and limitations embraced in chapter fifty-six of the resolves of the year eighteen hundred and eighty-four, a sum not exceeding ten thousand seven hundred and twenty-five dollars.

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

*Approved February 21, 1888.*

**Chap. 49** AN ACT RELATING TO SENTENCES OF IMPRISONMENT IN THE MASSACHUSETTS REFORMATORY.

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

Person above forty years not to be sentenced to reformatory.

SECTION 1. No person shall be sentenced to imprisonment in the Massachusetts reformatory who is above forty years of age.

Sentences to reformatory.

SECTION 2. No person shall be sentenced to imprisonment in said reformatory who has been previously sentenced more than three times for a penal offence, whether to fine or imprisonment. *Approved February 21, 1888.*

**Chap. 50** AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE CENTRAL DISTRICT COURT OF WORCESTER.

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

Salary of justice.

SECTION 1. The salary of the justice of the central district court of Worcester shall be three thousand dollars per annum, beginning January first, eighteen hundred and eighty-eight.

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

*Approved February 21, 1888.*

**Chap. 51** AN ACT TO AMEND SECTION THREE OF CHAPTER ONE HUNDRED AND SIXTEEN OF THE PUBLIC STATUTES RELATING TO THE ANNUAL EXAMINATION OF SAVINGS BANKS.

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

Examination of institution when connected with a national bank.

SECTION 1. Section three of chapter one hundred and sixteen of the Public Statutes is hereby amended by inserting after the word "Commonwealth", in line three, the words: — and when such institutions are connected



with a national bank they shall make such arrangements with the national bank examiner, if possible, that their visits shall be simultaneous, — so that as amended the first sentence of said section shall read as follows: — The commissioners shall visit once in every year, and as much oftener as they deem expedient, every savings bank and institution for savings incorporated by authority of this Commonwealth, and when such institutions are connected with a national bank they shall make such arrangements with the national bank examiner, if possible, that their visits shall be simultaneous.

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

*Approved February 21, 1888.*

AN ACT TO INCORPORATE THE LUDLOW SAVINGS BANK, IN THE TOWN OF LUDLOW. *Chap. 52*

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

SECTION 1. George A. Birnie, James W. Hannum, Marquis D. L. Towne, James Henderson, F. W. Sturgis, John E. Stevens and Charles W. Hubbard, their associates and successors, are hereby made a corporation by the name of the Ludlow Savings Bank, with authority to establish and maintain a savings bank in the town of Ludlow, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

Ludlow Savings Bank incorporated.

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

*Approved February 23, 1888.*

AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO INVEST IN THE BONDS AND NOTES OF THE BOSTON AND LOWELL RAILROAD CORPORATION, *Chap. 53*

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

SECTION 1. Savings banks and institutions for savings may, subject to the provisions of article three of section twenty of chapter one hundred and sixteen of the Public Statutes, invest in or make loans upon the bonds and notes of the Boston and Lowell Railroad Corporation issued according to law, notwithstanding the mortgages on those portions of its railroad formerly belonging to the Salem and Lowell Railroad Company and the Lowell and Lawrence Railroad Company.

May invest in bonds, etc., of the Boston and Lowell Railroad Corporation.

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

*Approved February 23, 1888.*

**Chap. 54** AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE DISTRICT COURT OF EAST NORFOLK.

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

Salary of clerk.

SECTION 1. The clerk of the district court of east Norfolk shall receive an annual salary of seven hundred dollars from and after the first day of January in the year eighteen hundred and eighty-eight.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 23, 1888.*

**Chap. 55** AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF HAVERHILL.

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

Salary of clerk.

SECTION 1. The annual salary of the clerk of the police court of Haverhill shall be one thousand dollars commencing with the first day of January in the year eighteen hundred and eighty-eight.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 27, 1888.*

**Chap. 56** AN ACT TO CHANGE THE NAME OF THE PARISH OF ST. ANNE'S IN THE TOWN OF CHELMSFORD.

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

Name changed.

SECTION 1. The Parish of St. Anne's in the town of Chelmsford, a religious society incorporated under the general laws of the Commonwealth, shall hereafter be known as the Parish of All Saints.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 27, 1888.*

**Chap. 57** AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO RAISE MONEY FOR THE CELEBRATION OF THE TWO HUNDRED AND FIFTIETH ANNIVERSARY OF ITS SETTLEMENT AS A TOWN.

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

May raise money by taxation for celebration of anniversary of settlement as a town.

SECTION 1. The city of Taunton is authorized to raise by taxation an amount of money not exceeding five thousand dollars for the purpose of celebrating in the month of June of the year eighteen hundred and eighty-nine, the two hundred and fiftieth anniversary of its settlement as a town, and of publishing an account of the proceedings of such celebration.

SECTION 2. This act shall take effect upon its passage.  
*Approved February 27, 1888.*

AN ACT TO INCREASE THE NUMBER OF ASSOCIATE JUSTICES OF THE SUPERIOR COURT. Chap. 58

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

SECTION 1. The number of associate justices of the superior court shall be thirteen instead of eleven as now provided by law. Number of associate justices to be thirteen.

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

*Approved February 27, 1888.*

AN ACT TO INCLUDE THE TOWN OF WILMINGTON WITHIN THE JUDICIAL DISTRICT OF THE FOURTH DISTRICT COURT OF EASTERN MIDDLESEX. Chap. 59

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

SECTION 1. The town of Wilmington shall not hereafter be included in the judicial district of the first district court of eastern Middlesex, but is hereby annexed to and made a part of the judicial district under the jurisdiction of the fourth district court of eastern Middlesex: *provided, however,* that nothing in this act shall affect any suit or other proceedings begun and pending at the time of its taking effect. Wilmington transferred from first to fourth district court of Eastern Middlesex.

SECTION 2. This act shall take effect upon the first day of July in the year eighteen hundred and eighty-eight.

*Approved February 27, 1888.*

AN ACT PROVIDING FOR A CLERK FOR THE POLICE COURT OF BROOKLINE. Chap. 60

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

SECTION 1. There shall be a clerk of the police court of Brookline, who shall be appointed in accordance with the provisions of law relating to the appointment of clerks of police and district courts, and who shall enter upon the discharge of his duties on the first day of March in the year eighteen hundred and eighty-eight. Clerk to be appointed.

SECTION 2. Said clerk shall receive from the county of Norfolk an annual salary of five hundred dollars. Salary.

SECTION 3. Said clerk shall be subject to all the provisions of law applicable to clerks of police and district courts. Subject to provisions of law.

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

*Approved February 27, 1888.*

*Chap. 61* AN ACT TO INCORPORATE THE CHESTNUT HILL REAL ESTATE ASSOCIATION OF MARLBOROUGH.

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

Corporators.

SECTION 1. Thomas Rice, Samuel Boyd, Samuel C. Darling and Henry Morse, their associates and successors, are hereby made a corporation for the term of thirty years from the date of the passage of this act, by the name of the Chestnut Hill Real Estate Association of Marlborough, subject to the provisions of chapter one hundred and five of the Public Statutes and to all general corporation laws which now are or hereafter may be in force relating to such corporations, and shall have the powers and be subject to the liabilities and restrictions prescribed therein.

Name.

Powers and liabilities.

May purchase, sell, etc., real estate.

SECTION 2. The said corporation shall have power to purchase, sell, mortgage, lease, real estate, and to improve the same by the erection of dwelling houses and other buildings thereon or otherwise as may be expedient.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall be fifty thousand dollars and shall be divided into shares of one hundred dollars each, provided that no stock shall be issued until the whole amount of said capital stock shall have been paid in, either in cash or property, the value of which property, if any, shall be determined by the commissioner of corporations.

May increase capital stock from time to time.

SECTION 4. The said corporation may from time to time increase its capital stock in amounts not to exceed in the aggregate the further sum of fifty thousand dollars, provided that no shares in such increased capital stock shall be issued for a less sum to be actually paid in on each share, in cash or property, than the par value thereof, which shall not be less than one hundred dollars, the value of said property to be determined as aforesaid; and also provided that a certificate stating the amount of any such increase shall within ten days thereafter be made, signed and sworn to by its president, treasurer and a majority of its directors, and be filed in the office of the secretary of the Commonwealth.

Certificate of increase to be filed in secretary's office.

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

*Approved February 27, 1888.*

AN ACT TO AMEND AN ACT TO INCORPORATE THE BOSTON TOW *Chap. 62*  
BOAT COMPANY.

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

SECTION 1. Section two of chapter twenty-seven of the acts of the year eighteen hundred and seventy-three is hereby amended by inserting after the word “water-boats”, the word:—vessels,—and by striking out all of said section after the word “otherwise”, so that said section as amended shall read as follows:—*Section 2.* Said corporation may build, purchase, charter, hold and convey one or more steam tugs, steam water-boats, vessels and lighters, and all materials used in wrecking, and may employ and let the same by charter or otherwise.

Charter amended.

SECTION 2. Section three of said chapter is hereby amended by striking out the word “seventy-five”, and inserting in place thereof the words:—three hundred,—so that as amended said section shall read as follows:—

Real and personal estate.

*Section 3.* Said corporation may hold such real and personal property as may be necessary and convenient for the purposes named in the second section: *provided,* that the value of real estate so held shall not exceed three hundred thousand dollars.

SECTION 3. This act shall take effect upon its acceptance by a vote of stockholders representing two-thirds of the shares of stock in said corporation at its annual meeting or at a special meeting duly called and notified for that purpose.

Subject to acceptance by stockholders.

*Approved February 27, 1888.*

AN ACT TO AMEND SECTION THREE OF CHAPTER THIRTY-TWO OF THE PUBLIC STATUTES RELATING TO THE FURNISHING, BY PHYSICIANS, OF CERTIFICATES OF DEATH. *Chap. 63*

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

SECTION 1. Section three of chapter thirty-two of the Public Statutes is hereby amended by striking out after the words “when requested” in the second line thereof, the words “within fifteen days after the decease of such person”.

Certificates of death furnished by physicians

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

*Approved February 27, 1888.*

**Chap. 64** AN ACT TO AUTHORIZE THE TOWN OF SOUTH SCITUATE TO CHANGE ITS NAME.\*

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

May change name of town.

SECTION 1. The town of South Scituate may take the name of Norwell, Standish, Deane, Cushing or Hatherly.

One of five names to be determined by the voters.

SECTION 2. A meeting of the voters of said town shall be held on the first Monday of March of the current year for the purpose of determining which of said five names shall be the name of said town. The voting shall be by ballot and each voter may vote for one of said names only, and any ballot having thereon any other name or more than one of said names shall not be counted. The polls shall be opened at ten o'clock in the forenoon of such day and shall be kept open for two hours, and as much longer as a majority of the voters present shall determine.

Selectmen to certify to the secretary the result of the balloting.

SECTION 3. It shall be the duty of the selectmen of said town to certify and return as soon as may be the number of ballots in favor of each of said five names to the secretary of the Commonwealth, who shall immediately issue and publish his certificate declaring the name which shall be found to have the most ballots in its favor, to have been adopted by said town, and the same shall thereupon become and be the name of said town.

Secretary to publish his certificate of name adopted.

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

*Approved February 27, 1888.*

**Chap. 65** AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY.

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

Salaries established.

SECTION 1. The salaries of the county commissioners of Franklin County shall be sixteen hundred dollars per annum.

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

*Approved February 29, 1888.*

**Chap. 66** AN ACT TO EXTEND THE CHARTER OF THE NAHANT LAND COMPANY.

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

Charter extended.

SECTION 1. The Nahant Land Company shall be and remain a corporation for a further term of fifteen years after the expiration of its present charter, and shall, during said further term, have the powers and privileges and

[\* Name of Norwell adopted March 5, 1888.]

be subject to the duties, liabilities and restrictions set forth in its charter and in the general laws which are or may be in force relating to such corporations.

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

*Approved February 29, 1888.*

AN ACT TO AMEND SECTION NINETY-NINE OF CHAPTER ONE HUNDRED AND FIFTY-SEVEN OF THE PUBLIC STATUTES, RELATING TO ALLOWANCES TO INSOLVENT DEBTORS.

*Chap. 67*

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

SECTION 1. Section ninety-nine of chapter one hundred and fifty-seven of the Public Statutes is hereby amended by adding at the end thereof the following: — In case of the absence of the debtor or his failure for any cause to apply for the above allowances or either of them, the judge may, in his discretion, in place thereof, make allowances of the same amounts to the wife, or any minor child or children of the debtor.

Allowances to insolvent debtors.

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

*Approved February 29, 1888.*

AN ACT TO AMEND AN ACT TO AUTHORIZE THE CONNECTICUT RIVER RAILROAD COMPANY TO UNITE AND CONSOLIDATE WITH THE ASHUELOT RAILROAD COMPANY OF NEW HAMPSHIRE.

*Chap. 68*

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

SECTION 1. Section one of chapter sixteen of the acts of the year eighteen hundred and eighty-six is hereby amended by adding thereto the words: — and said Connecticut River Railroad Company for the purpose of making such purchase may exchange its stock for the stock of the said Ashuelot Railroad Company, upon such terms as may be mutually agreed upon.

Connecticut River Railroad may consolidate with the Ashuelot Railroad.

SECTION 2. Section two of said chapter is hereby amended by striking out after the words "capital stock" in the second line thereof the words "three hundred thousand dollars" and inserting in the place thereof the words: — by issuing three thousand shares of stock, of a par value of one hundred dollars each, and so much thereof as is not used for the purchase of the stock of the Ashuelot Railroad Company, as hereinbefore provided, shall be disposed of in the manner provided by the Public Statutes.

Capital stock and shares.

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

*Approved February 29, 1888.*

*Chap. 69* AN ACT CONCERNING ADMISSIONS TO THE ASYLUM FOR INSANE AT TEWKSBURY.

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

Admissions to  
asylum for  
insane at  
Tewksbury.

The ward of the state almshouse heretofore known as the asylum for insane at Tewksbury and comprising the building and the addition to the same, erected for the harmless and incurable insane under the provisions of chapter eighty of the resolves of eighteen hundred and sixty-four and of chapter seventy-seven of the resolves of eighteen hundred and seventy-one, shall be continued as heretofore a ward of said almshouse, except that the state board of lunacy and charity may transfer any pauper lunatic from a state charitable institution or lunatic hospital directly to said asylum, when the public interest requires such transfer: *provided*, that the price for the support, in the state almshouse and state farm, of city and town paupers shall not exceed two dollars and eighty cents a week for each person.

Price for sup-  
port of pauper  
lunatics.

*Approved February 29, 1888.*

*Chap. 70* AN ACT RELATING TO THE BOARD OF REGISTRARS OF VOTERS IN THE CITY OF CAMBRIDGE.

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

Board of regis-  
trars of voters  
to be appointed.

SECTION 1. In the month of March or April of the present year the mayor of the city of Cambridge, in the manner provided by section fourteen of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four, shall appoint two able and discreet persons, qualified voters in said city, who shall hold no other office nor position by election or appointment in said city, to be members of the board of registrars of voters of said city. One of the registrars so appointed shall hold his office until the first day of May in the year eighteen hundred and ninety-one, and the other until the first day of May in the year eighteen hundred and ninety-two; and in the same manner provided by said section fourteen of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four, the mayor of said city shall in the month of March or April in the year eighteen hundred and eighty-nine and in each year thereafter appoint one person qualified as aforesaid, to be a registrar of voters for the term of four years from the first day of May then next ensuing, and until another



is appointed in his place; and the city clerk of said city shall cease to be a member of the board of registrars of voters on and after the first day of May in the present year.

SECTION 2. During the month of May in each year and before any other business is transacted said board of registrars shall choose one of their number to be and act as clerk, who shall keep a full and complete record of its proceedings and perform all acts heretofore required by law of the city clerk acting as clerk of the board of registrars of voters in said city. To elect one of their number to act as clerk.

SECTION 3. Except as herein provided, the board of registrars of voters of the city of Cambridge shall do and perform all things required of registrars of voters of cities by said chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four and by all acts and parts of acts in addition thereto or in amendment thereof, and shall receive the same compensation and shall equally represent the two political parties, as provided in said chapter. Powers.

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

SECTION 5. This act shall take effect upon its passage.  
*Approved February 29, 1888.*

AN ACT TO AUTHORIZE THE TRUSTEES OF SAINT MARK'S SCHOOL TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. Chap. 71

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

SECTION 1. The trustees of Saint Mark's School are hereby authorized to hold real and personal estate to the amount of three hundred thousand dollars. Real and personal estate not to exceed \$300,000.

SECTION 2. The limitations, fixed by section three of chapter one hundred and six of the acts of the year eighteen hundred and sixty-five, to the amount of real and personal estate that may be held by said trustees, are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.  
*Approved February 29, 1888.*

AN ACT TO AUTHORIZE THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. Chap. 72

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

SECTION 1. Section one of chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-five is hereby amended to read as follows:—The Massachusetts Institute of Technology is hereby authorized to May hold real and personal estate to an amount of which the clear annual income shall be \$100,000.

hold real and personal estate to an amount of which the clear annual income shall be one hundred thousand dollars to be devoted exclusively to the purposes and objects set forth in its act of incorporation and all acts in addition thereto.

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

*Approved February 29, 1888.*

**Chap. 73** AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO BORROW MONEY IN EXCESS OF THE LIMIT ALLOWED BY LAW.

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

May borrow money in excess of the limit allowed by law.

SECTION 1. The city of Cambridge, in order to defray its share of the cost of building the bridge over Charles river, authorized and required by chapter two hundred and eighty-two of the acts of the year eighteen hundred and eighty-seven, is authorized to raise not exceeding two hundred thousand dollars, by loan, in excess of the limit allowed by law.

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

*Approved February 29, 1888.*

**Chap. 74** AN ACT TO AUTHORIZE THE BOSTON LYING-IN HOSPITAL TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

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

Real and personal estate to the amount of \$500,000.

SECTION 1. The Boston Lying-in Hospital is hereby authorized to hold real and personal estate to the amount of five hundred thousand dollars.

Repeal.

SECTION 2. The limitations, fixed by section three of chapter twenty-one of the acts of the year eighteen hundred and thirty-two, to the amount of real and personal estate that may be held by said corporation, are hereby repealed.

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

*Approved February 29, 1888.*

**Chap. 75** AN ACT TO CHANGE THE NAME OF THE SECOND UNIVERSALIST SOCIETY IN LOWELL.

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

Name changed.

SECTION 1. The name of the religious society known as the Second Universalist Society in Lowell, a corporation organized under the laws of this Commonwealth on the twenty-sixth day of September in the year eighteen hundred and seventy, is changed to, and shall here-

after be, The Shattuck Street Universalist Society in Lowell.

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

*Approved February 29, 1888.*

AN ACT TO AUTHORIZE THE MIDDLEBOROUGH FIRE DISTRICT TO MAKE AN ADDITIONAL WATER LOAN. Chap. 76

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

SECTION 1. The Middleborough fire district, for the purposes mentioned in section ten of chapter fifty-nine of the acts of the year eighteen hundred and eighty-four, may issue bonds, notes, or certificates of debt, to be denominated on the face thereof the Middleborough Fire District Water Loan, to an amount not exceeding twenty-five thousand dollars, in addition to the amount heretofore authorized by law to be issued by said fire district for the same purposes; said bonds, notes, or certificates of debt shall be issued upon the same terms and conditions, and with the same powers as are provided in said chapter fifty-nine for the issue of the Middleborough fire district water loan, by said district: *provided*, that the whole amount of such bonds, notes, or certificates of debt issued by said fire district for the same purposes shall not in any event exceed the amount of one hundred thousand dollars; and *provided, also*, that the whole amount of such bonds, notes, or certificates of debt outstanding at any time, less such amount as may be held in the sinking fund for their redemption, shall not exceed the amount of seventy-five thousand dollars.

May make an additional water loan.

Whole amount of bonds, etc., not to exceed \$100,000.

Proviso.

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

*Approved February 29, 1888.*

AN ACT TO AMEND THE CHARTER OF THE MASSACHUSETTS COLLEGE OF PHARMACY. Chap. 77

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

SECTION 1. Section three of chapter ninety-three of the acts of the year eighteen hundred and fifty-two, as amended by chapter fifteen of the acts of the year eighteen hundred and eighty-one, is hereby further amended, so that it shall read as follows: — *Section 3.* At the stated annual meeting on the first Monday in June in the year one thousand eight hundred and eighty-eight there shall be elected by ballot fifteen trustees, three of whom shall

Charter amended.

Election of trustees.

be chosen to serve for the term of one year, three for the term of two years, three for the term of three years, three for the term of four years and three for the term of five years; after which, at each succeeding annual meeting on the first Monday in June, there shall be elected by ballot three members of the board of trustees, to serve for the term of five years. The said trustees shall hold their offices until their successors are chosen in their stead, and any vacancy occurring in the board of trustees shall be filled at the next stated meeting of the college, or by special meeting duly called for such purpose. The board of trustees shall convene each year during the week immediately following the annual meeting of said college and shall elect by ballot, from among their number, as officers of the college, a president, two vice-presidents, a secretary, a treasurer and an auditor, whose respective duties may be assigned by the by-laws, and who shall hold their offices until their successors are chosen. The president and secretary so elected shall be respectively chairman and secretary of the board of trustees. The secretary of said board shall keep a correct record of its proceedings. Said board may make such rules and regulations and do such other things necessary for the support and government of the college of pharmacy as they may deem fit and proper, and perform such duties as are or may be from time to time committed to them by said college; their acts, however, to be submitted to the college for revision at each stated meeting of the college.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 1, 1888.*

*Chap. 78* AN ACT CONCERNING THE SALARY OF THE LATE BENJAMIN CUSHING,  
A PRINCIPAL ASSESSOR OF THE CITY OF BOSTON.

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

SECTION 1. The city council of the city of Boston is authorized to pay to the widow of Benjamin Cushing late principal assessor of said city the salary that would have been payable to him as such officer for the balance of the year ending April thirtieth, eighteen hundred and eighty-eight, and to which he would have been entitled had he lived and continued to hold such office during the remainder of said year; but no part thereof shall be paid by the Commonwealth.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 6, 1888.*

To hold office until successors are elected.

Officers of the college.

Trustees to make rules and regulations.

City may pay salary for remainder of the year to widow of the late Benjamin Cushing. ¶

AN ACT TO SUPPLY THE TOWN OF BROOKFIELD WITH PURE WATER. *Chap. 79**Be it enacted, etc., as follows:*

SECTION 1. The town of Brookfield may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate and discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

Water supply for town of Brookfield.

SECTION 2. The said town for the purposes aforesaid, and for the purpose of obtaining a supply of water, may draw and convey directly from the springs and water sources connected with the land purchased by said town from Albert C. King, and situated in the northerly part of said town and from any lands contiguous thereto; and it may take by purchase, or otherwise, and hold any water rights connected with said lands and any springs and streams percolating or running through the same, and the water of any ponds or water sources within the limits of said town, and the water rights connected with any of said sources, and also all lands, rights of way and easements in said town of Brookfield and in the town of North Brookfield, possession of which may be necessary for holding and preserving such water and for conveying the same to any part of said town of Brookfield; and may erect upon the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways and along any such ways, in such manner as when completed shall not unnecessarily obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up, raise and embank any such lands or ways in such manner as to cause the least hindrance to public travel and convenience.

May take water from springs connected with land purchased from Albert C. King.

May take lands, etc., in Brookfield and North Brookfield.

May erect dams and buildings.

May construct and lay down conduits.

May dig up and embank lands and ways.

SECTION 3. The said town shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of

To cause to be recorded in the registry of deeds a description of the land, etc., taken.

deeds for the Worcester district of the county of Worcester a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Damages to be paid by the town.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement or by any other thing done by said town under the authority of this act. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within the period of two years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said two years. No application for assessment of damages shall be made for the taking of any water, water right, or any injury thereto, until the water is actually withdrawn or diverted by said town, under the authority of this act.

No application to be made for damages until water is actually diverted.

Brookfield Water Loan not to exceed \$35,000.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate thirty-five thousand dollars; such bonds, notes and scrip shall bear on their face the words Brookfield Water Loan: shall be payable at the expiration of periods not exceeding twenty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town of Brookfield and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold nor pledged at less than the par value thereof.

May sell securities at public or private sale.

May provide for making annual proportionate payments.

SECTION 6. The said town shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such

vote has been passed the amount required shall, without further vote, be assessed by the assessors of said town, in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed, under the provisions of section thirty-four of chapter eleven of the Public Statutes.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state whether or not action has been taken in accordance with the provisions of the preceding section, and the amount raised and applied thereunder for the current year.

Return of amount raised for the current year.

SECTION 8. The said town shall also raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town.

To raise annually by taxation sufficient for current expenses and interest.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or heretofore acquired by said town for a water supply, or injures any structures, work or other property owned, held or used by said town under the authority and for the purposes of this act, or heretofore acquired by said town for the purpose of a water supply, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for wilfully diverting or corrupting waters.

SECTION 10. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners, and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act, and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall also have the same power and authority in regard to lands, water sources and structures heretofore required by said town, for the purpose of water supply;

Water commissioners to be elected.

the said commissioners shall be subject however to such instructions, rules and regulations as said town may impose by its vote, and a majority of said commissioners shall constitute a quorum for the transaction of business.

Vacancies.

Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term in the manner provided by section twenty-two of chapter forty-four of the Public Statutes for filling vacancies occurring in school committees.

Subject to acceptance by a two-thirds vote.

SECTION 11. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town present and voting thereon at any annual town meeting within four years from the passage of this act.

*Approved March 6, 1888.*

*Chap. 80* AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

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

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and to meet certain other expenses authorized by law, to wit:—

Clerical assistance for clerks of the senate and house.

For additional clerical service in the office of the clerk of the senate and clerk of the house of representatives, a sum not exceeding three thousand dollars, as authorized by chapter one of the acts of the present year.

Report of bureau of statistics of labor.

For printing one thousand additional copies of the annual report of the bureau of statistics of labor, a sum not exceeding two hundred and seventy-five dollars, as authorized by chapter twenty-three of the acts of the present year.

Books for state library.

For the purchase of books for the state library, a sum not exceeding seventeen hundred dollars, as authorized by chapter twenty-four of the acts of the present year, being in addition to the thirty-three hundred dollars appropriated by chapter two of the acts of the present year.

Assistant register of probate, etc., for Middlesex county.

For the salary of the assistant register of probate and insolvency for the county of Middlesex, the sum of three hundred dollars, being in addition to the fifteen hundred dollars appropriated by chapter four of the acts of the present year.



- For the sheriffs of the different counties, for distributing proclamations, blanks, and making a return of votes, a sum not exceeding one hundred dollars. Distributing proclamations, etc.
- For small items of expenditure for which no appropriations have been made, or for which appropriations have been exhausted or reverted to the treasury in previous years, a sum not exceeding one thousand dollars. Small items of expenditure.
- For the Massachusetts institute of technology, the sum of fifty thousand dollars. Mass. Institute of Technology.
- For publishing reports of capital trials, under the direction of the attorney-general, a sum not exceeding fifteen hundred dollars. Capital trials.
- For the salary of the secretary of the civil service commission, a sum not exceeding three hundred dollars, as authorized by chapter forty-one of the acts of the present year, being in addition to the twelve hundred dollars appropriated by chapter two of the acts of the present year. Civil service commission.
- For compensation and expenses of the electoral college, a sum not exceeding five hundred dollars. Electoral college.
- For repairs to the building known as Crocker hall, at the state normal school at Framingham, which was damaged by fire December twenty-fourth in the year eighteen hundred and eighty-seven, a sum not exceeding three thousand dollars, as authorized by chapter two of the resolves of the present year. Normal school at Framingham.
- For the widow of the late William H. Griffith, the sum of five hundred and thirty-five dollars and forty-eight cents, as authorized by chapter three of the resolves of the present year. Widow of William H. Griffith.
- For furnishing members of the legislature with copies of the Massachusetts red book, a sum not exceeding one hundred and fifty dollars, as authorized by chapter four of the resolves of the present year. Massachusetts red book.
- For the Massachusetts general hospital, the sum of eight hundred and one dollars and fifty cents, as authorized by chapter five of the resolves of the present year. Massachusetts general hospital.
- For reprinting parts of the annual reports of the bureau of statistics of labor, a sum not exceeding twenty-five hundred dollars, as authorized by chapter seven of the resolves of the present year. Reports of bureau of statistics of labor.
- For compiling and tabulating the information relating to public records of parishes, towns and counties by the Records of parishes, towns, etc.

commissioner appointed under the provisions of chapter sixty-five of the resolves of the year eighteen hundred and eighty-four, a sum not exceeding fifteen hundred dollars, as authorized by chapter nine of the resolves of the present year.

Annie Fitzgerald.

For Annie Fitzgerald of North Adams, the sum of one hundred dollars, as authorized by chapter ten of the resolves of the present year.

Soldiers' home.

For the trustees of the soldiers' home in Massachusetts, the sum of twenty thousand dollars, as authorized by chapter eleven of the resolves of the present year.

Report of board of agriculture.

For printing three thousand extra copies of the thirty-fifth annual report of the state board of agriculture, a sum not exceeding one thousand dollars, as authorized by chapter thirteen of the resolves of the present year.

Soldiers messenger corps.

For the soldiers messenger corps a sum not exceeding eight hundred dollars, as authorized by chapter fourteen of the resolves of the present year.

Report of agricultural experiment station.

For printing fifteen thousand extra copies of the report of the Massachusetts agricultural experiment station, a sum not exceeding six hundred dollars, as authorized by chapter fifteen of the resolves of the present year.

Report of superintendent of prisons.

For printing additional copies of the report of the general superintendent of prisons, a sum not exceeding thirty dollars, as authorized by chapter seventeen of the resolves of the present year.

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

*Approved March 6, 1888.*

*Chap. 81* AN ACT TO CONFIRM THE SALE OF THE SPRINGFIELD AND NEW LONDON RAILROAD TO THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY.

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

Proceedings confirmed.

SECTION 1. The proceedings of the Springfield and New London Railroad Company, whereby on the twenty-ninth day of July in the year eighteen hundred and eighty-seven all its franchises, rights, privileges and property, real and personal, were conveyed to the New York and New England Railroad Company in accordance with the provisions of chapter two hundred and one of the acts of the legislature of the year eighteen hundred and eighty-seven, are hereby ratified and confirmed.

To cease to exist as a corporation.

SECTION 2. The said Springfield and New London Railroad Company, from and after the time when this act

shall take effect, shall cease to exist as a corporation, except that it shall remain subject to the provisions of section forty-one of chapter one hundred and five of the Public Statutes.

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

*Approved March 6, 1888.*

AN ACT TO INCORPORATE THE STATE STREET EXCHANGE.

*Chap. 82*

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

SECTION 1. Samuel Wells, James Jackson, Charles E. Cotting, their associates and successors, are hereby made a corporation by the name of the State Street Exchange, for the purpose of purchasing, holding, managing, improving and leasing the whole, or any part or parts of certain real estate situated in the city of Boston, and enclosed in the square between Congress, State and Kilby streets and Exchange place, the title to the greater part of which real estate is now held by the trustees of the exchange building, and of performing all other legal acts which may be necessary for accomplishing said objects; with all the powers and privileges, and subject to all the duties, liabilities and conditions set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

State Street Exchange incorporated.

Powers and duties.

SECTION 2. Said corporation may also purchase any personal property held by said trustees in their said capacity in connection with said real estate, and may assume any liabilities which they have incurred in the performance of their duties as such trustees, but not exceeding the sum of fifty thousand dollars.

Corporation may purchase personal property held by trustees.

SECTION 3. Said corporation may sell or mortgage any portion, or the whole, of any real estate which it is allowed by this act to hold.

May sell or mortgage real estate.

SECTION 4. The capital stock of said corporation shall not exceed three millions five hundred thousand dollars, and shall be divided into thirty-five thousand shares of the par value of one hundred dollars each: *provided*, that said corporation may begin to transact business when one million seven hundred and fifty thousand dollars have been paid in, either in cash or property, the value of which property, if any, shall be determined by the commissioner of corporations; *provided, also*, that no certificate of stock shall be issued until the whole of said three millions five hundred thousand dollars shall have been

Capital stock and shares.

Proviso.

paid in, either in cash or in property, the value of which property, if any, shall be determined by the commissioner of corporations.

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

*Approved March 6, 1888.*

*Chap. 83* AN ACT TO AUTHORIZE THE CITY OF NEWTON TO MAKE AN ADDITIONAL WATER LOAN.

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

May make an additional water loan.

SECTION 1. The city of Newton, for the purposes mentioned in section five of chapter three hundred and forty-four of the acts of the year eighteen hundred and seventy-two, may issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the mayor, to be denominated on the face thereof Newton Water Loan, to an amount not exceeding three hundred and fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by the town or city of Newton for the same purposes; said notes, bonds and scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Newton water scrip by the town of Newton: *provided*, that the whole amount of such notes, bonds and scrip issued by said town or city, together with those already authorized, shall not exceed the amount of one million five hundred thousand dollars.

Whole amount not to exceed \$1,500,000.

Subject to acceptance by city council.

SECTION 2. This act shall take effect upon its acceptance by a vote of two-thirds of all members of each branch of the city council of said city of Newton.

*Approved March 6, 1888.*

*Chap. 84* AN ACT TO AMEND SECTION FIVE OF CHAPTER TWO HUNDRED AND FOURTEEN OF THE ACTS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN, RELATING TO CLERICAL ASSISTANCE IN THE INSURANCE DEPARTMENT.

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

Insurance department.

SECTION 1. Section five of chapter two hundred and fourteen of the acts of the year one thousand eight hundred and eighty-seven is hereby amended to read as follows:—The commissioner shall exercise the powers and perform the duties conferred and imposed upon him by this act or by any other law of the Commonwealth. He may with the approval of the governor and council

appoint and with their consent remove a deputy commissioner to assist him in his duties who shall receive an annual salary of twenty-five hundred dollars. In the event of a vacancy in the office of commissioner or during the absence or disability of that officer the deputy commissioner shall perform the duties of the office. The commissioner may employ in his department a chief clerk with an annual salary of two thousand dollars, a second clerk with an annual salary of fifteen hundred dollars, a third clerk with an annual salary of twelve hundred dollars, and such additional clerks and assistants as the public business in his charge may require at an expense not to exceed such sum as the general court may appropriate each year.

Deputy commissioner to assist in performance of duties, and to act as commissioner during vacancy, etc.

Clerks and assistants.

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

*Approved March 6, 1888.*

AN ACT CONCERNING THE PUBLICATION AND DISTRIBUTION OF THE  
MANUAL FOR THE GENERAL COURT.

*Chap. 85*

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

SECTION 1. There shall be printed annually, in addition to the number now provided by law, eight hundred copies of the manual for the general court, of which the following distribution shall be made by the secretary of the Commonwealth: — one copy to each of the justices of the supreme judicial and superior courts, and the clerks thereof; the justices and clerks of the several municipal, district and police courts; the trial justices; the judges and registers of probate and insolvency; registers of deeds; county commissioners; treasurers and sheriffs of the several counties; medical examiners; the trustees and superintendents of the several state institutions; to each of the officers of the several state boards and commissioners; and the principals of the state normal schools. Fifty copies shall be placed in charge of the state librarian for the purpose of exchange. The remaining copies shall be in charge of the clerks of the two branches to be distributed by them at their discretion.

Manual for the general court.

SECTION 2. This act shall take effect upon the first day of January, eighteen hundred and eighty-nine.

*Approved March 6, 1888.*

**Chap. 86** AN ACT TO AMEND AN ACT RELATING TO SAFETY APPLIANCES IN HOTELS AND PUBLIC BUILDINGS.

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

Watchmen not to be required in family hotels in Boston, when inspector of buildings so decides.

SECTION 1. Section two of chapter two hundred and twenty-three of the acts of the year eighteen hundred and eighty-four is hereby amended by adding at the end thereof the following words, to wit : — except that the maintenance of a watchman shall not be required in family hotels in the city of Boston when in the opinion of the inspector of buildings of said city reduced to writing and placed on file in his office such maintenance is unnecessary.

*Approved March 6, 1888.*

**Chap. 87** AN ACT TO INCORPORATE THE SPENCER FARMERS AND MECHANICS ASSOCIATION.

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

Spencer Farmers and Mechanics Association incorporated.

SECTION 1. Charles N. Prouty, George Wilson, Henry R. Green, Thomas J. Comins, their associates and successors, within the towns of Spencer, Leicester, Paxton, Oakham, Brookfield, North Brookfield and Charlton, are hereby made a corporation under the name of The "Spencer Farmers and Mechanics Association, to be located at Spencer, for the encouragement of agriculture, horticulture and the arts, with the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations, and said corporation is hereby authorized to hold by purchase, gift, devise or otherwise real and personal estate to an amount not exceeding twenty-five thousand dollars.

Powers and duties.

Real and personal estate.

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

*Approved March 6, 1888.*

**Chap. 88** AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE DISTRICT COURT OF WESTERN HAMPDEN.

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

Salary of clerk.

SECTION 1. The salary of the clerk of the district court of western Hampden, beginning with the first day of January in the year eighteen hundred and eighty-eight, shall be five hundred dollars a year.

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

*Approved March 6, 1888.*

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE DISTRICT COURT OF NORTHERN BERKSHIRE. *Chap. 89*

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

SECTION 1. The salary of the clerk of the district court of northern Berkshire, beginning with the first day of January in the year eighteen hundred and eighty-eight, shall be eight hundred dollars a year. Salary of clerk.

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

*Approved March 6, 1888.*

AN ACT RELATING TO THE INVESTMENTS OF SAVINGS BANKS. *Chap. 90*

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

SECTION 1. In addition to the investments authorized by section twenty of chapter one hundred and sixteen of the Public Statutes, savings banks and institutions for savings may invest their deposits and the income derived therefrom in the legally authorized bonds of the states of Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin and Iowa, and of the District of Columbia, and in the legally authorized bonds for municipal purposes of any city of the aforesaid states and in the state of New York, which has at the date of such investment more than thirty thousand inhabitants, as established by the last national or state census, or city census, certified to by the city clerk or treasurer of said city and taken in the same manner as a national or state census, preceding such investment, and whose net indebtedness does not exceed five per cent. of the valuation of the taxable property therein, to be ascertained by the last preceding valuation of property therein for the assessment of taxes; and in the note or notes of any citizen of this Commonwealth, with a pledge as collateral of any of the aforesaid securities, the amount invested in such note or notes not to exceed in any case eighty per cent. of the market value of the securities pledged. Investment of deposits and income derived therefrom.

SECTION 2. Chapter four hundred and twenty-three of the acts of the year eighteen hundred and eighty-seven is hereby repealed. Repeal.

*Approved March 6, 1888.*

*Chap. 91* AN ACT TO CHANGE THE NAME OF THE WEST AMESBURY MANUFACTURING COMPANY.

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

Name changed.

SECTION 1. The name of the West Amesbury Manufacturing Company is hereby changed to the Merrimac Wheel and Gear Company.

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

*Approved March 6, 1888.*

*Chap. 92* AN ACT TO INCORPORATE THE WORKINGMEN'S BUILDING ASSOCIATION.

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

Workingmen's  
Building Associ-  
ation incorpo-  
rated.

SECTION 1. Robert Treat Paine, Charles W. Dexter, John S. Blatchford, Francis C. Foster, J. D. W. French, I. W. Clarke, G. W. Pope, Robert Treat Paine 2d, Thomas T. Stokes and Henry R. Gardner, their associates and successors, are hereby made a corporation for the term of thirty years by the name of The Workingmen's Building Association, in the city of Boston, to hold and improve real estate in said city for the purpose of erecting, maintaining, leasing and improving homes for working people, and others of moderate means, and of promoting the adoption of improved modes of building and the enforcement of sanitary regulations calculated to secure the comfortable and healthful condition of structures so occupied, subject to the provisions of chapters one hundred and five and one hundred and six of the Public Statutes, and to all general laws which now are or may hereafter be in force relating to such corporations.

May buy and  
sell real estate.

SECTION 2. Said corporation shall have power to buy, sell and hold real estate for the purposes aforesaid.

Capital stock  
and shares.

SECTION 3. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars to be divided into shares each of the par value of twenty-five dollars, and the dividends on said shares shall not exceed six per cent. per annum on the par value thereof.

Surplus to be  
used as a sink-  
ing fund, etc.

SECTION 4. Any surplus accumulated by said corporation shall be used as a sinking or reserved fund, or in improving the condition, or in increasing the number, or the extent and capacity of the buildings occupied for such homes: *provided, however,* that the rentals from all the property owned by said corporation shall be limited to

Proviso.



such rates as will after paying six per cent. for every year maintain said sinking or reserve fund at a sum not exceeding fifty thousand dollars.

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

*Approved March 6, 1888.*

AN ACT TO INCORPORATE THE OXFORD AGRICULTURAL SOCIETY. *Chap. 93*

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

SECTION 1. James W. Stockwell, A. S. Joslin, Daniel Dwight, Thomas S. Eaton, E. R. Carpenter, Waldo Johnson, H. A. Howe, their associates and successors within the towns of Sutton, Oxford, Dudley, Auburn, Charlton and Webster, are hereby made a corporation under the name of the Oxford Agricultural Society, to be located at Oxford, for the encouragement of agriculture, horticulture and the arts by the distribution of premiums and otherwise, with the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations; and said corporation is hereby authorized to hold by purchase, gift, devise or otherwise real and personal estate to an amount not exceeding twenty-five thousand dollars.

Oxford Agricultural Society incorporated.

Powers and duties.

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

*Approved March 6, 1888.*

AN ACT TO AMEND SECTION SIXTEEN OF CHAPTER ONE HUNDRED AND FIFTY OF THE PUBLIC STATUTES RELATING TO APPEALS. *Chap. 94*

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

SECTION 1. Section sixteen of chapter one hundred and fifty of the Public Statutes is hereby amended so as to read as follows:— If a party, who has taken an appeal or an exception, which has been allowed, neglects to enter the question in the supreme judicial court, the court in which the appeal was taken, or the exceptions allowed, may upon the application of the adverse party upon due notice to all parties interested order the judgment, opinion, ruling or order affirmed.

If appeal, etc., is not entered in S. J. C., ruling, etc., of court below may be affirmed.

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

*Approved March 6, 1888.*

*Chap. 95* AN ACT TO ESTABLISH THE SALARY OF THE SHERIFF OF THE COUNTY OF MIDDLESEX.

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

Salary of sheriff.

SECTION 1. The salary of the sheriff of the county of Middlesex, beginning with the first day of January, eighteen hundred and eighty-eight, shall be twenty-five hundred dollars a year.

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

*Approved March 6, 1888.*

*Chap. 96* AN ACT RELATING TO REGULAR MEETINGS OF THE BOARDS OF TRUSTEES OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

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

Regular meetings of boards of trustees of savings banks.

Section eighteen of chapter one hundred and sixteen of the Public Statutes is hereby amended so as to read:— A regular meeting of the board of trustees of every such corporation shall be held as often as once in three months, for the purpose of receiving the report of its treasurer and for the transaction of other business. A quorum shall consist of not less than seven trustees, but less than a quorum may adjourn from time to time or until the next regular meeting. At each regular meeting the trustees shall cause to be prepared a statement showing the condition of the corporation as it appears upon its books, in the form of a trial balance of its accounts, and such statement shall be posted in a conspicuous place in its banking room, and there remain until the next regular meeting of said board. A record shall be made at each meeting of the transactions of the trustees and the names of those present. If a trustee fails both to attend the regular meetings of the board and to perform any of the duties devolved upon him as such trustee, for six consecutive months, his office shall thereupon become vacant. A record of such vacancy shall be entered upon the books of the corporation and a transcript of such record shall be sent by mail to the person whose office is thus made vacant.

Record of transactions and of names of trustees present at meeting  
Trustee failing to attend meetings, etc., his office to become vacant.

*Approved March 6, 1888.*

AN ACT TO AUTHORIZE LUCIUS M. SHELDON TO BUILD A BRIDGE OR CAUSEWAY ACROSS A TIDE-WATER CREEK AT WESTPORT POINT IN THE TOWN OF WESTPORT. Chap. 97

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

SECTION 1. Lucius M. Sheldon may build and maintain a bridge or causeway, without a draw therein, at Westport point in the town of Westport, extending from a point at the northeast corner of land formerly owned by Christopher Gifford, and now owned by said Sheldon, due east across the creek to other land of said Sheldon, for a roadway to connect his said lands; subject to the provisions of chapter nineteen of the Public Statutes, and of any other laws which now are or hereafter may be in force applicable thereto.

Lucius M. Sheldon may build bridge, etc., at Westport point in town of Westport.

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

*Approved March 6, 1888.*

AN ACT TO CONFIRM THE PROCEEDINGS OF THE TOWN MEETING OF THE TOWN OF ATTLEBOROUGH, HELD ON THE THIRTIETH DAY OF JULY IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN. Chap. 98

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

SECTION 1. The proceedings of the town meeting of the town of Attleborough held on the thirtieth day of July in the year eighteen hundred and eighty-seven for the purpose of accepting the provisions of chapter four hundred and twelve of the acts of the year eighteen hundred and eighty-seven, being an act to incorporate the town of North Attleborough, shall not be invalid by reason of a failure to designate polling places in the several voting precincts of said town of Attleborough, or of a failure to make any necessary registration of voters; and the acceptance of said act by said meeting is hereby ratified and confirmed.

Proceedings of town meeting confirmed.

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

*Approved March 6, 1888.*

AN ACT TO ESTABLISH A GRADE IN THE TOWN OF MEDFORD. Chap. 99

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

SECTION 1. The selectmen of the town of Medford, when authorized so to do by a vote of said town at a meeting called for the purpose, shall establish in said town a grade of not less than thirteen feet above mean low

Selectmen may establish a grade of not less than thirteen feet above mean low water.

water; and no person, after such grade is established, shall construct in said town any cellar or basement cellar of any building below such grade, or use or occupy any cellar or basement cellar so constructed: *provided*, that the selectmen may by license, subject to revocation at any time by them, authorize cellars to be constructed or used in buildings used exclusively for storage or business purposes so much below said grade as they shall designate in each license.

Regulations concerning cellars and basement cellars.

SECTION 2. If any person constructs or uses any cellar or basement cellar in violation of this act, said selectmen shall order the owner or occupant of such cellar or basement cellar to so alter and construct it as to conform to the requirements of this act; and if such owner or occupant fails to comply with such order within ten days after service thereof, as provided by the following section, said selectmen shall so alter such cellar or basement cellar; and all necessary expenses incurred thereby shall constitute a lien upon the land wherein such cellar or basement cellar is constructed and upon the buildings upon such land, and may be collected in the manner provided by law for the collection of taxes upon real estate; and the town treasurer, in behalf of said town, may purchase such land or land and buildings at any sale thereof for the enforcement of such lien.

Orders of the selectmen to be made in writing.

SECTION 3. All orders under the preceding section shall be made in writing, and served upon said owners or occupants, or their authorized agents, as prescribed by section twenty-two of chapter eighty of the Public Statutes, for the service of orders of boards of health; and the supreme judicial court, or any justice thereof, in term time or vacation, may, by injunction or other suitable process in equity, restrain any person or corporation from constructing or using any cellar or basement cellar in violation of the provisions of this act, and may enforce such provisions, and may order and enforce the abatement or alteration of any cellar or basement cellar constructed or used in violation thereof, so that such cellars shall be in accordance with said provisions.

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

*Approved March 6, 1888.*

AN ACT TO INCORPORATE THE SECURITY SAVINGS BANK IN THE Chap.100  
TOWN OF WEST BOYLSTON.

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

SECTION 1. Charles M. Harris, George F. Howe, John Security Sav-  
ings Bank in-  
corporated. C. Hastings, Stephen H. Smith, A. N. Whiting, George M. Lourie, Henry O. Sawyer, their associates and successors, are hereby made a corporation by the name of the Security Savings Bank, with authority to establish and maintain a savings bank in the town of West Boylston, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

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

*Approved March 6, 1888.*

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF COUNSEL EMPLOYED BY THE GOVERNOR TO ASSIST IN DEFENCE OF Chap.101  
ACTIONS BROUGHT TO RECOVER NATIONAL BANK TAXES.

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

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of paying counsel employed by the governor to assist in defence of actions brought to recover national bank taxes paid to a city or town, to wit:—For the payment of counsel employed by the governor and council, as authorized by chapter three hundred and thirty-two of the acts of the year eighteen hundred and eighty-six, a sum not exceeding thirty-six hundred and fifty dollars, being the unexpended balance appropriated by chapter three hundred and fifty-six of the acts of the year eighteen hundred and eighty-six. Appropriation.  
Counsel in de-  
fence of action  
for recovery of  
bank tax paid,  
etc.

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

*Approved March 7, 1888.*

AN ACT TO AMEND THE CHARTER OF THE HAWES PLACE CONGREGATIONAL SOCIETY. Chap.102

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

SECTION 1. The society incorporated by an act approved February nineteenth in the year one thousand eight hundred and eighteen as the Hawes Place Congre- Name changed.

gational Society shall hereafter be known as the Hawes Place Unitarian Congregational Church.

Deacons to be elected by the society.

SECTION 2. The deacons of said society and of the church connected and associated in public worship therewith shall hereafter be elected by said society instead of by said church as heretofore; and any member of said society shall be eligible to the office of deacon.

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

*Approved March 7, 1888.*

**Chap.103** AN ACT TO AUTHORIZE THE TRUSTEES OF THE GREENE FOUNDATION TO HOLD ADDITIONAL REAL ESTATE.

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

May hold additional real estate.

SECTION 1. The Trustees of the Greene Foundation, incorporated by an act of the legislature passed February twelfth in the year eighteen hundred and twenty-four, are authorized to purchase and hold real estate in the city of Boston to the amount of fifty thousand dollars in value in addition to the amount now authorized by law.

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

*Approved March 7, 1888.*

**Chap.104** AN ACT REQUIRING THE CITY OF NEW BEDFORD TO ESTABLISH A SINKING FUND FROM THE RECEIPTS FROM WATER RATES.

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

To establish a sinking fund for payment of debt contracted for water supply.

SECTION 1. The city council of the city of New Bedford shall, at the time of contracting any debt for the extension of its water works system, establish a sinking fund, and contribute thereto from year to year an amount raised annually from its receipts from water rates sufficient, with its accumulations, to extinguish the debt at maturity. No such sinking fund shall be used for any other purpose than the payment and redemption of such debt.

Commissioners of sinking funds.

SECTION 2. The present commissioners of sinking funds of the city of New Bedford and their successors in office shall be the commissioners of any sinking funds established under the provisions of section one of this act; and as such commissioners shall have the same powers and authority and be subject to the same liabilities as at present.

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

*Approved March 8, 1888.*

AN ACT PROVIDING FOR THE REGISTRATION AND LICENSING OF PLUMBERS IN THE CITIES AND TOWNS OF THE COMMONWEALTH. *Chap.105*

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

SECTION 1. Any city of this Commonwealth, except the city of Boston, may by ordinance, and any town may by law, require the registration and licensing of all persons doing or carrying on the business of plumbing in such city or town, and prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, tanks, faucets, valves and other fixtures by and through which water or sewage is used and carried, and provide that no such pipes, tanks, faucets, valves or other fixtures shall be placed in any building in such city or town except in accordance with plans which shall be approved by the board of health of such city or town or such person or persons as said board of health shall designate.

Cities and towns may require that plumbers shall be registered and licensed.

SECTION 2. Any such city or town may affix penalties not exceeding fifty dollars for one offence, for breaches of such ordinance or by-law.

Penalties.

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

*Approved March 8, 1888.*

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO REIMBURSE THE CITY OF LAWRENCE FOR A PORTION OF THE EXPENSE OF REBUILDING THE LAWRENCE AND ANDOVER BRIDGES IN SAID CITY. *Chap.106*

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

SECTION 1. The county commissioners of the county of Essex may allow and cause to be paid from the treasury of said county to the city of Lawrence such a sum of money as they may think just and equitable to indemnify said city in part for the expense of rebuilding the Lawrence and Andover bridges over the Merrimack river in said city: *provided*, that the sum so to be allowed and paid to said city shall not exceed one-fourth of the entire expense of rebuilding said Andover bridge and one-half of the entire expense of rebuilding said Lawrence bridge. The said commissioners after due notice to all parties interested and after a hearing of said parties shall proceed to determine what cities and towns in said county receive particular and special benefit from the use of said bridges,

City of Lawrence may be reimbursed for portion of expense of rebuilding bridges over Merrimack river.

and to apportion and assess upon said cities and towns and upon said county in such amounts as they shall deem equitable and just the cost of said bridges.

Commissioners  
may borrow  
money.

SECTION 2. The said commissioners may borrow money on the credit of said county for the purpose of making such payments.

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

*Approved March 8, 1888.*

### Chap.107

AN ACT TO SUPPLY THE TOWN OF NEEDHAM WITH WATER.

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

Water supply  
for Needham.

SECTION 1. The town of Needham may supply itself and its inhabitants with water for the extinguishment of fires, and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

May contract  
with any ad-  
joining city or  
town for supply  
of water.

SECTION 2. The said town for the purposes aforesaid may contract with any adjoining city or town to supply said water, or it may take by purchase or otherwise, and hold the water of Charles river within the limits of or where it borders on said town and of any stream or spring or artesian or driven wells within the limits of said town, and the water rights connected with any such water sources; and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of Needham.

May erect dams  
and buildings.

The said town may also erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works, and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands or ways in such manner as to cause the least hindrance to public travel on such ways. In case said town shall take the waters of Charles river under this act, it shall be limited to an amount of water not exceeding one-half million gallons daily.

May dig up  
lands or ways.

Water from  
Charles river  
not to exceed  
500,000 gallons  
daily.



SECTION 3. The said town shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which such lands or other property is situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

To cause to be recorded in the registry of deeds a description of the land, etc., taken.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right, or easement, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of said land or other property or the doing of other injury, under the authority of this act: but no such application shall be made after the expiration of said three years; except that no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Damages to be paid by the town.

Application for damages not to be made until water is actually diverted.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate seventy-five thousand dollars; such bonds, notes and scrip shall bear on their face the words Needham Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue: shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, provided that such securities shall not be sold or

Bonds, etc., not to exceed \$75,000.

May sell securities at public or private sale.

pledged at less than the par value thereof. The said town, unless it avails itself of the provisions of section six, shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to be established.

May provide for annual proportionate payments instead of establishing a sinking fund.

SECTION 6. The said town instead of establishing a sinking fund may, at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter, until the debt incurred by said town shall be extinguished, in the same manner as other taxes, and assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return of amount of fund established, etc.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of section six of this act and shall also state the amounts raised and applied thereunder for the current year.

To raise annually by taxation sufficient for current expenses and interest.

SECTION 8. The said town shall raise annually by taxation a sum which together with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to enable said town to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalties for corrupting or diverting water.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts

shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

SECTION 10. The said town shall, after its acceptance of this act, at a legal town meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one water commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Board of water commissioners to be elected.

To be commissioners of the sinking fund.

SECTION 11. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Subject to acceptance by a two-thirds vote.

*Approved March 8, 1888.*

AN ACT TO INCORPORATE THE WORKINGMEN'S LOAN ASSOCIATION.  
*Be it enacted, etc., as follows:*

*Chap. 108*

SECTION 1. Robert Treat Paine, Charles W. Dexter, John S. Blatchford, Francis C. Foster, John D. W. French, I. Wells Clarke, George W. Pope, Charles H. Washburn, Robert Treat Paine, 2d, Thomas T. Stokes and Henry R. Gardner, their associates and successors, are hereby made a corporation by the name of the Workingmen's Loan Association, to be located at Boston, for the purpose of loaning money upon pledge or mortgage of goods and chattels or of safe securities of every kind, or upon mortgage of real estate; and all the powers and privileges necessary for the execution of these purposes are granted, with all the powers and privileges and subject to all the

Workingmen's Loan Association incorporated.

Powers and duties.

duties, restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes, and in all the general laws which now are or hereafter may be in force in relation to such corporations.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall be twenty-five thousand dollars, to be divided into shares of one hundred dollars each, and to be paid for at such times and in such manner as the board of directors shall decide, provided that no business shall be transacted by said corporation until said amount of twenty-five thousand dollars is subscribed for and actually paid in; and no certificate of shares shall be issued until the par value of such shares shall have actually been paid in, in cash. The said corporation may increase its capital stock from time to time until the same amounts to five hundred thousand dollars.

May borrow money, not exceeding amount of capital paid in. Directors to be chosen as by-laws prescribe.

SECTION 3. Said corporation is hereby authorized to borrow money on its own notes not exceeding the amount of its capital paid in, and for periods not exceeding one year.

SECTION 4. The government of said corporation shall be in a board of directors, chosen as the by-laws may prescribe, conformably to law, provided however, that one director shall be appointed by the governor of the Commonwealth and one shall be appointed by the mayor of the city of Boston.

Loans to be for a time fixed, and not more than one year.

SECTION 5. All loans shall be for a time fixed, and not more than one year, and the mortgagor or pledgor shall have a right to redeem his property mortgaged or pledged at any time before it is sold, in pursuance of the contract between the parties, or before the right of redemption is foreclosed, on payment of the loan and rate of compensation to the time of the offer to redeem.

Article pledged, name, rate of compensation, etc., to be inscribed upon a card furnished.

SECTION 6. The corporation shall give to each pledgor a card inscribed with the name of the corporation, the article or articles pledged, the name of the pledgor, the amount of the loan, the rate of compensation, the date when made, the date when payable, and the page of the book where recorded.

To be under supervision of the commissioners of savings banks.

SECTION 7. The commissioners of savings banks shall have access to the vaults, books and papers of the company, and it shall be their duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank subject to all the

general laws which are now or hereafter may be in force relating to such institutions in this regard. The returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amounts of each kind, in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper of the city of Boston, at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners; provided however, that said commissioners may cause any examination to be made by an expert under their direction, but at the expense of the corporation.

*Approved March 8, 1888.*

AN ACT TO AMEND THE ACT OF INCORPORATION OF MOUNT HOLYOKE FEMALE SEMINARY.

*Chap.109*

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

SECTION 1. The name of the Trustees of Mount Holyoke Female Seminary is changed to The Trustees of Mount Holyoke Seminary and College.

*Name changed.*

SECTION 2. The corporation of Mount Holyoke Seminary and College is hereby authorized to grant such honorary testimonials, and confer such honors, degrees and diplomas as are granted or conferred by any university, college or seminary of learning in this Commonwealth; and the diplomas so granted shall entitle the possessors to the immunities and privileges allowed by usage or statute to the possessors of like diplomas from any university, college or seminary of learning in this Commonwealth: *provided, nevertheless,* that no such honors, degrees or diplomas shall be conferred except by the vote of a majority of the trustees of said corporation.

*May confer degrees, etc.*

*Proviso.*

*Approved March 8, 1888.*

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF LAWRENCE.

*Chap.110*

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

SECTION 1. The salary of the justice of the police court of Lawrence shall be two thousand dollars a year beginning with the first day of January in the year one thousand eight hundred and eighty-eight.

*Salary of justice.*

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

*Approved March 8, 1888.*

*Chap.111* AN ACT TO CHANGE THE NAME OF THE TRUSTEES OF THE HOME FOR AGED FEMALES IN THE CITY OF WORCESTER.

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

Name changed. SECTION 1. The name of the corporation organized in the year eighteen hundred and sixty-nine under the name of the Trustees of the Home for Aged Females in the City of Worcester is hereby changed to The Trustees of the Home for Aged Women in the City of Worcester.

Officers of corporation to continue in office. SECTION 2. All the officers of said corporation shall continue to hold and exercise their respective offices in the same manner they would or could have done had not the name of said corporation been changed.

Rights not forfeited. SECTION 3. Nothing contained in this act shall work a surrender or forfeiture of any property, rights, privileges or powers of said corporation.

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

*Approved March 8, 1888.*

*Chap.112* AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF ESSEX.

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

Salary of judge. SECTION 1. The salary of the judge of probate and insolvency for the county of Essex shall be thirty-five hundred dollars a year beginning with the first day of January in the year eighteen hundred and eighty-eight.

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

*Approved March 8, 1888.*

*Chap.113* AN ACT TO DIVIDE THE DISTRICT POLICE FORCE INTO TWO DEPARTMENTS.

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

District police force divided into two departments. The district police force is hereby divided into two departments, which shall be known respectively as the inspection department and the detective department of said force. The inspection department shall consist of the ten members of said force now appointed according to law to act as inspectors of factories and public buildings, together with the chief of said force; the detective department shall consist of the remaining eleven members of said force, together with said chief. The chief of said district police force shall be the head of each of said departments. No member of the inspection department of said district police force shall be called upon to perform

any other duties than those pertaining to the office of inspector of factories and public buildings, unless his services are commanded by the governor as provided by law in suppressing riots and in preserving the peace; but the members of said inspection department shall continue to have and exercise all powers now given by law to members of said district police force. Vacancies in either of said departments shall be filled by appointment to the department in which the vacancy occurs.

Vacancies.

*Approved March 8, 1888.*

AN ACT TO AMEND SECTION NINETEEN OF CHAPTER FIFTY-TWO OF THE PUBLIC STATUTES, RELATING TO NOTICES IN, AND JURISDICTION OF, CASES OF INJURIES RECEIVED ON HIGHWAYS.

Chap.114

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

SECTION 1. Section nineteen of chapter fifty-two of the Public Statutes, as amended by chapter thirty-six of the acts of the year eighteen hundred and eighty-two, is hereby further amended by striking out the words "in the superior court" in the seventh line thereof, so that said section as amended shall read as follows:— *Section 19.* A person so injured shall within thirty days thereafter give to the county, town, place or persons by law obliged to keep said highway, townway, causeway, or bridge in repair, notice of the time, place, and cause of the said injury or damage: and if the said county, town, place, or persons do not pay the amount thereof, he may within two years after the date of said injury or damage bring an action of tort against said county, town, place, or persons to recover the same. But no notice given under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place, or cause of the injury: *provided,* that it is shown that there was no intention to mislead, and that the party entitled to notice was not in fact misled thereby.

Jurisdiction of cases of injuries received on highways.

Proviso.

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

*Approved March 8, 1888.*

AN ACT TO ESTABLISH THE SALARIES OF THE FIRST AND SECOND CLERKS OF THE BUREAU OF STATISTICS OF LABOR.

Chap.115

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

SECTION 1. The salary of the first clerk of the bureau of statistics of labor shall be eighteen hundred dollars

Salaries established.

per annum, and of the second clerk fifteen hundred dollars per annum, beginning with the first day of January in the year eighteen hundred and eighty-eight, and at the same rate for any portion of a year.

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

*Approved March 8, 1888.*

**Chap.116** AN ACT TO AMEND SECTION THIRTEEN OF CHAPTER ONE HUNDRED AND SIX OF THE PUBLIC STATUTES, RELATING TO THE FORMATION OF CERTAIN CORPORATIONS.

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

Corporations for erecting hotels or buildings for manufacturing, etc., purposes.

SECTION 1. Section thirteen of chapter one hundred and six of the Public Statutes is hereby amended so as to read as follows :— *Section 13.* For the purpose of erecting and maintaining a hotel, public hall, or building for manufacturing or mechanical purposes, three or more persons may associate themselves, with a capital of not less than five thousand, nor more than five hundred thousand dollars, but with no power to engage in the business of keeping a hotel.

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

*Approved March 9, 1888.*

**Chap.117** AN ACT TO INCORPORATE THE VINEYARD HAVEN GAS AND ELECTRIC COMPANY.

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

Vineyard Haven Gas and Electric Company incorporated.

SECTION 1. Orson G. Stanley, Harry Castello, George W. Walker, their associates and successors, are hereby made a corporation by the name of the Vineyard Haven Gas and Electric Company, for the purpose of making and distributing gas for lighting, heating, cooking, chemical, and mechanical purposes, generating and furnishing electricity for purposes of light and power, and supplying the same to the inhabitants of the town of Tisbury.

May dig up grounds and ways with consent of selectmen.

SECTION 2. The said corporation having first obtained the consent of the selectmen of said town of Tisbury, is hereby authorized, under the direction and control of said selectmen, to dig up and open the grounds in any of the streets or ways thereof, so far as is necessary for the purpose of laying its lines of wire, pipes or other conduits, to carry into effect the authority hereby given, and for the purpose of keeping the said lines in repair; and to erect and maintain lines of wire upon or above the surface



of said streets and ways; but such consent shall not affect the right to recover damages for an injury to person or property caused by the doings of said corporation under the authority herein given. The said corporation shall put all streets or ways which are so opened by it into as good repair as they were in immediately prior to such opening, and upon failure to do so within a reasonable time shall be deemed guilty of maintaining a nuisance.

Such consent not to affect right to recover damages.

SECTION 3. When a party injured in his person or property by a defect or want of repair in a street or way, caused by the operations of said corporation in laying down, erecting, maintaining or repairing its lines of wire, pipes or other conduits, or in otherwise obstructing such streets or ways, recovers damages therefor of the said town of Tisbury, said town shall in addition to the damages so recovered against it, be entitled to recover all taxable costs of the plaintiff and defendant in the same action in a suit brought against said corporation, if said corporation be liable for said damages and if reasonable notice shall have been given to it by said town so that it might have defended the original action.

Recovery for damages and costs.

SECTION 4. The selectmen of said town of Tisbury may regulate, restrict and control all acts and doings of said corporation which may in any way affect the health, safety, convenience or property of the inhabitants of said town.

Selectmen may regulate doings of corporation.

SECTION 5. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding twenty thousand dollars in value; and the whole capital stock of said corporation shall not exceed the sum of fifty thousand dollars, to be divided into shares of one hundred dollars each. The said corporation may issue bonds bearing interest at a rate not exceeding six per centum per annum, to an amount not in excess of its capital stock actually paid in and applied to the purposes of its incorporation, and may secure the same by a mortgage of its franchise and property.

Real estate, capital stock and shares.

May issue bonds.

SECTION 6. Except as is hereinbefore expressly provided said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or hereafter may be in force relating to gas and electric light companies.

Powers and duties.

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

*Approved March 9, 1888.*

*Chap.118* AN ACT TO CHANGE THE NAME OF THE TEMPORARY HOME FOR THE  
DESTITUTE.

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

Name changed.

SECTION 1. The name of the charitable society known as The Temporary Home for the Destitute is hereby changed to and shall hereafter be The Gwynne Temporary Home for Children.

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

*Approved March 9, 1888.*

*Chap.119* AN ACT TO ENLARGE THE PURPOSES OF THE WILLIAMS MARKET  
CORPORATION OF BOSTON, AND TO AUTHORIZE THE ISSUE OF ADDI-  
TIONAL STOCK BY SAID CORPORATION.

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

May improve its  
real estate in  
Boston.

SECTION 1. The Williams Market may use and improve its real estate at the corner of Dover and Washington streets in the city of Boston, by erecting thereon a building or buildings suitable in purposes and design for that locality.

May issue new  
shares in capital  
stock, and may  
mortgage real  
estate.

SECTION 2. The par value of shares in the capital stock of said Williams Market already issued shall be one hundred dollars each and it may issue new shares of the same par value, the whole number not to exceed four thousand, and may mortgage its real estate to secure moneys borrowed by it to a sum not exceeding two hundred and fifty thousand dollars.

Property may  
be used for law-  
ful purposes  
suitable for the  
locality.

SECTION 3. The real estate now owned by said corporation and any buildings erected or hereafter to be erected thereon, may be used, enjoyed or let for such lawful purposes as may be suitable for the locality, and as may seem proper in the judgment of the corporation or its officers.

Repeal.

SECTION 4. Anything in the act of incorporation of said Williams Market, being chapter two hundred and forty-three of the laws of eighteen hundred and forty-nine, inconsistent herewith is hereby repealed.

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

*Approved March 9, 1888.*

AN ACT RELATING TO THE MEMBERS OF THE CORPORATION OF SAVINGS BANKS.

Chap.120

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

Section seventeen of chapter one hundred and sixteen of the Public Statutes is hereby amended so as to read as follows : — Every such corporation may, at a legal meeting, elect by ballot any citizen of this Commonwealth to be a member thereof; and any person may, at an annual meeting, cease to be a member, if he has filed with the treasurer a written notice of his intention so to do three months at least before such meeting. If a member fails to attend two consecutive annual meetings his membership shall be declared forfeited by vote of the corporation at its next annual meeting: *provided, however,* that the member shall be notified of such proposed vote by letter duly addressed to his last and usual place of abode and mailed at least three months prior to such annual meeting. Such action and vote recorded shall be considered evidence of forfeiture of membership. No person shall continue to be a member after removing from the Commonwealth.

Any citizen of Mass. may be elected a member of the corporation.

Membership forfeited upon failure to attend certain annual meetings.

Membership to cease upon removal from the state.

*Approved March 9, 1888.*

AN ACT TO AUTHORIZE THE TOWN OF PEABODY TO FURTHER INCREASE AND PRESERVE ITS WATER SUPPLY.

Chap.121

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

SECTION 1. The town of Peabody, for the purposes of raising, holding, preserving and storing the waters of Spring pond situated in said town and in the cities of Salem and Lynn, and the waters of Brown's pond situated in said town, for the use and supply of said town, said ponds being now sources of water supply of said town, is hereby authorized to stop up the outlets of said ponds, to erect and maintain dams at and across said outlets and upon and near the borders of said ponds, to raise by said dams the waters of said ponds to any height desirable for the preserving and storing said waters, to retain and store the waters in said ponds and to flow the lands situated on and near the borders of said ponds.

Town may increase, etc., its water supply.

SECTION 2. Said town, for the purposes aforesaid, and in the execution of the powers hereinbefore given, may at any time take and hold, by purchase or otherwise, any water rights connected with said ponds, and also all lands, rights of way and easements necessary for raising, holding,

May take and hold lands, water rights, etc.

purifying, preserving and storing said waters and conveying the same to any part of said town and to the city of Salem : and may erect and maintain on any lands so taken or held all dams, buildings, fixtures and other structures necessary or suitable for the purposes aforesaid ; and may continue and maintain the dams and other works already erected by said town on and near the borders of said ponds, subject to the payment of any claim for damages which any person may have for such continued maintenance until the filing of the taking and description provided for in section three of this act, to be recovered as hereinafter provided.

May erect dams, buildings, and other structures.

To cause to be recorded in the registry of deeds a description of lands, etc., taken.

SECTION 3. Said town shall, within sixty days after any taking of water rights, lands, rights of way or easements, as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds in the southern district of the county of Essex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, and also a statement of the height to which said town then intends to raise said waters, signed by the water board of said town. Whenever the water is raised above the height named in the statement recorded as aforesaid, a statement of the height of such proposed new raising of the water shall be signed by said water board and filed and recorded in said registry within sixty days after such increased raising is begun.

Damages to be paid by the town.

SECTION 4. Said town shall pay all damages sustained by any person in his property, by the taking of any water right, land, right of way or easement, or by any other thing done by said town, under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act, or in case of a new raising of the water as hereinbefore provided for, within three years from the filing of notice of such new raising ; but no such application shall be made after the expiration of said three years. Any person asking for the assessment of damages under the provisions of this act may include, at his option,

Application for damages.

in his petition, any claim for damages sustained by him in his property by the acts and doings of said town in raising the waters of said ponds, or either of them, or in the erection of dams or other structures upon the land of the petitioner for the purpose of raising or controlling the waters of said ponds, before the passage of this act, and any award made or verdict rendered on such petition, and judgment thereon, shall be a complete bar to a recovery for such damages by any other action or remedy.

SECTION 5. For the purpose of defraying the cost and expenses which may be incurred in any work or taking of property, under the provisions of this act, said town, through its treasurer, shall have authority to issue from time to time promissory notes or bonds, to an amount sufficient for said purpose, bearing interest at a rate not exceeding six per centum per annum, the principal payable at periods not more than thirty years from the issuing of said notes or bonds. Said town may sell the same or any part thereof from time to time, or pledge the same for money borrowed for the purpose aforesaid, on such terms and conditions as it may deem proper. Said town shall make appropriations and assess from time to time such amounts as may be necessary to pay the interest on said loans and the principal at the maturity of said notes or bonds.

Town may issue bonds, etc.

May sell bonds, etc., at public or private sale.

To provide for payment of interest and principal.

SECTION 6. All the rights, powers and authority granted to said town by this act, and not otherwise specifically provided for, shall be exercised by said town by its water board, who shall be subject however to any instructions, rules and regulations which said town may impose by its vote.

Powers to be exercised by water board.

SECTION 7. Nothing contained in this act shall be construed to take away or in any way to abridge or impair any power or right now possessed by said town, nor to affect any claim for damages that any person may now have against said town, nor any case now pending, except as hereinbefore provided in the last paragraph of section four.

Rights in favor or against the town not impaired.

SECTION 8. This act shall take effect upon its passage, and shall become void unless accepted within six months by a majority vote of the legal voters of said town present and voting at a legal meeting called for that purpose: and no more than three meetings shall be called for said purpose.

Subject to acceptance by a majority vote within six months.

*Approved March 12, 1888.*

**Chap. 122** AN ACT TO AUTHORIZE THE PRINTING OF ADDITIONAL COPIES OF THE ANNUAL REPORT OF THE BOARD OF GAS COMMISSIONERS.

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

Additional number of annual reports to be printed.

SECTION 1. Section two of chapter three hundred and forty-six of the acts of the year one thousand eight hundred and eighty-six is hereby amended by striking out the words "fifteen hundred" in the twenty-sixth line thereof and by inserting in place thereof the words:— three thousand.

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

*Approved March 12, 1888.*

**Chap. 123** AN ACT RELATIVE TO THE PREPARATION AND REVISION OF THE LIST OF JURORS IN THE CITY OF BOSTON.

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

Preparation and revision of the list of jurors.

SECTION 1. When the list of jurors in the city of Boston is submitted by the board of registrars of voters to the board of aldermen of said city, in accordance with section twenty-four of chapter one hundred and seventy of the Public Statutes, for their revision and acceptance, the board of aldermen on such revision may strike any names therefrom but shall not add names thereto. If the list so revised and accepted shall include less than one juror for every hundred inhabitants of the said city, the said board of registrars shall prepare, post, and submit to the board of aldermen a further list or lists and like proceedings thereon shall be had as in the case of the original list, until the number of jurors required by law is obtained.

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

*Approved March 12, 1888.*

**Chap. 124** AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO INCREASE ITS WATER LOAN.

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

City may increase water loan.

SECTION 1. The city of Taunton for the purposes mentioned in chapter two hundred and seventeen of the acts of the year eighteen hundred and seventy-five, and chapter seventy-four of the acts of the year eighteen hundred and eighty, may issue scrip, notes, bonds, or certificates of debt to be denominated on the face thereof Taunton Water Loan, to an amount not exceeding one

hundred thousand dollars, in addition to the amounts which said city is now authorized to issue, payable at periods not exceeding thirty years from the date of issue, and, except as herein otherwise provided, to be issued on the same terms and conditions and with the same powers as are provided in said chapter two hundred and seventeen for the issue of notes, scrip, or certificates of debt of said city: *provided*, that the whole amount of such water scrip, notes, bonds, or certificates of debt issued by said city for the purposes of said water loan hereunder and under said chapter two hundred and seventeen and the acts in addition thereto, shall not in any event exceed the amount of six hundred and fifty thousand dollars. Proviso.

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

*Approved March 12, 1888.*

AN ACT TO INCORPORATE THE BOSTON REAL ESTATE ASSOCIATION OF BOSTON.

*Chap. 125*

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

SECTION 1. Frederick E. Hurd, James E. Fitzgerald, James H. Carney, Thomas J. Monaghan, John A. Barry, their associates and successors, are hereby made a corporation for the term of fifty years from the date of the passage of this act, by the name of the Boston Real Estate Association of Boston, for the purpose of buying, selling, leasing and improving real estate in the counties of Suffolk and Norfolk to an amount not exceeding one hundred thousand dollars in value, and performing such other legal acts as may be necessary in accomplishing said objects; with all the powers and privileges, and subject to all the duties, liabilities and conditions set forth in all general laws which now are or hereafter may be in force applicable to such corporations. Boston Real Estate Association of Boston incorporated.  
Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars and shall be divided into shares of one hundred dollars each: *provided*, that said corporation shall not transact any business until at least five thousand dollars in money shall have been paid in; and *provided*, that no share of stock shall be issued until the par value in money of the same shall have been fully paid in. Capital stock and shares.

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

*Approved March 12, 1888.*

*Chap.126* AN ACT FOR THE PROTECTION OF THE SHAD FISHERIES IN MILL RIVER AND ITS TRIBUTARIES IN THE TOWN OF ESSEX.

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

Shad not to be taken until July 1, 1892.

SECTION 1. No person shall take, catch or cause to be taken or caught, by any means whatsoever, in Mill river or any of its tributaries in the town of Essex, or the ponds or connecting streams out of which said river and tributaries may flow, any of the fish called shad, until the first day of July in the year eighteen hundred and ninety-two.

Owners of dams to maintain fishways.

SECTION 2. The owners and proprietors of all dams on said Mill river and its tributaries are hereby required to maintain fishways over or around said dams, and these fishways shall be subject to all the powers given to the commissioners of inland fisheries under the laws of the Commonwealth.

Penalties.

SECTION 3. Any person offending against the provision of section one of this act shall forfeit for each shad taken, caught or destroyed, not less than five nor more than ten dollars.

Fines may be recovered in any court of competent jurisdiction in Essex county.

SECTION 4. All fines and penalties for violation of this act, with costs, may be recovered by complaint, or action of tort, in any court of competent jurisdiction in the county of Essex.

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

*Approved March 13, 1888.*

*Chap.127* AN ACT TO AMEND SECTIONS FORTY AND FORTY-ONE OF CHAPTER ONE HUNDRED AND SIXTEEN OF THE PUBLIC STATUTES RELATING TO THE ANNUAL REPORTS OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

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

Form of annual reports of savings banks, etc.

Sections forty and forty-one of chapter one hundred and sixteen of the Public Statutes are hereby amended so as to read : — *Section 40.* The treasurer of every such corporation shall annually within twenty days after the last business day of October make a report to the commissioners showing accurately the condition thereof at the close of business on said day. The report shall be in such form as the commissioners shall prescribe and shall specify the following particulars : namely, Name of corporation and number of corporators ; place where located ; amount of deposits ; amount of each item of other liabilities ;



public funds, including all United States, state, county, city and town bonds, stating each particular kind, the par value, estimated market value and amount invested in each; loans on public funds, stating amount on each; bank stock, stating par value, estimated market value and amount invested in each; loans on bank stock, stating amount on each; railroad bonds, stating par value, estimated market value and amount invested in each; loans on railroad bonds, stating amount on each; estimated value of real estate, and amount invested therein; loans on mortgage of real estate; loans to counties, cities or towns; loans on personal security; cash on deposit in banks, with the names of such banks and the amount deposited in each; cash on hand; the whole amount of interest or profits received or earned, and the rate and amount of each semi-annual and extra dividend for the previous year; the times for the dividends fixed by the by-laws; the rates of interest received on loans; the total amount of loans bearing each specified rate of interest; the number of outstanding loans which are of an amount not exceeding three thousand dollars each, and the aggregate amount of the same; the number of open accounts; also the number and amount of deposits received; the number and amount of withdrawals; the number of accounts opened, and the number of accounts closed, severally, for the previous year; and the annual expenses of the corporation; all of which shall be certified and sworn to by the treasurer. The president and five or more of the trustees shall certify and make oath that the report is correct according to their best knowledge and belief.

Form of  
annual reports.

*Section 41.* Beginning with the year ending with the last business day of October eighteen hundred and eighty-nine and annually thereafter such reports shall also state the number and amount of deposits of fifty dollars and less, of those exceeding fifty dollars and not more than one hundred dollars, of those exceeding one hundred dollars and not more than two hundred dollars, of those exceeding two hundred dollars and not more than five hundred dollars, of those exceeding five hundred dollars and less than one thousand dollars, of those of one thousand dollars or more; and of those to the credit of women, both adult and minor, guardians, religious and charitable associations, and in trust, respectively, received during the year.

Reports to  
state number  
and amount of  
deposits, etc.

*Approved March 13, 1888.*

*Chap.*128 AN ACT TO ENABLE THE CITY OF GLOUCESTER TO ISSUE BONDS, NOTES, OR SCRIP FOR THE PAYMENT OF ITS INDEBTEDNESS.

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

City may issue bonds, etc., for payment of its indebtedness.

SECTION 1. The city of Gloucester for the purpose of paying and refunding indebtedness already incurred or authorized by said city may, from time to time, issue bonds, notes, or scrip to an amount not exceeding one hundred and sixty thousand dollars, payable in periods not exceeding twenty years from the date of issue, and bearing interest at rates not exceeding four per cent. per annum, but the provisions of chapter twenty-nine of the Public Statutes, and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, shall in all other respects apply to the issue of said bonds, notes, or scrip and to the establishment of a sinking fund for the payment thereof at maturity.

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

*Approved March 13, 1888.*

*Chap.*129 AN ACT TO FURTHER AMEND AN ACT TO SUPPLY THE VILLAGE OF MANSFIELD WITH WATER.

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

Water supply for the village of Mansfield.

SECTION 1. Section one of chapter one hundred and forty-one of the acts of the year eighteen hundred and eighty-seven, which defines and describes the Mansfield water supply district, is hereby substituted for section one of chapter three hundred and thirty-six of the acts of the year eighteen hundred and eighty-six, which last-named section was repealed by section two of said chapter one hundred and forty-one; and all the references and allusions in said chapter three hundred and thirty-six, to "said district", "said water supply district", and "said Mansfield water supply district", shall be construed and interpreted as applying to the district defined and described in said section one of chapter one hundred and forty-one of the acts of the year eighteen hundred and eighty-seven.

Acts not to be invalid by reason of informality, etc.

SECTION 2. The doings and proceedings of the inhabitants of the Mansfield water supply district, as described in either of said acts, in acceptance and pursuance of the provisions of chapter three hundred and thirty-six of the acts of the year eighteen hundred and eighty-six and of

chapter one hundred and forty-one of the acts of the year eighteen hundred and eighty-seven, shall not be deemed invalid for the reason that any informality or omission in the wording of said acts tends or operates to invalidate or annul the intent and scope of said acts. And all doings and proceedings of the inhabitants of said district and of its officers and agents done and had in pursuance of the provisions or in carrying out the purposes of said acts are hereby ratified, established, confirmed and made valid, and the same shall be taken and deemed to be good and valid in law to all intents and purposes whatsoever.

Doings and proceedings ratified.

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

*Approved March 13, 1888.*

AN ACT TO AMEND AN ACT TO INCORPORATE THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY.

*Chap. 130*

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

SECTION 1. Section one of chapter fifty-three of the acts of the year eighteen hundred and sixty-four is hereby amended by adding at the end thereof the following:— thence over and upon such of the streets and highways of the town of Merrimac as may be from time to time fixed and determined by the selectmen of said town.

May extend road over streets, etc., in town of Merrimac, subject to control of the selectmen.

SECTION 2. Section two of chapter fifty-three of the acts of the year eighteen hundred and sixty-four is hereby repealed.

Repeal.

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

*Approved March 13, 1888.*

AN ACT TO PROVIDE AN ADDITIONAL WATER SUPPLY FOR THE TOWN OF BROOKLINE.

*Chap. 131*

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

SECTION 1. The town of Brookline is hereby authorized to take, hold and convey into and through said town from Charles river, at any convenient point upon the same, water for the use of said town and the inhabitants thereof, not exceeding one and one-half millions of gallons daily in addition to the one and one-half millions gallons daily which it is now authorized to take by chapter three hundred and forty-three of the acts of the year eighteen hundred and seventy-two, making the whole quantity said town is authorized to take three millions of gallons

Town may take additional water from Charles river.

daily. All the provisions of said chapter three hundred and forty-three shall apply to the additional one and one-half millions of gallons daily, in the same manner and to the same extent as said provisions apply to the one and one-half millions of gallons daily authorized to be taken by said chapter three hundred and forty-three.

Brookline  
Water Scrip  
not to exceed  
\$1,200,000.

SECTION 2. Said town for the purposes mentioned herein and in said chapter three hundred and forty-three, may issue notes, scrip, or certificates of debt to be denominated on the face thereof Brookline Water Scrip to an amount not exceeding five hundred thousand dollars in addition to the amount of seven hundred thousand dollars which said town has been heretofore authorized to issue, to be issued upon the same terms and conditions and with the same powers as are granted in said chapter three hundred and forty-three: *provided*, that the whole amount of such notes, scrip, or certificates of debt issued by said town for the purposes herein mentioned shall not in any event exceed the sum of twelve hundred thousand dollars.

Subject to ac-  
ceptance by a  
two-thirds vote.

SECTION 3. This act shall take effect upon its passage, but shall become void unless accepted by two-thirds of the legal voters of said town present and voting thereon, at a legal town meeting called for that purpose within two years from the passage of this act.

*Approved March 13, 1888.*

*Chap. 132* AN ACT TO CHANGE THE NAME OF THE JEFFRIES CLUB OF BOSTON.  
*Be it enacted, etc., as follows:*

Name changed. SECTION 1. The name of the Jeffries Club of Boston, incorporated under the general laws of the Commonwealth, is hereby changed to the Jeffries Yacht Club.

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

*Approved March 13, 1888.*

*Chap. 133* AN ACT TO AUTHORIZE THE SPRINGFIELD HOME FOR FRIENDLESS WOMEN AND CHILDREN TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

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

May hold ad-  
ditional real  
and personal  
estate.

SECTION 1. The Springfield Home for Friendless Women and Children in the city of Springfield is hereby authorized to hold real and personal estate to the amount of one hundred and twenty-five thousand dollars.

SECTION 2. The limitations, fixed by section two of chapter one hundred and sixty-six of the acts of the year eighteen hundred and sixty-five and of chapter three hundred and fifty-four of the acts of the year eighteen hundred and seventy, to the amount of real and personal estate that may be held by said corporation, are hereby repealed.

*Repeal.*

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

*Approved March 14, 1888.*

AN ACT TO AUTHORIZE THE INCORPORATION OF LABOR OR TRADE ORGANIZATIONS.

*Chap. 134*

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

SECTION 1. Seven or more persons within this Commonwealth, who associate themselves together by such an agreement in writing as is described in section three of chapter one hundred and fifteen of the Public Statutes, with the intention of forming a corporation for the purpose of improving in any lawful manner the condition of any employees in any one or more lawful trades or employments, either in respect to their employment, or by the promotion of education, temperance, morality or social intercourse, by the payment of benefits to members when sick or unemployed, or to persons dependent upon deceased members, or otherwise, shall, upon complying with the provisions of said chapter one hundred and fifteen of the Public Statutes and of this act, be and remain a corporation. The provisions of said chapter, so far as not inconsistent with this act, shall apply to corporations formed under this act.

*Labor or trade organizations may become incorporated.*

SECTION 2. The commissioner of corporations shall not endorse his approval upon the certificate of organization of any corporation formed under this act unless satisfied that the agreement of association shows that the purpose of such corporation is a lawful one, nor unless satisfied that its by-laws contain no provision contrary to law, and such commissioner may call for the opinion of the attorney-general thereon; nor shall such commissioner so endorse his approval unless satisfied that the by-laws conform to the requirements of the two following sections of this act.

*Endorsement of certificate of organization by commissioner of corporations.*

SECTION 3. The by-laws of every corporation formed under this act shall contain clear and distinct provisions in respect to the following matters: the manner of electing or admitting new members; the manner of expelling

*Certain by-laws to be established.*

members; the officers of the corporation, with their respective titles, duties, powers and terms of office; the manner of electing and removing such officers; the number of members required to constitute a quorum for the transaction of business; the manner of calling special meetings of the corporation; the manner of rescinding or amending by-laws and making new ones; the purposes for which the funds of the corporation shall be applicable; the purposes for which assessments may be laid upon members; the conditions under which a member or persons dependent on a deceased member, shall be entitled to benefits, if any are to be given by the corporation; the manner in which a fine or forfeiture can be imposed upon a member, if any are to be imposed by the corporation; the manner in which the funds of the corporation are to be held, deposited or invested; the manner in which the accounts of the treasurer are to be periodically audited; and the manner of voting upon shares of stock, if any capital stock is to be issued by the corporation.

Amendment  
of by-laws.

SECTION 4. No by-law of a corporation formed under this act shall be rescinded or amended, and no new by-law shall be made unless notice of such proposed action has been given at a previous meeting of the corporation, and no such rescinding, amendment or new by-law shall take effect until approved by the commissioner of corporations as not inconsistent with the provisions of this act. No member of such corporation shall be expelled by vote of less than a majority of all the members thereof, nor by vote of less than three-quarters of the members present and voting upon such expulsion. Every member of such corporation and every person having an interest in its funds shall be entitled to examine its books and records.

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

*Approved March 14, 1888.*

*Chap. 135* AN ACT TO AMEND SECTIONS TEN AND ELEVEN OF CHAPTER TWO HUNDRED AND THREE OF THE PUBLIC STATUTES RELATING TO THE PENALTIES FOR THE OFFENCE OF BURGLARY.

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

Penalties for  
the offence of  
burglary.  
P. S. 203, § 10.

SECTION 1. Section ten of chapter two hundred and three of the Public Statutes is hereby amended by adding at the end thereof the following words: — not less than ten, — so that said section as amended shall read as follows: — *Section 10.* Whoever breaks and enters a dwell-

ing-house in the night time, with intent to commit murder, rape, robbery, larceny, or other felony, or, after having entered with such intent, breaks such dwelling-house in the night time, any person being then lawfully therein, and the offender being armed with a dangerous weapon at the time of such breaking or entry, or so arming himself in such house, or making an actual assault on a person being lawfully therein, shall be punished by imprisonment in the State prison for life, or for any term of years not less than ten.

SECTION 2. Section eleven of said chapter is hereby amended by adding at the end thereof the following words: — and, if such offender shall have been previously convicted of any offence named in this or the preceding section, not less than five years, — so that the section as amended shall read as follows: — *Section 11.* Whoever breaks and enters a dwelling-house in the night time with such intent, or, having entered with such intent, breaks such dwelling-house in the night time, the offender not being armed, nor arming himself in such house with a dangerous weapon, nor making an assault upon any person then being lawfully therein, shall be punished by imprisonment in the State prison not exceeding twenty years, and, if such offender shall have been previously convicted of any offence named in this or the preceding section, not less than five years.

Amendment to  
P. S. 203, § 11.

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

*Approved March 16, 1888.*

AN ACT TO AMEND AN ACT RELATING TO THE BOARD OF WATER COMMISSIONERS OF THE CITY OF SPRINGFIELD.

*Chap. 136*

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

SECTION 1. Section three of chapter thirty of the acts of the year eighteen hundred and eighty is hereby amended by striking out at the beginning of said section the words “The city engineer of said city shall be ex officio clerk of said board, and as such” and inserting in lieu thereof the words: — Said board of water commissioners shall elect a clerk who, — so that the section as amended shall read as follows: — Said board of water commissioners shall elect a clerk who shall keep a true and accurate record of the doings thereof, and who shall be duly sworn to the faithful performance of his duties.

Board of water  
commissioners  
to elect a clerk.

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

*Approved March 16, 1888.*

*Chap.*137 AN ACT TO PROVIDE A RESERVOIR FOR THE CITY OF CAMBRIDGE  
AND TO BETTER PRESERVE THE PURITY OF ITS WATER SUPPLY.

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

Reservoir and  
storage basin  
for Cambridge.

SECTION 1. The city of Cambridge, having accepted the provisions of chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-four, and constructed an aqueduct conveying the waters of Stony brook into and through said city by the way of Fresh pond, as provided in the said act, may, for the purpose of providing a reservoir and storage basin for the said city, and preserving the purity of the waters to be held in said Fresh pond and distributed therefrom, and protecting and improving the shores and vicinity thereof, at any time within five years after the passage of this act take and hold by purchase or otherwise any part or the whole of the land and buildings thereon which lie within the following described boundaries: Southeasterly by the Watertown branch of the Fitchburg railroad between land owned by the trustees of Jacob Hittinger and Concord avenue; northeasterly by Concord avenue; northwesterly by the boundary line between said Cambridge and the town of Belmont; and southwesterly by Cushing street, Woodlawn avenue and the southerly side of a proposed new street called Fresh pond avenue, to the said branch of said railroad at the place of beginning, and outside of the present ripped borders in the pond as they now exist: *provided, however*, that the two corporations or their respective assigns now owning ice-houses on said premises, if they or either of them so elect, and give written notice to the city clerk of said city of their intention so to do, within sixty days after the filing and recording of the taking as hereinafter provided, shall be permitted to cut and remove ice from said pond, and to remain in possession of and use their buildings and premises for a period not exceeding two years from and after any taking of the same by virtue of this act; but if said two corporations, or either of them, shall elect to hold and use their premises as above, this fact shall be taken into the account in estimating the damages hereinafter provided for. When possession is taken by said city of Cambridge under the provisions of this act, of the land and buildings of either of said corporations, the whole of its land and buildings within said boundaries shall be taken, and not a part only thereof.

May take land,  
etc.

Proviso.



SECTION 2. Said city shall within sixty days after taking any lands or buildings, as herein provided, otherwise than by purchase, for the purposes of this act, file and cause to be recorded in the registry of deeds for the county and district in which said land and buildings are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor; and said city shall also cause notice of such taking to be sent by mail to the owners of record of the land so taken.

To cause to be recorded in the registry of deeds a description of the land taken.

SECTION 3. So long as Fresh pond shall be used by the city of Cambridge as a reservoir, storage basin and water supply, or until otherwise provided by statute, and in order that the said city of Cambridge may better guard and protect the waters to be stored, distributed and used in said reservoir and storage basin from pollution and intrusion, all the right and control which the Commonwealth has in the great pond known as Fresh pond in Cambridge, is hereby granted and relinquished unto said city, said grant and relinquishment to take effect whenever said city shall, by purchase or otherwise, become the owner of all the land abutting on said pond; and from the passage of this act said city shall have exclusive right in and control over the said pond, and power to prevent all persons and animals from entering in, upon or over the land and waters thereof, except that it shall not prevent the two corporations or their respective assigns before mentioned from cutting and removing ice.

Right of the Commonwealth in Fresh pond relinquished to Cambridge.

SECTION 4. Said city shall be liable to pay all damages sustained in property by any person or corporation by reason of the taking of any land, right or easement or by any other thing done by said city under the authority of this act. If any one sustaining damage as aforesaid does not agree with said city upon the amount of said damage, he may within two years from such taking, and not afterwards, apply by petition for an assessment of the damage to the superior court in the county in which the property taken or damaged is situated. Such petition may be filed at any time within said two years in the office of the clerk of said court, who shall thereupon issue a summons to said city, returnable at the next return day after the expiration of fourteen days from the filing of the petition. The summons shall be served fourteen days at least before the day

City to pay damages.

on which it is returnable by leaving a copy thereof, and of the petition, certified by the officer who served the same, with the clerk of said city, and the court may upon default or hearing of said city appoint three disinterested persons, who shall after reasonable notice to the parties assess the damages, if any, which such petitioner may have sustained as aforesaid, and the award of the persons so appointed, or a major part of them, being returned into and accepted by the court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of the parties claims a trial by jury, as hereinafter provided.

Referees may be appointed.

Parties dissatisfied may claim a trial.

SECTION 5. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damage awarded as therein provided for, such party may, at the sitting of the court at which said award was accepted or the next sitting thereafter, claim in writing a trial in said court, and thereupon all questions of fact relating to such damages shall be heard and determined and the amount of damages assessed by a jury at the bar of said court, and the verdict of the jury being accepted and recorded by the court shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties respectively in the same manner as is provided by law in regard to proceedings relating to laying out of highways.

City may make tender for damages when petition for assessment is made.

SECTION 6. In every case of a petition to the superior court for an assessment of damages as provided in this act, the said city may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner, for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted, and that damages may be awarded against it for the sum therein expressed; and if the petitioner does not accept the sum so offered or tendered, with his costs up to that time, but proceeds with his suit, he shall be entitled to his costs to the time of such tender or payment into court or offer of judgment, and not afterwards, unless the amount recovered by him in such action exceeds the amount so tendered.

Exercise of powers and authority.

SECTION 7. All the rights, powers and authority given to the city of Cambridge by this act, shall be exercised by said city subject to all duties, liabilities and restrictions herein contained, in such manner and by such agents, offi-

cers and servants as the city council shall from time to time ordain, direct and appoint.

SECTION 8. For the purpose of paying for the land and settling the damages herein referred to, for improving the land by grading or otherwise, and generally for providing means for the further extension and improvement of the water works of said city from time to time, the city of Cambridge shall have authority to issue, as a water debt, in accordance with chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, in addition to what it is already authorized to issue by law, notes, scrip, or bonds to be denominated on the face Cambridge Water Loan, to an amount not exceeding five hundred thousand dollars. All the provisions of chapter two hundred and fifty-six of the acts of eighteen hundred and eighty-four, and the acts alluded to therein in regard to the establishment and maintenance of a sinking fund for the redemption of the Cambridge water loan, shall apply to this act.

Cambridge  
water loan may  
be increased  
\$500,000.

SECTION 9. This act shall take effect upon its passage.

*Approved March 16, 1888.*

AN ACT TO AUTHORIZE THE TOWN OF RANDOLPH TO MAKE AN  
ADDITIONAL WATER LOAN.

*Chap.138*

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

SECTION 1. The town of Randolph for the purposes mentioned in section five of chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five, may issue bonds, notes, or scrip, from time to time, to be denominated on the face thereof Randolph Water Loan, to an amount not exceeding twenty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes; said bonds, notes, or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Randolph water loan by said town: *provided*, that the whole amount of such bonds, notes, or scrip issued by said town together with those heretofore issued by said town for the same purposes shall not in any event exceed the amount of one hundred and twenty thousand dollars.

Randolph water  
loan may be in-  
creased \$20,000.

*Proviso.*

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

*Approved March 16, 1888.*

**Chap.139** AN ACT TO REGULATE THE GRANTING OF LIQUOR LICENSES TO BE EXERCISED IN DWELLING-HOUSES.

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

No license of the first five classes to be granted to be exercised in a dwelling house.

SECTION 1. No license of the first five classes named in section ten of chapter one hundred of the Public Statutes shall be granted to be exercised in any dwelling-house. But this section shall not be construed to prevent the granting of licenses to be exercised in any stores or shops which have no interior connection or means of communication with a dwelling or tenement of any family. Any license granted contrary to the provisions of this section shall be void.

No license to be granted in a shop having interior connection, etc., with a dwelling.

SECTION 2. No license as aforesaid shall be granted to be exercised in any room or shop having any interior connection or means of communication with a dwelling or tenement of any family, and the opening or maintaining of any such connection or means of communication shall render the license void.

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

*Approved March 16, 1888.*

**Chap 140** AN ACT TO CONFIRM THE ORGANIZATION OF THE ATLANTIC WHARF COMPANY AND TO AUTHORIZE IT TO HOLD CERTAIN REAL ESTATE.

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

Organization confirmed.

SECTION 1. The organization of the Atlantic Wharf Company, a corporation established in Gloucester, is hereby confirmed and made valid, and said corporation may acquire, hold and lease, mortgage or sell the wharf property at Duncan's point, so called, in the city of Gloucester, known as the Atlantic wharf, and any lands, flats or wharf property contiguous thereto.

May acquire, etc., wharf property.

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

*Approved March 16, 1888.*

**Chap.141** AN ACT TO AMEND SECTION THIRTY-ONE OF CHAPTER TWO HUNDRED AND FOURTEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN, RELATING TO THE INSURANCE OF MECHANIC'S TOOLS.

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

Insurance of mechanics' tools. 1887, 214, §31.

Section thirty-one of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven is hereby amended by inserting at the end of paragraph five,

after the word “dollars” in the sixteenth line of said section, the words:—divided into shares of the par value of ten dollars each.

*Approved March 16, 1888.*

AN ACT TO GIVE THE TOWN OF QUINCY CERTAIN POWERS IN RELATION TO THE BROOKS AND STREAMS THEREIN.

*Chap. 142*

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

SECTION 1. The board of road commissioners of the town of Quincy, or the board of selectmen in case at any time said town has no board of road commissioners, is hereby authorized, for the purpose of draining any lands which have been or may hereafter be declared by the board of health of said town to be so wet or moist as to be offensive or injurious to health, to clear of obstructions, deepen and widen any brooks or streams within the limits of said town, and to straighten or alter the courses or channels thereof, and to enter upon any lands for such purpose; and the more effectually to make such improvements said board may take land within the limits of said town, in fee simple or otherwise, not exceeding four rods in width. Damages suffered by any person through such taking of land, or through any other action of said board under this act, shall be ascertained and recovered from the town of Quincy in the same manner as provided by law in the case of the laying out of town ways.

Road commissioners may clear of obstructions, brooks, etc., declared to be injurious to health, etc.

May take land not exceeding four rods in width.

SECTION 2. Chapter two hundred and ninety-six of the acts of the year eighteen hundred and eighty-seven is hereby repealed.

Repeal.

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

*Approved March 19, 1888.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO ENLARGE THE JAIL AND HOUSE OF CORRECTION AT FITCHBURG.

*Chap. 143*

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

SECTION 1. The county commissioners of the county of Worcester are hereby authorized to enlarge the jail and house of correction at Fitchburg, and for said purpose may borrow on the credit of said county a sum not exceeding seventy-five thousand dollars.

Jail and house of correction at Fitchburg may be enlarged.

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

*Approved March 19, 1888.*

**Chap.144** AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO BORROW MONEY FOR THE PURPOSES OF PUBLIC PARKS.

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

City may borrow money for taking land, etc., for public parks.

SECTION 1. For the purpose of defraying the expenses of purchasing or taking land for, and constructing and improving, such public parks as may be duly located and laid out by the board of park commissioners of the city of Worcester, the city council of said city may, by a vote passed in the manner provided by section seven of chapter twenty-nine of the Public Statutes, authorize its treasurer to issue from time to time, to a total amount not exceeding two hundred and fifty thousand dollars, negotiable bonds or certificates of indebtedness, payable in not exceeding fifty years from their date, and bearing interest at a rate not exceeding four per cent. per annum, to be denominated on the face thereof Worcester Park Loan.

Treasurer to sell bonds.

SECTION 2. Said treasurer shall sell said bonds and certificates, or any part thereof, from time to time, and retain the proceeds thereof in the treasury of the said city, and pay therefrom the expenses incurred for the purposes aforesaid.

Loan not to be included within the debt limit.

SECTION 3. The debt and loans authorized by this act shall not be included within the limit fixed by section two of chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five.

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

*Approved March 19, 1888.*

**Chap.145** AN ACT TO AMEND AN ACT TO INCORPORATE THE POWOW HILL WATER COMPANY.

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

Charter amended.

SECTION 1. Section two of chapter one hundred and sixty-one of the acts of the year eighteen hundred and eighty-three is hereby amended by inserting in the fifth line thereof after the words "Clark's pond," the following words: — and also the water from the springs near Bartlett's corner in said Amesbury, commonly known as Balch's spring, and from other springs in its immediate vicinity.

Provisions to apply to 1883, 161, § 2.

SECTION 2. The provisions of said chapter one hundred and sixty-one in all its sections shall apply to section two of said chapter in the same manner and to the same

extent as if these additional water sources mentioned in section one of this act had been incorporated originally into section two of said chapter one hundred and sixty-one, and nothing contained in this act shall be construed to take away or in any way to abridge or impair any power or right now possessed by said Powow Hill Water Company nor to affect any claim for damages that any person may now have against said Powow Hill Water Company nor any case now pending.

*Approved March 19, 1888.*

Rights and liabilities of company not impaired.

AN ACT TO ENABLE TOWNS TO DISCONTINUE VOTING PRECINCTS.

*Chap. 146*

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

SECTION 1. Any town which has accepted the provisions of chapter two hundred and sixty-four of the acts of the year eighteen hundred and eighty-six, and has been divided into voting precincts in accordance therewith, may, at a meeting duly called for the purpose, by vote, discontinue all such precincts, and thereafter the provisions of said act shall cease to apply to said town, and all subsequent elections therein shall be held as if no such division had been made.

Towns divided into voting precincts may discontinue the same.

SECTION 2. Notice in writing of the discontinuance of the voting precincts in a town in accordance with the preceding section, shall, within ten days thereafter, be given by the town clerk thereof to the secretary of the Commonwealth.

Notice of discontinuance to be sent to the secretary.

SECTION 3. A town which has discontinued all the voting precincts established under the provisions of the said chapter two hundred and sixty-four of the acts of the year eighteen hundred and eighty-six may however, in a subsequent year, again accept the provisions of said act and cause a division into voting precincts to be made thereunder.

Town may again accept 1886, 264, and establish voting precincts.

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

*Approved March 20, 1888.*

AN ACT TO PERMIT THE CONSTRUCTION OF A RAILROAD ACROSS LAND OF THE WESTBOROUGH INSANE HOSPITAL.

*Chap. 147*

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

SECTION 1. The trustees of the Westborough insane hospital, with the approval of and upon such terms as the governor and council may approve, may permit a railroad to be located, constructed and maintained

Trustees may allow a railroad to be located, etc., across land connected with hospital.

across land of the Commonwealth used in connection with said hospital.

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

*Approved March 20, 1888.*

**Chap.148** AN ACT IN RELATION TO AFFIDAVITS OF NOTICE OF APPOINTMENT AND SALES OF REAL ESTATE BY ADMINISTRATORS AND EXECUTORS.

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

Affidavits of notice of appointment and sales of real estate by administrators, etc.  
P. S. 132, § 2.

SECTION 1. Section two of chapter one hundred and thirty-two of the Public Statutes is amended so as to read as follows : — An affidavit of the executor or administrator, or of the person employed by him to give such notice, being filed and recorded with a copy of the notice in the registry of probate, shall be admitted as evidence of the time, place and manner in which the notice was given.

Amendment to P. S. 134, § 13.

SECTION 2. Section thirteen of chapter one hundred and thirty-four of the Public Statutes is amended so as to read as follows : — An affidavit of the executor or administrator, or of the person employed by him to give such notice, being filed and recorded with a copy of the notice in the registry of probate, shall be admitted as evidence of the time, place and manner in which the notice was given.

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

*Approved March 20, 1888.*

**Chap.149** AN ACT TO CAUSE PROPER SANITARY PROVISIONS AND PROPER VENTILATION IN PUBLIC BUILDINGS AND SCHOOLHOUSES.

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

Public buildings and school-houses to be kept clean and free from effluvia, etc.

SECTION 1. Every public building and every school-house shall be kept in a cleanly state and free from effluvia arising from any drain, privy or other nuisance, and shall be provided with a sufficient number of proper water closets, earth closets, or privies for the reasonable use of the persons admitted to such public building or of the pupils attending such schoolhouse.

To be properly ventilated.

SECTION 2. Every public building and every school-house shall be ventilated in such a proper manner that the air shall not become so exhausted as to be injurious to the health of the persons present therein. The provisions of this section and the preceding section shall be enforced by the inspection department of the district police force.



SECTION 3. Whenever it shall appear to an inspector of factories and public buildings that further or different sanitary provisions or means of ventilation are required in any public building or schoolhouse in order to conform to the requirements of this act, and that the same can be provided without incurring unreasonable expense, such inspector may issue a written order to the proper person or authority directing such sanitary provisions or means of ventilation to be provided, and they shall thereupon be provided in accordance with such order by the public authority, corporation or person having charge of, owning or leasing such public building or schoolhouse.

Powers and duties of an inspector of factories and public buildings.

SECTION 4. Any school committee, public officer, corporation or person neglecting for four weeks after the receipt of an order from an inspector, as provided in the preceding section, to provide the sanitary provisions or means of ventilation required thereby shall be punished by fine not exceeding one hundred dollars.

Penalty for neglect to comply with an order of an inspector.

SECTION 5. The expression "public building" used in this act means any building or premises used as a place of public entertainment, instruction, resort or assemblage. The expression "schoolhouse" means any building or premises in which public or private instruction is afforded to not less than ten pupils at one time.

"Public building" and "schoolhouse" defined.

SECTION 6. This act shall take effect upon its passage.  
*Approved March 20, 1888.*

AN ACT TO AUTHORIZE THE PROPRIETORS OF THE HARMONY GROVE CEMETERY OF SALEM TO HOLD ADDITIONAL REAL ESTATE. Chap. 150

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

SECTION 1. The Proprietors of the Harmony Grove Cemetery, incorporated by an act of the legislature approved February nineteenth in the year eighteen hundred and forty, may take and hold in fee simple for the purposes of the cemetery forty acres of land in addition to the sixty acres authorized by its charter.

May hold additional land.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 21, 1888.*

**Chap.151** AN ACT IN RELATION TO ACTIONS UPON FIRE INSURANCE POLICIES.*Be it enacted, etc., as follows:*

Right to arbitration deemed to be waived upon failure by company to comply with certain requirements.

SECTION 1. In case of loss under any fire insurance policy, issued on property in this Commonwealth, in the standard form set forth in section sixty of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven, and the failure of the parties to agree as to the amount of loss, if the insurance company shall not, within ten days after a written request to appoint arbitrators under the provision for arbitration in such policy, name three men under such provision, each of whom shall be a resident of this Commonwealth and willing to act as one of such arbitrators; and if also such insurance company shall not, within ten days after receiving the names of three men named by the insured under such provision, make known to the insured its choice of one of them to act as one of such arbitrators, it shall be deemed to have waived the right to an arbitration under such policy, and be liable to suit thereunder, as though the same contained no provision for arbitration as to the amount of loss or damage.

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

*Approved March 21, 1888.***Chap.152** AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF WORCESTER.*Be it enacted, etc., as follows:*

Salary established.

SECTION 1. The annual salary of the assistant register of probate and insolvency for the county of Worcester shall be eighteen hundred dollars.

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

*Approved March 21, 1888.***Chap.153** AN ACT PROVIDING FOR A THIRD ASSISTANT CLERK OF THE SUPERIOR COURT, CIVIL SESSION, OF THE COUNTY OF SUFFOLK.*Be it enacted, etc., as follows:*

Office of third assistant clerk established.

SECTION 1. The justices of the superior court, or a majority of them, may appoint a third assistant clerk, for civil business in the county of Suffolk, who shall be subject to the provisions of law applicable to assistant clerks in said county, and who shall receive in full for all services

performed by him an annual salary of twenty-five hundred dollars, to be paid by said county.

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

*Approved March 21, 1888.*

AN ACT TO AMEND SECTION THIRTY-THREE OF CHAPTER THIRTEEN OF THE PUBLIC STATUTES, RELATIVE TO THE RETURNS FOR TAXATION OF INSURANCE COMPANIES.

*Chap. 154*

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

SECTION 1. Section thirty-three of chapter thirteen of the Public Statutes is hereby amended by adding thereto the following words: — and *provided, further*, that whenever any company negotiating insurance effects a re-insurance of any part thereof otherwise than by their licensed resident agents, no deduction of the sums paid for such re-insurance shall be made under this section.

Returns for taxation of insurance companies. P. S. 13, § 33.

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

*Approved March 22, 1888.*

AN ACT TO AMEND AN ACT TO EXTEND AND REGULATE THE LIABILITY OF EMPLOYERS TO MAKE COMPENSATION FOR PERSONAL INJURIES SUFFERED BY EMPLOYEES IN THEIR SERVICE.

*Chap. 155*

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

SECTION 1. Section three of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-seven is hereby amended by inserting after the word "death" in the thirteenth line thereof, the following words: — The notice required by this section shall be in writing, signed by the person injured or by some one in his behalf: but if from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in said section, he may give the same within ten days after such incapacity is removed, and in case of his death without having given the notice and without having been for ten days at any time after his injury of sufficient capacity to give the notice, his executor or administrator may give such notice within thirty days after his appointment.

Liability of employers for injuries suffered by employees. 1887, 270, § 3.

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

*Approved March 22, 1888.*

**Chap.156** AN ACT TO AUTHORIZE THE EAST MIDDLESEX STREET RAILWAY COMPANY TO LOCATE ITS TRACK IN THE CITY OF CHELSEA.

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

May construct railway in Chelsea.

SECTION 1. The East Middlesex Street Railway Company is hereby authorized, with the consent of the board of aldermen of the city of Chelsea, to locate, construct and operate a street railway from the town of Everett on and over Everett avenue in the city of Chelsea.

Powers and duties.

SECTION 2. Said company as regards the railroad hereby authorized to be constructed and maintained shall have all the powers and privileges and shall be subject to all the duties, liabilities and restrictions set forth in chapter nineteen of the acts of the year eighteen hundred and sixty, and in all acts in amendment thereof and in the general laws relating to street railway companies.

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

*Approved March 22, 1888.*

**Chap.157** AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT DISTRICT ATTORNEY FOR THE MIDDLE DISTRICT.

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

Assistant district attorney for middle district.

SECTION 1. The district attorney for the middle district may appoint an assistant district attorney who shall under his direction assist him in the performance of his duties, shall be removable at his pleasure, and shall receive out of the treasury of the county of Worcester a salary of one thousand dollars a year and at that rate for any part of a year.

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

*Approved March 22, 1888.*

**Chap.158** AN ACT IN RELATION TO THE EXEMPTION OF THE PROPERTY OF CERTAIN LITERARY AND OTHER ASSOCIATIONS FROM TAXATION.

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

Exemption from taxation of certain literary and other associations.

SECTION 1. The third paragraph of section five of chapter eleven of the Public Statutes as amended by chapter two hundred and thirty-one of the acts of the year eighteen hundred and eighty-six is hereby further amended so as to read as follows: — Third, The personal property of literary, benevolent, charitable and scientific institutions and temperance societies incorporated within this Commonwealth, and the real estate belonging to such

institutions and societies occupied by them or their officers for the purposes for which they were incorporated; but such real estate when purchased by such a corporation with a view to removal thereto, shall not, prior to such removal, be exempt for a longer period than two years; but none of the real or personal estate of such corporations organized under general laws shall be exempt when any portion of the income or profits of the business of such corporations is divided among their members or stockholders or used or appropriated for other than literary, educational, benevolent, charitable, scientific or religious purposes.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 26, 1888.*

AN ACT CONCERNING THE WATERS OF SPY POND IN THE TOWN OF ARLINGTON AND LITTLE POND AND WELLINGTON BROOK IN THE TOWN OF BELMONT.

*Chap.159*

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

SECTION 1. So much of section one of chapter one hundred sixty-five of the acts of the year eighteen hundred and seventy-five, entitled "An Act to provide a further supply of water for the city of Cambridge", as empowers the city of Cambridge to take the waters of Spy pond in the town of Arlington and Little pond and Wellington brook in the town of Belmont, is hereby repealed.

Waters of Spy Pond, etc., not to be part of water supply for Cambridge.

SECTION 2. The city of Cambridge shall have the right to remove the iron pipe which it has laid as a conduit connecting Spy pond and Little pond and shall pay all damages on account of removing said pipe.

City may remove iron pipe.

SECTION 3. This act shall take effect upon its passage.  
*Approved March 26, 1888.*

AN ACT RELATING TO THE PRESERVATION OF THE PURITY OF WATER SUPPLIES.

*Chap.160*

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

SECTION 1. Any city or town having a water supply may contract with any other city or town situated in the water-shed of such supply to contribute, on such terms as may be deemed proper, to the cost of building a sewer or system of sewers which will aid in protecting any part of the source of such water supply from pollution.

Preservation of the purity of water supplies.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 26, 1888.*

*Chap.161* AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AT THE WESTBOROUGH INSANE HOSPITAL.

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

Appropriation for expenses at Westborough insane hospital.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of meeting certain current expenses at the Westborough insane hospital at Westborough, during the year eighteen hundred and eighty-eight, to wit: — For the payment of current expenses at the Westborough insane hospital at Westborough, a sum not exceeding sixteen thousand dollars, as authorized by chapter forty of the resolves of the present year.

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

*Approved March 26, 1888.*

*Chap.162* AN ACT TO INCORPORATE THE MONSON WATER COMPANY.

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

Monson Water Company incorporated.

SECTION 1. R. M. Reynolds, S. F. Cushman, D. W. Ellis, R. S. Munn, C. H. Merrick, William M. Flynt, C. W. Holmes, Jr., Alfred Norcross, E. F. Morris, G. E. Fuller, A. A. Gage and C. L. Peek, their associates and successors, are hereby made a corporation by the name of the Monson Water Company, for the purpose of supplying the inhabitants of the town of Monson with water for domestic and other purposes, including the extinguishment of fires, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take the water of any well, spring or stream in Monson.

SECTION 2. The said corporation may take by purchase or otherwise and may hold and convey through the town of Monson, or any part of said town, the water so far as may be necessary for such purposes, of any well, spring or stream within said town of Monson, and may also take by purchase or otherwise and hold any lands, rights of way and easements within said town necessary for the purposes of preserving and purifying such water or for erecting any dams or reservoirs for holding the same, and for laying and maintaining aqueducts or pipes for distributing the water so taken and held; and may lay its water pipes through any private lands, with the right to

enter upon the same and dig therein for the purpose of making all necessary repairs or service connections, and for the purposes aforesaid may carry its pipes over or under any water course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up any road or other way under the direction of the selectmen of said town for the purpose of laying or repairing its aqueducts, pipes or other works, and in general may do any other thing convenient or proper for carrying out the purposes of this act.

May enter upon and dig up roads under direction of selectmen.

SECTION 3. The said corporation shall within sixty days after the taking of any lands, right of way or easements, water rights or sources as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Hampden a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of said corporation.

To cause to be recorded in the registry of deeds a description of lands, etc., taken.

SECTION 4. The said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right or water source or for any injury thereto until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Damages.

SECTION 5. The said corporation may distribute water, as aforesaid secured and provided, through the said town of Monson, may regulate the use of said water and fix and collect rates to be paid for the use of the same, and may make such contracts with the said town, or with any fire district which may hereafter be established therein, or

May regulate use of water, and fix and collect water rates.

with any individual or corporation, to supply water for domestic and other private purposes, and for the extinguishment of fires and other public purposes as may be agreed upon by said town or such fire district, individual or corporation and said Monson water company. But no work shall be commenced on said water works until a contract shall have been made with said town or with such fire district as provided in this section.

Real estate,  
capital stock  
and shares.

SECTION 6. The said corporation may for the purposes set forth in this act hold real estate not exceeding in amount ten thousand dollars, and the whole capital stock of said corporation shall not exceed thirty thousand dollars, to be divided into shares of one hundred dollars each. Said corporation may issue bonds bearing interest at a rate not exceeding six per centum per annum, and secure the same by a mortgage on its franchise, corporate property and rights to an amount not exceeding its capital stock actually paid in and applied to the purposes of this act.

Penalty for wilfully corrupting or diverting water.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken or held under the provisions of this act, or injures any structure, work or other property constructed, made, held or used for the purposes of and under the authority of this act, shall forfeit and pay to the proprietors of the water works for the time being three times the actual damages assessed therefor, to be recovered in an action of tort, and upon conviction of either of the above named wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the jail not exceeding one year.

Town or fire district may take franchise and property.

SECTION 8. The said town of Monson or any fire district that may hereafter be legally organized therein shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the total cost of its franchise, works and property of any kind held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum. If the cost of maintaining and operating the works of said corporation shall exceed, in any year, the income derived from said works by said corporation for that year, then such



excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds, in any year, the cost of maintaining and operating said works for that year then such excess shall be deducted from the total cost. The said town or fire district on taking, as herein provided, the property of said corporation, shall assume all of its outstanding obligations, including the bonds authorized by this act, and the amount thus assumed shall be deducted from the total amount to be paid by said town or fire district to said corporation. In case of a foreclosure of any mortgage authorized by this act, the said town or fire district may take possession of the property and rights of said corporation on the payment of the bonds secured by said mortgage, principal and interest. In case said town or fire district and said corporation are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said corporation, then, upon a suit in equity by said town or fire district, the supreme judicial court shall ascertain and fix such total cost under the foregoing provisions of this act, and enforce the right of said town or fire district to take possession of such franchise, corporate property, rights and privileges upon payment of such cost to said corporation. This authority to take said franchise and property is granted on the condition that the taking is assented to by said town or fire district by a two-thirds vote of the voters of said town or fire district present and voting thereon at a meeting legally called for that purpose.

SECTION 9. The said town or fire district may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate forty thousand dollars; such bonds, notes and scrip shall bear on their face the words Monson Water Loan or Monson Fire District Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of said town or district and be countersigned by the water commissioners hereinafter provided for. The said town or district may sell such securities at public or private sale, or pledge the same for money borrowed for the pur-

Town, etc., to assume all outstanding obligations.

Authority to take franchise, etc., subject to assent of town, etc., by a two-thirds vote.

Water loan not to exceed \$40,000.

Securities may be sold at public or private sale.

poses of this act, upon such terms and conditions as it may deem proper. And said town or district shall pay the interest upon said loan as it accrues and shall provide for the payment of said principal at maturity by establishing at the time of contracting said debt a sinking fund, or, from year to year, by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town or district shall decide to establish a sinking fund, it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town or district shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall, without further vote of said town or district, be raised annually by taxation in the same way as money is raised for other town or district expenses.

Sinking fund.

Amount of sinking fund, etc., to be stated in return.

SECTION 10. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken for the payment of annual proportions of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

May raise annually by taxation sufficient for current expenses.

SECTION 11. After the purchase of said franchise and corporate property as herein provided, the said town or district shall raise annually by taxation a sum which, with the income derived from the sale of water, shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said town or district, together with such payments on the principal as may be required under the provisions of this act. Said town or district is further authorized, by assent of two-thirds of the voters of said town or district present and voting thereon at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith not exceeding two thousand dollars in any one year.

Clerk of district to certify to assessors of the town when a tax is voted.

SECTION 12. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall render a certified copy of the vote to the assessors of the town of

Monson, who shall proceed within thirty days to assess the same in the same manner in all respects as town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the same manner as is provided for the collection of town taxes and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on taxes when overdue in the same manner as interest is authorized to be collected on unpaid town taxes: *provided*, said district at the time of voting to raise a tax shall so determine and shall also fix a time for the payment thereof.

Assessment to be collected by town collector.

SECTION 13. The said town or district shall, after its purchase of said franchise and corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town or district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners who shall be subject however to such instructions, rules and regulations as said town or district may impose by its vote. The said commissioners shall be the trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town or district at any legal meeting called for the purpose. No money shall be drawn from said district treasury on account of said water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said town or district, in writing, of their doings and expenditures.

Board of water commissioners to be elected.

Commissioners to be trustees of the sinking fund.

To make annual report to the town or district.

SECTION 14. The said town or district may adopt by-laws prescribing by whom and how meetings may be called and notified: but meetings may also be called on application of seven or more legal voters in said district, by warrant from the selectmen of said town or the clerk

Calling of meetings regulated.

of said district, on such notice as may be prescribed therein. The said town or district may also provide rules and regulations for the management of its water works not inconsistent with this act or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

Work to be commenced within three years.

SECTION 15. This act shall take effect upon its passage, but shall become void unless work under this act is commenced within three years from the date of its passage.

*Approved March 27, 1888.*

*Chap. 163* AN ACT TO ESTABLISH PUBLIC WEIGHERS OF SALT-WATER FISH LANDED FROM VESSELS.

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

Weighers of fish in places where salt-water fish are landed from vessels.

SECTION 1. There shall be appointed annually by the mayor and board of aldermen of cities and by the selectmen of towns, in cities and towns where salt-water fish are landed from vessels, a public weigher of fish, who shall hold office for one year from the time of his appointment or until his successor is appointed and who shall before entering upon his duties be sworn to the faithful performance thereof, and shall give bond so conditioned with sureties in the sum of five thousand dollars.

Weigher may appoint deputies.

SECTION 2. He may appoint, subject to the approval of the mayor of the city or the chairman of the board of selectmen of the town, as the case may be, assistants or deputy weighers for whose official conduct he shall be held answerable; who shall before entering upon their duties be sworn to the faithful performance thereof, and from each of whom such weigher shall exact a bond so conditioned with sureties in the sum of one thousand dollars. The weigher and his assistants or deputies shall not be interested directly nor indirectly in the buying or selling of fish.

Fish to be weighed upon request or demand.

SECTION 3. All fish when landed from vessels or boats shall be weighed by such weigher or his assistants or deputies, at the request or demand of the buyer or seller of such fish or the master, agents or a majority of the crew of such vessel or boat; and the weigher shall issue a certificate of weight to the seller and a duplicate to the buyer.

Record of weight, etc., to be kept.

SECTION 4. The assistants or deputies shall make report to the weigher of the fish weighed by them, and he shall keep a complete record of such weight with the date

of weighing, the name of the vessel from which the fish were taken, and the party for whom the fish were weighed. Such scales, beams, measures or balances as may be required by the weigher or his assistants or deputies shall be properly sealed according to law and be under his supervision.

SECTION 5. The fees for weighing shall be twenty cents per one thousand pounds; except that in no case shall the fees be less than one dollar; and shall be paid by the party or parties applying to have the fish weighed. The assistants or deputies shall be required to pay to the weigher two cents per one thousand pounds for all fish weighed by them.

Fees for weighing.

SECTION 6. The weigher or any of his assistants or deputies found guilty of violating his oath of office shall be liable to a penalty of not less than twenty-five nor more than one hundred dollars and shall forfeit his position.

Penalty on weigher for violating oath of office.

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

*Approved March 27, 1888.*

AN ACT RELATIVE TO THE DECLARATION OF THE RESULTS OF ELECTIONS IN CITIES AND THE ISSUE OF CERTIFICATES TO PERSONS ELECTED.

*Chap. 164*

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

SECTION 1. Section thirty-two of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four relative to the declaration by boards of aldermen of the results of elections in cities is amended by adding thereto the following words:—Upon the expiration of the time allowed for filing such request for a recount of ballots, if no such request has been filed, or after the ballots have been examined in accordance with such request and such returns as are found erroneous have been amended, as provided in the preceding section, the board of aldermen shall forthwith declare the result of the election, and the city clerk shall thereupon issue certificates of their election to the persons appearing from such returns to be elected.

Declaration of result of elections in cities, and issue of certificates of election.

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

*Approved March 27, 1888.*

**Chap.165** AN ACT CONCERNING THE INVESTMENTS OF MUTUAL LIFE INSURANCE COMPANIES.

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

Investments of mutual life insurance companies.

SECTION 1. Nothing in the charter of any mutual life insurance company incorporated under the laws of the Commonwealth shall limit the investments of such company unless such limitation be contained in the general insurance laws which now are or which may hereafter be in force.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 27, 1888.*

**Chap.166** AN ACT TO INCORPORATE THE MARLBOROUGH STREET RAILWAY COMPANY.

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

Marlborough Street Railway Company incorporated.

SECTION 1. Samuel Boyd, Samuel C. Darling, Edward L. Bigelow, William Morse, Timothy A. Coolidge, Augustus C. Weeks, Stillman B. Pratt, James T. Murphy, Winslow M. Warren, their associates and successors, are hereby made a corporation under the name of the Marlborough Street Railway Company, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies.

May construct street railway in Marlborough.

SECTION 2. Said company is hereby authorized to construct, maintain and use a railway, with convenient single or double track, upon and over such streets and highways in the town of Marlborough as shall be, from time to time, fixed and determined by the selectmen of said town.

May operate railway by animal or electric power.

SECTION 3. Said company may maintain and operate said railway by animal power, or it may establish and maintain the electric system of motive power, so called, and with the consent of the board of selectmen of the town of Marlborough, may make such underground alteration of the streets and highways, and erect such poles and wires as may be necessary to establish and maintain such motive power: except that said company shall not use a centre surface rail for the transmission of the electric current.

Capital stock.

SECTION 4. The capital stock of said company shall not exceed fifty thousand dollars, except that said com-

pany may increase its capital stock subject to all general laws applicable to such increase.

SECTION 5. Said company from time to time, by the vote of the majority in interest of its stockholders, may issue coupon or registered bonds to an amount not exceeding the amount of its capital stock actually subscribed for and paid in, for a term not exceeding twenty years from the date thereof: and to secure payment thereof with interest thereon, the said company may make a mortgage of its road and franchise, and any part of its other property, and may include in such mortgage personal property thereafter to be acquired. Said company may in such mortgage reserve to its directors the right to sell, or otherwise in due course of business dispose of, property included in such mortgage, which may become worn, damaged, or otherwise unsuitable to be used in the operation of its road: *provided*, that an equivalent in value be substituted in lieu thereof.

May issue bonds and mortgage franchise and property as security for payment.

SECTION 6. All bonds issued shall first be approved by some person appointed by the company for that purpose, who shall certify upon each bond that it is properly issued and recorded.

Bonds to be approved and certified.

SECTION 7. If said company shall fail to locate, construct and put in operation a street railway in accordance with the foregoing provisions prior to the first day of March in the year eighteen hundred and ninety, all the powers and authority herein given shall cease, and thereafter this act shall have no further operation or effect.

Road to be put in operation before March 1, 1890.

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

*Approved March 27, 1888.*

AN ACT TO AUTHORIZE THE CITY OF LYNN TO MAKE AN ADDITIONAL WATER LOAN.

*Chap. 167*

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

SECTION 1. The city of Lynn, for the purpose of increasing and utilizing its present sources of water supply and paying expenses already incurred and any expenses connected therewith, may raise from time to time a sum of money not exceeding three hundred thousand dollars, and for this purpose may issue from time to time, bonds, notes, or scrip not exceeding said amount. Said notes, bonds, or scrip shall bear on their face the words City of Lynn Water Loan Act of 1888, shall be payable at the expiration of periods not exceeding thirty

Lynn may make an additional water loan.

years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the mayor and treasurer of said city. The said city may sell such securities at public or private sale or pledge the same for money borrowed on account of expenses connected with its water supply, upon such terms and conditions as it deems proper: *provided*, that such securities shall not be sold or pledged at less than the par value thereof. The said city shall, at the time of contracting said loan, provide for the establishment of a sinking fund, and shall annually contribute a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose; and the said city shall raise annually by taxation a sum sufficient to pay the interest as it accrues on said bonds, notes, and scrip.

To establish a sinking fund.

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

*Approved March 27, 1888.*

**Chap.168**

AN ACT TO AUTHORIZE THE OHABEI SHALOM IN BOSTON TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

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

May hold additional real and personal estate.

SECTION 1. The Ohabei Shalom, a corporation established by chapter one hundred and seventy-nine of the acts of the year one thousand eight hundred and forty-five, is hereby authorized to hold additional real and personal estate to an amount not exceeding one hundred and seventy-five thousand dollars.

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

*Approved March 28, 1888.*

**Chap.169**

AN ACT RELATING TO THE SALE OF ITS REAL ESTATE BY THE FIRST BAPTIST SOCIETY IN CHELSEA.

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

May sell its real estate in Chelsea.

SECTION 1. The First Baptist Society in Chelsea, a religious corporation duly organized and existing under the laws of the Commonwealth at Chelsea in the county of Suffolk, is hereby authorized and empowered to sell and convey in fee simple any part or the whole of the real estate owned by it in the city of Chelsea. And a vote duly passed by a majority of the members of said society



present and voting, either in person or by proxy, at any meeting of said society duly called for the purpose, shall be sufficient authority for said society to sell and convey as aforesaid.

SECTION 2. Any and all sales and conveyances, either by deed in fee simple, by mortgage or otherwise, heretofore made by said First Baptist Society in Chelsea, and all acts and things done or attempted to be done by said society, either as a society or by the pewholders if any there were or now are, regarding any sale and conveyance of any part of its real estate on Broadway and Cherry street in said city of Chelsea to the First National Bank of Chelsea, Massachusetts, a corporation organized under the laws of the United States, are hereby ratified, confirmed and made valid to all intents and purposes.

Doings of society ratified.

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

*Approved March 28, 1888.*

AN ACT RELATING TO THE COLLATERAL LOAN COMPANY.

*Chap. 170*

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

SECTION 1. The commissioners of savings banks shall have access to the vaults, books and papers of the Collateral Loan Company, and it shall be their duty to inspect, examine and inquire into its affairs, and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank, subject to all the laws which are now or hereafter may be in force relating to such institutions in this regard. The returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amounts of each kind, in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper of the city of Boston, at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners: *provided, however,* that said commissioners may cause any examination to be made by an expert under their direction, but at the expense of the corporation.

Commissioners of savings banks to have access to books and papers.

Returns to be in form of a trial balance, and to be published in a newspaper in Boston.

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

*Approved March 28, 1888.*

*Chap.*171 AN ACT TO SUPPLY THE CENTRE VILLAGE OF LEICESTER WITH WATER.

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

Water supply for the centre village of Leicester.

SECTION 1. The inhabitants of the centre village of Leicester liable to taxation in the town of Leicester in the county of Worcester and residing within the territory enclosed by the following boundary lines, to wit : — Beginning at a stone monument set in the ground on the south side of Main street numbered twenty-eight, which bears north sixty-eight and three-fourths degrees east from the northeast corner of the Catholic church, and is sixty-four and six-tenths feet distant therefrom ; thence running in a straight line due south one hundred and sixty rods to a point ; thence running in a straight line westerly about four hundred and twenty-five rods to a point which is one hundred and sixty rods due south of monument numbered forty-two, set in the ground on the south side of Main street, opposite the house of Henry Graff ; thence running due north in a straight line intersecting said monument numbered forty-two, three hundred and twenty rods to a point ; thence running in a straight line easterly about four hundred and twenty-five rods to a point which is one hundred and sixty rods due north of said monument numbered twenty-eight ; thence running due south in a straight line one hundred and sixty rods to the place of beginning, shall constitute a water district, and are made a body corporate by the name of the Leicester Water Supply District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic, manufacturing and other purposes, with power to establish fountains and hydrants, relocate and discontinue the same, and to take and hold property by purchase or otherwise, for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

Leicester Water Supply District incorporated.

May take waters of Rawson brook in Leicester and of Kettle brook in Paxton.

SECTION 2. Said water supply district, for the purposes aforesaid, may take by purchase or otherwise and hold the waters of Rawson brook in said district, or any or all of the waters of Kettle brook in the town of Paxton, at any point exceeding one mile north of the Worcester and Paxton road : *provided, however,* that the water taken from said Kettle brook by authority of this act, otherwise than by purchase, shall not exceed the average daily

quantity of two hundred thousand gallons, said quantity to be determined by a meter; or the waters of any springs or other water sources, on the water sheds of said brooks above the one mile limit above defined, with the water rights and water sources connected therewith, and may also take, by purchase or otherwise, and hold all lands, rights of way and easements in the towns of Leicester and Paxton necessary for laying, constructing and maintaining aqueducts, reservoirs, storage basins, dams and such other works as may be deemed necessary or proper for collecting, purifying, storing, discharging, conducting and distributing said waters to said inhabitants; and may erect upon the land thus taken and held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said water supply district may dig up any such lands, and, subject to the direction of the selectmen of the town in which such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon.

May hold lands, etc., for constructing aqueducts, etc.

May lay down conduits and pipes.

SECTION 3. Said Leicester water supply district shall, within sixty days after the taking of any lands, rights of way, waters, water rights, water sources or easements, as aforesaid, otherwise than by purchase, file and cause to be recorded in the office of the registry of deeds for the Worcester district in the county of Worcester a description thereof sufficiently accurate for identification with a statement of the purposes for which the same were taken, signed by the water commissioners hereinafter provided for.

A description of the land, etc., taken, to be recorded in the registry of deeds.

SECTION 4. Said Leicester water supply district shall pay all damages sustained by any persons or corporations in their property by the taking of any lands, rights of way, waters, water rights, water sources or easements, or any other thing done by said district under the authority

Liability for damages.

Damages.

of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said district as to the amount of his damages, may have them assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within two years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of two years. No application for the assessment of damages shall be made for the taking of any water, water rights or water sources, or for any injury thereto until the water is actually withdrawn or diverted by said district under the authority of this act.

May make contracts for supplying water.

SECTION 5. Said district may make such contracts with individuals, corporations, and the town of Leicester for supplying water as may be agreed upon, and may extend its pipes for that purpose subject to the direction of the selectmen of the town of Leicester, through the streets and highways of said town lying outside the corporate limits of said district.

First meeting of the district.

SECTION 6. The first meeting of said district shall be called on petition of ten or more legal voters therein to and by a warrant from the selectmen of the town of Leicester directed to one of the petitioners requiring him to give notice of the meeting by posting copies of said warrant in three or more public places in said district, seven days at least before the time of said meeting. One of the selectmen shall preside at said meeting until a clerk is chosen and sworn; the clerk shall then preside until a moderator is chosen. After the choice of a moderator the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by a two-thirds vote of the voters present and voting thereon, it shall go into effect, and the meeting may proceed to act on the other articles contained in the warrant.

Subject to acceptance by a two-thirds vote.

Board of water commissioners to be elected.

SECTION 7. Said Leicester water supply district shall, after its acceptance of this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from said meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to

said district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said district may impose by its vote. Said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term, by said district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of said water works, except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said district in writing of their doings and expenditures. Said district shall also at a legal meeting called for the purpose elect by ballot a district clerk and treasurer to hold office for the term of one year and until their successors are chosen and qualified in their stead.

Commissioners to be trustees of the sinking fund.

To make annual report to the district.

SECTION 8. For the purpose of paying all expenses and liabilities incurred under the provisions of this act, said district may issue bonds, notes or scrip, from time to time, signed by the treasurer and countersigned by the chairman of the water commissioners of said district, to be denominated on the face thereof Leicester Water Supply District Loan, to an amount not exceeding seventy-five thousand dollars, payable at periods not exceeding thirty years from date of issue and bearing interest payable semi-annually at a rate not exceeding six per centum per annum. And said district may sell said securities at public or private sale at not less than par, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said district shall pay the interest on said loan as it accrues, and shall provide for the payment of said principal at maturity by establishing at the time of contracting said debt a sinking fund, or from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said district shall decide to establish a sinking fund it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged

Leicester Water Supply District Loan, not to exceed \$75,000.

Sinking fund to be established.

to the payment of said debt, and shall be used for no other purpose. If said district shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall, without further vote of said district, be raised annually by taxation in the same way as money is raised for other district expenses.

To raise by taxation sufficient, with income from water, for current expenses and interest.

SECTION 9. Said district shall raise annually by taxation a sum which with the income derived from the sale of water shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds and notes issued by said district, together with such payments of the principal as may be required under the provisions of this act. Said district is further authorized by a two-thirds vote of the voters of said district present and voting at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding three thousand dollars in any one year.

May, by a two-thirds vote, enlarge works.

SECTION 10. Whenever a tax is duly voted by said district for the purposes of this act, the district clerk shall deliver a certified copy of said vote to the assessors of the town of Leicester, who shall proceed within thirty days to assess the same in the same manner in all respects as town taxes are required by law to be assessed. The assessment shall be committed to the town collector who shall collect said tax in the same manner as is provided for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on taxes when overdue in the same manner as interest is authorized to be collected on town taxes: *provided*, said district at the time of voting to raise a tax shall so determine, and shall also fix a time for payment thereof.

Tax to be assessed by the assessors of Leicester.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified; but meetings may also be called on application of ten or more legal voters in said district to and by warrant from the selectmen of the town of Leicester, on such notice as may be prescribed in said warrant. Said district may also provide rules and regulations for the management of its water works, not inconsistent with this act or the laws

Meetings may be called as by-laws prescribe, etc.

of this Commonwealth, and may choose such other officers not provided for in this act as it may deem necessary and proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken under this act, or wilfully or wantonly injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above acts, shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months.

Penalty for wilfully corrupting or diverting water.

SECTION 13. The said town of Leicester shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said district on payment to said district of the total cost of its franchise, works and property of any kind, held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum. If the cost of maintaining and operating the works of said district shall exceed in any year the income derived from said works for that year, then such excess shall be added to the total cost; and if the income derived from said works exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. Said town, on taking as herein provided the property of said district, shall assume all of its outstanding obligations including the bonds authorized by this act, and the amount thus assumed shall be deducted from the total amount to be paid by said town to said district. In case said town and district are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said district, then, upon a suit in equity by said town the supreme judicial court shall ascertain and fix such total cost under the foregoing provisions of this act, and enforce the right of said town to take possession of such franchise, property, rights and privileges upon payment of such cost to said district. This authority to take said franchise and property is granted on condition that the taking is assented to by said town by a two-thirds vote of the voters of said town

Town may take franchise and property.

Town to assume all outstanding obligations.

Town and district failing to agree, S. J. C. to determine the matter in dispute.

present and voting thereon at an annual meeting or any other meeting legally called for that purpose. Said town, upon the taking herein provided for, shall be entitled to all the rights and privileges granted to, and shall be subject to all the duties and liabilities imposed upon said district by this act and the laws of this Commonwealth. Upon the taking herein provided for in this section, all the provisions of this act relating to the election, powers and duties of a board of water commissioners, the issue of bonds, notes and scrip, the establishment of a sinking fund and provisions for the payment of said bonds, notes and scrip by instalments, shall be applicable to said town: *provided, however,* that said bonds, notes and scrip shall be denominated on the face thereof Leicester Water Loan, instead of "Leicester Water Supply District Loan", and shall be countersigned by the town treasurer.

Leicester Water Loan.

Subject to acceptance by a two-thirds vote.

SECTION 14. This act shall take effect upon its passage, but shall become void unless accepted by a two-thirds vote of the voters of said district present and voting thereon at any legal meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three.

*Approved March 29, 1888.*

**Chap.172** AN ACT PERMITTING THE ESTABLISHMENT OF A FIRE DISTRICT IN THE TOWN OF STOCKBRIDGE.

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

Fire district may be established in Stockbridge.

SECTION 1. A fire district may be established in the town of Stockbridge to include all the territory within the following limits, that is to say: Beginning in the centre of the Housatonic river, where the Markham brook empties into the same; thence northerly to a large elm tree on the easterly bank of said brook, twenty feet northerly of the north bank of said river; thence south seventy degrees east one thousand six hundred and seventy and one-half feet to or near the easterly line of Church street, at an elm tree; thence south forty-seven degrees east six thousand nine hundred and fifty-eight feet to the saw-mill brook of S. W. Comstock, striking the north-east corner of said Comstock's tenant house near said brook; thence down said brook four hundred and thirty feet more or less, to the middle of said Housatonic river; thence down the thread or middle of said river to the place of beginning.



SECTION 2. Before the district is constituted and organized a petition shall be presented to the town at a legal meeting, stating the limits of the proposed district, the number of inhabitants, the number of voters and the amount of taxable property in said proposed district as near as the same can be ascertained from the records and statistics of the town. If at said meeting the town shall vote in favor of constituting and organizing said district, the inhabitants of the said district may proceed to constitute and organize the same in accordance with the provisions of the laws relating to fire districts.

Preliminary proceedings.

SECTION 3. The legal voters of the said fire district of the town of Stockbridge shall, within one year from the organizing of said district, at a meeting called for the purpose, choose by ballot a board of three commissioners, who shall be a board of commissioners of hydrants, water tanks for fire purposes, sidewalks, common sewers, main drains, lamps and street sprinkling, all of whom shall be legal inhabitants and voters in said district. Said commissioners shall serve until the next annual meeting of said district and until others are chosen and qualified in their stead; and said district shall thereafter, at the regular annual meeting of said district, choose by ballot three such commissioners, who shall serve during the ensuing year and until others are chosen and qualified in their stead. And said district shall have authority to fill any vacancy in said board at any meeting of said fire district regularly called for that purpose. Said commissioners shall be sworn.

Board of commissioners to be elected.

SECTION 4. Said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act; and said board shall expend the same for the purposes prescribed by vote of the district, and every member of said board of commissioners shall be accountable to said district for any money received by him; and said district may maintain a suit therefor in the name of the inhabitants of said district. Said board shall not expend any money which has not been duly appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriation or for any purpose not specified by the vote of the district appropriating the same. But said district shall, during no year, raise by tax any amount of money exceeding one-fourth of one per cent. of the taxable property in said district.

District may raise money for purposes of this act.

Sums voted to be raised to be certified to assessors of town.

SECTION 5. The clerk of the district shall, on or before the first day of May of each year, certify to the assessors of the town of Stockbridge all sums voted to be raised by the district during the year last preceding under the provisions of this act, which sums shall be assessed and collected by the officers of the town in the same manner as town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same subject to the order of said board. The clerk of said district shall act as clerk of said board and shall enter all its proceedings in the records of said district.

Commissioners to have charge of main drains, street hydrants, etc.

SECTION 6. It shall be the duty of said board, under the supervision and direction of said district to construct, reconstruct, erect, repair, maintain and have charge of all main drains, common sewers, sidewalks, lamp posts, street lamps and street hydrants in said fire district, and have charge of the sprinkling of the streets therein and of all matters pertaining thereto as herein provided; and to construct such cross-walks as may be ordered by said district; and to keep maps and plans of all such main drains and common sewers.

To determine grade of sidewalks.

SECTION 7. Said board shall have authority to determine the grade, width and material including curbstone, of all sidewalks on the public streets and highways of said district, and to construct, reconstruct and repair such sidewalks in accordance with such determination. Upon the completion of any sidewalk by said board, or the completion of the reconstruction or repair of any sidewalk, or within one year thereafter, said board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made, and shall assess a portion, not exceeding one-half the amount of the same, upon all the lands which abut on such sidewalk so made, reconstructed or repaired.

Removal of obstructions from sidewalks.

SECTION 8. Said board shall have power to determine when, in what manner and to what extent snow, ice, grass, herbage, trees and other obstructions shall be removed from the sidewalks in said district, or from any of the same or any portion thereof; and to fix by-laws and penalties regulating the same, subject to the approval of said fire district, and also by-laws and penalties prohibiting the deposit of ashes, garbage, filth or other refuse

matter on the streets and sidewalks within the limits of said district.

SECTION 9. No sidewalk graded, constructed, reconstructed or repaired in said district, in conformity to the provisions of this act, shall be dug up or obstructed in any part thereof without the consent of said board; and whoever rides or drives or leads any neat cattle, or uses any vehicle moved by hand other than those used for the carriage of children, invalids or persons disabled, upon or along any sidewalk in said district except to cross the same, or shall dig up or otherwise obstruct the same, without such consent, shall forfeit a sum not less than one nor more than five dollars for each violation of the provisions of this section.

Reconstruction  
and repairs.

SECTION 10. Said fire district, at meetings called for that purpose, may order said board to construct cross-walks in any of the streets in said district on which they have authority to construct sidewalks. Said board shall construct all such cross-walks at the expense of said district, and shall repair and reconstruct the same when ordered by said district, and at its expense.

Construction of  
cross-walks.

SECTION 11. Said board shall lay, make, reconstruct and maintain in said district all such main drains and common sewers as said district, at a legal meeting called for that purpose, shall by vote adjudge to be necessary for the public convenience or the public health, and may repair the same from time to time whenever necessary; and for these purposes may take, in the manner hereafter provided, any land, property or right which in their opinion may be necessary therefor.

Main drains  
and common  
sewers.

SECTION 12. All the main drains and common sewers in said district shall be the property of said district and shall be under the charge and control of said board, who shall have the power and authority to regulate the use of the same and to prescribe the mode, terms and conditions in which the same shall be entered by private drains. And no person shall be allowed to enter or discharge into a main drain or common sewer any private drain except by leave of said board and on such terms and conditions as said board shall prescribe; and all such private drains entering any main drain or common sewer shall be under the exclusive charge and control of said board, who shall have authority to make and execute orders concerning the same as though the same were constructed by said board

Main drains,  
etc., to be prop-  
erty of dist-  
ct.

under this act. The provisions of this section shall apply to and govern the use of all sewers and drains in said district, and to the compensation, terms and conditions to be made for such use, whether the same have been heretofore or shall hereafter be constructed.

Assessments to constitute a lien upon real estate.

SECTION 13. All assessments made by said board, as provided for in this act, shall constitute a lien on the real estate, assessed for two years from the time of assessment, and for one year after the final determination of any suit or proceedings in which the amount or validity of such assessments shall be drawn in question. Every assessment made by said board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said board for collection to the person then authorized by law to collect taxes in said town. Said collector shall forthwith publish the same by posting up true and attested copies thereof in three several public places in said district; and shall, within thirty days from said publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him, and within his precinct. If any such assessment shall not be paid within three months from the publication of said list, he shall levy the same, with incidental costs and expenses, by sale of the land, such sale to be conducted in like manner as sales of land for non-payment of town taxes; and in making such sales and any sales for taxes assessed for said district, such collector and said district and its officers shall have all the powers and privileges conferred by the general laws of the Commonwealth upon collectors of taxes and upon cities and towns and their officers, relating to sales of land for the non-payment of taxes. The collector shall pay over all moneys received by him under this act to the treasurer of said district in the same manner as moneys received by him from taxes assessed for said district by the assessors of Stockbridge.

To be recorded, and a list committed to collector of taxes.

Duties of collector.

Re-assessments.

SECTION 14. Every assessment made by said board which is invalid by reason of any error or irregularity in the assessment and which has not been paid, or which has been recovered back or which has been enforced by an invalid sale, may be re-assessed by the aforesaid board of commissioners, for the time being, to the just amount which, and upon the estate upon which, such assessment ought at first to have been assessed; and the assessments

then re-assessed shall be payable and shall be collected and enforced in the same manner as other assessments.

SECTION 15. Any person aggrieved by an assessment made by said board may, at any time within three months from the publication of the list of such assessment, as provided in the preceding section, apply by petition to the superior court for the county of Berkshire; and after due notice to the said fire district, a trial shall be had at the bar of said court, in the same manner in which other civil causes are there tried by the jury; and if either request it the jury shall view the place in question. Before filing said petition, the petitioner shall give one month's notice in writing to said board of his intention so to apply, and shall therein particularly specify his objection to the assessments; and to such specification he shall be confined in the hearing by the jury. If the jury shall not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate assessed, and be collected in the same manner as the assessment; but if the jury shall reduce the amount of the assessment the petitioner shall recover costs.

Remedy for parties aggrieved.

SECTION 16. Whenever land is taken by virtue of the provisions of section eleven, the said board shall within sixty days after any such taking, file in the registry of deeds of the middle district of the county of Berkshire, a description of any lands so taken sufficiently accurate for identification, and a statement of the purpose for which it is taken; and the right to use all lands so taken for the purposes mentioned in said statement shall vest in said fire district and its successors. Damages for land so taken shall be paid by said fire district; and any person aggrieved by the taking of his land under this act, and failing to agree with said board as to the amount of damages, may upon a petition filed with the county commissioners of the county of Berkshire within one year from the filing of the description thereof in the registry of deeds, have his damages assessed and determined in the manner provided when land is taken for highways; and if either party is not satisfied with the award of damages by the county commissioners, and shall apply for a jury to revise the same, the fire district shall pay the damages awarded by the jury, and shall pay costs if the damages are increased by

Description of land taken to be recorded in the registry of deeds.

Damages to be paid by district.

Parties not satisfied with award may apply for a jury.

the jury, and shall recover costs if the damages are decreased; but if the jury shall award the same damages as were awarded by the county commissioners the party who applied for the jury shall pay costs to the other party.

Recovery of penalties.

SECTION 17. Penalties under the provisions of this act, and under any by-laws established in pursuance thereof, may be recovered by action of tort brought by direction of said board in the name of and for the use of said district, or on complaint or indictment to the use of the Commonwealth: *provided*, that no such action, complaint or indictment shall be maintained, unless brought within thirty days after the right of action accrues or the offence is committed. No inhabitant of the district shall be disqualified, by reason of his being such inhabitant, to act as judge, magistrate, juror or officer, in a suit brought for such penalty.

Provisions of general laws to apply.

SECTION 18. The provisions of all general laws of the Commonwealth applicable to fire districts, and not inconsistent with this act, shall apply to the fire district of the town of Stockbridge organized as herein provided. Nothing herein contained shall be construed to interfere with the authority of surveyors of highways or any authority of the town or its agents which can be legally exercised over highways or roads. But the town of Stockbridge shall repair any injury done to sidewalks in said district by the officers of said town by reason of any raising, lowering, or other act done for the purpose of repairing a highway or townway; and whenever any cross-walk shall be torn up or injured by the officers of the town of Stockbridge in making, repairing, altering, raising or lowering any highway or townway, said town shall relay and repair such cross-walk in like order and condition as the same was in before it was torn up or injured. The authority of the town of Stockbridge to construct sidewalks, main drains and common sewers, within the limits of said district, shall be suspended while this act is in force; but this act shall in no wise affect the liability of the town for any damages caused within the limits of its highways.

Authority of town to construct sidewalks within district suspended.

Damages recovered of town may be recovered by town of the fire district.

SECTION 19. When a party upon the trial of an action recovers damages of said town for an injury caused to his person or property by a defect in any sidewalk in said fire district, if the fire district has had reasonable notice

to defend the action, the said town may recover of the fire district, in addition to the damages, all costs of both plaintiff and defendant in the action.

SECTION 20. This act shall take effect upon its passage.

*Approved March 29, 1888.*

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE SECOND DISTRICT COURT OF SOUTHERN WORCESTER.

*Chap.173*

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

SECTION 1. The salary of the justice of the second district court of southern Worcester, beginning with the first day of April, eighteen hundred and eighty-eight, shall be fourteen hundred dollars a year.

Salary of justice.

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

*Approved March 29, 1888.*

AN ACT TO AMEND AN ACT IN RELATION TO PENSIONING DISABLED MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF BOSTON, AND FOR OTHER PURPOSES.

*Chap.174*

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

SECTION 1. Section one of chapter one hundred and seven of the acts of the year eighteen hundred and eighty is hereby amended so as to read as follows:— *Section 1.* The board of fire commissioners of the city of Boston, by the affirmative vote of all the members, and with the approval of the mayor, may retire from office in the fire department any member thereof who has become disabled while in the actual performance of duty, or any member who has performed faithful service in the department for a period of not less than fifteen consecutive years, and place the member so retired upon a pension roll. No such member shall be placed on the pension roll unless it shall be certified to the board in writing by the city physician that such member is permanently incapacitated, either mentally or physically, from performing his duty as a member of the department. In case of total disability caused or induced by the actual performance of his duty, the amount of annual pension shall be one-half of the annual compensation allowed to men of the grade in which such disabled member served, or such less sum as the said board may determine. The pension of members of the permanent force who have served fifteen years shall be an amount not exceeding one-third the annual salary

Retirement from office of disabled members of the Boston fire department. 1880, 197, § 1.

Members may be pensioned if permanently incapacitated.

or compensation of the office from which said members are retired, or such less sum as the board may determine. The pension of members of the call force who have served fifteen or more consecutive years shall be an amount not exceeding one-half the annual salary or compensation of the office from which said members are retired, or such less sum as the board may determine.

Subject to acceptance by the city council.

SECTION 2. This act shall take effect when accepted by the city council of the city of Boston.

*Approved March 29, 1888.*

**Chap.175**

AN ACT RELATING TO THE ELECTION OF MEMBERS OF THE COMMON COUNCIL FROM WARDS TWENTY-TWO AND TWENTY-FIVE IN THE CITY OF BOSTON.

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

Members of the common council from wards 22 and 25.

SECTION 1. At the next municipal election in the city of Boston and at each municipal election thereafter the qualified voters of each of the wards numbered twenty-two and twenty-five shall give in their votes for two able and discreet men, qualified voters in the ward, to be members of the common council for the ensuing year. The election of said officers shall be conducted and records thereof kept in the manner provided for the other wards of said city, and the members of the common council now elected from said wards shall continue to hold their office until the expiration of the present municipal year, according to the laws in force at the time of their election.

Repeal.

SECTION 2. Section three of chapter two hundred and forty-two of the acts of the year eighteen hundred and seventy-six, and all acts and parts of acts inconsistent herewith, are hereby repealed.

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

*Approved March 29, 1888.*

**Chap.176**

AN ACT TO PROHIBIT RAILROAD CORPORATIONS FROM REQUIRING WOMEN AND CHILDREN TO RIDE IN SMOKING CARS.

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

Women and children not to be required to ride in smoking cars.

SECTION 1. No railroad corporation doing business within this Commonwealth shall compel or require women or children to ride in smoking cars.

Penalty.

SECTION 2. Any railroad corporation, or any officer or employee thereof, violating any provision of this act



shall be punished by fine of not less than ten nor more than fifty dollars for each offence.

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

*Approved March 29, 1888.*

AN ACT RELATIVE TO THE STOCK OF ASSOCIATIONS FORMED FOR CHARITABLE, EDUCATIONAL AND OTHER PURPOSES.

*Chap. 177*

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

SECTION 1. Every corporation organized under the provisions of chapter one hundred and fifteen of the Public Statutes, at a meeting called for the purpose, may increase the amount of its capital stock, and the number of shares therein, to an amount not exceeding five hundred thousand dollars.

May increase capital stock to not exceeding \$500,000.

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

*Approved March 29, 1888.*

AN ACT TO AMEND AN ACT TO AMEND THE CHARTER OF THE HAWES PLACE CONGREGATIONAL SOCIETY.

*Chap. 178*

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

SECTION 1. Chapter one hundred and two of the acts of the year one thousand eight hundred and eighty-eight is hereby amended by striking out the word "Place" before the word "Unitarian" in the last line of section one, so that the name of said society shall be the Hawes Unitarian Congregational Church.

Name changed. 1888, 102.

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

*Approved April 3, 1888.*

AN ACT TO AUTHORIZE THE TOWNS OF ROCKLAND AND ABINGTON TO SUPPLY THE TOWN OF HANOVER, OR THE INHABITANTS THEREOF, WITH WATER.

*Chap. 179*

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

SECTION 1. The towns of Rockland and Abington, acting jointly, are authorized to furnish, from the joint water supply of said towns, to the town of Hanover or the inhabitants thereof, a supply of water for the extinguishment of fires and for domestic, manufacturing, and other town purposes.

Rockland and Abington may jointly supply Hanover with water.

SECTION 2. The said towns of Rockland and Abington, acting jointly as aforesaid, may, under the direction of the selectmen and highway surveyors or road commissioners of said town of Hanover, enter upon and dig up

May dig up ways in Hanover for constructing and repairing conduits, etc.

any public or private ways in said town, in such manner as not unnecessarily to obstruct such ways, for the purpose of constructing, maintaining and repairing their conduits, pipes, hydrants, fountains and other works in said town: *provided*, that the said town of Hanover may construct its own conduits, pipes, hydrants and other works, and do all other things necessary for the purposes of this act within its own limits.

Proviso.

Terms and conditions upon which water may be supplied.

SECTION 3. In case said conduits, pipes and other works in connection with said water supply are constructed and maintained by said towns of Rockland and Abington, said town of Hanover may contract with said towns of Rockland and Abington for all the water to be supplied by said towns under this act, or any part thereof. In case no contract is made by said town of Hanover as aforesaid, said towns of Rockland and Abington may fix rates for water used and collect the same of the takers.

If works are supplied by Rockland and Abington, the same may be purchased by Hanover.

SECTION 4. In case said conduits, pipes and other works connected with said water supply are constructed by said towns of Rockland and Abington, said town of Hanover shall have the right at any time to purchase the conduits, pipes, hydrants, fountains and other works connected with said water supply; and said towns of Rockland and Abington are authorized to make sale of the same to said town of Hanover. In case said towns of Rockland and Abington, and said town of Hanover are unable to agree upon the compensation to be paid therefor, then said compensation shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of said towns of Rockland and Abington or said town of Hanover, whose award, when accepted by said court, shall be binding upon said towns. This authority to purchase said property and the authority to construct said conduits, pipes and other works by said town of Hanover, as provided in section two of this act, is granted on condition that the same is assented to by said town of Hanover by a two-thirds vote of the voters of said town present and voting thereon at a legal town meeting called for that purpose.

Authority to purchase subject to a two-thirds vote of town of Hanover.

Powers vested in joint water board.

SECTION 5. All the authority granted to said towns of Rockland and Abington, under the provisions of this act, shall be vested in and exercised by the joint water board of said towns.

SECTION 6. Each of said towns of Rockland and Abington may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes, or scrip to an amount not exceeding in the aggregate for each town ten thousand dollars, in addition to the water loan heretofore authorized by law to be issued by said towns; said notes, bonds, or scrip to be issued upon the same terms and conditions, and in the same form and manner and with the same powers as are authorized in section five of chapter two hundred and six of the acts of the year eighteen hundred and eighty-five.

Rockland and Abington may each issue bonds, etc., not exceeding \$10,000.

SECTION 7. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said towns of Rockland, Abington and Hanover present and voting thereon at a legal town meeting called for that purpose in each of said towns within two years from the date of its passage, but the number of meetings, so called in each town, shall not exceed three. *Approved April 3, 1888.*

Subject to acceptance by a two-thirds vote of each of the three towns.

AN ACT RELATIVE TO THE PAYMENT OF WITNESSES IN INQUESTS AND IN CRIMINAL PROCEEDINGS BEFORE TRIAL JUSTICES AND THE POLICE, DISTRICT AND MUNICIPAL COURTS

Chap. 180

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

Section thirty-six of chapter one hundred and fifty-four of the Public Statutes is amended to read as follows:— Upon and after the termination of an inquest or a criminal proceeding before a trial justice or police, district or municipal court, except the municipal court of the city of Boston, whether there be an appeal or holding to the grand jury or otherwise, the trial justice, clerk of such court, or if there is no clerk, the justice shall pay, out of any funds in his hands returnable to the county, to the witnesses for the Commonwealth who are entitled to receive the same, their fees, and shall take receipts therefor; and the amounts so paid and receipted for shall be allowed in the settlement with the county treasurer. Trial justices who do not have in their hands, and returnable to counties, funds adequate for the purpose named herein, shall make written requisition upon the county treasurer for the same, and thereupon the treasurer shall advance to such trial justices not exceeding twenty-five dollars in any one month, and such trial justices shall account in their regular quarterly settlements with the

Payment of fees to witnesses in inquests and criminal proceedings.

To state separately where fees are not paid by defendants.

treasurer and be liable upon their official bonds for all funds so received. At the time of such settlements with the treasurers the several officers named herein shall state separately the amount of witness fees paid in cases where such fees are not paid by defendants, and shall receipt for such sums to the treasurers who shall credit the said officers for the same and credit themselves with a like amount as advanced to pay witnesses in the said courts.

*Approved April 3, 1888.*

*Chap. 181* AN ACT RELATIVE TO WOMEN DETAINED OR RECEIVED AT POLICE STATIONS.

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

Matrons to have charge of women received at police stations for lodging, etc.

SECTION 1. The provisions of chapter two hundred and thirty-four of the acts of the year eighteen hundred and eighty-seven, applicable to women under arrest or arrested and taken to a police station, shall also be applicable to cases where women are taken to or received at a police station for purposes of detention or lodging.

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

*Approved April 3, 1888.*

*Chap. 182* AN ACT AUTHORIZING THE SELECTMEN OF THE TOWN OF MANCHESTER TO WIDEN A WAY IN SAID TOWN KNOWN AS SUMMER STREET BY TAKING A PORTION OF A BURIAL GROUND.

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

Selectmen may take land of the old burial ground for the widening of Summer street.

SECTION 1. The selectmen of the town of Manchester are hereby authorized to take, in accordance with the provisions of law allowing land to be taken for the laying out or alteration of highways or town ways, so much of the land now contained within the limits of the old burial ground, so called, at the junction of Summer and Washington streets in said town, as may be necessary for the widening of said Summer street: *provided*, that no burial lot in which are buried the remains of the dead shall be entered upon under the provisions of this act until such remains shall have been removed and buried elsewhere, under such reasonable directions, if any, as the relatives of the deceased may give. The expense of such removal and re-interment shall be borne by the town.

Proviso.

Expense of removal, etc., to be borne by town.

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

*Approved April 3, 1888.*

AN ACT TO ENABLE THE TRUSTEES OF THE FOXBOROUGH CEMETERY CORPORATION TO TAKE AND HOLD ADDITIONAL REAL ESTATE.

*Chap.* 183

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

SECTION 1. The Trustees of Foxborough Cemetery Corporation may, upon direction of such corporation, make application by written petition to the selectmen of the town of Foxborough for the enlargement of Rock Hill Cemetery and of the so called South street entrance thereto, and the taking therefor of lands of Edwin W. Carpenter, William P. Payson or others lying adjacent to said cemetery or between its southerly line and the southerly branch or part of South street.

Trustees may petition selectmen for enlargement of cemetery and the taking land therefor.

SECTION 2. The selectmen shall appoint a time and place for a hearing, and shall cause notice thereof together with a copy of the petition to be served personally upon the owner, if known and residing in said town, or upon his agent, tenant or attorney, if a non-resident, or left at the last and usual place of abode of such owner or agent, tenant or attorney, fourteen days at least before the time appointed for the hearing.

Selectmen to appoint time and place for a hearing.

SECTION 3. The selectmen shall hear the parties at the time and place appointed, or at an adjournment thereof, and as soon as may be thereafter shall consider and adjudicate upon the necessity of such taking, and upon the quantity, boundaries, damages and value of any land adjudged necessary to be taken, and shall forthwith file a description of such land with a plan thereof in the registry of deeds for Norfolk county, and thereupon such land shall be taken and held in fee by said corporation as a part of its burial ground.

To adjudicate upon the necessity, etc.

SECTION 4. A party aggrieved by the award of damages may, on application therefor to the superior court or to the county commissioners of Norfolk county, within six months after such filing in the registry of deeds, have a jury to determine the matter of his complaint as in the case of assessment of damages for highways, and all proceedings shall be conducted as in such cases. If the sum allowed for damages, including the value of the land, is increased by the jury, the sum so allowed by the jury and all costs shall be paid by said corporation; otherwise

Damages.

the costs arising upon such application for a jury shall be paid by the applicant.

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

*Approved April 3, 1888.*

*Chap.*184 AN ACT TO PROVIDE EXTRA CLERICAL ASSISTANCE FOR THE CLERK OF THE CENTRAL DISTRICT COURT OF WORCESTER.

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

Allowance for extra clerical assistance.

SECTION 1. The clerk of the central district court of Worcester shall be allowed for extra clerical assistance, upon his certificate that the work was actually performed and was necessary, with the time occupied and the names of the persons by whom the work was performed, such sums, not exceeding five hundred dollars in any one year, as the county commissioners for Worcester county by a writing signed by them, approve. Said sums shall be paid from the county treasury of Worcester county monthly to the person or persons employed.

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

*Approved April 3, 1888.*

*Chap.*185 AN ACT TO ENABLE THE CITY OF WALTHAM, FOR THE PURPOSE OF PROVIDING SURFACE DRAINAGE, TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW.

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

May issue bonds beyond the debt limit for providing for surface drainage.

SECTION 1. The city of Waltham for the purpose of providing for surface drainage in said city, may incur indebtedness, and may from time to time issue bonds, notes and scrip therefor, to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness now fixed by law for said city; and the provisions of chapter twenty-nine of the Public Statutes relative to debts incurred in constructing sewers, and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, shall apply to the issue of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

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

*Approved April 3, 1888.*

AN ACT PROVIDING FOR PRINTING ADDITIONAL COPIES OF THE ANNUAL REPORT OF THE TRUSTEES OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

*Chap. 186*

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

SECTION 1. There shall be printed annually fifteen hundred copies of the report of the trustees of the Massachusetts school for the feeble-minded.

Additional copies of annual report to be printed.

SECTION 2. So much of chapter four of the Public Statutes as is inconsistent with this act is hereby repealed.

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

*Approved April 3, 1888.*

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Chap. 187*

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year and to meet certain other expenses authorized by law, to wit: —

Appropriations.

For the salaries of the two additional justices of the superior court, as authorized by chapter fifty-eight of the acts of the present year, a sum not exceeding eight thousand sixty-four dollars and fifty cents.

Justices of superior court.

For the salary of the judge of probate and insolvency for the county of Essex, a sum not exceeding five hundred dollars, as authorized by chapter one hundred and twelve of the acts of the present year, being in addition to the three thousand dollars appropriated by chapter four of the acts of the present year.

Judge of probate and insolvency for Essex.

For the salary of the first clerk in the bureau of statistics of labor, a sum not exceeding three hundred dollars, as authorized by chapter one hundred and fifteen of the acts of the present year, being in addition to the fifteen hundred dollars appropriated by chapter two of the acts of the present year.

First clerk in bureau of statistics of labor.

For the salary of the second clerk in the bureau of statistics of labor, a sum not exceeding two hundred dollars, as authorized by chapter one hundred and fifteen of the acts of the present year, being in addition to the

Second clerk in bureau of statistics of labor.

thirteen hundred dollars appropriated by chapter two of the acts of the present year.

Gas commissioners' annual report.

For printing extra copies of the annual report of the gas commissioners, a sum not exceeding eighty dollars, as authorized by chapter one hundred and twenty-two of the acts of the present year.

Assistant register of probate, etc., for Worcester.

For the salary of the assistant register of probate and insolvency for the county of Worcester, the sum of two hundred and thirty-three dollars and eighty-seven cents, as authorized by chapter one hundred and fifty-two of the acts of the present year, being in addition to the fifteen hundred dollars appropriated by chapter four of the acts of the present year.

Fire marshal of Boston.

For the salary and expenses of the fire marshal of the city of Boston, the sum of eight thousand four hundred and nineteen dollars and one cent, which amount is payable to the treasurer of the city of Boston, as provided for in section six, chapter three hundred and fifty-four of the acts of the year eighteen hundred and eighty-six.

Civil service commissioners.

For clerical services, examination expenses, printing, advertising, travelling and incidental expenses of the civil service commissioners and chief examiner, a sum not exceeding one thousand dollars, being in addition to the six thousand dollars appropriated by chapter fifteen of the acts of the present year.

Report of trustees of agricultural college.

For printing extra copies of the report of the trustees of the Massachusetts agricultural college, a sum not exceeding two hundred dollars, as authorized by chapter eighteen of the resolves of the present year.

Henry Tredo.

For Henry Tredo, the sum of two hundred dollars, as authorized by chapter twenty of the resolves of the present year.

Timothy Murphy.

For Timothy Murphy, the sum of two hundred dollars, as authorized by chapter twenty-one of the resolves of the present year.

Eye and ear infirmary.

For the Massachusetts charitable eye and ear infirmary, the sum of fifteen thousand dollars, as authorized by chapter twenty-two of the resolves of the present year.

Report of state board of health on purity of inland waters.

For printing extra copies of the report of the state board of health, on the protection of the purity of inland waters, a sum not exceeding one hundred dollars, as authorized by chapter twenty-three of the resolves of the present year.



For printing extra copies of the report of the board of registration in dentistry, a sum not exceeding seventy-five dollars, as authorized by chapter twenty-four of the resolves of the present year.

Report of board of registration in dentistry.

For printing laws relating to elections, a sum not exceeding five hundred dollars, as authorized by chapter twenty-five of the resolves of the present year.

Laws relating to elections.

For the publication of certain special laws, a sum not exceeding thirty-six hundred dollars, as authorized by chapter twenty-six of the resolves of the present year.

Special laws.

For Fanny Ross, the sum of two hundred dollars, as authorized by chapter twenty-seven of the resolves of the present year.

Fanny Ross.

For certain repairs and improvements at the state industrial school for girls, a sum not exceeding four thousand dollars, as authorized by chapter twenty-nine of the resolves of the present year.

State industrial school for girls.

For the city of Springfield, the sum of seventy-two dollars and forty-four cents, as authorized by chapter thirty of the resolves of the present year.

City of Springfield.

For Orestes M. Pratt, the sum of one hundred dollars; for George E. Worthen, the sum of one hundred dollars; for Charles Wilson, the sum of one hundred dollars; for Charles H. Richardson, the sum of seventy-five dollars; for Martin H. Leighton, the sum of seventy-five dollars, and for Frank E. Cleaveland, the sum of fifty dollars, as authorized by chapter thirty-one of the resolves of the present year.

Orestes M. Pratt.  
George E. Worthen.  
Charles Wilson.  
Charles H. Richardson.  
Martin H. Leighton.  
Frank E. Cleaveland.

For printing extra copies of the annual report of the state board of arbitration, a sum not exceeding two hundred dollars, as authorized by chapter thirty-three of the resolves of the present year.

Report of state board of arbitration.

For the erection of additional houses for the use of the officers at the state prison at Boston, a sum not exceeding twenty-five thousand dollars, as authorized by chapter thirty-four of the resolves of the present year.

Houses for officers at state prison.

For the determination by triangulation of the boundary lines of the cities and towns of this Commonwealth, a sum not exceeding nine thousand dollars, as authorized by chapter thirty-five of the resolves of the present year.

Boundary lines of cities and towns.

For extra clerical assistance in the office of the insurance commissioner, a sum not exceeding thirteen hundred dollars, as authorized by chapter thirty-seven of the resolves of the present year.

Clerical assistance for insurance commissioner.

Standish monument.

For the Standish monument association, the sum of six thousand dollars, as authorized by chapter forty-one of the resolves of the present year.

Sewage disposal in Mystic and Charles river valleys.

For expenses in connection with the sewage disposal in the Mystic and Charles river valleys, a sum not exceeding fifteen thousand dollars, as authorized by chapter forty-two of the resolves of the present year.

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

*Approved April 3, 1888.*

*Chap. 188* AN ACT IN RELATION TO VOTING BY PROXY AT MEETINGS OF CORPORATIONS.

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

Number of shares to be voted on by proxy, unlimited.

SECTION 1. Section twenty-seven of chapter one hundred and six of the Public Statutes is hereby amended by striking out at the end thereof the words, "and no person shall as proxy or attorney cast more than fifty votes, unless all the shares so represented by him are owned by one person"; and section fifty-four of chapter one hundred and twelve of the Public Statutes is hereby amended by striking out at the end thereof the words, "no person shall as proxy or attorney cast more than fifty votes unless all the shares so represented by him are owned by one person."

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

*Approved April 3, 1888.*

*Chap. 189* AN ACT TO AMEND SECTION TWENTY-SEVEN OF CHAPTER TWO HUNDRED AND TWENTY-ONE OF THE PUBLIC STATUTES, RELATING TO THE EMPLOYMENT OF CONVICTS.

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

Prohibition of printing, as an employment in state prison, removed.

SECTION 1. Section twenty-seven of chapter two hundred and twenty-one of the Public Statutes is hereby amended by striking out the words "or printing" in the third line thereof; so that said section as amended shall read as follows:— *Section 27.* Convicts sentenced to the punishment of hard labor in the prison shall be constantly employed for the benefit of the state, but no convict shall be employed in engraving of any kind.

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

*Approved April 4, 1888.*

AN ACT TO INCORPORATE THE FIRST UNITARIAN SOCIETY IN REVERE AND TO CONFIRM ITS TITLE TO CERTAIN REAL ESTATE. *Chap.190*

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

SECTION 1. The legal members of the religious society who worship in the meeting-house situated on a parcel of land on Beach street in the town of Revere bounded as follows: beginning on said Beach street at the westerly corner of a driveway and running southerly by land now or late of David W. Stowers fifty-four and six-tenths feet and continuing in the same direction by a line of tombs eighty-two and five-tenths feet; thence running westerly by a line of tombs and land now or late of said Stowers one hundred and forty-two and seven-tenths feet to the southeasterly corner of a barn; thence northerly by the end of said barn twenty-three and seven-tenths feet; thence westerly by the side of said barn and land now or late of Hastings seventy and two-tenths feet; thence at nearly a right angle running northerly sixteen and five-tenths feet by land of said Hastings to said Beach street; thence northeasterly by said Beach street two hundred and thirty-four and seven-tenths feet to the point of beginning, their associates and successors, are hereby made a corporation by the name of The First Unitarian Society of Revere, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in chapters thirty-eight and one hundred and five of the Public Statutes, so far as may be consistent with this act, and with such other rights and privileges as they have heretofore enjoyed; and the said corporation is hereby declared in law to be seized in fee of the said meeting-house with the said parcel of land above described, whether under the name of the Church of Christ at Rumney marsh, the Church of Christ in Chelsea, the First Church in Chelsea, the First Parish in North Chelsea, the First Congregational Society in Revere, the First Parish in Revere, the First Unitarian Society of Revere, for its use, with all the rights, privileges and appurtenances to the same belonging.

The First Unitarian Society of Revere incorporated.

Title to land confirmed.

SECTION 2. The present officers of said society shall be and remain in office until their successors are chosen and qualified in accordance with the by-laws of said society now in force.

Present officers to continue, etc., until successors are qualified.

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

*Approved April 4, 1888.*

**Chap.191** AN ACT RELATING TO THE PUBLICATION OF THE ANNUAL REPORT OF THE BOARD OF COMMISSIONERS OF SAVINGS BANKS.

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

Annual report.

SECTION 1. Twenty-five hundred copies of the annual report of the board of commissioners of savings banks shall hereafter be printed instead of two thousand copies as authorized by chapter three hundred and sixty-nine of the acts of the year eighteen hundred and eighty-five.

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

*Approved April 4, 1888.*

**Chap.192** AN ACT TO PROVIDE FOR THE RELEASE FROM AND THE RETURN TO COUNTY PRISONS OF PRISONERS TRANSFERRED THERETO FROM THE REFORMATORY PRISON FOR WOMEN.

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

Release from and return to county prisons of prisoners transferred from the reformatory prison for women.

SECTION 1. The commissioners of prisons shall have solely the same right and authority to release from a jail or house of correction or the Boston house of industry any prisoner who has been or may hereafter be transferred thereto from the reformatory prison for women, and to return her to said jail, house of correction or house of industry, which they would have had to release her from said reformatory prison for women, and to return her thereto if she had not been so transferred.

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

*Approved April 4, 1888.*

**Chap.193** AN ACT TO ESTABLISH THE SECOND DISTRICT COURT OF ESSEX.

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

Second district court of Essex established.

SECTION 1. The towns of Amesbury and Merrimac shall constitute a judicial district under the jurisdiction of a court to be called the Second District Court of Essex. Said court shall be held in the town of Amesbury.

One justice and two special justices.

SECTION 2. There shall be one justice and two special justices of said court appointed in the manner and with the tenure of office provided in the cases of justices of district courts. All the provisions of law applicable in common to police and district courts shall be applicable to said court.

Courts for criminal and civil business.

SECTION 3. The said court shall be held daily except on Sundays and legal holidays for criminal business, and the return days for writs in civil actions shall be such days as shall be provided for by the rules of said court.

SECTION 4. The justice of said court shall receive from the county of Essex an annual salary of twelve hundred dollars.

Salary of justice.

SECTION 5. When one of several defendants resides within said district the writ issued by said court may run into any county and be served on the other defendant or defendants fourteen days at least before its return day in like manner as if issued by the superior court.

Writs may run into any county when one of several defendants resides in district.

SECTION 6. Said court shall have a seal.

To have a seal.

SECTION 7. The first session of said court shall be held on the first Tuesday of May in the year eighteen hundred and eighty-eight; but nothing herein shall affect any suit or other proceeding begun prior to said first Tuesday of May.

First session of court.

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

*Approved April 4, 1888.*

AN ACT RELATING TO THE PUBLIC CEMETERIES IN THE TOWN OF WINCHESTER.

*Chap. 194*

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

SECTION 1. The town of Winchester is hereby authorized to elect by ballot at any town meeting duly called a board of five commissioners who shall have the sole care, superintendence and management of Wildwood cemetery and other public burial grounds in said Winchester, one member of which board shall be elected for the term of five years, one for four years, one for three years, one for two years, and one for one year; said terms to expire respectively with the end of the municipal or official year. A majority of said board shall be owners of a lot in said cemetery or other public burial grounds in said town at least one year previous to their election. Said board may be organized by the choice of a chairman and clerk from their number, and a majority of the board shall be a quorum for the exercise of the powers of said office. In case of a vacancy occurring in the board, by death, non-acceptance, disability, resignation or removal during any municipal or official year, the remaining members shall notify the board of selectmen of Winchester, in writing, thereof, and of a time and place appointed for a meeting of the two boards for the purpose of filling such vacancy, at least two weeks before the time appointed for said meeting, and in pursuance of such notice said two boards shall proceed to fill such vacancy until the end of

Board of commissioners of public burial grounds to be elected.

Organization.

Vacancies.

One commissioner to be elected annually.

the then municipal or official year by electing upon joint ballot a suitable person thereto; and at each successive annual election of town officers after the year one thousand eight hundred and eighty-nine said town shall elect by ballot a suitable person or persons to serve on said board for the remainder of any unexpired term or terms, and for such full term of five years as shall expire before the next annual election.

Board may lay out Wildwood cemetery, etc.

SECTION 2. Said board of commissioners may lay out said Wildwood cemetery, and lands which may be hereafter purchased and set apart by said town of Winchester for the purposes of said cemetery, and other public burial grounds in suitable lots or other suitable sub-divisions with proper paths and avenues; may plant, embellish and ornament the same, may inclose the same with proper fences, and erect such suitable edifices, appendages and conveniences and make such improvements as they shall from time to time deem convenient; and may make all such by-laws, rules and regulations in the execution of their trust, not inconsistent with the laws of the Commonwealth, as they may deem expedient.

May convey lots for exclusive right of burial, etc.

SECTION 3. Said board of commissioners shall have authority to grant and convey to any person, by deed or suitable conveyance made and executed in such manner and form as they may prescribe, the sole and exclusive right of burial, and of erecting tombs, cenotaphs and other monuments or structures, upon such terms and conditions as they shall by rules and regulations prescribe; and all such deeds and conveyances, and all thereafter made of the same by the owners thereof shall be recorded by said board of commissioners in suitable books of record, which said books shall be open to the public at all proper times.

Proceeds of sales, etc., to be paid into town treasury, and to be kept separate from other moneys.

SECTION 4. The proceeds of sales of lots or rights of burial in said cemetery or public burial grounds, and any appropriations, grants, donations, gifts or bequests made thereto, and any and all sums of money due to and payable for account of said cemetery or public burial grounds, shall be paid into the town treasury of said Winchester, and the said money and the accounts thereof shall be kept separate from the other moneys and accounts of said town. The treasurer of said town shall hold said funds subject to the order of the selectmen and said board of commissioners, and shall invest the same or any part

thereof or pay out the same or any income therefrom on the orders of the selectmen and said board of commissioners.

SECTION 5. Said board of commissioners shall not incur debts or liabilities for purposes other than aforesaid, nor to an amount exceeding the amount of the funds subject to their order as aforesaid; and they shall annually make and render a report in writing to said town of Winchester, of their acts and doings, of the condition of said cemetery and burial grounds, and an account of their receipts and expenditures for the same and of the funds subject to their order.

Board not to incur debts exceeding amount subject to their order.

To report to town annually.

SECTION 6. This act shall be void unless accepted by a vote of said town of Winchester at a meeting duly called within eight months from its passage.

Subject to acceptance within eight months.

*Approved April 4, 1888.*

AN ACT TO ESTABLISH THE SALARIES OF THE CONSTABLES IN ATTENDANCE AT THE SESSIONS OF THE MUNICIPAL COURT FOR CRIMINAL BUSINESS IN THE CITY OF BOSTON.

*Chap.195*

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

SECTION 1. The constables in attendance at the sessions of the municipal court for criminal business in the city of Boston, shall each receive an annual salary of fifteen hundred dollars, to be paid from the treasury of said county in monthly instalments, in full for all services performed by them.

Salaries established.

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

*Approved April 4, 1888.*

AN ACT TO INCORPORATE THE FAIRHAVEN WATER COMPANY.

*Chap.196*

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

SECTION 1. Joseph K. Nye, Orson G. Stanley and Harry Castello, their associates and successors, are hereby made a corporation by the name of the Fairhaven Water Company for the purpose of supplying the inhabitants of the town of Fairhaven or of any part thereof with water for domestic, manufacturing and other purposes, including the extinguishing of fires; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, so far as the same may be applicable to such corporations.

Fairhaven Water Company incorporated.

May take water of Hill pond, etc.

SECTION 2. The said corporation for the purposes aforesaid may take, by purchase or otherwise, and hold the water of the Hill pond or any other water source within said town of Fairhaven, and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act said corporation may dig up any such lands, and under the direction of the board of selectmen may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel therein.

May construct and lay down conduits.

To cause to be recorded in registry of deeds, a description of land, etc., taken.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid other than by purchase, file and cause to be recorded in the registry of deeds for the county of Bristol a description thereof, sufficiently accurate for identification with a statement of the purpose for which the same were taken, signed by the president of the corporation.

Liability for damages.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation, under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration



of said three years. No application for assessment for damages shall be made for the taking of any water, water right or water source, or for any injury thereto until the water is actually withdrawn or diverted by said corporation under the authority of this act.

No application to be made for damages until water is diverted.

SECTION 5. The said corporation may distribute the water through said town of Fairhaven, may regulate the use of said water and fix and collect water rates to be paid for the same. And said town, or any fire district or other district that is, or may hereafter be established therein, or any individual or corporation may make such contracts with it to supply water for the extinguishment of fire or for other purposes as may be agreed upon by said town, district, individual or corporation and said Fairhaven water company.

May distribute water through the town, and may fix and collect water rates.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding twenty thousand dollars; and the whole capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds bearing interest at a rate not exceeding six per centum per annum, to an amount not exceeding the amount of its capital stock actually paid in and applied to the purposes of its incorporation, and may secure the same at any time by a mortgage of its franchise and property.

Real estate, capital stock and shares.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in the jail not exceeding one year.

Penalty for polluting or diverting water.

SECTION 8. The said corporation may by vote from time to time fix and determine what amount or quantity of water it purposes to take and appropriate under this act; in which case the damages for such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, in which event said

Amount of water to be taken to be determined by vote.

corporation shall be further liable only for the additional damages caused by such additional taking.

Town, etc., may take by purchase, etc., franchise and property at any time.

SECTION 9. The said town of Fairhaven or any fire district that is or may be hereafter legally organized therein shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation on payment to said corporation of the total cost of its franchise, works and property of any kind held under the provisions of this act, including in such total cost interest on each expenditure from its date to the date of taking as hereinafter provided, at the rate of seven per centum per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. The said town or such fire district on taking, as herein provided, the property of said corporation, shall assume all of its outstanding obligations, including the bonds authorized by this act; and the amount thus assumed shall be deducted from the total amount to be paid by said town or such fire district to said corporation. In case of a foreclosure of any mortgage authorized by this act to secure the bonds of said water company, the said town or such fire district may take possession of the property and rights of such corporation on the payment of said bonds, principal and interest and the legal expenses of the foreclosure of said mortgage. In case said town or such fire district and said corporation are unable to agree on the amount of the total cost of the franchise, corporate property, rights and privileges of said corporation, then, upon a suit in equity by said town or such fire district, the supreme judicial court shall ascertain and fix such total cost under the foregoing provisions of this act, and enforce the right of said town or such fire district to take possession of said franchise, corporate property, rights and privileges upon payment of such cost to said corporation. This authority to take such franchise and property is granted on condition that the taking is assented to by said town or such fire district by a two-thirds vote of the voters thereof

Town or district, on taking property, to assume all outstanding liabilities.

Taking property to be assented to by a two-thirds vote.

present and voting thereon at a meeting legally called for that purpose.

SECTION 10. The said town or such fire district may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate fifty thousand dollars; such bonds, notes, and scrip shall bear on their face the words Fairhaven Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town or of such fire district and countersigned by the water commissioners hereinafter provided for. The said town or such fire district may sell such securities at public or private sale and pledge the same for money borrowed for the purposes of this act, at not less than the par value thereof, upon such terms and conditions as it may deem proper. The said town or such district shall pay the interest upon said loan as it accrues and shall provide for the payment of said principal at maturity by establishing at the time of contracting said debt a sinking fund, or from year to year, by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town or such district shall decide to establish a sinking fund, it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town or such district shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall, without further vote of said town or such district, be raised annually by taxation, in the case of said town in such manner as money is raised for other town expenses, and in the case of such district in the manner provided by section fifty-four of chapter thirty-five of the Public Statutes.

Fairhaven  
Water Loan not  
to exceed  
\$50,000.

May sell securities at public or private sale.

To establish a sinking fund or provide for annual proportionate payments.

SECTION 11. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whatever action has been taken

Amount of sinking fund, etc., to be stated in returns.

for the payment of the annual proportion of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

Board of water commissioners to be elected.

SECTION 12. The said town or such fire district shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual town meeting or annual meeting of such fire district, to constitute a board of water commissioners; and at each annual town meeting or annual meeting of such fire district thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town or such fire district by this act and not otherwise specially provided for shall be vested in said water commissioners, who shall be subject however to such instructions, rules and regulations as said town or such fire district may impose by its votes. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town or such fire district at any legal meeting of said town or such fire district called for the purpose.

To be trustees of the sinking fund.

Vacancies.

Town or district may adopt by-laws prescribing how meetings may be called, etc.

SECTION 13. The said town or such fire district may adopt by-laws prescribing by whom and how meetings may be called and notified; but meetings may also be called by application of seven or more legal voters in said fire district or by warrant of the selectmen of said town on such notice as may be prescribed therein. The said town or such fire district may also provide rules and regulations for the management of its water works not inconsistent with this act or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

Work to be commenced within two years.

SECTION 14. This act shall take effect upon its passage, but shall become void unless work under it is commenced within two years from the date of its passage.

*Approved April 9, 1888.*

AN ACT TO CHANGE THE NAME OF THE EAST STOUGHTON BAPTIST CHURCH. *Chap.197*

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

SECTION 1. The religious society in Avon incorporated under the general laws of the Commonwealth and called the East Stoughton Baptist Church shall be known and called hereafter by the name of the Avon Baptist Church and as such and under such name shall hold and possess all the real estate and personal property and shall be entitled to all the rights and privileges and be subject to all the liabilities of the society incorporated and called as aforesaid. Name changed.

SECTION 2. This act shall take effect upon its passage. *Approved April 9, 1888.*

AN ACT AUTHORIZING THE PLANTING OF CLAMS IN AND AROUND THE SHORES OF ESSEX. *Chap.198*

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

SECTION 1. The selectmen of the town of Essex may by writing under their hands grant a license for such a term of years, not exceeding five, as they in their discretion may deem necessary and the public good requires, to any inhabitant of said town, to plant, cultivate and dig clams upon and in any flats and creeks in said town now unproductive thereof, not exceeding two acres to any one person, and not impairing the private rights of any person. Selectmen may grant licenses for planting, etc., clams.

SECTION 2. Such license shall describe by metes and bounds the flats and creeks so appropriated and shall be recorded by the town clerk before it shall have any force, and the person licensed shall pay to the selectmen for the use of said town two dollars and to the clerk fifty cents. License to be recorded by town clerk.

SECTION 3. The person so licensed and his heirs and assigns shall for the purposes aforesaid have the exclusive use of the flats and creeks described in the license during the term specified therein, and may in an action of tort recover treble damages of any person, who, without his or their consent digs or takes clams from such flats or creeks during the continuance of the license. Person licensed to have exclusive use of flats, etc., described in license.

SECTION 4. Said town of Essex at any legal meeting called for the purpose may make such by-laws, not repugnant to the laws of the Commonwealth, as they may Town may make by-laws for protection of shell fisheries.

from time to time deem expedient to protect and preserve the shell fisheries within said town.

Penalties.

SECTION 5. Whoever takes any shell fish from within the waters of said town of Essex in violation of the by-laws established by it or of the provisions of this act shall for every offence pay a fine of not less than five nor more than ten dollars and costs of prosecution, and one dollar for every bushel of shell fish so taken.

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

*Approved April 9, 1888.*

*Chap. 199*

AN ACT IN RELATION TO RETURNS AND STATISTICS OF FIRES.

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

Cause and origin of fires to be investigated when property is destroyed. P. S. 216, § 1.

SECTION 1. Section one of chapter two hundred and sixteen of the Public Statutes is hereby amended so as to read as follows: — When property is destroyed by fire, it shall be the duty of the board of fire engineers in cities, other than the city of Boston, and in towns having a board of fire engineers, and of the board of selectmen in towns having no board of fire engineers to make investigation of the cause, circumstances and origin thereof, especially to examine whether it was the result of carelessness or design. Such investigation shall be commenced within two days of the occurrence of the fire not including the Lord's day. They shall present a written statement to the city or town clerk for careful record by him in a book provided by the insurance commissioner, of all the facts relating to the cause, kind of property, amount of value destroyed, ownership, and such other particulars as may be called for in the form provided, and any other facts which to them seem pertinent; and such record shall be made within two weeks of the occurrence of the fire. The book of record shall be kept in the office of the clerk of the city or town, and it shall be his duty to make transcript of such fire record for the year preceding, upon a blank form provided by the insurance commissioner, and forward same to the insurance department within fifteen days from the first day of January in each year. Whenever, from the investigation aforesaid, there appear reasonable grounds for believing the fire was caused by design, the chief of the board of fire engineers of the city or of the town having such board of fire engineers or the chairman of the board of selectmen of the town having no such board of fire engineers, shall apply to a police, dis-

Investigation to be commenced within two days.

Annual return to be made to the insurance commissioner.

trict or municipal court, or trial justice, for a jury of inquest; and such court or justice shall forthwith issue a warrant to a constable of such city or town, requiring him forthwith to summon six good and lawful men of the county to appear before the court or justice, at a time and place expressed in the warrant, to inquire when and by what means the fire originated. Any of the herein named city or town officials neglecting or refusing to comply with any of the requirements of this act, shall be punished by fine of not less than twenty-five nor more than two hundred dollars.

Penalty.

SECTION 2. Section seven of said chapter two hundred and sixteen is hereby amended by striking out the words "or in the county of Suffolk with the clerk of the municipal court of the city of Boston."

Amendment to  
P. S. 216, § 7.

SECTION 3. Sections ten and eleven of chapter thirty-five of the Public Statutes are hereby repealed.

Repeal.

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

*Approved April 9, 1888.*

AN ACT EXTENDING THE TIME IN WHICH PERSONS MAY APPLY FOR ASSESSMENT OF TAXES, AND PROVIDING FOR EVENING SESSIONS OF THE ASSESSORS.

Chap. 200

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

SECTION 1. Section eleven of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four, relating to the time in which male persons may upon application be assessed for the payment of poll and other taxes, is amended by striking out in the second line thereof the words "fifteenth day of September", and inserting in place thereof the words:—first day of October,—and by striking out in the eleventh and twelfth lines thereof the words "twentieth day of September", and inserting in place thereof the words:—fifth day of October,—so that the section as amended shall read as follows:—*Section 11.* When a male person, on or before the first day of October in any year, gives notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town, that he was on the first day of May of that year an inhabitant thereof, and liable to pay a poll tax, and furnishes under oath a true list of his polls, and estate both real and personal, not exempt from taxation, the assessors shall assess him for his polls and estate; but such assessment shall be subject to the provisions of

Time extended  
in which persons may apply  
for assessment  
of taxes.  
1884, 298, § 11.

section seventy-three of chapter eleven of the Public Statutes. And the assessors shall, on or before the fifth day of October, deposit with the registrars of voters or board charged with the preparation of the list of voters of the city or town a list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

Application of women to be assessed for payment of taxes.  
1884, 298, § 12.

SECTION 2. Section twelve of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four relating to the time in which women may upon application be assessed for the payment of poll and other taxes is amended by striking out in the second and third lines thereof the words "fifteenth day of September", and inserting in place thereof the words:— first day of October, — and by striking out in the eleventh line thereof the words "twentieth day of September", and inserting in place thereof the words:— fifth day of October, — so that the section as amended shall read as follows:— *Section 12.* Any woman, who is a citizen of this Commonwealth, may, on or before the first day of October in any year, give notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town, that she was on the first day of May of that year an inhabitant thereof, and that she desires to pay a poll tax, and to furnish under oath a true list of her estate, both real and personal, not exempt from taxation, and she shall thereupon be assessed for her poll, not exceeding fifty cents, and for her estate, and the assessors shall, on or before the fifth day of October, return her name to the registrars of voters or board charged with the preparation of the list of voters of the city or town in the list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

Sessions of assessors of taxes in cities and towns.

SECTION 3. Assessors of taxes in cities shall be in session until ten o'clock on the last three afternoons of the periods in each year in which persons may be assessed for the payment of taxes in accordance with the preceding sections; and in towns assessors of taxes shall be in session until ten o'clock on the last afternoon of such period.

To apply to the city of Boston.

SECTION 4. Section seven of chapter two hundred and forty-three of the acts of the year eighteen hundred and



seventy-eight relative to applications for the assessment of poll taxes in the city of Boston and to the sessions of the board of assessors in said city, is repealed, and sections eleven and twelve of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and eighty-four as hereby amended and also the preceding section of this act shall hereafter apply to the city of Boston the same as to the other cities of the Commonwealth.

SECTION 5. This act shall take effect upon its passage.  
*Approved April 9, 1888.*

AN ACT TO INCORPORATE THE AFRICAN METHODIST EPISCOPAL CHURCH IN SPRINGFIELD.

*Chap. 201*

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

SECTION 1. Morris C. Brooks, Edward J. Williams, Dennis T. Berry, Henry T. Clinton, Harvey Alexander, Benjamin Harris and all other members of the African Methodist Episcopal Church in Springfield and their successors as members of such church are hereby made a corporation under said name, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to religious societies.

African Methodist Episcopal Church in Springfield, incorporated.

SECTION 2. Said church formerly known as the Loring Street Methodist Church and the Union American Church, shall hereafter be called the African Methodist Episcopal Church in Springfield.

Loring Street Methodist Church and the Union American Church.

SECTION 3. The organization and all subsequent proceedings of said church, so far as the same appear upon the records of said church, are ratified and confirmed, and the same shall be taken to be good and valid in law to all intents and purposes.

Organization and proceedings ratified.

SECTION 4. This act shall take effect upon its passage.  
*Approved April 9, 1888.*

AN ACT AUTHORIZING THE PLANTING OF CLAMS IN AND AROUND THE SHORES OF WINTHROP.

*Chap. 202*

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

SECTION 1. The selectmen of the town of Winthrop may by writing under their hands grant a license for such a term of years, not exceeding five, as they in their discretion may deem necessary and the public good requires,

Selectmen may grant licenses for planting, etc., clams.

to any inhabitant of said town to plant, cultivate and dig clams upon and in any flats and creeks in said town now unproductive thereof, not exceeding two acres to any one person, and not impairing the private rights of any person, and in no case within five hundred feet of high water mark.

License to be recorded by town clerk.

SECTION 2. Such license shall describe by metes and bounds the flats and creeks so appropriated and shall be recorded by the town clerk before it shall have any force, and the person licensed shall pay to the selectmen for the use of said town two dollars and to the clerk fifty cents.

Person licensed to have exclusive use of flats, etc.

SECTION 3. The person so licensed and his heirs and assigns shall for the purposes aforesaid have the exclusive use of the flats and creeks described in the license during the time specified therein, and may in an action of tort recover treble damages of any person, who, without his or their consent digs or takes clams from such flats or creeks during the continuance of the license.

Penalties.

SECTION 4. Whoever digs or takes any clams from any flats or creeks described in any license granted as aforesaid during the continuance thereof without the consent of the person so licensed shall for every offence pay a fine of not less than five nor more than ten dollars and costs of prosecution, and one dollar for every bushel of clams so taken.

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

*Approved April 9, 1888.*

**Chap. 203** AN ACT PROHIBITING STATEMENTS RELATIVE TO THE VOTING AT ELECTIONS IN TOWNS PRIOR TO THE PUBLIC DECLARATION THEREOF.

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

Statements relative to the state of the polls not to be made prior to public declaration of the vote.

SECTION 1. Prior to the public declaration of the vote at an election in a town, no statement shall be made by any selectman, clerk, warden, inspector, teller or other election officer, of the number of ballots cast, the number of voters present, the number of votes given for any person, the name of any person who has voted, the name of any person which has been voted on, nor of any other fact tending to show the state of the polls.

Penalties.

SECTION 2. Any selectman, clerk, warden, inspector, teller or other election officer, who violates the provisions of the preceding section, shall be punished by fine not

exceeding one hundred dollars or by imprisonment in the house of correction for twenty days.

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

*Approved April 9, 1888.*

AN ACT TO ENLARGE THE PURPOSES OF THE WOMAN'S AMERICAN BAPTIST HOME MISSION SOCIETY.

*Chap.204*

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

SECTION 1. The Woman's American Baptist Home Mission Society is authorized and empowered to carry on the work of evangelizing and educating the women and children in any part of North America.

May educate, etc., women, etc., in any part of North America.

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

*Approved April 9, 1888.*

AN ACT TO INCORPORATE THE AMERICAN LANDLORDS' LIABILITY INSURANCE COMPANY.

*Chap.205*

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

SECTION 1. John Quincy Adams, Henry Lee, Charles U. Cotting, William Minot, Junior, Francis W. Hunnewell, Robert A. Boit, Moses Williams, Russell S. Codman, Robert Codman and Charles A. Williams, their associates, successors and assigns, are hereby made a corporation under the name of the American Landlords' Liability Insurance Company, to be located in the city of Boston, for the purpose and with the power and authority of insuring persons or corporations, interested in real estate, against liability to any persons on account of personal injuries caused by accidents happening upon or originating from such real estate.

American Landlords' Liability Insurance Company, incorporated.

SECTION 2. The capital stock of said corporation shall be two hundred thousand dollars, and it shall not deliver any policies of insurance until such capital shall have been actually paid in in cash. After the original capital shall have been paid in, the said corporation may at any time increase its capital stock in the manner provided by section thirty-six of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven.

Capital stock.

SECTION 3. Said corporation shall, except as herein otherwise provided, be organized under, and subject to, the provisions of the general law concerning stock fire insurance companies, so far as such provisions may be applicable; shall have and may exercise all the powers, rights and privileges, and shall be subject to all the

Subject to general law governing stock fire insurance companies.

duties, liabilities and requirements under the general law applicable to stock fire insurance companies, so far as such general law may be applicable to its business; but said corporation shall not conduct the business of insuring against fire.

Not to conduct the business of insuring against fire.

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

*Approved April 9, 1888.*

**Chap.206** AN ACT REQUIRING ASSESSORS OF TAXES IN TOWNS TO POST LISTS OF PERSONS ASSESSED FOR POLL TAXES.

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

Assessors, in towns, to post lists of persons assessed for poll taxes.

SECTION 1. The assessors of taxes in each town shall on or before the first day of August in each year, cause printed or written lists of all persons assessed therein for the payment of poll taxes to be prepared, and to be conspicuously posted in two or more public places in such town. In case a town is divided into voting precincts, separate lists for each precinct shall be so prepared and be posted in each voting precinct. The names of the persons assessed shall be arranged in alphabetical order, and the lists shall, as far as practicable, be so made as to show by reference to streets and numbers thereon, or to roads, or by such other definite description as may be possible, the location of the residence of each person so assessed. All such lists shall be duly certified by the assessors.

Names to be arranged alphabetically, etc.

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

*Approved April 9, 1888.*

**Chap.207** AN ACT TO AMEND SECTION TWENTY OF CHAPTER ONE HUNDRED AND FOUR OF THE PUBLIC STATUTES SO AS TO PROVIDE FOR FIRE RESISTING CURTAINS IN THEATRES.

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

Fire resisting curtains in theatres.  
P. S. 104, § 20.

SECTION 1. Section twenty of chapter one hundred and four of the Public Statutes is hereby amended by inserting after the word "direct" in the fifth line thereof the following words:— The proscenium or curtain opening of all theatres shall have a fire resisting curtain of some incombustible material; the material, construction and mechanism of which shall be approved by said inspectors.

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

*Approved April 9, 1888.*

AN ACT TO EXTEND THE CHARTER OF THE SALISBURY BEACH *Chap.208*  
PLANK ROAD COMPANY.

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

SECTION 1. The charter of the Salisbury Beach Plank Road Company is hereby extended for the term of twenty years from the expiration of said charter as provided by section five of chapter one hundred and seventy-two of the acts of the year eighteen hundred and sixty-five. Charter extended.

SECTION 2. This act shall take effect upon its passage.  
*Approved April 9, 1888.*

AN ACT REGULATING THE SALE AND PURCHASE OF POISONS. *Chap.209*

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

SECTION 1. Section six of chapter two hundred and eight of the Public Statutes is hereby amended so as to read as follows:—*Section 6.* Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats," strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, without the written prescription of a physician, shall keep a record of such sale, the name and amount of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the word — Poison, and also the word — Antidote, and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold shall also

Sale and purchase of poisons regulated.

"Poison" and "Antidote" in large black letters, to be printed on the label.

Penalties.

be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars: *provided*, that nothing in this act shall be construed to apply to wholesale dealers and to manufacturing chemists in their sales to the retail trade.

Not to apply to wholesale dealers, etc.

Repeal.

SECTION 2. Chapter thirty-eight of the acts of the year eighteen hundred and eighty-seven entitled An Act regulating the sale and purchase of poisons is hereby repealed.

SECTION 3. This act shall take effect upon its passage.  
*Approved April 10, 1888.*

**Chap.210** AN ACT TO PROVIDE A FURTHER WATER SUPPLY FOR THE CITY OF MALDEN.

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

Water supply for the city of Malden.

SECTION 1. The city of Malden, for the purpose of supplying said city and the inhabitants thereof with pure water for the extinguishment of fires and for domestic and other purposes, may take by gift, purchase or otherwise the water of any well, spring or stream within said city, and obtain and take water by means of bored, driven or artesian wells within said city, and hold and convey said water through said city, and may also take and hold by gift, purchase or otherwise any land, rights of way and easements necessary for obtaining and taking said water and laying, constructing and maintaining aqueducts, water courses, reservoirs, storage basins, dams and such other works as may be deemed necessary for collecting, purifying, storing, retaining, discharging, conducting and distributing said water.

To cause a description of the land, etc., taken, to be recorded in the registry of deeds.

SECTION 2. Said city shall, within sixty days after taking any lands, rights of way, water rights, water sources or easements aforesaid, otherwise than by purchase, for the purpose of this act, file and cause to be recorded in the registry of deeds for the county and district in which such land or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor.

SECTION 3. Said city, for the purpose aforesaid, may bore or drive wells, construct aqueducts and maintain dams, reservoirs, storage basins and other proper works; may erect buildings and machinery; may make and establish such public fountains and hydrants as may from time to time be deemed proper, and may change or discontinue the same; may regulate the use of water, and establish the rates to be paid therefor, and collect the same by process of law. Said city may also for the purposes aforesaid, carry any pipe, drain or aqueduct over or under any river, water course, street, railroad, public way, highway or other way, in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up such road, street or way for the purpose of laying down, maintaining or repairing any pipe, drain or aqueduct, and may do any other thing necessary and proper in executing the purposes of this act.

May bore wells, construct aqueducts, etc.

May carry pipe over or under any water course, street or other way.

Liability for damages.

SECTION 4. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of or injury to any of their land, water, water rights, rights of way, easements on property, or by the constructing or repairing of any aqueduct, reservoir or other works, for the purposes aforesaid. Any person or corporation sustaining damages as aforesaid under this act who fails to agree with said city as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years.

Limitation.

SECTION 5. No application shall be made to the court for the assessment of damages for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said city under the authority of this act.

No application to be made for damages until water is diverted.

SECTION 6. All the rights, powers and authority given to the city of Malden by this act shall be exercised by said city, subject to all duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants, as the city council shall from time to time ordain, direct and appoint.

Rights, etc., may be exercised by agents

SECTION 7. For the purpose of defraying the cost of such franchises, property, land, easements, water and

water rights as may be purchased, taken or held for the purposes aforesaid, and of constructing the works authorized by this act, and paying all expenses incident thereto, the city council of Malden shall have authority to issue in addition to what it is already authorized by law to issue, scrip or bonds, to be denominated on the face thereof Malden Water Loan, to an amount not exceeding one hundred thousand dollars, bearing interest not exceeding six per centum per annum payable semi-annually, the principal to be payable at periods of not more than thirty years from the issuing of such scrip or bonds respectively. Said city council may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. The provisions of section three of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, in regard to establishing and maintaining a sinking fund for the redemption of the Malden water loan, shall apply to this act; and said sinking fund shall remain inviolate, and pledged to the payment and redemption of said debt, and shall be used for no other purpose. The provisions of sections ten and eleven of chapter twenty-nine of the Public Statutes, shall so far as applicable, apply to said sinking fund.

Malden Water Loan.

Sinking fund.

Additional water supply may be mingled with water from Spot pond.

SECTION 8. The additional supply of water which may be obtained under the authority conferred by this act may be used and distributed by uniting and mingling the same with the water obtained by said city from Spot pond, or any other authorized source of supply; by distributing the same through said city or any part thereof by means of the system of pipes now laid, or which may be laid under the provisions of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, or any act in amendment of or addition to said act; by means of an independent system of pipes connected with said water supply and extending through the whole or any part of said city, or by any other means the city council may from time to time ordain and direct as best adapted to utilize said water supply for the benefit of said city and the inhabitants thereof.

Issue of bonds, notes or certificates of debt.

SECTION 9. The authority heretofore given to the city of Malden to issue bonds, scrip, notes or certificates of debt for the purposes mentioned in section three of



chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, and for the further purpose of establishing and maintaining high service in any part of said city deemed advisable by the city council, and the authority given by this act to issue scrip or bonds, shall be construed to authorize the issue of said bonds, scrip, notes or certificates of debt for the purpose of supplying said city and the inhabitants thereof with pure water, and establishing and maintaining high service in any part of said city deemed advisable by the city council, and constructing works proper for either of said purposes, whether the water used and supplied shall be obtained from Spot pond, or the sources of supply mentioned in this act, or both sources combined, provided a water supply shall be obtained and used under the authority conferred by this act.

SECTION 10. Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held by said city, pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works, or property held, owned or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars or by imprisonment not exceeding one year in the house of correction, in said county of Middlesex.

Penalty for diverting water or rendering it impure.

SECTION 11. This act shall take effect upon its passage; but shall become void unless it is accepted by the city council of Malden within one year from its passage.

Subject to acceptance within one year.

*Approved April 11, 1888.*

AN ACT TO PROVIDE FOR THE PRESERVATION OF THE DOCKETS, RECORDS AND OTHER OFFICIAL PAPERS OF TRIAL JUSTICES.

*Chap. 211*

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

SECTION 1. Trial justices shall safely preserve all dockets and records of their official proceedings, and other official papers in their custody, shall keep them open, under proper regulations, to public inspection and examination, and shall furnish copies thereof upon

Trial justices to preserve dockets and records, and keep them open to inspection.

request and payment of such fees as are allowed in similar cases to clerks of courts.

Papers to be deposited with clerk of courts upon death, etc., of justice.

SECTION 2. On the death, resignation or removal from office of a trial justice, all such dockets, records, and other official papers in his custody shall be deposited in the office of the clerk of the courts in the county in which he resided, or if he resided in the county of Suffolk, in the office of the clerk of the superior court for civil business in said county.

Penalty on justice for neglect.

SECTION 3. A trial justice who neglects for three months after his resignation or removal from office so to deposit his dockets, records, and other official papers shall forfeit a sum not exceeding five hundred dollars.

Penalty on executor.

SECTION 4. If the executor or administrator of a deceased trial justice neglects for three months after his acceptance of such office, so to deposit in the clerk's office the dockets, records, and other official papers of the deceased which come into his hands, he shall forfeit a sum not exceeding five hundred dollars.

Penalty for, defacing or concealing records, etc.

SECTION 5. Whoever knowingly and wilfully destroys, defaces or conceals the dockets, records, or other official papers of a trial justice, shall forfeit a sum not exceeding one thousand dollars, and be liable in damages to any party injured thereby.

Clerks of courts to receive papers and to make and certify copies thereof.

SECTION 6. The several clerks before mentioned shall receive and safely keep such dockets, records, and other official papers of trial justices as may be deposited in their offices, and shall make and certify copies thereof, for which they shall be paid the same fees as are allowed them in similar cases, and copies thus certified shall have the same effect as if certified by such trial justices.

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

*Approved April 11, 1888.*

**Chap. 212** AN ACT TO AMEND AN ACT ESTABLISHING THE FIRST DISTRICT COURT OF NORTHERN WORCESTER.

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

Courts to be held as public convenience may require.

SECTION 1. Section three of chapter two hundred and fifteen of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out after the words "criminal business" in the second line of said section the words, "on Mondays, Wednesdays and Fridays at Gardner, and Tuesdays, Thursdays and Saturdays at Athol", and inserting in the place thereof the words: —

at Gardner and Athol, or at either of said towns as public convenience may require,—so that said section as amended will read as follows:—*Section 3.* The said court shall be held daily except on Sundays and legal holidays for criminal business at Gardner and Athol, or at either of said towns as public convenience may require; and return days for writs in civil actions therein shall be at Gardner on the first and third Wednesdays and at Athol on the second and fourth Thursdays of each month. Two or more sessions of said court may be held in either or both of said towns at the same time, the fact being stated upon the record. Said court may adjourn from one to the other of said towns whenever the public convenience may seem to the justice presiding therein to render such adjournment expedient, and when no justice is present the court may be so adjourned by the sheriff of Worcester county or either of his deputies.

Adjournments.

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

*Approved April 11, 1888.*

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN, RELATING TO INVESTMENTS BY SAVINGS BANKS.

Chap.213

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

Chapter one hundred and ninety-six of the acts of the year eighteen hundred and eighty-seven is hereby amended by striking out the words "eighty per cent. of" after the words "pledge as collateral of any of the aforesaid securities at no more than", so that the clause shall read as amended:—or in the note or notes of any citizen of this Commonwealth with a pledge as collateral of any of the aforesaid securities at no more than the par value thereof.

Investments by savings banks. 1887, 196.

*Approved April 11, 1888.*

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE FIRST DISTRICT COURT OF NORTHERN MIDDLESEX.

Chap.214

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

SECTION 1. The salary of the clerk of the first district court of northern Middlesex shall be six hundred dollars a year from the first day of March in the year eighteen hundred and eighty-eight.

Salary established.

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

*Approved April 11, 1888.*

**Chap.215** AN ACT TO CONFIRM PROCEEDINGS OF THE ANNUAL MEETING OF THE TOWN OF REVERE.

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

Proceedings at annual meeting confirmed.

SECTION 1. The proceedings of the annual meeting of the town of Revere, held on the fifth day of March in the year eighteen hundred and eighty-eight, shall not be invalid by reason of an omission or failure in the warrant calling said meeting to state the time for opening and closing the polls, and to state that the names of all officers voted for should be upon one ballot, in accordance with the requirements of the by-laws of said town.

SECTION 2. This act shall take effect upon its passage.  
*Approved April 11, 1888.*

**Chap.216** AN ACT TO CHANGE THE NAME OF THE INFANT SCHOOL AND CHILDREN'S HOME.

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

Name changed to Hunt Asylum for Destitute Children.

SECTION 1. The Infant School and Children's Home, incorporated by chapter one hundred and thirty-five of the acts of the year eighteen hundred and thirty-four and chapter one hundred and thirty-five of the acts of the year eighteen hundred and sixty-nine, shall be hereafter known and called by the name of the Hunt Asylum for Destitute Children.

SECTION 2. This act shall take effect upon its passage.  
*Approved April 12, 1888.*

**Chap.217** AN ACT TO INCORPORATE THE NEW ENGLAND LIVE STOCK INSURANCE COMPANY.

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

New England Live Stock Insurance Company incorporated.

SECTION 1. Nathaniel P. Banks, George W. Burton, Everett S. Litchfield, Timothy D. Baker, Davis M. Gurney, Charles G. Fitch and George F. Pinkham, their associates and successors, are hereby made a corporation by the name of the New England Live Stock Insurance Company, for the purpose of making insurance against the loss of live stock by death, with power to carry out its purpose in the manner, by the plan and with the methods, officers and agents to be prescribed in its by-laws.

Powers and duties.

SECTION 2. Said corporation shall possess all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to

life and casualty insurance on the assessment plan, or to assessment insurance, so far as the same are applicable thereto, except as hereinafter provided.

SECTION 3. Said corporation shall not issue a policy or certificate until its by-laws have been approved in writing by the insurance commissioner, nor until it has received applications for insurance amounting at least to forty thousand dollars.

Not to issue a policy until by-laws have been approved, etc.

SECTION 4. Said corporation shall not be subject to those provisions of the general laws named in section two of this act which require the accumulation of an emergency fund, or relate to the form of policy or certificate, the matter to be printed therein or annexed thereto, or the style of type used thereon.

Not to be subject to certain provisions of general laws.

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

*Approved April 12, 1888.*

AN ACT TO INCORPORATE THE LOWELL LAND COMPANY IN THE CITY OF LOWELL.

*Chap. 218*

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

SECTION 1. James W. Bennett, Francis Jewett, Charles J. Glidden, Levi Sprague, Charles I. Hood, their associates and successors, are hereby made a corporation for the term of fifty years from the date of the passage of this act, by the name of the Lowell Land Company, for the purpose of purchasing, selling, leasing and improving real estate in the city of Lowell and the town of Chelmsford, to an amount not exceeding two hundred thousand dollars, and performing such other legal acts as may be necessary in accomplishing said objects, with all the powers and privileges and subject to all the duties, liabilities and conditions set forth in all general laws which now are or hereafter may be in force and applicable to such corporations.

Lowell Land Company, incorporated.

SECTION 2. The capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each: *provided*, that said corporation shall not transact any business until at least twenty thousand dollars shall have been paid in in cash; and *provided, further*, that no stock shall be issued until the whole amount of said capital stock shall have been paid in either in cash or property; the value of which property if any shall be determined by the commissioner of corporations.

Capital stock and shares.

Stock not to be issued until whole capital stock has been paid in.

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

*Approved April 12, 1888.*

*Chap.219* AN ACT TO DEFINE WHAT SHALL BE DEEMED TO BE INTOXICATING LIQUOR WITHIN THE MEANING OF CHAPTER ONE HUNDRED OF THE PUBLIC STATUTES.

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

Beers, wines, etc., having more than one per cent. of alcohol, to be deemed intoxicating liquors.

SECTION 1. Section twenty-seven of chapter one hundred of the Public Statutes is hereby amended by striking out the word "three" in the second line and inserting in lieu thereof the word:—one,—so that said section shall read as follows:—*Section 27.* Ale, porter, strong beer, lager beer, cider, all wines, and any beverage containing more than one per cent. of alcohol, by volume, at sixty degrees Fahrenheit, as well as distilled spirits, shall be deemed to be intoxicating liquor within the meaning of this chapter.

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

*Approved April 12, 1888.*

*Chap.220* AN ACT TO PROVIDE A PENALTY FOR THE VIOLATION OF THE RULES OR REGULATIONS ESTABLISHED BY BOARDS OF FIRE ENGINEERS.

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

Penalty.

Whoever violates any rule or regulation established by a board of engineers under section thirty-five of chapter thirty-five of the Public Statutes shall forfeit a sum not exceeding twenty dollars for each offence.

*Approved April 12, 1888.*

*Chap.221* AN ACT TO AMEND AN ACT TO ESTABLISH THE OFFICE OF AUDITOR IN TOWNS.

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

Towns to choose one or more auditors who shall not hold any other town office.

SECTION 1. Section one of chapter two hundred and ninety-five of the acts of the year eighteen hundred and eighty-six is hereby amended so as to read as follows:—Every town shall at its annual meeting choose one or more auditors who shall be sworn and shall not hold any other town office.

Powers and duties.

SECTION 2. Section two of said chapter two hundred and ninety-five is also hereby amended by striking out the words "at all reasonable times" and inserting in place thereof the words:—as often as once a month,—and by striking out from said section the words "as often as they may deem necessary", so that it shall read as follows:—*Section 2.* It shall be the duty of auditors chosen under

the provisions of this act, or already chosen by any town, to examine the books and accounts of all officers and committees of their respective towns entrusted with the receipt, custody or expenditure of money, and all original bills and vouchers on which moneys have been or may be paid from the treasuries of their respective towns. They shall have free access to the said books, accounts, bills and vouchers, as often as once a month, and may make examination thereof, but shall examine the same at least once a year, and shall annually report in writing to their respective towns as to their correctness.

To have free access to books, accounts, etc.

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

*Approved April 12, 1888.*

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO ERECT AN ADDITION TO THE REGISTRY OF DEEDS BUILDING IN CAMBRIDGE.

*Chap. 222*

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

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized and required to erect an addition to the registry of deeds building in Cambridge, for the use of the courts of probate and insolvency and for said registry of deeds, and may borrow, on the credit of said county, and expend for such purpose a sum not exceeding one hundred and twenty-five thousand dollars, which sum shall be paid as follows: namely, one-fifth out of the taxes of the year eighteen hundred and eighty-nine, and one-fifth out of the taxes of each succeeding year until said loan is fully paid.

Commissioners to erect an addition to the registry of deeds building in Cambridge.

SECTION 2. The commissioners of said county shall contract for the erection of said addition, with the exception of the foundation therefor and the removal of any building or buildings now standing on the proposed site of such addition, in accordance with section twenty-two of chapter twenty-two of the Public Statutes, but may make separate contracts for materials and construction if deemed desirable.

To be built under contract, with exception of foundation, etc.

SECTION 3. Upon the completion of said addition the commissioners shall return a certified statement of their personal expenses incurred in connection with said work, to the board of county examiners, who shall audit and certify the same to the treasurer of said county, who shall pay them for such expenses from the treasury of said county.

Personal expenses of commissioners to be paid by the county.

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

*Approved April 12, 1888.*

*Chap. 223* AN ACT RELATING TO THE TAKING OF SCALLOPS IN THE HEAD  
WATERS OF BUZZARD'S BAY.

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

Selectmen of  
Wareham and  
Bourne may  
grant permits to  
take scallops.

SECTION 1. The selectmen of the towns of Wareham and Bourne, respectively, may grant permits in writing to take scallops from the waters within the limits of their respective towns in such quantities, at such time or times, within one year, by such methods and under such regulations as may be expressed in their permit, and they may charge and receive therefor, in behalf of and for the use of their said towns, respectively, such sums as they may deem proper. But every inhabitant of either of said towns may without such permit take scallops from the waters of the town in which he is an inhabitant, for the use of his family, from the first day of October to the first day of April, not exceeding in any week three bushels including the shells; and any inhabitant of the Commonwealth may take from the waters of said town scallops, for the use of his family, from the first day of October to the first day of April, not exceeding in any week three bushels including the shells, having first obtained a permit so to do from the selectmen of the town in which said scallops are to be taken.

Penalties.

SECTION 2. No person shall take any scallops from the waters within either of said towns without a written permit from the selectmen thereof, except as provided in the preceding section. Whosoever violates the provisions of this act shall be punished by a fine of not less than twenty or more than one hundred dollars, or imprisoned in the house of correction not less than thirty days nor more than six months, or by both such fine and imprisonment. One-half of the fine shall be paid to the complainant and the other half to the county within which the offence was committed.

Oyster fishery  
not affected.  
Private rights  
not impaired.

SECTION 3. Nothing in this act shall be construed to affect any acts relating to the oyster fishery, or to impair the private rights of any person, or in any way to limit or affect the provisions of law for the protection of fisheries other than the scallop fishery, or to permit the taking of scallops upon any oyster grounds or beds other than public grounds or beds.

Jurisdiction.

SECTION 4. District courts and trial justices shall have concurrent jurisdiction with the superior court of all offences under this act.



SECTION 5. Section three of chapter two hundred and twenty of the acts of the year eighteen hundred and eighty-five, and all acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

*Approved April 12, 1888.*

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AN ACT TO PROVIDE FOR THE REMOVAL OF THE REMAINS OF THE DEAD FROM CERTAIN LAND SITUATE IN THE TOWN OF CHICOPEE.

*Chap.224*

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

SECTION 1. The selectmen of the town of Chicopee in the county of Hampden are hereby authorized, at the expense of parties interested in a parcel of land situate in said town and which was reserved in the year seventeen hundred and ninety-three by Daniel Lamb for a burial ground, to transfer from said land all human remains found therein to any of the public cemeteries of said town to be decently re-interred therein.

May remove human remains and re-inter in public cemeteries.

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

*Approved April 13, 1888.*

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AN ACT TO AMEND AN ACT TO AUTHORIZE JAMES A. L'AMOREUX TO BUILD AND MAINTAIN A WING DAM ON THE CONNECTICUT RIVER IN THE TOWN OF SOUTH HADLEY.

*Chap.225*

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

SECTION 1. Section three of chapter three hundred and sixty-eight of the acts of the year eighteen hundred and eighty-seven is hereby amended so that it shall read as follows: — *Section 3.* The board of harbor and land commissioners shall, upon the application of said L'Amoreux, his heirs or assigns or of said Glasgow Company, or of the Holyoke Water Power Company, and after notice to all said parties, proceed as soon as may be to fix and determine by a permanent monument or bench-mark the point upon the southerly boundary line of the premises of said Glasgow Company to which in the ordinary volume and run of water in said river the water may be flowed back without injury to the water power, water rights and privileges now used and enjoyed by said Glasgow Company and shall also, in like manner, fix and determine the height at which said dam may be built and maintained so as to flow the water in its ordinary volume back as high and not higher than said point; and such determination shall be final and binding on all of said parties, their heirs, successors and assigns forever: *provided*, that

Commissioners to fix point at which water may be flowed back, and to determine height of dam.

Proviso.

nothing herein contained shall authorize the taking of any water power or privileges already occupied or which may before the construction of said dam have been so occupied by said Glasgow Company.

Work to be commenced within two years and completed within three years.

SECTION 2. This act shall take effect upon its passage, but shall become void unless work is commenced within two years and completed within three years from the date of its passage.

*Approved April 13, 1888.*

**Chap. 226** AN ACT TO INCORPORATE THE NATIONAL WOMAN SUFFRAGE ASSOCIATION OF MASSACHUSETTS.

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

National Woman Suffrage Association of Massachusetts incorporated.

SECTION 1. Harriette R. Shattuck, Salome Merritt, Harriet H. Robinson, Lavina A. Hatch, Dora Bascom Smith, Lydia E. Hutchings, Lucretia H. Jones and Sarah A. Rand, their associates and successors, are hereby made a corporation by the name of the National Woman Suffrage Association of Massachusetts, for the purpose of working to secure to women the right to the ballot and to educate them for the proper exercise of that right, with all the powers and privileges and subject to all the duties, liabilities and conditions set forth in all general laws which now are or hereafter may be in force and applicable to such corporations.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding twenty-five thousand dollars.

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

*Approved April 13, 1888.*

**Chap. 227** AN ACT TO ENABLE THE NEW ENGLAND HISTORIC-GENEALOGICAL SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL PROPERTY.

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

May hold additional real and personal estate.

SECTION 1. The New England Historic-Genealogical Society may take by bequest, gift, grant, or otherwise, and hold, real and personal estate not exceeding two hundred thousand dollars in value in addition to the amount authorized by section two of chapter one hundred and fifty-two of the acts of the year one thousand eight hundred and forty-five, and by section one of chapter one hundred of the acts of the year one thousand eight hundred and sixty-eight, and exclusive of the value of all

books, papers, pictures and statuary now owned, or which may be hereafter acquired by said society.

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

*Approved April 13, 1888.*

AN ACT TO ESTABLISH THE SALARY OF THE SHERIFF OF SUFFOLK COUNTY.

*Chap.228*

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

SECTION 1. The salary of the sheriff of Suffolk county shall be three thousand dollars a year from the first day of January, eighteen hundred and eighty-eight.

Salary established.

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

*Approved April 13, 1888.*

AN ACT TO ENABLE THE CITY OF LYNN, FOR THE PURPOSE OF PROVIDING A NEW HIGH SCHOOL BUILDING, TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW.

*Chap.229*

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

SECTION 1. The city of Lynn, for the purpose of purchasing land and erecting a high school building in said city, may incur indebtedness to an amount not exceeding one hundred and fifty thousand dollars beyond the limit of indebtedness fixed by law for said city, and may from time to time issue bonds, notes, or scrip therefor payable in periods not exceeding twenty years from the date of issue; but the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall otherwise apply to the issue of such bonds, notes, or scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

May incur indebtedness beyond the legal limit, for erecting a high school building.

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

*Approved April 16, 1888.*

AN ACT REQUIRING THE CITIES OF BOSTON AND CAMBRIDGE AND THE BOSTON AND ALBANY RAILROAD COMPANY TO WIDEN THE DRAWS IN CERTAIN BRIDGES ACROSS CHARLES RIVER.

*Chap.230*

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

SECTION 1. The cities of Boston and Cambridge shall before the first day of May in the year eighteen hundred and eighty-nine, subject to the provisions of chapter nineteen of the Public Statutes, widen the draws in the several highway bridges across Charles river at Brookline street,

Draws to be widened in the highway bridges across Charles River.

River street, Western avenue and Boylston street, so called, and the Boston and Albany Railroad Company shall forthwith, subject to the provisions of said chapter nineteen, widen the draw in its railroad bridge across said river on the easterly side of the aforesaid Brookline street bridge, so that each of said draws shall have a clear opening of at least thirty-six feet in width.

To have a clear opening of thirty-six feet in width.

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

*Approved April 16, 1888.*

**Chap. 231**

AN ACT TO INCORPORATE THE TRUSTEES OF THE CITY LIBRARY OF LOWELL.

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

Trustees of the city library of Lowell, incorporated.

SECTION 1. The directors of the city library for the time being are hereby made a corporation by the name of the Trustees of the City Library of Lowell, for the purposes hereinafter set forth, with all the powers and privileges and subject to all the duties, restrictions and liabilities in the general laws that now are or may hereafter be in force relating to such corporations.

Real and personal estate.

SECTION 2. Said corporation may receive and hold real and personal estate for the benefit of the library to an amount not exceeding two hundred thousand dollars, but the value of the books that are now in the said library or may hereafter be added thereto shall not be included in said amount. Money received by the said corporation shall be invested under the direction of the finance committee of the said city of Lowell by the city treasurer: *provided, however,* that both the principal and income thereof shall be appropriated by said corporation in conformity with the terms upon which the same shall be held, and all the securities of the said corporation shall be in the custody of the said treasurer.

Investments.

Trustees.

SECTION 3. The trustees of the city library shall be six in number, including the mayor, who shall be ex officio the president of the board. In the month of December next the mayor shall appoint, subject to the approval of the board of aldermen, five citizens of Lowell to be members of the board of trustees of said library, one of whom shall hold office for five years, one for four years, one for three years, one for two years, and one for one year, and they shall enter upon their duties on the second Monday of January next, when the terms of office of the trustees then in office shall cease. And annually there-

after, in the month of December, the mayor shall appoint, subject to the approval of the board of aldermen, from the citizens of Lowell a trustee to serve for the term of five years or until his successor shall be appointed. Whenever a vacancy shall occur in said board the same shall be filled in the manner aforesaid, and the new trustee shall hold office for the residue of the unexpired term. No member of said board shall receive any pecuniary compensation for his services.

SECTION 4. The members of said board shall meet for organization on the second Monday in January in each year. They shall have the general care and control of the library, the expenditure of the moneys appropriated therefor, and may make rules and regulations relating to the library, its officers and servants, and fix and enforce penalties for the violation of the same.

Organization of  
board of trustees.

SECTION 5. The trustees shall, whenever there are vacancies, appoint a librarian and such assistants as they may deem necessary, and may remove them and fix their compensation.

Librarian and  
assistants.

SECTION 6. The trustees shall report to the city council annually, in the month of December, the receipts and expenditures on account of the library, the number of volumes purchased during the year, the total number of volumes in the library, the number of volumes used during the year, the number of borrowers registered during the year, the number of persons entitled to draw books for home use, with such other information as they may deem desirable to communicate.

Trustees to re-  
port annually to  
the city council.

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

*Approved April 17, 1888.*

AN ACT TO CONFIRM THE DOINGS OF THE TRINITARIAN CHURCH  
IN NEW BEDFORD, AND TO AUTHORIZE IT TO HOLD ADDI-  
TIONAL REAL AND PERSONAL ESTATE.

*Chap. 232*

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

SECTION 1. The proceedings of the Trinitarian Church in New Bedford, incorporated by chapter seventeen of the acts of the year eighteen hundred and thirty-two, relating to the adoption of by-laws on the nineteenth day of May in the year eighteen hundred and seventy-three, and the election of officers and all acts and doings of said corporation and its officers thereunder are hereby ratified

Proceedings  
ratified and con-  
firmed.

and confirmed, any defects or informalities therein to the contrary notwithstanding.

Real and personal estate not to exceed \$200,000.

SECTION 2. The said Trinitarian Church in New Bedford is hereby authorized to hold, purchase and receive, by gift or otherwise, real and personal estate to an amount not exceeding two hundred thousand dollars in value for the purposes named in said act.

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

*Approved April 17, 1888.*

**Chap.233** AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE SECOND DISTRICT COURT OF EASTERN MIDDLESEX.

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

Salary of clerk.

SECTION 1. The salary of the clerk of the second district court of eastern Middlesex shall be seven hundred dollars a year from the first day of January in the year eighteen hundred and eighty-eight.

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

*Approved April 17, 1888.*

**Chap.234** AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF GLOUCESTER.

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

Salary of justice.

SECTION 1. The salary of the justice of the police court of Gloucester shall be sixteen hundred dollars a year from the first day of January in the year eighteen hundred and eighty-eight.

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

*Approved April 17, 1888.*

**Chap.235** AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF GLOUCESTER.

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

Salary of clerk.

SECTION 1. The clerk of the police court of Gloucester shall receive an annual salary of one thousand dollars.

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

*Approved April 17, 1888.*

**Chap.236** AN ACT TO AMEND AN ACT TO SUPPLY THE TOWN OF MARBLEHEAD WITH WATER.

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

Town may provide for payment of water loan in annual payments in-

SECTION 1. Section six of chapter three hundred and twenty-five of the acts of the year eighteen hundred and eighty-six is hereby amended so as to read as follows :—

*Section 6.* The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act. And when such vote has been passed the amount required thereby, shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

instead of establishing a sinking fund.

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

*Approved April 17, 1888.*

AN ACT TO INCORPORATE THE CHARLEMONT RURAL CLUB

*Chap. 237*

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

SECTION 1. George E. Bemis, Amos L. Avery and Robert R. Edwards, their associates and successors, are hereby made a corporation by the name of The Charlemont Rural Club, for the purpose of beautifying and ornamenting the public streets, highways, squares and parks, and of acquiring land for and laying out and improving new parks for the use of the public, in the town of Charlemont; and said corporation shall have all the powers and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Charlemont Rural Club, incorporated.

Powers and duties.

SECTION 2. The town of Charlemont may designate any of the public grounds or open spaces in any of its streets, highways or town ways as not needed for public travel and may give the improvement thereof to said corporation. Said corporation, having the improvement of such designated grounds and spaces given it, shall have the use, care and control thereof, and may grade, drain, curb, set out shade or ornamental trees, lay out flower plats and otherwise improve the same, and may protect their work by suitable fences or railings; subject at all times to such directions as may be given by the selectmen or road commissioners of said town.

Town may designate public grounds, etc., which may be improved by the club.

SECTION 3. Said corporation shall have authority to receive, take, hold and invest any gifts, grants, donations or bequests for the uses and purposes of its organization, and for these uses and purposes may hold real and per-

Real and personal estate not to exceed \$10,000.

sonal estate, exempt from taxation to an amount not exceeding ten thousand dollars.

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

*Approved April 17, 1888.*

**Chap.238** AN ACT RELATING TO THE TAKING OF SCALLOPS IN THE WATERS  
ADJACENT TO THE TOWN OF NANTUCKET

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

Scallops may be taken for bait during month of April.  
1887, 96, § 1.

SECTION 1. The provisions of section one of chapter ninety-six of the acts of the year eighteen hundred and eighty-seven shall not be construed to apply to scallops taken for bait in the waters adjacent to the town of Nantucket during the month of April.

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

*Approved April 17, 1888.*

**Chap.239** AN ACT TO PROVIDE FOR THE FREE INSTRUCTION OF DEAF MUTES  
OR DEAF CHILDREN.

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

Free instruction of deaf mutes provided for.

SECTION 1. Upon the request of the parents or guardians and with the approval of the state board of education, the governor may send such deaf mutes or deaf children as he may deem fit subjects for education, for a term not exceeding ten years in the case of any pupil, to the American Asylum at Hartford in the state of Connecticut, the Clarke Institution for Deaf Mutes at Northampton, or to the Horace Mann School at Boston, or to any other school for deaf mutes in the Commonwealth, as the parents or guardians may prefer; and with the approval of the state board he may make at the expense of the Commonwealth such provision for the care and education of children, who are both deaf mutes and blind, as he may deem expedient. In the exercise of the discretionary power conferred by this act, no distinction shall be made on account of the wealth or poverty of the parents or guardians of such children; no such pupil shall be withdrawn from such institutions or schools except with the consent of the proper authorities thereof or of the governor; and the sums necessary for the instruction and support of such pupils in such institutions or schools, including all travelling expenses of such pupils attending such institutions or schools, whether daily or otherwise, shall be paid by the Commonwealth: *provided, however,*

No distinction to be made on account of wealth or poverty of parents.

Proviso.



that nothing herein contained shall be held to prevent the voluntary payment of the whole or any part of such sums by the parents or guardians of such pupils.

SECTION 2. Section sixteen of chapter forty-one of the Public Statutes, and chapter two hundred and forty-one of the acts of the year eighteen hundred and eighty-six, and chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-seven, are hereby repealed.

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

*Approved April 19, 1888.*

AN ACT TO AMEND AN ACT TO PROMOTE SAFETY AT RAILROAD GRADE CROSSINGS.

*Chap.240*

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

SECTION 1. Chapter one hundred and seventeen of the acts of the year eighteen hundred and eighty-three is hereby amended to read as follows : — At any point where a highway, townway or travelled place is crossed at the same level by a railroad, the board of railroad commissioners may, after notice to and hearing of the railroad corporation whose road so crosses, direct in writing that gates shall be erected across said way or place, and that an agent be stationed to open and close such gates when an engine or train passes, or that a flagman be stationed at the crossing, who shall display a flag whenever an engine or train passes, or that such crossing shall be furnished with such electric signal or signals as they shall decide the better security of human life or the convenience of the public travel requires, and the corporation shall comply with such order.

Commissioners may order gates, etc., where a railroad crosses highway, etc., at grade.

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

*Approved April 19, 1888.*

AN ACT TO INCORPORATE THE RIVERSIDE WATER COMPANY.

*Chap.241*

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

SECTION 1. Timothy M. Stoughton, Myron A. Ward and George L. Manchester, their associates and successors, are hereby made a corporation by the name of the Riverside Water Company, for the purpose of furnishing the inhabitants of the village of Riverside in the town of Gill with pure water, for the extinguishment of fires and for domestic and other purposes ; with all the powers and

Riverside Water Company, incorporated.

privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take water of brooks, etc., in town of Gill.

SECTION 2. The said corporation for the purposes aforesaid may take by purchase or otherwise and hold the water of any springs or brooks on the farm known as the Allen farm; and on the farm and lands of Timothy M. Stoughton; also from the stream called Fall river; also from the small pond near the Connecticut river called the Lilly pond, and also from the Connecticut river, all in the town of Gill, and said corporation shall include the large spring, the source of the present supply of water, called the Heal All spring, in its supply for domestic purposes, and the water rights connected with any such water sources, and any water procured from any other source under the authority of this act, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of Riverside; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, public or private ways and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, maintaining and repairing such conduits, pipes and other works, and for all purposes of this act, said corporation may dig up any such lands and under the direction of the selectmen of said Gill may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

May erect structures and make excavations.

May lay down conduits, pipes and other works.

May dig up lands under direction of the selectmen.

To cause to be recorded in the registry of deeds a description of the land taken.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements, as aforesaid, otherwise than by purchase, cause to be recorded in the registry of deeds for the county of Franklin a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the president of the corporation.

Liability for damages.

SECTION 4. The said corporation shall pay all damages sustained by any person or corporation in property by the

taking of any land, right of way, water, water source, water right or easement, or any other thing done by said corporation under the authority of this act. Any corporation or person sustaining damages as aforesaid under this act who fails to agree with said corporation as to the amount of damages sustained may have the damages assessed and determined in the manner provided by law when land is taken for highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act.

No application to be made for damages until water is actually withdrawn.

SECTION 5. The said corporation may distribute the water through the village of Riverside in Gill, may regulate the use of said water, and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town or with any fire district that may hereafter be established therein, or with any individual or other corporation, to supply water for the extinguishment of fires or for other purposes, as may be mutually agreed upon.

May distribute water through village of Riverside, and may fix and collect water rates.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount twenty-five thousand dollars: and the whole capital stock of said corporation shall not exceed twenty-five thousand dollars, to be divided into shares of the par value of one hundred dollars each.

Real estate not to exceed \$25,000.

Capital stock and shares.

SECTION 7. The said corporation may issue bonds bearing interest at a rate not exceeding six per cent. per annum, and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds and secure by mortgage.

SECTION 8. The said town of Gill and any fire district that may hereafter be established therein shall have the right at any time to purchase of said corporation its franchise, corporate property, and all its rights, powers and privileges, at a price which may be mutually agreed upon, and may have a like right to purchase their interest from the mortgagees after foreclosure of any mortgage author-

Town of Gill and any fire district hereafter established may purchase franchise and property.

Failing upon an agreement, compensation to be determined by commissioners.

ized by section seven of this act; and said corporation is authorized to make sale of the same to said town or fire district. If said corporation or said mortgagees, as the case may be, and said town or fire district, are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the superior court upon application by said town or fire district, and notice to the other party, whose award when accepted by said court shall be binding on all parties. If said corporation shall have issued bonds under the provisions of section seven and the mortgage shall not have been foreclosed, and the compensation to be paid shall be determined by commissioners as aforesaid, such commissioners shall find the value of such franchise, corporate property, rights, powers and privileges, as if the same were unincumbered, and the mortgagees shall be entitled to be heard before such commissioners as to such value; and if the value so found shall exceed the amount of such mortgage debt, said town or fire district shall acquire such franchise, property, rights, powers and privileges by paying said corporation such excess, and shall assume said mortgage debt; but if the value so found should be less than the mortgage debt then said town or fire district shall acquire such franchise, property, rights, powers and privileges of said corporation, and also the interests of said mortgagees, by paying said mortgagees the amount of the value so found, and such mortgage shall thereby be discharged, and said town or fire district shall thereupon hold and possess such franchise and all said corporate property, rights, powers and privileges unincumbered and discharged from any trust. The right to purchase as aforesaid is granted on condition that the same be authorized by a two-thirds vote of the voters of said town or fire district present and voting thereon at a meeting called for that purpose.

Right to purchase to be granted by a two-thirds vote.

Corporation may be required to give security for payment of damages and costs.

SECTION 9. The county commissioners for Franklin county, upon the application of the owner of any land, water or water rights taken under this act, shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security the county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result

from such taking, and the county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient: and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

SECTION 10 The said corporation may purchase from the owners any aqueduct or water pipes now used in furnishing water in the village of Riverside, and all the estate, property, rights and privileges in such owners.

May purchase aqueduct or water pipes now in use.

SECTION 11. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation, under the authority of and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort: and upon conviction of either of the above wilful or wanton acts, shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corrupting or diverting water or for injury to any structure.

SECTION 12. This act shall take effect upon its passage, but unless work is actually commenced under it within three years from the date of its passage all rights and privileges hereby granted shall at the expiration of said period cease, and the act shall have no further effect.

Work to be commenced within three years.

*Approved April 19, 1888.*

AN ACT TO CONFIRM THE PROCEEDINGS OF THE TOWN OF WARE AT THE ANNUAL STATE ELECTION IN THE YEAR EIGHTEEN HUNDRED EIGHTY-SIX, AND CERTAIN PROCEEDINGS OF A CERTAIN TOWN MEETING.

*Chap. 242*

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

SECTION 1. The proceedings of the town of Ware at the annual state election in the year eighteen hundred and eighty-six and of the annual town meeting of said town held on the twenty-eighth day of March in the year eighteen hundred and eighty-seven, shall not be invalid by reason of any defects in the warrants relating to said election and calling said meeting nor for any failure to notify and warn the same according to law, and the proceedings of said town at said election and town meeting are hereby made legal and are ratified and confirmed.

Proceedings at certain election confirmed.

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

*Approved April 19, 1888.*

**Chap.243** AN ACT TO AUTHORIZE THE DISTRICT POLICE TO ENTER AND EXAMINE PAWN SHOPS.

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

Pawn shops may be entered and examined, at any time, by district police officers, etc.

Section thirty-five of chapter one hundred and two of the Public Statutes is hereby amended by adding after the word "them" in the second line the words: — or any district police officer, — so that the same as amended shall read as follows, namely: — *Section 35.* The chief of police of a city or the selectmen of a town, or any officer authorized by either of them, or any district police officer, may at any time enter upon any premises used by a licensed pawnbroker for the purposes of his business, ascertain how he conducts his business, and examine all articles taken in pawn or kept or stored in or upon said premises, and all books and inventories relating thereto; and every such pawnbroker, his clerk, agent, servant or other person in charge of the premises, shall exhibit to such officer on demand any or all of such articles, books and inventories.

*Approved April 19, 1888.*

**Chap.244** AN ACT TO ESTABLISH THE SALARY OF THE SHERIFF OF THE COUNTY OF WORCESTER.

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

Salary of sheriff.

SECTION 1. The salary of the sheriff of the county of Worcester shall be twenty-five hundred dollars a year from the first day of January in the year eighteen hundred and eighty-eight.

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

*Approved April 19, 1888.*

**Chap.245** AN ACT TO INCORPORATE THE MAGNOLIA IMPROVEMENT COMPANY.

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

Magnolia Improvement Company, incorporated.

SECTION 1. Charles P. Coffin, Edward C. Richardson, Charles W. Jones, Ware B. Gay, John J. Stanwood, their associates and successors, are made a corporation by the name of the Magnolia Improvement Company, with the privileges and for the purposes hereinafter set forth; to have its usual place of business in the city of Boston, with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions of corporations subject to chapters one hundred and five and one hundred and six of the Public Statutes, and to all general laws which now are or hereafter may be in force in relation to such corporations.

SECTION 2. Said corporation may acquire, purchase and hold, wild land and woodland in that part of the city of Gloucester called Magnolia, bounded on the east by Mussel point and the land belonging to the heirs of the late George O. Hovey deceased, on the north by the main road between Gloucester and Magnolia and along said road to the Manchester line, on the west by said Manchester line, from said road to the ocean: *provided*, the same does not amount to more than fifty acres at any one time, also other land to an amount not exceeding ten acres at any one time. Said corporation may lease, sell or otherwise dispose of any or all of its real estate. License is hereby given to said corporation to construct and maintain a wharf or wharves from its land into the harbor of Magnolia, or to purchase and reconstruct any wharf or wharves similarly located, subject however to the approval and determination of the harbor and land commissioners. Said corporation is authorized to build on its land one or more hotels but not to carry on the business of keeping a hotel, and to build and maintain other buildings. It may also build or purchase barges and pleasure boats, to be used in connection therewith, and buy, hold and sell such personal property as the corporation may deem necessary. It may in the locality above described lay out, alter, repair and construct streets, roads, sidewalks and ways, and water the same; plant shade and other trees, also lay drains and sewers and make assessments for entering, and charge annual rates for the use of the same. But when the directors of said corporation wish to have any street, road, sidewalk or way laid out over other land than that owned by said corporation they shall apply to the city council of said city of Gloucester, to lay out the same; and said city council may upon such request lay out, construct or alter any street, road, sidewalk or way in said locality, in accordance with the general provisions of law and section twenty-four of chapter two hundred and forty-six of the acts of the year eighteen hundred and seventy-three. After such street, road, sidewalk or way is laid out as aforesaid, said city council may authorize said corporation to construct or alter the same, also to make ordinary repairs on any such street, road, sidewalk or way already in existence; and said city council may make any contract with said corporation it sees fit as to a division of the cost of construction, land damages and

May acquire wild land and woodland in that part of Gloucester called Magnolia.

May lease or sell real estate.

May construct or purchase wharves.

May build hotels, barges and pleasure boats.

Laying out of streets, etc.

Repairs on streets.

Construction, etc., to be made satisfactory to the city council.

System of sewerage to be subject to approval of the state board of health.

May lay drains and sewers.

City may purchase sewerage system.

Corporation may issue bonds.

May hold real estate acquired by foreclosure of mortgages, etc.

repairs between said city and said corporation. And any such street, road, sidewalk or way constructed, repaired or altered under any agreement as aforesaid, shall be made and completed satisfactory to said city council or any committee or person as may by it be designated. And said corporation may from time to time, with the permission of the mayor and aldermen of said city, enter upon and dig up any road or other way for the purpose of laying or repairing its sewers or drains: *provided*, that any system of sewerage disposal shall be approved by a majority of the state board of health before it is carried into operation. And said corporation may do such other acts and things as are incidental to or necessary in the prosecution of its business.

SECTION 3. Said corporation for the purpose of constructing such sewerage system may lay its drains and sewers through any private lands situated in the part of the city above described, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs and connections. Any person injured in property thereby, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways. The city of Gloucester shall have the right at any time to purchase said sewerage system at a price which may be mutually agreed upon between said corporation and said city of Gloucester; and the said corporation is authorized to make sale of the same to said city. In case said corporation and said city are unable to agree, then the compensation to be paid shall be determined by three commissioners to be appointed by the supreme judicial court, upon application of either party and notice to the other, whose award when accepted by the court shall be binding upon both parties.

SECTION 4. The said corporation, for the purposes set forth in this act, may issue bonds to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation and secure said bonds and interest by a mortgage on its franchise, and on a part or the whole of its other property, real and personal.

SECTION 5. Said corporation may also hold real estate acquired by the foreclosure of any mortgages owned by it, or by purchase at sales made under the provisions of



any such mortgage, or upon judgments for debts due it, or in settlements effected to secure such debts; but all such real estate shall be sold by it within five years after the title is vested in the corporation, in accordance with the provisions in clause eight of section twenty of chapter one hundred and sixteen of the Public Statutes, and of any amendment thereto.

SECTION 6. The capital stock of said corporation shall be two hundred and fifty thousand dollars, divided into shares of twenty-five dollars each, with liberty to increase said stock by vote of the corporation or of the directors, when the business requires an increase, to an amount not exceeding five hundred thousand dollars, to be paid in and increased at such times and in such manner and with and subject to such rules, regulations, privileges and conditions as the directors may decide: *provided*, that said corporation shall not begin the transaction of business until capital stock to the amount of fifty thousand dollars shall be subscribed for and paid in, either in cash or in property, to the satisfaction of the commissioner of corporations of this Commonwealth: and no issue of stock shall be made greater than the stock paid in.

Capital stock and shares.

Not to begin business until \$50,000 has been paid in.

SECTION 7. The shares of the capital stock of said corporation shall be assignable and transferable according to such rules and regulations as the stockholders shall for that purpose ordain and establish, and not otherwise.

Transfer, etc., of stock subject to regulations established by the stockholders.

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

*Approved April 19, 1888.*

AN ACT TO PROVIDE FOR EXTRA CLERICAL ASSISTANCE FOR THE POLICE COURT OF LOWELL.

*Chap. 246*

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

SECTION 1. The clerk of the police court of Lowell shall be allowed for extra clerical assistance a sum not exceeding five hundred dollars in any one year, upon his certificate that the work was actually performed and was necessary, with the time occupied and the names of the persons by whom the work was performed, such sum to be approved by the county commissioners by a writing signed by them and to be paid from the county treasury, monthly, to the person or persons employed.

Allowance for extra clerical assistance.

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

*Approved April 19, 1888.*

**Chap.247** AN ACT TO AUTHORIZE THE PROVIDENCE AND WORCESTER RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK.

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

May increase capital stock.

SECTION 1. The Providence and Worcester Railroad Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding five hundred thousand dollars to be divided into shares of one hundred dollars each.

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

*Approved April 19, 1888.*

**Chap.248** AN ACT CONCERNING NEGLECTED CHILDREN AND JUVENILE OFFENDERS.

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

Commitment of certain children to the custody of the board of lunacy and charity. 1882, 181, § 3.

SECTION 1. Section three of chapter one hundred and eighty-one of the acts of the year one thousand eight hundred and eighty-two is hereby amended by adding at the end thereof the following:—*provided, however,* that when it shall be made to appear that the place of legal settlement of any of such children has not within its control any institution in which they may be lawfully maintained, such court or magistrate may commit such children to the custody of the state board of lunacy and charity, and the authority vested in such overseers under this section relative to children who have a known settlement may be exercised by said state board, in the same manner and to the same extent as might have been exercised by said overseers, had such children been committed to them.

Repeal.

SECTION 2. Sections forty-nine and fifty-one of chapter eighty-nine of the Public Statutes, and chapter two hundred and sixty-six of the acts of the year one thousand eight hundred and eighty-seven, are hereby repealed.

SECTION 3. This act shall take effect upon the first day of April of the present year.

*Approved April 19, 1888.*

**Chap.249** AN ACT TO INCLUDE THE TOWN OF ROCKPORT WITHIN THE JUDICIAL DISTRICT OF THE POLICE COURT OF GLOUCESTER.

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

Rockport to be part of the judicial district of the police court of Gloucester.

SECTION 1. The town of Rockport is hereby annexed to and made a part of the judicial district under the jurisdiction of the police court of the city of Gloucester: *pro-*

*voided, however,* that nothing in this act shall affect any suit or other proceeding begun and pending at the time of its taking effect. Proviso.

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

*Approved April 19, 1888.*

AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO PURCHASE THE FRANCHISES AND PROPERTY OF THE EASTERN RAILROAD COMPANY, AND THE EASTERN RAILROAD IN NEW HAMPSHIRE, AND THE PORTSMOUTH, GREAT FALLS AND CONWAY RAILROAD.

*Chap. 250*

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

SECTION 1. The Boston and Maine Railroad is hereby authorized to acquire by purchase the road, franchises and property of the Eastern Railroad Company, on such terms as may be agreed to by the respective boards of directors of said corporations and as shall be approved, at meetings called for the purpose, by the votes of a majority in interest of the stockholders of said Boston and Maine Railroad, and by the votes of a majority in interest of the holders of the preferred stock, and of a majority in interest of the holders of the common stock of said Eastern Railroad Company, and by the board of railroad commissioners. After such acquisition and purchase from said Eastern Railroad Company, said Boston and Maine Railroad is authorized to acquire by purchase the road, franchises and property of the Eastern Railroad in New Hampshire, and of the Portsmouth, Great Falls and Conway Railroad, on such terms as may be agreed to by the respective boards of directors of the purchasing and selling corporation, and as shall be approved, at meetings called for the purpose, by the votes of a majority in interest of the stockholders of the purchasing corporation, and by the board of railroad commissioners, and by the votes of a majority in interest of the stockholders, other than said Boston and Maine Railroad, of the selling corporation. For the purpose of facilitating said purchases and the equitable adjustment of the interests of stockholders of the purchasing and selling corporations, and to carry into effect any agreement or agreements made as hereinbefore authorized, the said Boston and Maine Railroad may increase and issue its capital stock to such amount and in such manner as may be required by such agreement or agreements, and as the board of railroad

Boston and Maine Railroad may purchase franchise and property of the Eastern Railroad Company.

May purchase the Eastern Railroad in New Hampshire, and the Portsmouth, Great Falls and Conway Railroad.

May increase capital stock.

Proviso.

Preferred stock.

No dividend to be declared or paid in excess of ten per cent. of capital stock as now existing.

Investments by savings banks.

commissioners may determine to be necessary and expedient to carry into effect the provisions of this act: *provided, however*, that if its capital stock, as so increased, shall exceed the amount of the capital stock as now existing of itself and the selling corporation, the dividends declared or paid thereon from the time of each purchase of the corporate franchises and property herein authorized, shall not exceed an average of ten per cent. per annum on the amount of the capital stock as now existing of the corporations which up to that time have united under the provisions of this act, reckoning such average from the time of the passage of this act. For the purposes aforesaid and to carry into effect said consolidation agreements or any of them and with the approval of the railroad commissioners, the said Boston and Maine Railroad may make any portion of its capital stock as already existing or as increased under the authority of this act, preferred stock, entitled to dividends upon such terms of entire or partial preference as it may determine: and, after having purchased the road, franchises and property of said Eastern Railroad Company, may purchase the capital stock or any part thereof of said Portsmouth, Great Falls and Conway Railroad, and in payment therefor may issue, subject to the approval of the board of railroad commissioners, and sell its own capital stock, or exchange the same for the capital stock of said Portsmouth, Great Falls and Conway Railroad. From and after each purchase of the corporate franchises and property herein authorized, said Boston and Maine Railroad shall have and enjoy all the privileges and franchises theretofore had and enjoyed by the selling corporation, and shall be subject to all its duties, debts and liabilities, and may assume the same by guaranty or other appropriate contract: *provided, however*, that no dividend shall at any time be declared or paid by said Boston and Maine Railroad in excess of an average of ten per cent. per annum on the amount of the capital stock as now existing of the Boston and Maine Railroad: and the capital stock as now existing of any corporation or corporations that at the time of declaring such dividends have been purchased by the said Boston and Maine Railroad under the provisions of this act.

SECTION 2. Savings banks and institutions for savings may, subject to the provisions of article three of section

twenty of chapter one hundred and sixteen of the Public Statutes, invest in bonds or notes of said Boston and Maine Railroad, issued according to law, notwithstanding any mortgages on that part of its railroad, franchises and property formerly belonging to the Eastern Railroad Company, the Eastern Railroad in New Hampshire, or the Portsmouth, Great Falls and Conway Railroad.

SECTION 3. Whenever the purchases of the corporate franchises and property authorized by this act shall be effected, copies of the votes of the respective corporations assenting to the same, certified by the clerks of said respective corporations, shall be filed in the office of the secretary of state.

Certified copies of votes assenting to purchase to be filed in office of secretary of state.

SECTION 4. Nothing in this act shall impair any rights or interest the Commonwealth may have in said Boston and Maine Railroad and said Eastern Railroad Company.

Rights of the Commonwealth not impaired.

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

*Approved April 19, 1888.*

AN ACT TO CHANGE THE NAME OF THE COMMONWEALTH SAFE DEPOSIT AND TRUST COMPANY.

*Chap.251*

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

SECTION 1. The name of the Commonwealth Safe Deposit and Trust Company, incorporated by chapter one hundred and eighty-eight of the acts of the year eighteen hundred and eighty-seven, is hereby changed to the United States Safe Deposit and Trust Company.

Name changed to the United States Safe Deposit and Trust Company.

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

*Approved April 19, 1888.*

AN ACT CONSOLIDATING THE LYNN GAS LIGHT COMPANY AND THE LYNN ELECTRIC LIGHTING COMPANY.

*Chap.252*

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

SECTION 1. The Lynn Gas Light Company and the Lynn Electric Lighting Company may, in accordance with the respective votes of said two corporations already adopted by the stockholders thereof representing more than two-thirds of the stock of each corporation respectively, at meetings of each corporation called for the purpose, so far as said votes now appear of record, consolidate and form one corporation, to be called the Lynn Gas and Electric Company: *provided, however,* that no such consolidation shall be valid without the consent in writing of the board of gas commissioners.

May form one corporation under name of Lynn Gas and Electric Company.

May engage in business of generating and furnishing electricity.

Powers, duties and restrictions.

Capital stock not to exceed \$400,000.

Subject to all debts and liabilities of old corporations.

First meeting of new corporation.

SECTION 2. Said consolidated corporation is hereby authorized to engage in the business of generating and furnishing electricity in the territory in which said Lynn Electric Lighting Company is now authorized by its charter to make and supply the same; and to engage in the business of generating and furnishing gas in the territory in which said Lynn Gas Light Company is now authorized by its charter to make and supply gas, and except as herein limited shall have all the rights and enjoy all the powers, privileges, franchises, licenses, property and estates which at the time of such consolidation may be held and enjoyed by either of said existing corporations, and be subject to all the duties, restrictions and liabilities to which either of said existing corporations is now subject, and to all general laws which now are or hereafter may be in force relating to like corporations and to the provisions of section three of chapter one hundred and five of the Public Statutes.

SECTION 3. The capital stock of the consolidated or new corporation, formed as aforesaid, shall not upon such consolidation exceed the sum of four hundred thousand dollars and shall be issued to stockholders of said existing corporations upon such terms and in such manner as may be provided by the respective presidents and directors of said two companies in pursuance of the authority given by the votes mentioned in section one. But the capital stock of said new corporation may subsequently be increased or diminished from time to time, in accordance with the provisions of chapter one hundred and six of the Public Statutes.

SECTION 4. Upon said consolidation the new corporation thereby formed shall be subject to all the debts and liabilities of each of the old corporations: *provided, however,* that said debts and liabilities shall be and remain a first lien upon all the property, assets and franchises contributed by said corporations respectively to the consolidated or new corporation, so that all the property, assets and franchises of the Lynn Electric Lighting Company shall be liable for and respond to the payment of all its debts and liabilities at the time of such consolidation before being liable for the payment of the debts and liabilities of the Lynn Gas Light Company, and vice versa.

SECTION 5. The first meeting of the new or consolidated corporation, hereby authorized, shall be called by

the presidents of the two corporations of which it is formed. Seven days' notice of the time and place of said meeting shall be given by publication in some one newspaper published in the city of Lynn, Massachusetts, to the stockholders of said two existing corporations. At said meeting, including any necessary or reasonable adjournment thereof, an organization shall be effected by the adoption of by-laws, the choice by ballot of a clerk, a treasurer and not less than three directors; and the officers so chosen shall hold their offices until the first annual meeting held in pursuance of said by-laws, and until others are chosen and qualified in their stead; and persons holding stock in either of said two corporations at the time of said first meeting shall be entitled to vote upon the number of shares of stock held by them respectively. Upon such organization of said new company the proper officers thereof shall cause such stock transfers, surrenders, exchanges, and cancellations to be made, and such new certificates of stock to be issued, as may be required to carry into effect the terms of consolidation fixed and determined as aforesaid.

Organization.

Stock transfers, cancellations, etc., to be made.

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

*Approved April 20, 1888.*

AN ACT TO AMEND AN ACT TO IMPROVE THE CIVIL SERVICE OF  
THE COMMONWEALTH AND THE CITIES THEREOF.

*Chap. 253*

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

SECTION 1. Section nineteen of chapter three hundred and twenty of the acts of the year one thousand eight hundred and eighty-four is hereby amended to read as follows:— *Section 19.* All rules established as hereinbefore provided, and all changes therein, shall forthwith be printed for distribution by said commissioners, and a certified copy thereof shall be sent to the mayor of each city to which such rules or changes therein relate, and the same shall be published in one or more newspapers, and in any such publication of rules shall be specified the date, not less than sixty days subsequent to the date of such publication, when such rules shall go into operation, and thereafter all appointments to office and selections for employment shall be made according to said rules in cases to which said rules apply.

Changes in civil service rules to be printed and distributed.

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

*Approved April 20, 1888.*

**Chap.254** AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUOR ON FAST DAY, MEMORIAL DAY, THANKSGIVING DAY AND CHRISTMAS DAY.

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

Sale of intoxicating liquors by common victuallers prohibited on certain holidays.

SECTION 1. Any common victualler having a license to sell intoxicating liquors under either of the first three classes of section ten of chapter one hundred of the Public Statutes, who shall sell, give away or deliver, on the licensed premises, any of such liquors on Fast day, or on the thirtieth day of May, commonly called Memorial day, or Thanksgiving day, or on the twenty-fifth day of December, commonly called Christmas day, or on the twenty-sixth day of December when the said Christmas day falls upon Sunday, shall be liable to the penalty prescribed in section eighteen of chapter one hundred of the Public Statutes or in acts in amendment thereof.

Innkeepers not to sell except to bona fide guests, etc.

SECTION 2. Any innkeeper having a license to sell intoxicating liquors who shall on either of the days named in the first section of this act sell, give away or deliver, in his inn, any intoxicating liquors, except to bona fide guests or travellers sojourning at his inn, shall be liable to the penalty above prescribed.

SECTION 3. This act shall take effect upon its passage.  
*Approved April 20, 1888.*

**Chap.255** AN ACT MAKING APPROPRIATIONS FOR CARRYING OUT THE PROVISIONS OF THE ACT RELATING TO THE EMPLOYMENT OF PRISONERS IN THE PRISONS OF THE COMMONWEALTH.

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

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of carrying out the provisions of chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven relating to the employment of prisoners in the various prisons of the Commonwealth, to wit:—

Employment in state prison.

For carrying out so much of the provisions of said chapter as relates to the employment of prisoners in the state prison, a sum not exceeding two hundred and fifty thousand dollars.

Massachusetts reformatory.

For carrying out so much of the provisions of said chapter as relates to the employment of prisoners in the



Massachusetts reformatory, a sum not exceeding fifty thousand dollars.

For carrying out so much of the provisions of said chapter as relates to the employment of prisoners in the reformatory prison for women, a sum not exceeding twenty thousand dollars.

Reformatory  
prison for  
women.

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

*Approved April 20, 1888.*

AN ACT CONCERNING THE PRINTING AND DISTRIBUTION OF CERTAIN  
PUBLIC DOCUMENTS.

*Chap.256*

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

SECTION 1. There shall be printed annually fifteen thousand copies of the report of the secretary of the state board of agriculture: and twenty-five thousand copies of the report of the board of control of the state agricultural experiment station.

Additional re-  
ports of the sec-  
retary of the  
state board of  
agriculture, etc.

SECTION 2. Of the reports of the board of control of the state agricultural experiment station provided for in section one of this chapter, fifteen thousand copies shall be bound with the reports of the secretary of the state board of agriculture, and eight thousand copies shall be for the use of the said board of control.

Disposition and  
binding of re-  
ports.

*Approved April 24, 1888.*

AN ACT RELATING TO THE SALARIES OF THE CLERKS OF COURTS  
AND THE PAYMENT OF FEES IN THE SUPERIOR COURT AND THE  
SUPREME JUDICIAL COURT.

*Chap.257*

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

SECTION 1. The annual salaries of the clerks of courts for the counties hereinafter mentioned shall be as follows: — For the county of Barnstable, one thousand dollars; for the county of Berkshire, twenty-eight hundred dollars; for the county of Bristol, four thousand dollars; for the county of Essex, fifty-two hundred dollars; for the county of Franklin, eighteen hundred dollars; for the county of Hampden, thirty-five hundred dollars; for the county of Hampshire, twenty-three hundred dollars; for the county of Middlesex, six thousand dollars; for the county of Nantucket, six hundred dollars; for the county of Norfolk, twenty-eight hundred dollars; for the county of Plymouth, two thousand dollars; for the county of Worcester, fifty-two hundred dollars; for the

Salaries of the  
clerks of the  
courts for the  
several counties

county of Suffolk, the clerk of the superior court for civil business, sixty-five hundred dollars; for the county of Suffolk, the clerk of the superior court for criminal business, six thousand dollars. Said salaries shall be paid in monthly instalments by the respective counties and shall be at the same rates for any part of a year.

To be paid monthly.

To be in full compensation for services.

SECTION 2. All of said annual salaries of clerks shall be in full compensation for all services performed by them in the civil or criminal courts, for the county commissioners, or in making any returns required by law, or in the performance of any other official duty; but such clerical assistance as is necessary may be allowed the clerks under the provisions of section thirty-three of chapter one hundred and fifty-nine of the Public Statutes.

Fees.

SECTION 3. There shall be paid to the clerk upon the entry of every suit in the supreme judicial and superior courts, and upon the filing of a petition to the county commissioners, in the several counties, the sum of three dollars, to be in lieu of entry, clerk's term fees, the fee for taxing costs and issuing execution, now authorized by law; and no suit or petition shall be entered by the clerk until said fee is paid. The fee of said clerks for the entry of an indictment or complaint in a criminal case shall be three dollars, which shall be in lieu of the entry and all other clerks' fees now authorized by law.

Clerks to keep cash books in which fees shall be entered, etc.

SECTION 4. Each clerk of the courts in the several counties and in the county of Suffolk the clerk of the supreme judicial court, the clerk of the superior court for civil business, and the clerk of the superior court for criminal business, shall keep a cash book, which shall be county property and be and remain a part of the records of the courts, in which shall be kept accounts of all fees received by them for their official acts and services, including fees for copies which they are not required by law to furnish, fees and moneys in proceedings relating to naturalization or for naturalization certificates, and all fees and moneys of whatever description or character received by them, or by any assistant or other person in their offices or employment, for any acts done or services rendered in connection with their said offices, and the said clerks shall on the first day of each month pay over to the treasurer of the county, or other officer entitled to receive the same, all fees received during the preceding month, and shall render an account on oath of the same

to the treasurer or other officer entitled to receive the same; and the first account so rendered and payment so made, after this act takes effect, shall include all fees received from the first day of January to the first day of July of the current year which are payable to the counties.

SECTION 5. The fee for admission to the bar shall be five dollars, and the fee for a rule to an auditor, master, referee or assessor shall be one dollar.

Fee for admission to the bar, etc.

SECTION 6. In lieu of sending to the treasurer copies of bills of costs, as provided in section eight of chapter two hundred and seventeen of the Public Statutes, the clerks, in such form as may be agreed upon between themselves and the treasurers, may enter such costs on a schedule or pay-roll, which shall be transmitted to the treasurer, who shall pay to the persons entitled to receive the same the amounts named therein.

Schedule, etc., of costs to be transmitted to the treasurer.

SECTION 7. When a judgment or decree is entered up, if, upon inspection, it appears to the court that the record of such judgment or decree, or the record of the proceedings in the case, will be of unusual length, the court may in its discretion order the prevailing party to pay such sum additional to the entry fee as may be just and equitable.

If record of judgment, etc., will be of unusual length, additional fee may be required.

SECTION 8. The clerks of the courts shall collect all fees in advance.

Fees to be paid in advance.

SECTION 9. So much of section twenty-seven of chapter one hundred and fifty-nine of the Public Statutes as requires clerks of courts to render an account of their fees to county treasurers on the first Wednesday of January and all acts and parts of acts inconsistent with this act, are hereby repealed.

Repeal.

SECTION 10. This act shall take effect on the first day of July in the year eighteen hundred and eighty-eight.

To take effect July 1, 1888.

*Approved April 24, 1888.*

AN ACT TO AUTHORIZE THE BOSTON, WINTHROP AND SHORE RAILROAD COMPANY TO RELOCATE PORTIONS OF ITS RAILROAD IN THE TOWN OF WINTHROP.

*Chap. 258*

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

SECTION 1. The Boston, Winthrop and Shore Railroad Company is hereby empowered to discontinue and abandon such portions of its present railroad route and location in the town of Winthrop and to make such new location or locations of its road in said town or of any

May discontinue and relocate portions of its road in Winthrop.

part or parts thereof as may be approved in writing by the selectmen of said town, and, upon obtaining such approval in writing, shall thereupon file with the aldermen of the city of Boston such new location or locations as herein authorized, prepared and certified as required by section eighty-nine of chapter one hundred and twelve of the Public Statutes, and shall also simultaneously file with said aldermen such statements and descriptions in writing, with such plans, as shall accurately show the portions of its railroad route and location abandoned as herein authorized, which said filing shall be conclusive evidence of the discontinuance and abandonment of the portions of said railroad route and location so described as aforesaid from and after the date of such filing: *provided*, that said Boston, Winthrop and Shore Railroad Company shall construct and complete its road to Point Shirley by its present location or by a new location on the west side of Great Head on or before the first day of June in the year eighteen hundred and eighty-nine.

Proviso.

Crossing of highways, etc., to be determined by the railroad commissioners.

SECTION 2. The manner in which the railroad of said company as herein authorized to be relocated shall cross highways and other ways shall in each instance be determined exclusively by the board of railroad commissioners; and no portion of said railroad shall be constructed across navigable or tide-waters without the consent in writing of the board of harbor and land commissioners, and in such manner as said board shall prescribe.

Recovery of damages.

SECTION 3. All persons sustaining injury by the relocation or relocations of said railroad as herein authorized or by the discontinuance and abandonment of any part or parts of the existing location of said railroad shall have the same rights and remedies for the assessment and recovery of damages therefor as are now provided by law in relation to damages occasioned by the laying out and maintaining of railroads.

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

*Approved April 24, 1888.*

**Chap.259** AN ACT TO EXTEND THE TIME FOR BUILDING THE HORACE MANN SCHOOLHOUSE.

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

Time for building school building, extended.

SECTION 1. The time limited in chapter two hundred and one of the acts of the year eighteen hundred and eighty-five for the erection by the city of Boston of a

school building for the use of the Horace Mann School for the deaf, on land granted by the Commonwealth, is hereby extended for the further term of two years from the date of the expiration of the time fixed by the said act.

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

*Approved April 24, 1888.*

AN ACT TO AUTHORIZE THE TOWN OF WINTHROP TO CONSTRUCT  
AND MAINTAIN A SYSTEM OF SEWERAGE.

*Chap 260*

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

SECTION 1. The town of Winthrop may, by and through the agency of such persons or committee as it may elect or appoint, lay out, construct and maintain a system of sewerage and sewage disposal for such part of its territory as the town may from time to time by vote determine, said system of sewerage and sewage disposal having first been approved by the state board of health.

Town may construct a system of sewerage, etc.

SECTION 2. The said town shall have full power to take, by purchase or otherwise, and hold any lands, flats, rights of way or easements necessary for the establishment of said system, together with the outlet for the discharge of the sewage into tide-water. Said town shall, within sixty days after the taking of any lands, flats, rights of way or easements otherwise than by purchase, file or cause to be recorded in the registry of deeds for Suffolk county a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the persons or committee provided for in section one.

May take lands, flats and rights of way.

SECTION 3. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, flats, right of way or easement, or by any other thing done by the town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of town ways.

Damages to be paid by the town.

SECTION 4. Every person owning real estate upon any street in which any drain or sewer may be laid under or by virtue of this act, and upon the line thereof, or whose real estate may be benefited thereby, shall pay to said town such sum as the selectmen may determine.

Assessments for betterments.

Notice of any assessment shall be given in writing to the person to be charged, or to his agent. Any person aggrieved by the determination of a sum to be paid by him may apply for a jury as provided by chapter fifty of the Public Statutes relating to sewers.

Assessments to be made by a fixed uniform rate.

SECTION 5. Assessments made by virtue of this act shall be made upon owners of estates by a fixed uniform rate based upon the estimated average cost of the system of sewerage constructed under or by virtue of this act, according to the area of such estates within one hundred and twenty-five feet of any street or way where a sewer is constructed; but no assessment in respect to any such estate, which by reason of its grade or level, or for any other cause, cannot be drained into such sewer, shall be made, certified or notified until such incapacity is removed.

To be a lien on real estate for two years.

SECTION 6. Assessments made under preceding sections shall for two years after they are laid constitute a lien on the real estate assessed, and may, together with incidental costs and expenses, be levied by sale of such real estate, if the assessment is not paid within three months after a written demand for payment, made either upon the person assessed or upon his agent. Such sale shall be conducted in like manner as sales for the payment of taxes.

Town to pay not more than one-third of cost.

SECTION 7. Said town may by vote determine what proportion of the cost of the sewerage system it shall pay: *provided*, that it shall not pay more than one-third of the whole cost.

Winthrop Sewer Loan not to exceed \$30,000.

SECTION 8. The said town may, for the purposes of paying the necessary expenses and liabilities incurred under the provisions of this act, issue, from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate thirty thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words, Winthrop Sewer Loan, Act of 1888, shall be payable at the expiration of periods not exceeding ten years from the date of issue, shall bear interest payable semi-annually, at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer and be countersigned by a majority of the board of selectmen of the town. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, at not less than the par value thereof; and said

town shall annually raise by taxation the amount required to meet such interest, and the proportion of said principal payable annually, less any sum in the hands of the treasurer received from assessments under section five.

SECTION 9. The provisions of section four of chapter twenty-nine of the Public Statutes shall not apply to any indebtedness not exceeding fifteen thousand dollars which may be incurred in the construction of the system of sewerage authorized by this act. Debt limit enlarged.

SECTION 10. If within one year from the passage of this act the town of Winthrop fails to construct and maintain a system of sewerage and sewage disposal, for that part of its territory included in the sections known as Great Head and Ocean Spray, any ten resident owners of real estate of said town may request the state board of health to examine said localities; and if in the opinion of said board such system of sewerage is necessary for the preservation of the health of the inhabitants of said localities, or either of them, they shall order the said town to forthwith construct such system, and any court having jurisdiction in equity, may upon the application of said board, or of any ten owners of real estate in said town, by any process or decree enforce the orders of the said board in the premises. State board of health may order system to be constructed if town fails to construct within one year.

SECTION 11. This act shall take effect upon its passage.

*Approved April 26, 1888.*

AN ACT TO AMEND SECTION ONE OF CHAPTER TWO HUNDRED AND SIXTY-NINE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN RELATING TO THE STATE BOARD OF ARBITRATION AND CONCILIATION.

*Chap. 261*

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

SECTION 1. Section one of chapter two hundred and sixty-nine of the acts of the year eighteen hundred and eighty-seven is hereby amended by striking out the last sentence thereof and inserting in its place the following: — Said board may appoint and remove a clerk of the board who shall receive such salary as may be allowed by the board, but not exceeding twelve hundred dollars a year. Salary, etc., of clerk.

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

*Approved April 26, 1888.*

*Chap.262* AN ACT RELATIVE TO THE CONDITIONS UPON WHICH LICENSES TO SELL INTOXICATING LIQUORS MAY BE GRANTED.

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

Intoxicating liquors not to be sold by licensed innholders and common victuallers on election days.

SECTION 1. All licenses to sell intoxicating liquors of the first, second and third classes named in section ten of chapter one hundred of the Public Statutes shall be subject, in addition to the conditions named in section nine of said chapter, to the following further condition, that the licensee who is also licensed as a common victualler shall not sell, give away or deliver, on the licensed premises, any intoxicating liquors on the day when any national, state, municipal or annual town election is held in the city or town where such premises are situated. The licensee who is also licensed as an innholder shall not on the day of any such election sell, give away or deliver, in his inn, any intoxicating liquors except to guests duly registered.

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

*Approved April 26, 1888.*

*Chap.263* AN ACT IN RELATION TO THE STATION OF THE NEW HAVEN AND NORTHAMPTON RAILROAD COMPANY IN WHATELY, CALLED WHATELY STATION.

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

Railroad commissioners may order a station-house to be built at Whately.

SECTION 1. The board of railroad commissioners is hereby authorized, upon the petition of twenty legal voters of the town of Whately, after due notice to the New Haven and Northampton Railroad Company, or its lessees, the New York, New Haven and Hartford Railroad, and such hearing as said board shall deem expedient, if in the judgment of said commissioners the duties and obligations of said company or the public exigency require it, to order the said company to construct within three months from the date of said order and thereafter to maintain upon its railroad at Whately a station-house reasonably commodious and furnished, for the use of passengers and freight purposes, and also to stop at Whately, both before and after the erection of said station-house, a specified portion of its passenger trains; and if it becomes necessary for said company in carrying out such order to take land without agreement with the owner or owners thereof, it shall be taken under the



provisions of law relating to the taking of land for rail-road tracks.

SECTION 2. In case of neglect or refusal of said company to comply and fulfil any of the requirements of said order, a copy of which shall be delivered by said board to the president, or some other officers of said company, within ten days from its date, the supreme judicial court, or any justice thereof sitting in equity in any county, shall have full power forthwith to make and issue such orders and decrees in the premises as may be necessary to compel specific performance of the terms of said order by said company; and for every month's delay or refusal on the part of said company to comply with and fulfil any of the requirements of said order said company shall forfeit and pay the sum of five hundred dollars, to be recovered in an action of tort to be brought by the attorney-general, or the district attorney for the north-western district, to the benefit of the Commonwealth.

Specific performance of the terms of the order may be compelled by the Supreme Judicial Court in equity.

Penalty.

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

*Approved April 26, 1888.*

AN ACT IN RELATION TO THE OFFICERS OF THE STATE PRISON AT BOSTON.

*Chap. 264*

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

SECTION 1. The officers of the state prison at Boston shall consist of one warden, one deputy warden, one chaplain, one physician and surgeon, one clerk, one engineer, four turnkeys and as many watchmen as the warden, subject to the approval of the commissioners of prisons, may deem necessary, but shall not exceed forty-six in number.

Officers of the state prison.

SECTION 2. The warden of said prison shall receive a salary of thirty-five hundred dollars a year; the chaplain a salary of two thousand dollars a year; the physician and surgeon a salary of one thousand dollars a year; the officers appointed by the warden shall receive such salaries as may be fixed by him subject to the approval of the commissioners of prisons, but within the limits herein respectively set forth as follows, to wit:— the deputy warden not exceeding two thousand dollars a year, the clerk not exceeding two thousand dollars a year, the engineer not exceeding fifteen hundred dollars a year, each of the turnkeys shall receive an annual salary of twelve hundred dollars, and each of the watchmen shall receive

Salaries.

an annual salary to be ascertained as follows:—any watchman who shall have been in the service of said prison for less than five years, eight hundred dollars; any watchman who has been in said service for five years and less than ten years, one thousand dollars; any watchman who has been in said service for ten years, twelve hundred dollars. But this shall not apply to those officers of the state prison in service at the date of the passage of this act known as watchmen so far as reducing any of their salaries is concerned. In fixing the rate of compensation of the officers, as aforesaid, previous service shall be considered. No other perquisite, reward or emolument shall be allowed to or received by any of the said officers except that there shall be allowed to the warden and deputy warden sufficient house room with fuel and lights for themselves and their families.

No perquisites to be allowed.

Repeal.

SECTION 3. Chapter two hundred and three of the acts of the year eighteen hundred and eighty-two and chapter ninety-five of the acts of the year eighteen hundred and eighty-four and so much of chapter three hundred and fifty-five of the acts of the year eighteen hundred and eighty-seven as is inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect upon the first day of April in the year eighteen hundred and eighty-eight.

*Approved April 26, 1888.*

**Chap. 265** AN ACT TO AUTHORIZE THE BOSTON HEATING COMPANY TO INCREASE ITS CAPITAL STOCK.

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

May increase capital stock.

SECTION 1. The Boston Heating Company is hereby authorized to increase its capital stock to an amount not exceeding in the whole two million dollars, at such times and in such amounts as it may from time to time determine, such increase to be made in accordance with the laws of this Commonwealth.

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

*Approved April 30, 1888.*

**Chap. 266** AN ACT TO CONFIRM THE PROCEEDINGS OF A MEETING OF THE TOWN OF HYDE PARK.

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

Proceedings, etc., confirmed.

SECTION 1. The proceedings of the town of Hyde Park at a town meeting of said town held on the twenty-fifth day of April in the year eighteen hundred and

eighty-eight, shall not be invalid by reason of any defect in the warrant calling said meeting nor failure to warn the same according to law, and notwithstanding that, by the by-laws of said town, the annual town meeting for appropriations shall be held between the first Monday in March and the first Monday in April of each year. All the doings of said meeting are made legal, and ratified and confirmed.

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

*Approved April 30, 1888.*

AN ACT TO ESTABLISH THE SALARY OF THE DISTRICT ATTORNEY FOR THE SOUTHEASTERN DISTRICT AND TO PROVIDE FOR THE APPOINTMENT OF A TEMPORARY ASSISTANT TO THE DISTRICT ATTORNEY.

*Chap.267*

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

SECTION 1. The salary of the district attorney for the southeastern district shall be twenty-one hundred dollars a year and at the same rate for any part of a year.

Salary established.

SECTION 2. The court may, for sufficient reason, appoint the clerk of the district attorney for said district to act temporarily as an assistant to the district attorney in the performance of his official duties; the compensation of such assistant and clerk shall be paid equally from the treasury of the counties of Norfolk and Plymouth and shall not exceed eight hundred dollars in any one year and such appointment shall not last beyond the term at which it is made.

Clerk of district-attorney may be appointed to act temporarily as an assistant.

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

*Approved April 30, 1888.*

AN ACT TO ENLARGE THE POWERS OF THE STOUGHTON FIRE DISTRICT.

*Chap.268*

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

SECTION 1. The organization now known as the Stoughton Fire District, established in the town of Stoughton in the year eighteen hundred and eighty-seven, with its present metes and bounds is hereby made a corporation and in addition to the powers which it now has under the general laws is hereby invested with all the rights, powers and privileges which by section ten of chapter two hundred and forty of the acts of the year eighteen hundred and eighty-six are conferred upon the town of Stoughton, said rights, powers and privileges to be held,

Stoughton Fire District made a corporation.

enjoyed and exercised in the same manner and under the same provisions, conditions and limitations which said section provides in relation to said town. And the Stoughton Water Company is hereby authorized to make sale to said fire district in like manner as said section authorized it to make sale to said town.

Stoughton Water Company may sell franchise, etc., to fire district.

Stoughton Fire District Water Loan.

SECTION 2. The said fire district may for the purpose of paying the cost of said franchise and corporate property, and the necessary expenses and liabilities incurred under the provisions of this act, issue, from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred thousand dollars; such bonds, notes and scrip shall bear on their face the words Stoughton Fire District Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of said fire district and countersigned by the water commissioners hereinafter provided for. The said fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, at not less than par upon such terms and conditions as it may deem proper. The said fire district shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund.

May provide for payment by annual proportionate payments.

SECTION 3. The said fire district instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportional payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said town upon the property, real and personal, within said fire district in each year thereafter, until the debt incurred by said loan shall be extinguished.

Return to state amount of sinking fund established, etc.

SECTION 4. The return required of the assessors of said town by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established,

whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

SECTION 5. The said fire district shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said fire district, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act. Said fire district is further authorized to raise by taxation any sum of money for the purpose of enlarging or extending its water works, not exceeding three thousand dollars in any one year.

To raise by taxation, etc., sufficient to pay current expenses and interest.

Enlargement of works.

SECTION 6. Whenever a tax is duly voted by said fire district for the purposes of this act, the clerk shall render a certified copy of the vote to the assessors of the town of Stoughton, who shall proceed within thirty days to assess the same in the same manner in all respects as other taxes in said fire district are by law required to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the same manner as is provided for the collection of town taxes, and shall deposit the proceeds thereof with the treasurer of the fire district for the use and benefit of said fire district. Said fire district may collect interest on taxes when overdue at a rate not exceeding one per centum per month, in the same manner as interest is authorized to be collected on town taxes: *provided*, said fire district at the time of voting to raise a tax shall so determine, and shall also fix a time for payment thereof.

Assessment of tax duly voted, to be certified to assessors of Stoughton.

SECTION 7. The said fire district shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual fire district meeting, to constitute a board of water commissioners; and at each annual fire district meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said fire district by this act, and not otherwise specifically provided for, shall be vested in

Board of water commissioners to be elected.

To be trustees  
of sinking fund.

said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said fire district may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said fire district at any legal fire district meeting called for the purpose. No money shall be drawn from the district treasury on account of said water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said fire district in writing of their doings and expenditures.

To make  
annual report.

District may  
determine by  
vote the amount  
of water to be  
taken.

SECTION 8. The said fire district may, at a legal fire district meeting called for that purpose, by a vote of said fire district, declare the quantity of water it proposes to take daily, and from what source, and the quantity of water so declared shall be held to be the measure and limit of the right of said fire district to take or divert the waters of such source under this act.

How meetings  
may be called.

SECTION 9. The said fire district may adopt by-laws prescribing by whom and how meetings may be called and notified; but meetings may also be called in the manner provided by the general law relating to fire districts or on application of seven or more legal voters in said fire district by warrant from the selectmen of said town on such notice as may be prescribed therein. The said fire district may also provide rules and regulations for the management of its water works not inconsistent with this act, or the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

Authority  
granted unless  
town, within  
one year, votes  
to purchase  
franchise of  
company.

SECTION 10. The authority to introduce a public water supply under the provisions of this act is granted on condition that the town of Stoughton does not within one year from the passage of this act at a town meeting called for the purpose, and of such meetings not more than three shall be called during the year, vote to exercise its right of purchase of the franchise of the Stoughton Water Company in the manner provided in chapter two hundred and forty of the acts of the year eighteen

hundred and eighty-six; and upon the further condition that the provisions of this act are assented to by said fire district within two years from the passage of this act, by a two-thirds vote of the voters of said district qualified to vote in town affairs, present and voting thereon at any legal meeting called for that purpose, at which meeting the check list shall be used and the voting shall be by ballot written or printed yes or no: *provided, further*, that if before the acceptance by said fire district of the provisions of this act in the manner hereinbefore stated the said town shall have voted to exercise its right of purchase as aforesaid then this act shall become void and of no effect.

Proviso.

SECTION 11. The town of Stoughton shall have the right at any time to acquire the property, rights, and franchise of the Stoughton Fire District upon the same terms and provide for the payment of the same in the same manner as is provided in sections ten, eleven, twelve, thirteen, fourteen and fifteen of chapter two hundred and forty of the acts of eighteen hundred and eighty-six in regard to the purchase by said town of the Stoughton Water Company.

Town may, at any time, acquire franchise and property of the fire district.

SECTION 12. This act shall take effect upon its passage.

*Approved April 30, 1888.*

AN ACT TO REGULATE THE SHOOTING OF BLACK DUCK IN PLYMOUTH HARBOR OR BAY.

*Chap. 269*

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

Whoever within the limits of Plymouth harbor or bay, so called, including the waters adjacent to the towns of Plymouth, Kingston and Duxbury, shoots at or kills a black duck by the use of any gun having a larger bore than that commonly known as number eight, or pursues a black duck by the use of any boat or other floating device whatever, shall be punished by a fine of not less than five nor more than twenty dollars.

Shooting of black duck in Plymouth bay regulated.

*Approved April 30, 1888.*

AN ACT TO ENABLE THE FIRST CONGREGATIONAL SOCIETY OF JAMAICA PLAIN TO MAKE SUCH BY-LAWS AS IT COULD MAKE IF ORGANIZED UNDER THE GENERAL LAWS.

*Chap. 270*

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

SECTION 1. The First Congregational Society of Jamaica Plain may, notwithstanding anything in its charter contained, make from time to time all such by-laws as

May make by-laws as if organized under the general laws, etc.

it could make if organized under the general laws relating to like corporations. In case it should by such by-laws enlarge its membership so as to include persons not owners of pews, it may also provide by by-law that none but pew owners shall vote upon the making, repeal or amendment of any by-law as to membership or as to method of raising the church revenue, and that the rights of the pew owners in the property owned by the society at date of such enlargement shall remain unaffected thereby.

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

*Approved April 30, 1888.*

**Chap.271** AN ACT TO CHANGE THE NAME OF THE MANUFACTURERS' LOAN AND TRUST COMPANY AND TO GRANT IT ADDITIONAL POWERS.

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

Name changed to Manufacturers' Trust Company.

SECTION 1. The name of the Manufacturers' Loan and Trust Company of Holyoke, incorporated by chapter two hundred and twenty-four of the acts of the year eighteen hundred and eighty-seven, is hereby changed to Manufacturers' Trust Company.

May increase capital stock.

SECTION 2. Said Manufacturers' Trust Company is hereby authorized to increase its capital stock from time to time to an amount not exceeding one million dollars.

Real estate in Holyoke.

SECTION 3. Said corporation is hereby authorized to purchase and hold real estate in the city of Holyoke suitable for the transaction of its business to an amount not exceeding in value fifty thousand dollars.

Repeal.

SECTION 4. Section sixteen of chapter two hundred and twenty-four of the acts of the year eighteen hundred and eighty-seven is hereby repealed.

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

*Approved April 30, 1888.*

**Chap.272** AN ACT TO AUTHORIZE THE PURCHASE OF ADDITIONAL LAND FOR THE REFORMATORY PRISON FOR WOMEN.

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

Purchase of land for the reformatory prison for women.

SECTION 1. The commissioners of prisons are hereby authorized to purchase and hold, in behalf of the Commonwealth, for the use of the reformatory prison for women, a lot of land lying on the easterly side of the road leading from South Framingham to said prison, and on the northerly side of the county road leading from South Framing-



ham to Sherborn, and now owned by Ellen C. Johnson of Sherborn; and they may pay for said land a sum not exceeding two thousand dollars.

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

*Approved April 30, 1888.*

AN ACT RELATING TO ESTATES TAIL.

*Chap.273*

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

SECTION 1. In any limitation of real or personal estate by deed, will, or other instrument in writing executed after the passage of this act, the words "die without issue", or "die without leaving issue", or "have no issue", or "die without heirs of the body", or any other words that may import either a want or failure of issue of any person in his lifetime, or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall clearly appear by the instrument containing such limitation.

Estates tail.

Construction of certain words.

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

*Approved April 30, 1888.*

AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICES OF THE SUPREME JUDICIAL COURT AND OF THE JUSTICES OF THE SUPERIOR COURT.

*Chap.274*

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

SECTION 1. From and after the first day of January in the year eighteen and eighty-eight, there shall be paid out of the treasury of the Commonwealth, to the chief justice of the supreme judicial court, an annual salary of sixty-five hundred dollars, and also five hundred dollars annually in full compensation for travelling expenses; and to each of the associate justices of said court, an annual salary of six thousand dollars, and also five hundred dollars each annually in full compensation for travelling expenses.

Salaries, etc., of justices of the supreme judicial court.

SECTION 2. From and after the first day of January in the year eighteen hundred and eighty-eight, there shall be paid out of the treasury of the Commonwealth, to the chief justice of the superior court, an annual salary of five thousand five hundred dollars, and also five hundred dollars annually in full compensation for travelling

Salaries, etc., of superior court.

expenses; and to each of the associate justices of said court, an annual salary of five thousand dollars, and also five hundred dollars each annually in full compensation for travelling expenses.

Repeal.

SECTION 3. Section thirty-nine of chapter one hundred and fifty of the Public Statutes, and chapter two hundred and five of the acts of the year eighteen hundred and eighty-two are hereby repealed.

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

*Approved April 30, 1888.*

**Chap.275** AN ACT RELATING TO THE REPORT OF THE CONTROLLER OF THE ACCOUNTS OF COUNTY OFFICERS, OFFICERS OF INFERIOR COURTS AND TRIAL JUSTICES.

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

Report of the controller of accounts of county officers, etc.

SECTION 1. The controller of the accounts of county officers, officers of inferior courts and trial justices shall, in his annual report, required by law to be made to the general court, give such statements, facts and explanations, and make such suggestions and recommendations to the general court as, in his judgment, will tend to a simple, uniform and economical method of accounting for public funds.

To be one of series of public documents.

SECTION 2. The annual report of the controller is made one of the series of public documents and one thousand copies shall be annually printed.

*Approved April 30, 1888.*

**Chap.276** AN ACT TO LIMIT THE TIME WITHIN WHICH TROUT, LANDLOCKED SALMON AND LAKE TROUT MAY BE TAKEN IN BERKSHIRE COUNTY.

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

Certain fisheries regulated in Berkshire county.

SECTION 1. Chapter one hundred and seventy-one of the acts of the year eighteen hundred and eighty-four is hereby amended by adding at the end of the first section the words:—except in the county of Berkshire, when such time shall be between the first day of August and the first day of May,—so that the section as amended shall read as follows:—*Section 1.* The time within which any person is forbidden to take, sell, offer or expose for sale or to have in his possession a trout, landlocked salmon, or lake trout, by sections fifty-one and fifty-three of chapter ninety-one of the Public Statutes, shall be between the first day of September and the first day of

April, except in the county of Berkshire, when such time shall be between the first day of August and the first day of May.

SECTION 2. This act shall take effect upon the first day of August next.

*Approved April 30, 1888.*

To take effect August 1, 1888.

AN ACT RELATING TO COSTS ON SEARCH WARRANTS ISSUED UNDER THE LIQUOR LAWS.

*Chap. 277*

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

SECTION 1. In all cases arising under chapter one hundred of the Public Statutes, and acts in amendment thereof, and under chapter one hundred and one of the Public Statutes relating to the keeping or maintaining a building, place or tenement used for the illegal keeping or sale of intoxicating liquor, and acts in amendment thereof, where the evidence has been obtained wholly or in part on a search warrant, and the defendant is the party named in said search warrant as keeper, ten dollars for the costs on such search warrant and the fees allowed by law for analysis, if any, shall be taxed as costs against such defendant in addition to the costs now allowed by law; but no person who has been held liable under this act shall be liable under section forty of chapter one hundred of the Public Statutes, except for the excess of costs over such sums.

Costs on search warrants under the liquor laws.

SECTION 2. This act shall not apply to any cases now pending in any court, or to any cases where the penalty has been incurred.

Not to apply to cases now pending, etc.

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

*Approved April 30, 1888.*

AN ACT TO REGULATE THE RUNNING OF THE CARS OF ONE STREET RAILWAY COMPANY OVER THE TRACKS OF ANOTHER.

*Chap. 278*

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

SECTION 1. No street railway company now existing or that may be hereafter incorporated shall run its cars over or use the tracks of another street railway unless authority so to do be approved by the board of railroad commissioners after due hearing of all parties in interest.

Cars not to be run over tracks of another street railway unless authorized by the commissioners.

SECTION 2. Nothing herein contained shall affect the rights now existing of any street railway company to run over the tracks of another.

Existing rights not affected.

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

*Approved April 30, 1888.*

**Chap.279** AN ACT TO PROVIDE FOR THE WIDENING OF THE DRAWS IN THE TWO BRIDGES ACROSS NEPONSET RIVER, KNOWN AS THE NEPONSET AVENUE BRIDGE AND THE GRANITE AVENUE BRIDGE.

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

Draws in bridges over Neponset river to be widened.

SECTION 1. The city of Boston shall forthwith, subject to the provisions of chapter nineteen of the Public Statutes, cause the draws in the two bridges across the Neponset river between said city and the towns of Quincy and Milton respectively, known as the Neponset avenue bridge and the Granite avenue bridge, to be made at least thirty-six feet wide for the passage of vessels; and said town of Milton shall reimburse said city two-thirds the expense of widening the draw in said Granite avenue bridge.

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

*Approved April 30, 1888.*

**Chap.280** AN ACT RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF SUFFOLK.

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

Clerical assistance in office of register of probate, etc., in Suffolk county.

SECTION 1. Section one of chapter two hundred and five of the acts of the year eighteen hundred and eighty-five is hereby amended so as to read as follows:—*Section 1.* If deemed necessary by the judge of probate and insolvency for the county of Suffolk, the register of said county shall be allowed annually, commencing with the first day of January in the year eighteen hundred and eighty-eight, a sum not exceeding fifteen hundred dollars for extra clerical assistance actually performed, to be paid from the treasury of the Commonwealth.

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

*Approved April 30, 1888.*

**Chap.281** AN ACT TO CONFIRM THE PROCEEDINGS OF THE LAST ANNUAL TOWN MEETING OF THE TOWN OF SOUTHAMPTON.

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

Proceedings confirmed.

SECTION 1. The proceedings of the town of Southampton at the annual town meeting of said town held on the nineteenth day of March in the year eighteen hundred and eighty-eight shall not be invalid by reason of defects in the warrant calling said meeting nor for any

failure to notify and warn the same according to law, and the jury list accepted by said town at said meeting is hereby made legal notwithstanding the same was not posted the number of days required by law; and the election of town officers for the term of office to which they were severally declared to have been elected at said town meeting, and all doings of said meeting are ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.  
*Approved April 30, 1888.*

AN ACT FIXING THE TIME WHEN FINAL REPORTS BY AUDITORS, *Chap.282*  
MASTERS IN CHANCERY AND SPECIAL MASTERS SHALL BE FILED.

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

SECTION 1. Auditors, masters in chancery and special masters, shall file their final report in the office of the clerk of the court appointing them, within ninety days after the hearing before them has been closed, unless further time is allowed by the court for good cause shown; if no further time is allowed by the court and the report is not filed within said ninety days, the auditor, master in chancery, or special master, shall not be entitled to any fees.

Final reports to be filed in clerk's office within ninety days after hearing closed.

SECTION 2. This act shall take effect ninety days after its passage.  
*Approved April 30, 1888.*

AN ACT RELATING TO LIQUOR LICENSE BONDS.

*Chap.283*

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

SECTION 1. Section thirteen of chapter one hundred of the Public Statutes is hereby amended by striking out of the condition in the form of bond prescribed in such section the words "which may be recovered from him under and pursuant to such provisions of law", and inserting in lieu thereof the words:—incurred by violation of such provisions of law,—so that said form of bond shall read as follows:—Know all men by these presents, that we, A. B., of \_\_\_\_\_, as principal, and C. D. and E. F., of \_\_\_\_\_, as sureties, are held and firmly bound unto the treasurer of the city (or town) of \_\_\_\_\_, in the sum of one thousand dollars, to which payment well and truly to be made we bind ourselves and our legal representatives. Sealed with our seals this \_\_\_\_\_ day of \_\_\_\_\_, A. D. eighteen \_\_\_\_\_. The condition of this obligation is such, that whereas the above

Liquor license bonds.

bounden A. B. has this day been licensed by License No. \_\_\_\_\_, by the mayor and aldermen of the city of (or the selectmen of the town of) \_\_\_\_\_, in the county of \_\_\_\_\_, now if the said A. B. shall well and truly comply with all the provisions of law under which said license is issued, and shall also pay all damages incurred by violation of such provisions of law, then this bond shall be void; but otherwise in force. Executed in presence of \_\_\_\_\_

SECTION 2. This act shall take effect upon its passage.  
*Approved April 30, 1888.*

**Chap.284** AN ACT MAKING AN APPROPRIATION FOR THE WIDOW OF THE LATE JOHN WILLIAM BACON.

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

Appropriation. SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth, for the purpose of carrying out the provisions of the resolve passed the present session in favor of the widow of the late John William Bacon, to wit: —

Widow of John W. Bacon. For the widow of the late John William Bacon, the sum of forty-three hundred and eighty-four dollars and forty-two cents, as authorized by chapter fifty-six of the resolves of the present year.

SECTION 2. This act shall take effect upon its passage.  
*Approved April 30, 1888.*

**Chap.285** AN ACT PRESCRIBING UNIFORM DOCKETS AND BLANKS IN POLICE AND DISTRICT COURTS AND FOR TRIAL JUSTICES.

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

Blanks and dockets to be furnished by county treasurers for use of district, etc., courts and trial justices in criminal cases. SECTION 1. The treasurers of the several counties shall cause to be printed proper blanks and dockets for the use of trial justices and police and district courts in criminal cases except the East Boston district court and the police court of the city of Chelsea, in such form as the attorney-general shall approve, and shall supply the same upon requisition to said magistrates and courts from time to time as they may be needed. Such blanks and dockets shall be as nearly uniform as the wants and requirements of the different magistrates and courts will admit.

To take effect July 1, 1888. SECTION 2. This act shall take effect upon the first day of July in the year eighteen hundred and eighty-eight.  
*Approved April 30, 1888.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY SALARIES TO MEMBERS OF THE BOARD OF ALDERMEN OF SAID CITY.

*Chap. 286*

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

SECTION 1. The city council of the city of Boston may, by ordinance, provide that after the expiration of the current municipal year, the members of the board of aldermen of said city shall each receive an annual salary not exceeding fifteen hundred dollars; and thereafter no sum shall be paid from the city treasury for or on account of any personal expenses, directly or indirectly incurred by or in behalf of any member of said board, except for carriage hire or car fare actually incurred in the performance of official duty, and in each case especially authorized by vote of the said board or of a regularly appointed committee of the said board or of the city council. No bill for such carriage hire or car fare shall be paid unless the same shall state the date when, the persons for whom and the full service for which the same was incurred, and unless there be filed with the city auditor a duly certified copy of a vote authorizing the same, accompanied in every case by a certificate signed by each member of said board incurring said bill, and stating that the same was actually incurred by him for the purpose so authorized on the day specified, and for the service and to the extent and amount therein charged.

City of Boston may pay salaries to the aldermen.

Allowance for carriage hire, etc.

SECTION 2. All bills incurred and paid for carriage hire and car fare in accordance with the preceding section, and copies of all votes and all certificates and other vouchers accompanying such bills, shall be kept by the auditor of said city and be open to public inspection.

Vouchers to be kept by auditor, and to be open to public inspection.

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

*Approved April 30, 1888.*

AN ACT TO PROVIDE A BOUNTY FOR THE DESTRUCTION OF SEALS.

*Chap. 287*

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

SECTION 1. Any person who shall kill any seal within the limits of this Commonwealth, and shall under oath produce satisfactory evidence thereof together with the tail of the seal killed to the clerk of the city or town within whose limits the seal was killed, shall receive from the clerk of such city or town a certificate thereof stating the fact, and upon filing the said certificate with the city or town treasurer such person shall be paid out of the

Bounty for the destruction of seals.

treasury of such city or town the sum of one dollar for each and every seal so killed.

Town, etc., to be reimbursed from the county treasury.

SECTION 2. Any city or town paying money under the provisions of this act shall be reimbursed therefor, annually, from the treasury of the county in which such city or town is located.

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

*Approved May 3, 1888.*

**Chap. 288**

AN ACT CONCERNING THE FEES FOR THE PILOTAGE OF VESSELS IN AND OUT OF WOOD'S HOLL HARBOR.

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

Fees for pilotage in and out of Wood's Holl harbor.

The rates for pilotage from west of a line drawn from Sangkonnet point to No-Man's Land into the port of Wood's Holl shall be two dollars and twenty-five cents a foot of the vessel's draught. The outward rates, when the vessel is taken past Gay Head, shall be one dollar and eighty-five cents per foot, and the outward and inward rate shall be increased twenty-five per cent. for all piloting done between the first day of November and the thirtieth day of April inclusive. The rates of pilotage for vessels coming from eastward, when the pilot is taken from east of a line drawn due north from Nantucket great point lighthouse to the bar of Nantucket, shall be two dollars and twenty-five cents per foot of vessel's draught, into the port of Wood's Holl. The outward rates when passing to sea eastward of Nantucket shoals shall be one dollar and eighty-five cents per foot, and both outward and inward rates shall be increased twenty-five per cent. for all piloting done between the first day of November and the thirtieth day of April inclusive. All piloting aforesaid shall be subject to the same rules and regulations and to the same deductions of rates as are now provided in the schedule annexed to chapter one hundred and seventy-six of the acts of the year eighteen hundred and sixty-two.

*Approved May 3, 1888.*

**Chap. 289**

AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT DISTRICT ATTORNEY FOR THE EASTERN DISTRICT.

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

Salary established.

SECTION 1. The salary of the assistant district attorney for the eastern district shall be twelve hundred dollars a year from the first day of January, eighteen hundred and eighty-eight.

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

*Approved May 3, 1888.*



## AN ACT RELATING TO APPEALS FROM PROBATE COURTS.

Chap.290

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

SECTION 1. Section seven of chapter one hundred and fifty-six of the Public Statutes is hereby amended so as to read as follows:—*Section 7.* Notice of the appeal shall be filed in the registry of probate and the appeal shall be entered in the supreme judicial court, within thirty days after the act appealed from. A copy of such notice and of so much of the record of the probate court as relates to the appeal shall be filed in the supreme judicial court upon the entry of the appeal or as soon as may be thereafter.

Notice to be filed in registry, and appeal to be entered within thirty days.

SECTION 2. Section eight of chapter one hundred and fifty-six of the Public Statutes is hereby amended so as to read as follows:—*Section 8.* Notice of the entry of the appeal in the supreme judicial court shall be given to all parties adversely interested that shall have entered appearances in the probate court, and it shall be sufficient to serve the notice in the manner provided by the rules of court for the service of notices, but the court may order such further notice to be given as it may think fit.

Notice of entry of appeal in supreme judicial court.

SECTION 3. Nothing contained in the two preceding sections shall apply to an appeal from any order, sentence, decree or denial dated before this act shall take effect.

Not to apply to appeal, etc., before this act shall take effect.

SECTION 4. A person appealing from decrees settling different accounts of an executor, administrator, guardian, or trustee, may unite his appeals in one notice of appeal and enter the same as one appeal in the supreme judicial court; and if an appeal shall be taken by any other person from any of the same decrees, or from a decree made at the same time or previously and settling any other account of such executor, administrator, guardian, or trustee, such appeal may be entered in the supreme judicial court as part of the matter comprised in the appeal previously entered. The court may deal with such different accounts upon appeal as if they formed one continuous account, and may give effect to any alterations that it may make in any account by altering the balance of the last account without altering the balance of any previous account.

Appeals from decrees settling different accounts, etc., may be united.

SECTION 5. The supreme judicial court may by order at any time in its discretion and upon such terms, if any,

Supreme judicial court may unite and consol.

to consolidate separate appeals from the probate court.

To take effect September 1, 1888.

as it shall think fit, consolidate any separate appeals from the probate court, and may thereafter deal with such consolidated appeals together or as justice may require.

SECTION 6. This act shall take effect on the first day of September in the year eighteen hundred and eighty-eight.

*Approved May 3, 1888.*

*Chap. 291* AN ACT TO PUNISH INTERFERENCES WITH POLICE SIGNAL SYSTEMS.

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

Punishment for interfering with police signal systems.

SECTION 1. Whoever opens a signal box connected with a police signal system for the purpose of giving or causing to be given a false alarm, or interferes in any way with such a box by breaking, cutting, injuring, or defacing the same ; or whoever, without authority, opens, tampers, or meddles with such a box, or with any part or parts thereof, or with the police signal wires, or with anything connected therewith, shall be punished by fine not exceeding five hundred dollars or by imprisonment not exceeding two years in the jail or house of correction, or both such fine and imprisonment.

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

*Approved May 3, 1888.*

*Chap. 292* AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SIX, BEING AN ACT FOR THE BETTER PRESERVATION OF BIRDS AND GAME.

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

Preservation of grouse, woodcock, quail, etc.

Section one of chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-six is hereby amended so that it shall read as follows :— *Section 1.* Whoever takes or kills a pinnated grouse at any time, or a woodcock between the first day of December and the first day of September, or a ruffed grouse, commonly called partridge, between the first day of December and the first day of September, or a quail between the first day of January and the fifteenth day of October, or a wood or summer duck, black duck or teal, or any of the so called duck species, between the fifteenth day of April and first day of September, shall be punished by a fine of twenty dollars for every bird so taken or killed.

*Approved May 3, 1888.*

AN ACT TO AUTHORIZE THE TOWN OF WAREHAM TO BUILD A  
BRIDGE ACROSS SWIFT'S NARROWS IN SAID TOWN. Chap. 293

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

SECTION 1. The town of Wareham may, by a vote of a majority of the legal voters of said town present and voting by ballot yes or no, and using the check-list, at the annual town meeting of said town held in the month of April in any year, and duly called for this purpose among others, request the board of harbor and land commissioners to locate a bridge across Swift's river or narrows, so called, in said town; and said board may thereupon proceed to locate a pile bridge, with or without a draw therein in the discretion of said board, across said narrows, from a point at or near the terminus of the highway known as Onset avenue on the westerly bank of said river to a point opposite or nearly so on the easterly bank thereof; and said town may, subject to the provisions of chapter nineteen of the Public Statutes, build said bridge as so located and in the manner prescribed by said board, and may maintain the same as a public highway.

Town of Wareham may build a pile bridge across Swift's narrows.

SECTION 2. This act shall take effect when a vote has been passed as aforesaid by said town, and a certified copy thereof filed by the clerk of said town with the secretary of the Commonwealth.

To take effect when accepted by town, and certified copy filed with secretary of the Commonwealth.

*Approved May 3, 1888.*

AN ACT TO AUTHORIZE THE BOSTON, REVERE BEACH AND LYNN  
RAILROAD COMPANY TO INCREASE ITS TERMINAL FACILITIES IN  
THE CITY OF BOSTON. Chap. 294

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

SECTION 1. The Boston, Revere Beach and Lynn Railroad Company for the purpose of increasing its terminal facilities on Atlantic avenue in the city of Boston may purchase or take so much of that parcel of land on said Atlantic avenue belonging to the proprietors of Rowe's wharf as lies between the land on said Atlantic avenue, now occupied by the said railroad company, and a line drawn parallel to the northerly line of Belcher lane extended and distant therefrom thirty-one and one-half feet; said parcel of land hereby authorized to be so taken or purchased extending from the easterly line of said Atlantic avenue to the harbor commissioners' line,

May purchase or take certain land to increase terminal facilities in Boston.

and from said easterly line being twenty and one-half feet in width for a distance of one hundred and seventeen and sixty-nine one-hundredths feet and beyond to said harbor commissioners' line for a distance of one hundred and ninety-two and fifty one-hundredths feet being seven and one-half feet in width.

Location to be filed with the aldermen of the city of Boston.

SECTION 2. If said company shall take the parcel of land described in the first section of this act, it shall file with the aldermen of the city of Boston a location thereof duly prepared and certified by the clerk of the board of railroad commissioners, as in the case of land taken for railroad purposes, and for the damages caused by such taking shall be liable to the owner in the same manner and to the same extent as when land is taken for railroad purposes under chapter one hundred and twelve of the Public Statutes or any amendment thereof.

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

*Approved May 3, 1888.*

**Chap. 295** AN ACT TO CONFIRM THE PROCEEDINGS OF THE LAST ANNUAL TOWN MEETING OF THE TOWN OF BROOKFIELD.

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

Proceedings at town meeting confirmed.

SECTION 1. The proceedings of the last annual town meeting of the town of Brookfield, held on the first Monday of April in the year one thousand eight hundred and eighty-eight, shall not be invalid by reason of any clerical error in the warrant calling said meeting; and the election of town officers and all other doings of said meeting are hereby ratified and confirmed.

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

*Approved May 3, 1888.*

**Chap. 296** AN ACT TO REGULATE THE SALE OF COMMERCIAL FERTILIZERS.

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

Printed certificates describing fertilizer to accompany each parcel, etc., sold.

SECTION 1. Every lot or parcel of commercial fertilizer or material used for manurial purposes sold, offered or exposed for sale within this Commonwealth, the retail price of which is ten dollars or more per ton, shall be accompanied by a plainly printed statement clearly and truly certifying the number of net pounds of fertilizer in the package, the name, brand or trade mark under which the fertilizer is sold, the name and address of the manufacturer or importer, the place of manufac-

ture, and a chemical analysis stating the percentage of nitrogen or its equivalent in ammonia, of potash soluble in distilled water, and of phosphoric acid in available form soluble in distilled water and reverted, as well as the total phosphoric acid. In the case of those fertilizers which consist of other and cheaper materials, said label shall give a correct general statement of the composition and ingredients of the fertilizer it accompanies.

SECTION 2. Before any commercial fertilizer, the retail price of which is ten dollars or more per ton, is sold, offered or exposed for sale, the importer, manufacturer or party who causes it to be sold or offered for sale within the state of Massachusetts, shall file with the director of the Massachusetts agricultural experiment station, a certified copy of the statement named in section one of this act, and shall also deposit with said director at his request a sealed glass jar or bottle, containing not less than one pound of the fertilizer, accompanied by an affidavit that it is a fair average sample thereof.

Copy of certificate to be filed with the director of agricultural experiment station.

SECTION 3. The manufacturer, importer, agent or seller of any brand of commercial fertilizer or material used for manurial purposes, the retail price of which is ten dollars or more per ton, shall pay for each brand, on or before the first day of May annually, to the director of the Massachusetts agricultural experiment station, an analysis fee of five dollars for each of the three following fertilizing ingredients; namely, nitrogen, phosphorus and potassium, contained or claimed to exist in said brand or fertilizer: *provided*, that whenever the manufacturer or importer shall have paid the fee herein required for any person acting as agent or seller for such manufacturer or importer, such agent or seller shall not be required to pay the fee named in this section: and on receipt of said analysis fees and statement specified in section two, the director of said station shall issue certificates of compliance with this act.

Manufacturer, etc., to pay an analysis fee.

SECTION 4. No person shall sell, offer or expose for sale in the state of Massachusetts, any pulverized leather, raw, steamed, roasted, or in any form, as a fertilizer, or as an ingredient of any fertilizer or manure, without an explicit printed certificate of the fact, said certificate to be conspicuously affixed to every package of such fertilizer or manure and to accompany or go with every parcel or lot of the same.

Leather, in any form, sold as a fertilizer to be explicitly certified to.

Penalties.

SECTION 5. Any person selling, offering or exposing for sale, any commercial fertilizer without the statement required by the first section of this act, or with a label stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, or respecting the sale of which all the provisions of the foregoing section have not been fully complied with, shall forfeit fifty dollars for the first offence, and one hundred dollars for each subsequent offence.

Not to apply to parties manufacturing, etc., for their own use

SECTION 6. This act shall not affect parties manufacturing, importing or purchasing fertilizers for their own use, and not to sell in this state.

Director to pay analysis fees received into treasury of the station.

SECTION 7. The director of the Massachusetts agricultural experiment station shall pay the analysis fees, as soon as received by him, into the treasury of the station, and shall cause one analysis or more of each fertilizer or material used for manurial purposes to be made annually, and publish the results monthly, with such additional information as circumstances advise: *provided*, such information relates only to the composition of the fertilizer or fertilizing material inspected. Said director is hereby authorized in person or by deputy to take a sample, not exceeding two pounds in weight, for analysis, from any lot or package of fertilizer or any material used for manurial purposes which may be in the possession of any manufacturer, importer, agent or dealer; but said sample shall be drawn in the presence of said party or parties in interest or their representative, and taken from a parcel or a number of packages which shall not be less than ten per cent. of the whole lot inspected, and shall be thoroughly mixed and then divided into two equal samples and placed in glass vessels and carefully sealed and a label placed on each, stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn and the time and place of drawing, and said label shall also be signed by the director or his deputy and by the party or parties in interest or their representatives present at the drawing and sealing of said sample; one of said duplicate samples shall be retained by the director and the other by the party whose stock was sampled. All parties violating this act shall be prosecuted by the director of said station; but it shall be the duty of said director, upon ascertain-

May take samples for analysis.

To prosecute for violations of this act.

ing any violation of this act, to forthwith notify the manufacturer or importer in writing, and give him not less than thirty days thereafter in which to comply with the requirements of this act, but there shall be no prosecution in relation to the quality of the fertilizer or fertilizing material if the same shall be found substantially equivalent to the statement of analysis made by the manufacturer or importer.

SECTION 8. Sections eleven to sixteen inclusive of chapter sixty of the Public Statutes are hereby repealed. Repeal.

SECTION 9. This act shall take effect on the first day of September in the year eighteen hundred and eighty-eight. To take effect  
Sept. 1, 1888.

*Approved May 3, 1888.*

AN ACT RELATING TO THE SEIZURE AND DISPOSITION OF IMPLEMENTS AND FURNITURE USED IN THE ILLEGAL KEEPING OR SELLING OF INTOXICATING LIQUORS.

*Chap. 297*

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

SECTION 1. Chapter four hundred and six of the acts of the year eighteen hundred and eighty-seven is hereby amended to read as follows :— *Section 1.* Section thirty of chapter one hundred of the Public Statutes is hereby amended by inserting after the word “ contained ” in the fifteenth line of said section, the words :— and all implements of sale and furniture used or kept and provided to be used, in the illegal keeping or sale of such liquor. *Section 2.* Section thirty-three of chapter one hundred of the Public Statutes is hereby amended by inserting after the word “ contained ” in the third line of said section, the words :— and all implements of sale and furniture used or kept and provided to be used, in the illegal keeping or sale of such liquor. *Section 3.* All said implements of sale and furniture seized in pursuance of the provisions of this act shall be forfeited and disposed of in the manner now provided by law for the forfeiture and disposition of intoxicating liquors: *provided, however,* that the court or trial justice may, after forfeiture of such implements and furniture, if it seems more for the interest of the Commonwealth, order the destruction or sale of said property by any officer qualified to serve criminal process, and in case of sale, the proceeds thereof shall be paid over to the treasurer of the county: and said officer shall make return of the order for such destruc-

Seizure and disposition of implements and furniture used in the illegal keeping or selling of intoxicating liquors.

tion or sale and his doings thereon to the court or justice issuing the same.

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

*Approved May 3, 1888.*

*Chap. 298* AN ACT CHANGING THE BOUNDARY LINE BETWEEN THE CITY OF NEW BEDFORD AND THE TOWN OF DARTMOUTH AND PLACING CERTAIN CEMETERIES WITHIN THE LIMITS OF NEW BEDFORD.

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

Part of the town of Dartmouth annexed to the city of New Bedford.

SECTION 1. The following described territory, now within the town of Dartmouth, bounded as follows: — that is to say, beginning at a point in the present division line between said town of Dartmouth and the city of New Bedford distant eighteen hundred and fifty-eight feet northwesterly in said line from the bound stone between said Dartmouth and New Bedford on Kempton street; thence running south two and one-half degrees east in line of the west wall of the Saint Lawrence cemetery twelve hundred and fifty-one feet to Kempton street aforesaid; thence south fourteen degrees east about sixty-three hundred and seventy feet to the southwest corner of the Saint John cemetery; thence south forty-five degrees twenty-one minutes east about forty-three hundred and fifty-seven feet to the northeast corner of David Tripp's lot on the east side of the Dartmouth road; thence south five degrees forty-six minutes east about sixteen hundred and eighty-eight feet to a point in the south line of the Cove road, so called; thence in the south line of said road about four hundred and twenty-seven feet to an angle in said road; thence about seven hundred and forty-seven feet to an angle in said road; thence north eighty-one degrees three minutes east about two hundred and thirty-four feet to the present boundary line aforesaid; and thence northwesterly in said present boundary line to the point of beginning, is hereby annexed to and made a part of the city of New Bedford.

Payment of taxes.

SECTION 2. The inhabitants of the portion of said town of Dartmouth hereby annexed to the city of New Bedford shall be holden to pay all arrears of taxes which have been legally assessed upon them by the town of Dartmouth; and all the taxes heretofore assessed and not collected shall be collected and paid to the treasurer of said town of Dartmouth in the same manner as if this act had not been passed.



SECTION 3. Said city of New Bedford shall be liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlement was gained, whether by original acquisition or derivation or in any other manner, within the territory hereby annexed to New Bedford.

Support of paupers.

SECTION 4. Said city of New Bedford shall pay to said town of Dartmouth such sum of money in compensation for the outlay of said town for macadamizing roads within said annexed territory as may be agreed upon between said city and said town: *provided, however,* in case said city and said town cannot agree upon the amount so to be paid, said city shall pay to said town such sum of money as three commissioners, neither of whom shall be a resident of said city or said town, and to be appointed by the superior court for the county of Bristol upon petition of either party brought within one year from the passage of this act, shall determine.

Compensation for outlay for macadamizing roads.

SECTION 5. All rights heretofore secured to existing corporations upon the territory hereby annexed shall continue as if this act had not been passed.

Rights secured to existing corporations to continue.

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

*Approved May 3, 1888.*

AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO ALLOW DISCOUNTS FOR VOLUNTARY PAYMENTS OF TAXES.

*Chap. 299*

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

SECTION 1. The town of Marblehead is hereby authorized, at a meeting of the qualified voters of the town to be duly called for the purpose within two months from the date of the passage of this act, to allow a discount of such sums as is thought expedient to persons making voluntary payment of their taxes within such period of time as may be prescribed.

May allow discounts for voluntary payment of taxes.

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

*Approved May 3, 1888.*

AN ACT TO AUTHORIZE THE NEWBURYPORT SOCIETY FOR THE RELIEF OF AGED FEMALES TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

*Chap 300*

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

SECTION 1. The Newburyport Society for the Relief of Aged Females is hereby authorized to purchase, receive and hold by gift, grant, devise or otherwise real

May hold additional real and personal estate.

and personal estate to an amount not exceeding one hundred thousand dollars in addition to the amounts authorized by chapter one hundred and fifty-three of the acts of the year eighteen hundred and thirty-nine, and by chapter four of the acts of the year eighteen hundred and fifty-nine, and by chapter thirty-four of the acts of the year eighteen hundred and seventy-six.

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

*Approved May 3, 1888.*

**Chap.301** AN ACT TO AUTHORIZE THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY TO MORTGAGE CERTAIN OF ITS TERMINAL LANDS IN THE CITY OF BOSTON, AND IN RELATION TO THE PURCHASE OF SUCH LANDS FROM THE COMMONWEALTH.

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

May mortgage certain terminal lands in the city of Boston.

SECTION 1. The New York and New England Railroad Company may from time to time mortgage the whole or any part of its terminal lands in the city of Boston which have been acquired since the twenty-second day of June, eighteen hundred and eighty-two, or which may be hereafter acquired, to secure the purchase money thereof: *provided*, that the sum which any such mortgage is given to secure shall not exceed the amount or portion of the original purchase money of the land thereby mortgaged which remains unpaid at the time such mortgage is given, excluding the cost or value of improvements made thereon after the purchase.

Provisions of P. S. 112, § 64 not to apply to mortgages, etc.

SECTION 2. The provisions of section sixty-four of chapter one hundred and twelve of the Public Statutes shall not apply to mortgages made by said railroad company in accordance with the provisions of this act.

Proceedings confirmed.

SECTION 3. The proceedings of said railroad company whereby, by deed dated November twenty-eight, eighteen hundred and seventy-seven, it conveyed Drake's wharf, so called, in mortgage to the Boston Five Cent Savings Bank to secure one hundred and twenty-five thousand dollars, being part of the purchase money thereof, are hereby ratified and confirmed.

Unpaid balance of purchase money may be paid into the treasury of the Commonwealth. 1885, 260, § 1.

SECTION 4. Section one of chapter two hundred and sixty of the acts of the year eighteen hundred and eighty shall be so construed that the sum of eight hundred thousand dollars, being the unpaid balance of the purchase money of the twenty-five acre lot therein described, may be paid into the treasury of the Commonwealth by said

railroad company on or at any time before the first day of May, eighteen hundred and ninety-one.

SECTION 5. Said railroad company and its assigns shall be subject, in respect to the grade and manner of locating, constructing, maintaining and operating its railroad tracks across Eastern avenue and Congress street, so called, in that part of said city called South Boston, under section three of chapter two hundred and sixty of the acts of the year eighteen hundred and eighty, and in respect to the grade and manner of crossing said street by its railroad tracks under any other right, if any it has, to such laws and regulations as the legislature may hereafter from time to time deem necessary for the public safety and convenience, and any deed or deeds of the terminal lands of said railroad company there situate which are given by or in behalf of the Commonwealth to said company may so provide. Nothing in this section or in such provision in such deeds shall be construed as affecting any existing rights except as thereby made subject in the respects aforesaid to future legislation.

Railroad tracks across Eastern avenue and Congress street in South Boston.

SECTION 6. Savings banks and institutions for savings may invest in the bonds of said railroad company issued according to law and for the payment of the principal and interest of which first mortgages, made as in this act provided, are held as collateral security under an indenture of trust duly made and entered into for that purpose: *provided*, that the amount of the bonds so issued shall not exceed the amount of the mortgages so held in trust, and that no one of said mortgages shall exceed in amount sixty per cent. of the value of the real estate thereby mortgaged; and no investment in said bonds shall be made by any savings bank or institution for savings except upon the report of not less than two members of the board of investment who shall certify to the value of the premises covered by each of said mortgages, according to their best judgment, and such report shall be filed and preserved with the records of the corporation.

Savings banks may invest in bonds of company.

Proviso.

SECTION 7. This act shall take effect upon its acceptance by said railroad company by vote of the board of directors at a meeting of said board duly notified and held within one year after its passage; and written notice of such acceptance shall be filed with the secretary of the Commonwealth.

Subject to acceptance by board of directors.

*Approved May 3, 1888.*

**Chap.302** AN ACT PROVIDING FOR THE COMPENSATION OF THE COMMISSIONER OF THE NEW BRIDGE BETWEEN THE CITIES OF BOSTON AND CAMBRIDGE APPOINTED BY THE MAYORS OF SAID CITIES.

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

Compensation  
of commissioner  
provided for.

SECTION 1. The member of the board of commissioners established by virtue of chapter two hundred and eighty-two of the acts of the year eighteen hundred and eighty-seven, for the purpose of building a new bridge between Boston and Cambridge, appointed by the mayors of said cities, shall receive for his services from the date of such appointment such compensation as the board of aldermen of the city of Boston and the board of aldermen of the city of Cambridge may by concurrent action establish; to be paid as other expenses of building said bridge are paid.

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

*Approved May 4, 1888.*

**Chap.303** AN ACT TO CONFIRM A DEED OF RELEASE FROM THE HOPKINTON RAILROAD COMPANY TO THE MILFORD AND WOONSOCKET RAILROAD COMPANY.

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

Deed confirmed.

SECTION 1. The deed of release from the Hopkinton Railroad Company to the Milford and Woonsocket Railroad Company, dated the twenty-first day of January, eighteen hundred and eighty-eight, given to perfect the title of the Milford and Woonsocket Railroad Company to the property and rights therein described, is hereby ratified and confirmed; but said deed or this act shall not affect any suit at law or in equity now pending against said railroad companies or either of them or any rights or titles acquired by or under any levy on or sale on execution of any real estate mentioned or described in said deed made prior to the date of the said deed.

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

*Approved May 4, 1888.*

**Chap.304** AN ACT CONCERNING THE ELECTION AND THE POWERS AND DUTIES OF TRUSTEES OF FREE PUBLIC LIBRARIES, OR OF FREE PUBLIC LIBRARIES AND READING-ROOMS, IN TOWNS.

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

Trustees of free  
public libraries  
may be elected  
by certain  
towns.

SECTION 1. Every town which raises or appropriates money for the support of a free public library, or free public library and reading-room that is owned by the

town, shall at its annual meeting, or at a legal town meeting appointed and notified for that purpose by the selectmen, elect a board of trustees, except in cases where such library has been or may be acquired by the town, in whole or in part, by some donation or bequest containing other conditions or provisions for the elections of its trustees or for its care and management, which conditions have been accepted and agreed to by vote of the town.

SECTION 2. Said board of trustees shall consist of any number of persons divisible by three not exceeding nine in all which the town may decide to elect, one-third thereof to be elected annually and to continue in office for three years, except that the town shall first elect one-third of the trustees for one year, one-third for two years and one-third for three years, and thereafter one-third the number annually for the term of three years. No person shall be ineligible to serve upon said board of trustees by reason of sex. Such board of trustees shall be elected by ballot, and shall organize annually by the choice of a chairman and secretary from their own number.

One-third of board of trustees to be elected annually by ballot.

SECTION 3. If any person elected a member of the board of trustees, after being duly notified of his election in the manner in which town officers are required to be notified, refuses or neglects to accept said office, or if any member declines further service, or from change of residence or otherwise, becomes unable to attend to the duties of the board, the remaining members shall in writing give notice of the fact to the selectmen of the town, and the two boards may thereupon, after giving public notice of at least one week, proceed to fill such vacancy until the next annual town meeting; and a majority of the ballots of persons entitled to vote shall be necessary to an election.

Vacancies.

SECTION 4. The trustees so elected by the town shall have the entire custody and management of the library and reading-room and all property owned by the town relating thereto; and all money raised or appropriated by the town for its support and maintenance, and all money or property that the town may receive by donation from any source, or by bequest, in behalf of said free public library and reading-room, shall be placed in the care and custody of the board of trustees, to be expended or retained by them for and in behalf of the town for the support and maintenance of its free public library and

Powers and duties.

reading-room, in accordance with the conditions of each or any donation or bequest accepted by the town.

Trustees may elect one of their number a treasurer, under a vote of the town, who shall give bond.

SECTION 5. In every town which shall, by a majority of the votes cast at its annual town meeting or at a legal town meeting appointed and notified for that purpose by the selectmen, so direct, the board of trustees shall, in addition to the officers named in section two of this act, elect from among their own number a treasurer, who shall give a bond to the town similar to the bond given by the town treasurer, for such an amount and with such sureties as may be satisfactory to the selectmen; and until a town directs otherwise the town treasurer shall act as treasurer of the board of trustees.

Trustees to make annual report of receipts, expenditures, etc.

SECTION 6. The trustees shall make an explicit report to the town at each annual town meeting of all their receipts and expenditures, and of all the property of the town in their care and custody, including a statement of any unexpended balance of money they may have, and of any bequests or donations they may have received and are holding in behalf of the town, with such recommendations in reference to the same as they may deem necessary for the town to consider.

Library associations, etc., not to be interfered with.

SECTION 7. Nothing in this act shall be construed to interfere with library associations, nor with any library that is or may be organized and managed under special act of the legislature.

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

*Approved May 4, 1888.*

### Chap. 305

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN IN RELATION TO PROPER SANITARY PROVISIONS IN FACTORIES AND WORKSHOPS.

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

Sanitary provisions for factories and workshops. 1887, 103, §§ 1, 2.

Chapter one hundred and three of the acts of the year eighteen hundred and eighty-seven is hereby amended by striking out sections one and two thereof and substituting therefor the following:—*Section 1.* Every factory in which five or more persons are employed, and every factory, workshop, mercantile or other establishment or office in which two or more children, young persons or women are employed, shall be kept in a cleanly state and free from effluvia arising from any drain, privy or other nuisance, and shall be provided, within reasonable access,

with a sufficient number of proper water-closets, earth-closets or privies for the reasonable use of the persons employed therein; and wherever two or more male persons and two or more female persons are employed as aforesaid together, a sufficient number of separate and distinct water-closets, earth-closets, or privies shall be provided for the use of each sex and plainly so designated, and no person shall be allowed to use any such closet or privy assigned to persons of the other sex. *Section 2.* It shall be the duty of every owner, lessee or occupant of any premises so used as to come within the provisions of this act to carry out the same and to make the changes necessary therefor. In case such changes are made upon the order of an inspector of factories by the occupant or lessee of the premises he may at any time within thirty days of the completion thereof bring an action before any trial justice, police, municipal or district court against any other person having an interest in such premises, and may recover such proportion of the expense of making such changes as the court adjudges should justly and equitably be borne by such defendant.

Sanitary provisions.

*Approved May 4, 1888.*

AN ACT RELATING TO THE CERTIFICATES AND REGISTRY OF DEATHS,  
AND THE BURIAL AND REMOVAL OF BODIES OF DECEASED PERSONS.

*Chap. 306*

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

SECTION 1. Section three of chapter thirty-two of the Public Statutes, requiring attending physicians to furnish for registration certain facts relating to deceased persons, is amended so as to read as follows:—*Section 3.* A physician who has attended a person during his last illness shall, when requested, forthwith furnish for registration, a certificate stating, to the best of his knowledge and belief, the name of the deceased, his age, the disease of which he died, the duration of his last sickness, and the date of his decease. If a physician neglects or refuses to make a certificate as aforesaid, he shall be punished by a fine not exceeding fifty dollars.

Certificate of death, etc., to be furnished by physician for registration, under penalty.

SECTION 2. Section five of said chapter, prohibiting the burial or removal of a human body until a proper certificate is furnished, is amended so as to read as follows:—*Section 5.* No undertaker, sexton or other person shall bury in a city or town or remove therefrom the

Permit for burial or removal of deceased person to be procured.

Permit to be  
procured.

body of a deceased person until he has received a permit so to do from the board of health or its duly appointed agent, or, if there is no board of health in such city or town, from the city or town clerk. No such permit shall be issued until there has been delivered to such board, or agent or clerk, as the case may be, a satisfactory written statement containing the facts required by this chapter to be returned and recorded, together with the certificate of the attending physician, if any, as required by section three of this chapter, or in lieu thereof a certificate as hereinafter provided. If there is no attending physician, or if the certificate of the attending physician can not be obtained, for good and sufficient reasons, early enough for the purpose, the chairman of the board of health or any physician employed by a city or town for the purpose shall, upon request of said board, agent or clerk, make such certificate as is required of the attending physician; and in case of death by violence the medical examiner shall, if requested, make the same. When such satisfactory statement and certificate are delivered to the board of health or to its agent, the board or agent shall forthwith countersign and transmit the same to the clerk or registrar for registration. The person to whom the permit is so given shall thereafter furnish for registration any other information as to the deceased or to the manner and cause of the death, as the clerk or registrar may require. Any person violating any of the provisions of this section shall be punished by a fine not exceeding fifty dollars.

Penalty.

*Approved May 4, 1888.*

**Chap.307** AN ACT RELATIVE TO THE RIGHT OF THE PUBLIC TO EXAMINE  
THE LISTS OF VALUATION AND ASSESSMENT OF CITIES AND  
TOWNS.

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

Residents, etc.,  
to have free  
access, for  
examination, to  
list of valuation  
and assessment.

**SECTION 1.** Section fifty of chapter eleven of the Public Statutes is hereby amended so as to read as follows: — *Section 50.* They shall make, upon the blank books furnished in accordance with section fifty-two, a list of the valuation and the assessment thereon, and before the taxes assessed are committed for collection, shall deposit the same, or an attested copy thereof, in their office, or if there is no office, with their chairman, for public inspection. The residents and non-resident property holders of each city or town shall, at all reasonable times have free access to



its respective list of valuation and assessment and if the assessors refuse or neglect to submit the said list to the inspection of any of said residents or non-resident property holders upon request, each assessor so refusing or neglecting shall forfeit a sum not exceeding one hundred dollars in each case.

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

*Approved May 4, 1888.*

AN ACT TO PROVIDE FOR THE DISPOSAL OF FEES RECEIVED BY CITY OFFICIALS. Chap.308

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

SECTION 1. Any city of the Commonwealth may by ordinance prescribe that all fees, charges and commissions of every kind and description allowed by law to the city clerk, city treasurer, collector of taxes or any other official of such city shall be paid by such official into the treasury of such city and become the property thereof. Such city is hereby authorized to pay to such officials such compensation for their services as the city council thereof may from time to time determine, which shall be in full compensation for their services.

Cities may prescribe by ordinance that city officials may be paid salaries in lieu of fees.

SECTION 2. No ordinance passed in accordance with the provisions of this act shall take effect before the first day of January in the year eighteen hundred and eighty-nine.

Ordinances not to take effect before January 1, 1889.

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

*Approved May 7, 1888.*

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO PROVIDE FOR SURFACE DRAINAGE, AND TO IMPROVE THE BROOKS AND NATURAL STREAMS WITHIN THE LIMITS OF SAID CITY. Chap.309

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

SECTION 1. The city council of the city of Brockton may adopt a system of drainage for a whole or, from time to time, for different parts of its territory, and may provide by ordinance that assessments for making the same shall be made upon estates within such territory by a fixed uniform rate.

May adopt a system of drainage.

SECTION 2. The board of mayor and aldermen of said city, for the purpose of surface drainage, may, within the limits of said city, alter, change, widen, straighten and deepen the channels of any brooks or natural streams,

May change channels of natural streams, etc.

remove obstructions in or over the same, cover, pave or inclose them in retaining walls, as far as they shall adjudge necessary; and the more effectually to make said improvements may take and hold by purchase or otherwise such lands, water rights, dams, easements or other real estate within the limits of said city, as said board of mayor and aldermen may adjudge necessary for the purposes of this act.

May establish grades of streams, and may require owners to raise surface of land and to fill the same.

SECTION 3. The board of mayor and aldermen of said city may establish such grades in the different parts of the valleys of said brooks and natural streams, within the limits of said city, as it may adjudge to be necessary for the complete drainage thereof, and the preservation of public health, and may from time to time require the owners of land in said valleys, or any of them, to raise the surface of said land to the established grade, and to fill the same with good materials to the approval of said board of mayor and aldermen. All orders under this section shall be made in writing and served in the mode provided for serving orders of boards of health for the abatement of nuisances.

If owners fail to comply, mayor and aldermen may raise grade.

SECTION 4. If any owner of land so required to be filled fails to comply with any such order within six months after service thereof, the said board of mayor and aldermen may cause such land to be filled with proper materials to the established grade, and all necessary expenses incurred thereby shall be a lien on said land, and may be collected in the manner provided for collection of taxes upon real estate and in case of land sold for taxes. Any person dissatisfied with the assessment so made upon his land for the expense of filling the same may give notice thereof in writing to the said city council within six months after such assessment is made, and the said city shall thereupon take said land.

To cause a description of the land taken to be recorded in the registry of deeds.

SECTION 5. Within sixty days after the taking of any land under the preceding sections, the said city council shall cause to be filed and recorded in the registry of deeds for the county of Plymouth a description of the land so taken sufficiently accurate for identification, with a statement that the same is taken pursuant to the provisions of this act, which description and statement shall be signed by the mayor of said city, and the title to the land so taken shall thereupon vest absolutely in the said city.

SECTION 6. If any person whose land or rights are taken under this act agrees with said city upon the damage done to him by such taking, the same shall be forthwith paid to him by said city. If any person whose land or rights are so taken, or who suffers damage or injury in his property or rights from any act of said city or its agents in the execution of the powers conferred by this act, cannot agree with said city as to the value of the estate so taken or as to the injury so suffered, the amount of his damages, making due allowance for the improvement of raising grade, shall be ascertained and recovered as in the laying out of highways.

Payment for  
damages.

SECTION 7. At any time within two years after any brook or natural stream in said city is improved, in any of the ways mentioned in this act, if, in the opinion of the board of mayor and aldermen of said city, any real estate in said city, including a portion of that which has been taken or filled for such improvements, receives benefit or advantage therefrom beyond the general advantages to all real estate in said city, such board shall determine the value of said benefit and advantage to such real estate and may assess upon the same such a proportional share of the expense of making such improvement as they may deem just and equitable; such assessments shall not be made until the work of making such improvement is completed, and may be equal to or less than the expense of making such improvement. All laws now in force in relation to the assessment and collection of betterments in the case of the laying out, altering, widening, grading or discontinuing of highways shall, so far as the same are applicable and not inconsistent with the provisions of this act, apply to the doings of said city and its officers under this section, and all persons upon whose estates betterments shall be assessed under the provisions of this act, who are aggrieved thereby, shall have the same remedies as are now provided by law for the cases of persons aggrieved by the assessment or levy of betterments in the laying out of highways.

Assessment for  
betterments.

SECTION 8. For the purpose of defraying all costs and expenses for the purposes aforesaid, the city of Brockton is hereby authorized to borrow, in the manner provided in chapter twenty-nine of the Public Statutes, a sum of money not exceeding fifty thousand dollars, and for this purpose may issue from time to time negotiable

City of Brockton  
Drainage Loan,  
Act of 1888.

May sell securities, or pledge the same for money borrowed.

The words "drainage" and "drain" defined.

Nuisance may be abated by the state board of health.

bonds, notes or scrip not exceeding said amount. Such bonds, notes or scrip shall bear on their face the words City of Brockton Drainage Loan, Act of 1888, and shall be payable at the expiration of periods not exceeding twenty years from the date of issue, and bear such rate of interest as the city council may determine, not exceeding six per centum per annum. The said city may sell such securities at public or private sale or pledge the same for not less than the par value for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, and may make a fixed proportion of the principal payable annually. The sinking funds of any loan of said city may be invested in said bonds, notes or scrip. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount raised and applied under this section the current year.

SECTION 9. In this act the term "drainage" refers to rainfall, surface and subsoil water only, and the term "drain" to the means of disposal thereof; and nothing herein contained shall be construed as authorizing the discharge of any domestic or manufacturing filth or refuse, or other polluting substances, into any of the brooks or natural streams within the city of Brockton, either directly or through any drain that may be constructed under the provisions of chapter fifty of the Public Statutes, or as a part of the system of drainage authorized by this act. Such system of drainage, before its construction, shall be subject to approval by the state board of health, who may modify and amend the same if desirable, and may give public hearings thereon before approving it, if need be. In case of the violation of any of the provisions of this act, or the creation of a nuisance, appeal may be had to the state board of health, who may order the abatement of any nuisance, if in their judgment there is cause therefor. Any court having jurisdiction in equity may, upon the application of said board, by any process or decree, enforce the decision of said board in the premises.

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

*Approved May 9, 1888.*

AN ACT TO REQUIRE THE EQUIPMENT OF FIRE DEPARTMENTS  
WITH APPARATUS FOR THE SAVING OF LIFE AT FIRES. *Chap.310*

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

SECTION 1. Every city and town having a fire department established and organized according to law shall provide and keep, as a part of the equipment of such department, one or more of each of the following pieces of apparatus, and when any such city or town is divided into fire districts and only the fire department within any such district responds to a first alarm of fire therein, one or more of each of such pieces of apparatus shall be provided and kept in each such district : First, a gun or other suitable device capable of shooting or throwing an arrow or other missile, with a cord attached thereto, over the top of or into any window of any building within such city or town, together with all needful appliances for properly working the same ; second, a “chute,” so called, made of canvas or other suitable material, rendered unflammable, of sufficient length to reach, at a proper angle of inclination, from the ground to any window in any such building, said chute being provided with proper means of fastening the upper end thereof and having a flexible ladder attached thereto ; and third, a “life-net” or “jumping-net,” so called, suitable for breaking the fall of a person jumping from the top story of any such building. In every city and town subject to the provisions of this section one or more of each of the above named pieces of apparatus shall be taken to every fire occurring therein in a building over two stories in height.

Fire departments to be equipped with apparatus for saving life at fires.

SECTION 2. The proper authorities of the several fire departments shall see that the above named pieces of apparatus are kept at all times in good condition and ready for immediate use, and that a sufficient number of firemen are periodically practised and trained in the proper handling and use of the same.

Apparatus to be kept in good condition and ready for immediate use.

SECTION 3. Any city or town violating the provisions of this act shall be subject to a fine of not less than fifty nor more than five hundred dollars.

Penalty.

SECTION 4. This act shall take effect on the first day of November in the year one thousand eight hundred and eighty-eight.

To take effect November 1, 1888.

*Approved May 9, 1888.*

**Chap.311** AN ACT TO PUNISH THE SENDING OF WOMEN AND GIRLS TO HOUSES OF ILL-FAME AND THEIR DETENTION THEREIN.

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

Punishment for sending a woman or girl to a house of ill-fame.

SECTION 1. Whoever, either for himself or herself or as agent or employee of another person, knowingly sends, or aids or abets in sending, any woman or girl to enter as an inmate or a servant, any house of ill-fame or other place resorted to for the purpose of prostitution, shall for each offence be punished by fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the house of correction or the jail for not less than three months nor more than two years.

Penalty on keeper of intelligence office.

Whoever as proprietor or keeper of an intelligence or employment office, either personally or through an agent or employee, sends any woman or girl to enter as aforesaid any house of ill-fame or other place resorted to for the purpose of prostitution, the character of which could have been ascertained by him on reasonable inquiry, shall for each offence be punished by fine of not less than fifty nor more than two hundred dollars.

Punishment for detaining a woman or girl in a house of ill-fame.

SECTION 2. Any person who, for any length of time whatsoever, unlawfully detains or attempts to detain, or aids or abets in unlawfully detaining or attempting to detain, or administers or aids or abets in administering any drug for the purpose of detaining, any woman or girl in any house of ill-fame or other place resorted to for the purpose of prostitution, shall for each offence be punished by fine of not less than one hundred nor more than five hundred dollars or by imprisonment in the house of correction not less than one year nor more than three years, or in the state prison not more than five years.

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

*Approved May 9, 1888.*

**Chap.312** AN ACT TO AUTHORIZE THE TOWN OF MARLBOROUGH TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL.

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

May establish a system of sewerage and sewage disposal.

SECTION 1. The town of Marlborough may lay out, construct and maintain a system of sewerage and sewage disposal for said town, and shall have full power to take, by purchase or otherwise, any lands, water rights, rights

of way or easements in the town of Marlborough necessary for the establishment of such system of sewerage and sewage disposal and the connections therewith. Assessments for defraying the expense of constructing and maintaining the common sewers of said system may be made by the selectmen of said town upon persons and estates in the manner provided by chapter fifty of the Public Statutes and acts in amendment thereof, and all the provisions of said chapter and acts applicable shall apply to assessments so laid.

Assessments for expense of construction and maintenance.

SECTION 2. No act shall be done under the authority of the preceding section until said system and location has been approved by the state board of health, after fourteen days' notice by said board of the presentation to it of such system for its approval, by a publication of such notice, with the time and place for a hearing thereon, in such newspapers and at such times as said board may deem proper; and said board after hearing may reject such system, may approve it, or may modify and amend the same, and approve it as so modified and amended.

System and location subject to approval by the state board of health.

SECTION 3. When any lands, water rights, rights of way, easements, or other real estate are to be taken by said town, under and by virtue of this act, in any manner other than by purchase, said town shall file and cause to be recorded in the registry of deeds for the county and district in which said lands, water rights, or other real estate lie, a description of the same as certain as is required in a common conveyance of land, with a statement of the purpose for which the same is taken, signed by the selectmen of said town; and upon such filing the title to the lands, water rights, rights of way, easements or other real estate so described shall vest in said town.

Description of land, etc., taken to be recorded in the registry of deeds.

SECTION 4. Said town shall pay all damages sustained by any person or corporation in property by reason of such taking, and any person or corporation sustaining damages as aforesaid, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of two years from the taking of such land or other property.

Town to pay damages.

SECTION 5. Said town may, for the purposes of this act, carry its sewers under any street, railroad, highway, or other way in such a manner as not unnecessarily to

May carry sewers under streets, etc., and may dig up private land.

obstruct the same, and may enter upon and dig up any private land and do any other thing necessary or proper in executing the purposes of this act.

May offer in court and consent that a sum specified may be awarded as damages.

SECTION 6. In every case of a petition for the assessment of damages, or for a jury, the said town may offer in court, and consent in writing, that a sum therein specified may be awarded as damages to the complainant; and if the complainant shall not accept the same within ten days after he has received notice of such offer, and shall not finally recover a greater sum than the sum offered, not including interest on the sum recovered in damages from the date of the offer, the said town shall be entitled to recover its costs after said date, and the complainant, if he recovers damages, shall be allowed his costs only to the date of the offer.

May raise not more than \$50,000 in excess of debt limit.

SECTION 7. Said town of Marlborough is hereby authorized to raise and appropriate in such manner as it shall determine such sum of money, not exceeding fifty thousand dollars beyond the limit of indebtedness now fixed by law for said town, as shall be required to carry out the provisions of this act; and for money borrowed may from time to time issue negotiable bonds, notes or scrip, signed by the treasurer and countersigned by a majority of the selectmen, to be denominated on the face thereof Marlborough Sewer Loan, Act of eighteen hundred and eighty-eight, payable at the expiration of periods not exceeding twenty years from the date of issue, and bearing such rate of interest not exceeding six per centum per annum, as said town may determine. The said town may sell such securities at public or private sale, or pledge the same for not less than the par value thereof for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, and may make payable annually a fixed proportion of the principal of said bonds, notes or scrip, and said town shall annually raise by taxation the amount required to meet such interest, and the proportion of the principal payable annually. The sinking funds of any loan of said town may be invested in said bonds, notes or scrip.

Marlborough Sewer Loan, Act of 1888.

Four persons elected by ballot with the selectmen to constitute a construction committee.

SECTION 8. At the meeting hereinafter provided for the acceptance of this act, or at any legal meeting called for this purpose, four persons shall be elected by ballot, who with the selectmen of said town shall constitute a construction committee to contract for and superintend



the construction and completion of the main sewers and system of sewerage authorized by this act and approved by the state board of health, and who shall exercise all the rights, powers and privileges for that purpose herein granted, subject however to the instructions and directions of said town. The selectmen of said town shall have charge of said sewers and system of sewage disposal when completed as herein provided, and shall thereafter exercise all the rights, powers and authority granted to said town relative to the duties appertaining thereto.

Selectmen to have charge when completed.

SECTION 9. In carrying out the plan authorized by this act, the town of Marlborough shall at all times manage and dispose of its sewage in such a manner as not to render injurious to the public health the waters into which any effluent from its sewage is discharged. If at any time a nuisance is created, or the waters aforesaid are rendered injurious to the public health, the state board of health shall, upon application of the selectmen of any town adjacent to said Marlborough, or to the waters aforesaid, alleging the existence of a nuisance, or the pollution of the waters aforesaid to such a degree as to be injurious to the public health, appoint a time and place for a public hearing thereon, and give due notice thereof to all parties interested. After such hearing, the state board may, if in its judgment there is occasion therefor, order the town of Marlborough to abate such nuisance, or to cleanse or purify the polluting substances before they are discharged into the waters aforesaid in such a manner and to such a degree that they shall no longer be deleterious to the public health. Any court having jurisdiction in equity may, upon the application of said board or the selectmen of any town authorized by this section to enter a complaint, by any process or decree, enforce the orders of said board in the premises.

Nuisance may be abated by the state board of health.

SECTION 10. This act shall take effect upon its passage, but no expenditure shall be made, or liability incurred under the same, except for preliminary surveys and estimates, unless this act shall be first accepted by a vote of a majority of the legal voters of said town present and voting thereon at a legal meeting called for that purpose within two years from the passage of this act, and not more than three of said meetings shall be called each year during said years.

No expenditure to be made, etc., until act is accepted by a majority vote.

*Approved May 9, 1888.*

**Chap.313** AN ACT TO AMEND AN ACT TO AUTHORIZE COUNTY COMMISSIONERS TO CONTROL TRAVEL OVER BRIDGES CONSTRUCTED OR MAINTAINED IN WHOLE OR IN PART BY A COUNTY.

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

County commissioners may regulate the speed at which persons may ride or drive over certain bridges.  
1882, 108, § 1.

Section one of chapter one hundred and eight of the acts of the year eighteen hundred and eighty-two is hereby amended by striking out the words "to prevent persons from riding or driving", in the second and third lines thereof, and inserting in the place thereof the words:—regulating the speed at which persons may ride or drive,—and by striking out the words "at a rate faster than a walk", in the third line thereof, so that said section as amended shall read as follows:—*Section 1.* The county commissioners for each county may establish by-laws regulating the speed at which persons may ride or drive horses or other beasts over any bridge in such county which has cost not less than one thousand dollars and to the construction of which the county contributed, or to the maintenance of which it contributes, and may annex penalties not exceeding two dollars for a breach thereof, to be recovered in the name of the county treasurer.

*Approved May 9, 1888.*

**Chap.314** AN ACT TO ESTABLISH ADDITIONAL TERMS OF THE SUPERIOR COURT FOR THE COUNTY OF BRISTOL.

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

Terms of the superior court for the county of Bristol at Taunton and New Bedford.

SECTION 1. Terms of the superior court shall be held within and for the county of Bristol as follows: At Taunton on the first Monday of February and the first Monday of November in each year, and at New Bedford on the first Monday of June in each year for the transaction of the criminal business of said county, exclusively.

Processes, etc., of the nature of criminal business returnable, etc., on first Monday of November.

SECTION 2. All appeals, recognizances, processes and every other matter and thing of the nature of criminal business which would be returnable to or have day in the superior court to be holden in said county on the first Monday of September next, if this act had not been passed, shall be returnable to and have day in that court at the term thereof hereby established to be held on the first Monday of November next.

Term at New Bedford on first Monday of May.

SECTION 3. The sitting of the court now provided by law to be held at New Bedford on the first Monday of

June shall hereafter be held on the first Monday of May in each year.

SECTION 4. Either of the terms provided for in the first section of this act may be adjourned to Fall River in the same manner and with the same effect as an adjournment from one shire town to another; and an adjournment so made shall be subject to all the provisions of law relating to adjournments from one shire town to another.

Either term may be adjourned to Fall River.

SECTION 5. This act shall take effect on the first day of July next.

To take effect July 1, 1888.

*Approved May 9, 1888.*

AN ACT TO ENABLE TENANTS UNDER OBLIGATION TO PAY TAXES ASSESSED ON REAL ESTATE TO APPLY FOR AN ABATEMENT THEREOF.

*Chap.315*

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

SECTION 1. Section sixty-nine of chapter eleven of the Public Statutes is hereby amended by adding thereto the following, to wit:—and tenants paying rent for real estate, and under obligation to pay the whole or a major part of the taxes assessed thereon, may so apply in behalf of the owner and with like effect as if the owner had applied, and no neglect of the owner to file a list of his estate shall prevent the making an abatement, if it appears that such abatement should be made.

Tenants paying rent for real estate and under obligation to pay taxes may apply for an abatement.

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

*Approved May 9, 1888.*

AN ACT TO REGULATE THE ERECTION AND CONSTRUCTION OF CERTAIN BUILDINGS.

*Chap.316*

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

SECTION 1. No building designed to be used in whole or in part, as a public building, public or private institution, school-house, church, theatre, public hall, place of assemblage or place of public resort, and no building more than two stories in height designed to be used above the second story, in whole or in part, as a factory, workshop or mercantile or other establishment and having accommodations for ten or more employees above said story, and no building more than two stories in height designed to be used above the second story, in whole or in part, as a hotel, family hotel, apartment house, boarding house, lodging house or tenement house and having ten or more rooms above said story, shall hereafter be

Regulations for the construction of public buildings, theatres, school houses, public halls, hotels, etc.

Powers and  
duties of the  
inspector.

erected, unless in process of erection at the date of the passage of this act, until a copy of the plans of such building has been deposited with the inspector of factories and public buildings for the district in which such building is to be located, if outside of the city of Boston, or with the inspector of buildings of the city of Boston, if within said city, together with a copy of such portion of the specifications of such building as such inspector may require, nor shall any such building be so erected without the provision of sufficient ways of egress and other means of escape from fire, properly located and constructed; the certificate of the inspector above named endorsed, if the building is to be located outside of the city of Boston, with the approval of the chief of the district police force, shall be conclusive evidence of a compliance with the provisions of this act, provided that after the granting of such certificate no change is made in the plans or specifications of such ways of egress and means of escape unless a new certificate is obtained therefor. Such inspector may require that proper fire stops shall be provided in the floors, walls and partitions of such buildings and may make such further requirements as may be necessary or proper to prevent the spread of fire therein or its communication from any steam boiler or heating apparatus: and no pipe for conveying hot air or steam in such building shall be placed nearer than one inch to any wood-work unless protected to the satisfaction of such inspector by suitable guards or casings of incombustible material, and no wooden flue or air-duct for heating or ventilating purposes shall be placed in any such building.

Penalty for  
violation of the  
provisions of  
this act.

SECTION 2. Any person erecting or constructing a building in violation of the provisions of this act shall be punished by fine of not less than fifty nor more than one thousand dollars, and such erection or construction may be enjoined in a proceeding to be had before the superior or supreme judicial court at the instance of the inspector above named, and upon the filing of a petition for such injunction any justice of the court in which such proceeding is pending may issue a temporary injunction or restraining order, as provided in proceedings in equity.

To take effect  
October 1, 1888.

SECTION 3. This act shall take effect on the first day of October in the year one thousand eight hundred and eighty-eight.

*Approved May 9, 1888.*

AN ACT IN RELATION TO THE RELEASE OF PRISONERS FROM THE MASSACHUSETTS REFORMATORY. *Chap.317*

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

SECTION 1. When the commissioners of prisons have voted to issue to a prisoner held in the Massachusetts reformatory a permit to be at liberty during the remainder of his term of sentence, as provided in section thirty-three of chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four, they may delegate to a committee of their number, or to their secretary, until their next ensuing meeting, the authority to decide when such permit shall be issued.

Permit to prisoners in Massachusetts reformatory to be at liberty, when shall be issued.

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

*Approved May 9, 1888.*

AN ACT FOR THE PROTECTION OF GREAT PONDS. *Chap.318*

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

SECTION 1. This act shall be deemed to apply to all great ponds containing in their natural state more than ten acres of land, subject, however, to any rights therein which have been granted by the Commonwealth.

Provisions to apply to ponds containing more than ten acres.

SECTION 2. Except as authorized by the general court and provided in this act, no structure shall hereafter be built or extended, or piles driven, or land filled, or other obstruction or encroachment made, in, over or upon the waters of any great pond below the high-water mark thereof: nor, except as aforesaid, shall any erection or excavation, whereby the level of the waters in such pond may be raised or lowered, be hereafter made at or upon any outlet thereof.

Structure not to be built except as authorized by the general court, and provided in this act.

SECTION 3. All persons that are or may be authorized by the general court to build or extend any structure or to do any other work aforesaid, and who have not begun the same, shall, before beginning it, give written notice and submit plans of the work they intend to do to the board of harbor and land commissioners; and the provisions of section eight of chapter nineteen of the Public Statutes shall apply to all such works and to the plans therefor, and to the approval thereof by said board.

Persons authorized to build, etc., to submit plans to the board of harbor and land commissioners.

SECTION 4. Said board may license any person to build or extend a wharf, pier, dam, wall, road, bridge, or other structure, or to drive piles, or to fill land, or to ex-

Board may license person to build wharf, etc.

cavate, in or over the waters of any great pond below high-water mark, or at or upon any outlet thereof, on such terms as they shall prescribe; but no such license beyond the line of riparian ownership, or affecting the level of the waters in such pond, shall be valid unless approved by the governor and council.

Provisions of P. S. 19, §§ 10-13, 16 to apply.

SECTION 5. The provisions of sections ten, eleven, twelve, thirteen and sixteen of chapter nineteen of the Public Statutes, so far as they can apply to other than tide-waters, shall apply to great ponds and the waters in and the land under the same, and to every authority and license granted by the general court or by said board in respect thereto, and to all proceedings under the same.

Structure, etc., erected without authority to be deemed a public nuisance.

SECTION 6. Every erection and work aforesaid made or done within the waters of a great pond or outlet thereof without authority from the general court or from said board, or in a manner not sanctioned by said board where its license or approval is required as hereinbefore provided, shall be deemed a public nuisance and liable to indictment as such; and said board may order suits on behalf of the Commonwealth to prevent or stop any such nuisance by injunction or otherwise, and the attorney-general and district attorneys within their districts shall commence and conduct such suits.

Not to be construed as legalizing any structure, etc., heretofore made without authority of law.

SECTION 7. Nothing in this act shall be construed as legalizing any structure, filling, or other occupation of or encroachment upon the waters in or the land under any great pond, heretofore made or done without due authority of law, or as waiving or impairing any rights or remedies of the Commonwealth or of any person in respect thereto.

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

*Approved May 9, 1888.*

**Chap. 319** AN ACT TO PROVIDE FOR REBUILDING THE BRIDGE ACROSS THE CONNECTICUT RIVER BETWEEN HOLYOKE AND SOUTH HADLEY.

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

Commissioners of Hampden and Hampshire counties to build a new bridge across Connecticut river.

SECTION 1. The county commissioners of the counties of Hampden and Hampshire are hereby authorized and directed, as soon as may be after the passage of this act, to construct and build a new bridge across the Connecticut river between Holyoke and South Hadley, where the bridge is now located.

SECTION 2. Said county commissioners may, if they deem it expedient in constructing said bridge, provide for the use of any portion thereof for horse railroad purposes, and shall at all times after the completion of said bridge determine upon what terms and under what conditions horse railroads may pass on, over or across said bridge: *provided*, the authority granted by this section shall not be exercised unless the parties in interest shall give good and sufficient sureties to said commissioners that they will pay whatever additional cost is made by so constructing said bridge, which shall be determined by said commissioners.

May provide for use of portion of bridge for horse railroad purposes.

SECTION 3. All expenses incurred under this act, including all expenses of maintaining and keeping in repair said bridge when completed, shall be borne and paid by the counties of Hampden and Hampshire, and such towns and cities in said counties, in such proportion and in such manner as shall be determined under the following provisions.

Expenses of building and maintaining bridge to be borne by counties, etc.

SECTION 4. When such bridge is completed, and as soon as its full cost is ascertained, said county commissioners shall file their report of the facts, together with the amount of such cost, in the office of the clerk of the supreme judicial court for the county of Hampden; whereupon and upon the application of said county commissioners or any party interested, and after such notice as the court may order, said court shall appoint a board of three commissioners, who shall be sworn to the faithful discharge of their duties hereunder, and who, after proper notice to and a full hearing of all parties interested, shall award and determine what proportional part of the cost so reported, and what proportional amount of all expenses of maintaining and keeping in repair said bridge, and all other expenses incurred under this act, shall be borne and paid by the counties of Hampden and Hampshire respectively, and by such cities and towns in the several counties of Hampden and Hampshire as they shall award and determine will be specially benefited by said bridge: and they shall also award and determine how, and by whom and to whom, such proportional amounts shall be paid.

Commissioners may be appointed to determine how expenses, etc., shall be apportioned.

SECTION 5. The determination and award of said commissioners, or the majority of them, shall be by them reported in writing to the supreme judicial court for the

Award to be binding when accepted, etc., by the court.

county of Hampden, and upon acceptance by said court, and judgment and decree entered thereon, shall be binding upon all parties named therein: and such proceedings may be had upon such judgment or decree, to enforce and carry into effect the same, as provided by law in civil cases in said court. The compensation and expenses of said commission shall be paid in such manner as they shall determine, subject to the approval of the said supreme judicial court.

Provisions in case the commissioners of either county neglect to act.

SECTION 6. In case the commissioners of either of the aforesaid counties of Hampden and Hampshire shall, on application of any party interested, and for twenty days, neglect or refuse to act upon the authority granted in this act, the commissioners of the other aforesaid county are hereby authorized and empowered to construct such bridge, and to report their doings and expenditures therefor to the supreme judicial court, as herein provided, and in every other particular to have and exercise the authority herein previously granted the commissioners of said counties of Hampden and Hampshire jointly, save and except that after entry of final judgment or decree hereinbefore mentioned by the supreme judicial court, the commissioners of both of said counties shall have joint control over said bridge.

In case the commissioners of one of the counties shall construct the bridge.

SECTION 7. In case the commissioners of one of said counties shall construct such bridge and report their doings and expenditures as in the last section provided, said supreme judicial court shall appoint commissioners, receive their report, enter judgment or decree thereon in the same manner as previously provided.

City council of Holyoke and selectmen of South Hadley to have care and superintendence of bridge, etc.

SECTION 8. The city council of Holyoke and the selectmen of South Hadley, after the completion of said bridge, shall have the care and superintendence of said bridge, its abutments and piers, and cause them to be kept in good repair and safe and convenient for travel: the cost of the repairs, care and superintendence of said bridge to be borne by such parties as the board of commissioners shall determine, under authority hereinbefore granted, their adjudication to designate the number and location of spans of said bridge each town is to have the care and superintendence of.

Liability for defects in bridge.

SECTION 9. Liability for defects in the bridge, its abutments and piers shall exist on the part of that town only having the care and superintendence of the span where the defect exists or damage is sustained.



SECTION 10. The county commissioners of the counties of Hampden and Hampshire are hereby authorized to borrow upon the credit of said counties, a sum not exceeding one hundred thousand dollars for the purpose of carrying into effect the authority granted in this act.

County commis-  
sioners may  
borrow not  
exceeding  
\$100,000.

SECTION 11. This act shall take effect upon its passage.

*Approved May 10, 1888.*

AN ACT IN RELATION TO BONDS OF CITY AND TOWN CLERKS.

*Chap.320*

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

SECTION 1. The clerks of the several cities and towns, except Boston, shall give bonds with sureties to their respective cities and towns to be approved by the mayor and aldermen of such cities and the selectmen of such towns, for the faithful accounting for all moneys received by them for dog licenses, and for the payment of the same, less their fees, into the treasuries of their respective counties.

City and town  
clerks to give  
bonds for faith-  
ful accounting  
for moneys  
received for  
dog licenses.

SECTION 2. If a city or town clerk neglects to pay to the county treasurer such moneys, as provided in section eighty-four of chapter one hundred and two of the Public Statutes, the city or town may recover the amount thereof, with all damages sustained through such neglect, and interest, in an action of contract for the benefit of such county, declaring on his official bond provided for in this act.

If clerk neglects  
to pay to county  
treasurer,  
amount may be  
recovered in an  
action of  
contract.

SECTION 3. The bonds of said clerks shall be given and approved within ten days from the election and qualification of said clerks.

Bonds to be  
given, etc.,  
within ten days  
after election,  
etc.

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

*Approved May 10, 1888.*

AN ACT AUTHORIZING FOREIGN MANUFACTURING CORPORATIONS TO HOLD REAL ESTATE IN THIS COMMONWEALTH.

*Chap.321*

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

SECTION 1. Manufacturing corporations established under the laws of other states, which have complied with the provisions of chapter three hundred and thirty of the acts of the year eighteen hundred and eighty-four, may purchase and hold such real estate in this Commonwealth as may be necessary for conducting their business.

Certain foreign  
manufacturing  
corporations  
may hold real  
estate in this  
Commonwealth.

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

*Approved May 10, 1888.*

**Chap.322** AN ACT TO PROVIDE FOR INCREASING THE AMOUNT WHICH MAY BE ADVANCED FROM THE TREASURY FOR AIDING PRISONERS DISCHARGED FROM THE MASSACHUSETTS REFORMATORY, AND TO PROVIDE FOR AIDING PRISONERS REMOVED THEREFROM.

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

Money may be advanced for aiding prisoners discharged from Massachusetts reformatory.

SECTION 1. There may be advanced to the commissioners of prisons, under the provisions of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty-four, for aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding five hundred dollars at any time.

Aid for certain other prisoners.

SECTION 2. Said commissioners may assist, from the amount appropriated for aiding prisoners discharged from the Massachusetts reformatory, any prisoner who was removed therefrom to any other institution, and who was discharged from the institution to which he was so removed.

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

*Approved May 10, 1888.*

**Chap.323** AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-TWO RELATING TO RETURNS OF PROPERTY HELD FOR BENEVOLENT, CHARITABLE OR SCIENTIFIC PURPOSES.

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

Returns of property held for benevolent and scientific purposes.

SECTION 1. Section one of chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-two is hereby amended by adding at the end thereof the following: — *provided, also*, that instead of making such list and statement as of the first day of May, as above provided, any such corporation may at its option make such list and statement as of the last day of its financial year next preceding said first day of May.

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

*Approved May 10, 1888.*

**Chap.324** AN ACT TO FIX THE AMOUNT OF REAL AND PERSONAL ESTATE TO BE HELD BY THE OVERSEERS OF THE POOR IN THE CITY OF BOSTON.

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

Real and personal estate not to exceed one million dollars.

SECTION 1. The overseers of the poor in the city of Boston, a corporation duly established by law, are hereby authorized to hold real and personal estate, includ-

ing the real and personal estate which they have heretofore been by law authorized to hold, to an amount not exceeding in all one million dollars.

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

*Approved May 10, 1888.*

AN ACT IN RELATION TO BONDS ON APPEAL IN ACTIONS FOR THE SUMMARY PROCESS FOR THE RECOVERY OF LAND.

*Chap. 325*

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

SECTION 1. Section six of chapter one hundred and seventy-five of the Public Statutes is hereby amended so as to read as follows:— *Section 6.* When judgment is rendered for the plaintiff for the recovery of the demanded premises, and the defendant appeals from such judgment or when the defendant removes the case as provided in section twenty-four of chapter one hundred and fifty-five, the defendant shall, except as provided in the following section, before such appeal or removal is allowed, file a bond to the adverse party with sufficient surety or sureties to be approved by the adverse party or by the justice or court, conditioned to enter the action and to pay to the plaintiff, if final judgment is in his favor, all rent then due, all intervening rent, and all damage and loss which he may sustain by reason of the withholding of the possession of the demanded premises and by reason of any injury done thereto during such withholding, together with all costs until the delivery of the possession thereof to him. Upon final judgment for the plaintiff all sums of money then due him may be recovered by an action of contract upon the bond.

Bonds on appeal in actions for the summary process for the recovery of land.  
P. S., 175, § 6.

SECTION 2. Section seven of said chapter is hereby amended by striking out in the second line thereof the words "recognizance or" and in the third line thereof the words "as the case may be", so that the same as amended shall read as follows:— *Section 7.* When the action is to recover premises after the foreclosure of a mortgage thereon, the condition of the bond shall be for the entry of the action and the payment to the plaintiff, if the final judgment is in his favor, of all costs and of a reasonable sum as rent of the premises from the day when the mortgage was foreclosed until possession of the premises is obtained by the plaintiff.

Amendment to P. S., 175, § 7.

SECTION 3. Section eight of said chapter is hereby amended by striking out in the last line but one thereof

Amendment to P. S., 175, § 8.

Amendment to  
P. S. 175, § 8.

the words “ writ of seire facias or ” and in the last line thereof the words “ recognizance or ”, so that the same as amended shall read as follows: — *Section 8.* If the case is transferred at the request of the defendant upon a plea or suggestion by him that brings in question the title to the freehold, and if it appears to the court in which the action is determined that the defendant originally entered on the premises under a lease from the plaintiff or from a person under whom the plaintiff claims or that he held them under such a lease, and that his said plea or suggestion was frivolous and intended for delay, the court shall cause a certificate thereof to be entered on the record, and the defendant shall thereupon be liable to pay double the yearly value of the demised premises from the time of the notice to quit the same, which may be recovered by action of contract on his bond. *Approved May 10, 1888.*

**Chap.326** AN ACT TO ENABLE INCORPORATED RELIGIOUS SOCIETIES TO MAKE BY-LAWS.

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

Incorporated  
religious socie-  
ties may make  
by-laws.

**SECTION 1.** Any religious society now incorporated or which may hereafter be incorporated under the laws of this Commonwealth may make by-laws for the purpose of warning and calling its meetings and for all other purposes which it may deem necessary for the management of its affairs. But no by-law shall be made by any religious society repugnant to law or to its charter.

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

*Approved May 10, 1888.*

**Chap.327** AN ACT TO ESTABLISH THE SALARIES OF THE MATRONS, DEPUTY MATRONS AND ASSISTANT MATRONS IN THE REFORMATORY PRISON FOR WOMEN.

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

Salaries  
established.

**SECTION 1.** The salary of each matron in the reformatory prison for women shall be four hundred dollars a year, each deputy matron three hundred and fifty dollars a year, and each assistant matron three hundred dollars a year, from the first day of April, eighteen hundred and eighty-eight.

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

*Approved May 10, 1888.*

AN ACT IN RELATION TO CLERICAL ASSISTANCE FOR THE COMMISSIONERS OF PRISONS. *Chap.328*

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

SECTION 1. The commissioners of prisons may expend for clerical assistance a sum not exceeding twenty-five hundred dollars annually. Clerical assistance.

SECTION 2. Chapter fifty-two of the acts of the year eighteen hundred and eighty-five is hereby repealed. Repeal.

*Approved May 10, 1888.*

AN ACT CONCERNING THE NEGOTIABILITY OF CERTAIN PROMISSORY NOTES AND OTHER INSTRUMENTS. *Chap.329*

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

SECTION 1. No written promise to pay money shall be held not to be a promissory note, or not to be negotiable for the reason that the time of payment is uncertain: *provided*, that the money is payable at all events and at some time that must certainly come. Negotiability of certain promissory notes, etc.

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

*Approved May 10, 1888.*

AN ACT IN RELATION TO THE SALARY OF THE AGENT FOR DISCHARGED FEMALE PRISONERS. *Chap.330*

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

SECTION 1. The salary of the agent for aiding discharged female prisoners shall be fixed by the commissioners of prisons, but shall not exceed seven hundred and seventy-five dollars a year. Salary to be fixed by the commissioners of prisons.

SECTION 2. Said salary shall hereafter be paid from the treasury of the Commonwealth, instead of being paid from the appropriation for aiding discharged female prisoners. To be paid from the state treasury.

SECTION 3. So much of section twenty-seven of chapter two hundred and nineteen of the Public Statutes as is inconsistent herewith is hereby repealed. Repeal.

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

*Approved May 10, 1888.*

AN ACT AUTHORIZING TOWNS TO REGULATE THE CATCHING OF PICKEREL. *Chap.331*

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

SECTION 1. Whoever takes or catches any pickerel in any river, stream or pond in any other manner than by artificially or naturally baited hook and hand line shall Pickerel protected.

forfeit one dollar for every pickerel so taken; but this act shall not extend to any town unless adopted thereby.

Prosecutions to be made within sixty days.

SECTION 2. All prosecutions under this act shall be instituted within sixty days from the time of committing the offence.

Repeal.

SECTION 3. All acts or parts of acts inconsistent with this chapter are hereby repealed.

*Approved May 10, 1888.*

**Chap. 332** AN ACT TO INCORPORATE THE MIDDLESEX LAND COMPANY IN THE COUNTY OF MIDDLESEX.

*Be it enacted, etc, as follows:*

Middlesex Land Company incorporated.

SECTION 1. Charles E. Raymond, Samuel L. Montague and Henry O. Marcy, all of Cambridge, and Herbert E. Hill and George A. Kimball, both of Somerville, all in the county of Middlesex, their associates and successors, are hereby made a corporation for the term of fifty years from the date of the passage of this act, by the name of the Middlesex Land Company, for the purpose of purchasing, selling, mortgaging, leasing and improving real estate in the cities of Cambridge and Somerville, the town of Arlington and that portion of the town of Medford lying on the southerly side of Mystic river, all in the county of Middlesex, and performing such other legal acts as may be necessary in accomplishing said objects; with all the powers and privileges and subject to all the duties, liabilities and conditions set forth in all the general laws which now are or hereafter may be in force and applicable to such corporations.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each: *provided*, that said corporation shall not transact any business until at least twenty thousand dollars shall have been paid in in cash: and *provided, further*, that no stock shall be issued until the whole amount of said capital stock shall have been paid in either in cash or property, the value of which property, if any, shall be determined by the commissioner of corporations.

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

*Approved May 10, 1888.*

AN ACT TO INCREASE THE NUMBER OF THE MEMBERS OF THE BOARD OF CONTROL OF THE MASSACHUSETTS AGRICULTURAL EXPERIMENT STATION.

Chap. 333

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

SECTION 1. Section two of chapter two hundred and twelve of the acts of the year eighteen hundred and eighty-two is hereby amended by striking out the word "seven" in the second line thereof and inserting in the place thereof the word:—eleven,—also by inserting after the word "society" in the eighth line the words:—one from the Massachusetts state grange, by said state grange: one from the Massachusetts horticultural society, by said society,—also by striking out the word "member" in the same line and inserting in the place thereof the word:—members,—and by inserting after the word "college" in the ninth line the words:—the director of the Massachusetts agricultural experiment station and the secretary of the state board of agriculture: *provided, however,* that no person so elected by any of the above named boards or societies shall continue to be a member of said board of control after he has ceased to be a member of the board or of the society by which he was elected,—so that the same shall read as follows:—The management of said station shall be vested in a board of control of eleven persons of which board the governor shall be president *ex officio*, and of which two members shall be elected from the state board of agriculture, by said board of agriculture; two from the trustees of the Massachusetts agricultural college, by said trustees; one from the Massachusetts society for promoting agriculture, by said society; one from the Massachusetts state grange, by said state grange; one from the Massachusetts horticultural society, by said society: and the remaining members shall be the president of the Massachusetts agricultural college, the director of the Massachusetts agricultural experiment station and the secretary of the state board of agriculture: *provided, however,* that no person so elected by any of the above named boards or societies shall continue to be a member of said board of control after he has ceased to be a member of the board or of the society by which he was elected. The said board shall choose a secretary and treasurer.

To increase the number of the members of the board of control of the Massachusetts agricultural experiment station.

Proviso.

Proviso.

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

*Approved May 10, 1888.*

**Chap.334** AN ACT RELATIVE TO THE DISCHARGE OF PERSONS APPOINTED UNDER THE CIVIL SERVICE LAW.

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

Not to be appointed to office within one year after conviction of an offence against the laws of the state.

Section four of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out the last clause thereof, so that as amended said section shall read as follows:— *Section 4.* No person shall be appointed to, or employed in, any office to which the provisions of this act are applicable, within one year after his conviction of any offence against the laws of this Commonwealth. *Approved May 15, 1888.*

**Chap.335** AN ACT IN RELATION TO THE OFFICERS OF THE MASSACHUSETTS REFORMATORY.

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

Officers of the Massachusetts reformatory.

SECTION 1. The officers of the Massachusetts reformatory at Concord shall consist of one superintendent, one deputy superintendent, one instructor, one physician, one clerk, four turnkeys, one engineer, and as many watchmen as the superintendent, subject to the approval of the commissioners of prisons, may deem necessary, but shall not exceed forty-six in number.

Salaries.

SECTION 2. The superintendent of said reformatory shall receive a salary of thirty-five hundred dollars a year; the instructor, a salary of two thousand dollars a year; the physician, a salary of one thousand dollars a year. The officers appointed by the superintendent shall receive such salaries as may be fixed by him, subject to the approval of the commissioners of prisons, but within the limits herein respectively set forth as follows, to wit: the deputy superintendent, not exceeding two thousand dollars a year; the clerk, not exceeding two thousand dollars a year; the engineer, not exceeding fifteen hundred dollars a year; each of the turnkeys shall receive an annual salary of twelve hundred dollars, and each of the watchmen shall receive an annual salary to be ascertained as follows:— any watchman who shall have been in the service of said reformatory for less than five years, eight hundred dollars; any watchman who has been in said service for five years and less than ten years, one thousand dollars; any watchman who has been in said service for ten years, twelve hundred dollars; but this shall not apply to those officers of the reformatory in service at the passage of this act,



known as watchmen, so far as reducing any of their salaries is concerned. In fixing the rate of compensation of the officers as aforesaid, previous service in any prison of the Commonwealth shall be considered. No other perquisite, reward or emolument shall be allowed to or received by any of the said officers, except that there shall be allowed to the superintendent and deputy superintendent sufficient house room with fuel and lights for themselves and their families.

House room, fuel and lights for superintendent and deputy.

SECTION 3. Sections nineteen and twenty-two of chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four are hereby repealed.

Repeal.

SECTION 4. This act shall take effect on the first day of April in the year eighteen hundred and eighty-eight.

*Approved May 15, 1888.*

AN ACT TO PROVIDE FOR THE DEFINITION AND PRESERVATION OF TOWN BOUNDARY LINES.

*Chap. 336*

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

SECTION 1. The commissioners on the topographical survey and map of Massachusetts may propose for the acceptance of the legislature a change, by straightening or otherwise, in the existing boundary lines of any contiguous towns, provided such towns at meetings duly called for the purpose, concur therein: such proposed change shall be submitted to the next succeeding legislature thereafter. When such proposed change shall be accepted or ratified by the legislature, said commission shall proceed to locate and define the changes made by determining by triangulation the position of each angle and corner in such new boundary line, and the selectmen of such contiguous towns shall thereafter place such monuments at the new points determined, and put such marks on them, in addition to initials, as may be determined by said commissioners and in the manner now required by section five of chapter twenty-seven of the Public Statutes. All monuments marking angles and corners in town boundary lines, the position of which has not been changed shall be re-marked in the manner indicated by said commissioners in such a manner as to establish a uniform system of designating the angles and corners of town boundary lines.

Commissioners on topographical survey may propose changes in boundary lines of contiguous towns.

SECTION 2. Whenever the boundary line between contiguous towns is formed wholly, or in part, by a stream

When boundary line is formed by a highway or

stream of water,  
a plan to be  
made.

of water or by a public highway, an accurate survey and plan of such stream or highway shall be made by said commissioners, based on the triangulation common to the other town boundary lines, and said plan shall be filed in the office of said commissioners.

Triangulation  
points to be  
evidence of  
location of lines.

SECTION 3. The triangulation points established by said commissioners shall be regarded as a part of the evidence of the location of town boundary lines, and a description of the position and marks of such points shall be communicated by said commissioners to the selectmen of the towns within which such points are located, and said description shall be filed with the perambulation records of such towns.

Unlawful for  
any person to  
obliterate a  
mark made to  
designate line,  
except as herein  
provided.

SECTION 4. It shall be unlawful for any person, except as herein provided, to remove, obliterate or cover up any monument or mark made to designate a boundary line made in pursuance with this act. If in the course of the legitimate occupation of land a person shall desire to obliterate, remove or cover up such monument or mark, any party in interest may apply to the county commissioners of the county in which said monument is wholly or in part situated, setting forth the facts and asking permission to remove, obliterate or cover up such mark or monument. The said county commissioners shall, if they deem the request reasonable, grant the same, after they have made provision for preserving the exact location of the original boundary or mark in the manner hereinafter provided. When permission is given by the county commissioners aforesaid to remove, obliterate or cover up a monument or mark, they shall, prior to such removal, cause proper witness marks to be set up, or other means taken which shall, with proper designation and measurement, indicate the position of the original mark or monument. Said county commissioners shall cause to be recorded, in the office of the town clerk of the contiguous towns, a full description and designation of the witness marks and monuments so made and set up, and shall cause a copy of such description to be forwarded to the secretary of the Commonwealth.

Penalties.

SECTION 5. Any person who shall violate the provisions of the preceding section, or shall wantonly disturb or injure the monuments or marks aforesaid shall be punished by imprisonment in the jail, not exceeding six months, or by a fine not exceeding fifty dollars.

*Approved May 15, 1888.*

AN ACT IN RELATION TO THE APPROVAL OF BILLS CONTRACTED FOR THE STATE PRISON, THE MASSACHUSETTS REFORMATORY, AND THE REFORMATORY PRISON FOR WOMEN.

*Chap. 337*

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

SECTION 1. All bills contracted by the warden of the state prison, the superintendent of the Massachusetts reformatory, or the superintendent of the reformatory prison for women, for the maintenance of said institutions, and the pay-rolls for salaries of officers and employees thereof, shall be approved by the general superintendent of prisons before payment.

Bills contracted for state prison, etc., to be approved by general superintendent.

SECTION 2. Section fifty-four of chapter two hundred and twenty-one of the Public Statutes, and so much of section thirty of chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four as requires the approval by the commissioners of prisons of pay-rolls for the salaries of officers and employees and bills for other expenditures for the Massachusetts reformatory, are hereby repealed.

Repeal.

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

*Approved May 15, 1888.*

AN ACT TO CONFIRM THE PROCEEDINGS OF THE LAST ANNUAL MEETING OF THE TOWN OF HUDSON.

*Chap. 338*

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

SECTION 1. The proceedings of the town of Hudson at the annual town meeting of said town held on the fifth day of March in the year eighteen hundred and eighty-eight, shall not be invalid by reason of defects in the warrant calling said meeting, in not stating therein the time for said meeting and the time for opening and closing the polls, nor for any failure to notify and warn the same according to law ; and the election of town officers for the term of office to which they were severally declared to have been elected at said town meeting, and all doings of said meeting are made legal and ratified and confirmed.

Proceedings at town meeting confirmed.

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

*Approved May 15, 1888.*

*Chap.339* AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO BORROW MONEY FOR THE PURPOSE OF ENLARGING THE COURT HOUSE AT SALEM.

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

County commissioners of Essex may borrow money for enlarging court house at Salem.

SECTION 1. The county commissioners of the county of Essex are authorized to borrow, on the credit of said county, a sum not exceeding fifty-five thousand dollars in addition to the amount authorized by chapter fifty-one of the acts of the year eighteen hundred and eighty-seven, for the purpose of enlarging the new court house, so called, at Salem in said county.

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

*Approved May 15, 1888.*

*Chap.340* AN ACT TO LIMIT THE NUMBER OF PLACES LICENSED FOR THE SALE OF INTOXICATING LIQUORS.

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

To limit the number of places to be licensed for the sale of intoxicating liquors.

SECTION 1. In all towns and cities which vote to grant licenses of the first five classes described in section ten of chapter one hundred of the Public Statutes, to sell intoxicating liquors, the number of places licensed for the sale of such liquors shall not exceed one for each one thousand of the population, as ascertained by the last preceding national or state census, except that in the city of Boston one such place may be licensed for each five hundred of the population. No more than one such place shall be licensed by any one vote of the licensing board: such licenses shall be numbered in regular order as granted, and any license granted contrary to, or in excess of the provisions of this act, shall be void: *provided*, that in towns having an increase of resident population during the summer months, the selectmen may, during the month of June, cause a census to be taken, and may grant one such license for each five hundred of said resident population, as ascertained by said special census, to take effect on the fifteenth day of June and to expire on the fifteenth day of September following: but no such license shall be granted unless the town at its last annual town meeting votes "yes" in answer to the question "Shall licenses for the sale of intoxicating liquors be granted in this town?"

*Provided.*

SECTION 2. The foregoing section shall not prevent the licensing of one place in any town voting for license whose population is less than one thousand.

One place may be licensed in town, voting for license, whose population is less than one thousand.

*Approved May 15, 1888.*

AN ACT PRESCRIBING THE MINIMUM FEES FOR LIQUOR LICENSES.

*Chap.341*

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

SECTION 1. Section eleven of chapter one hundred of the Public Statutes is hereby amended so as to read as follows:— *Section 11.* The fees for licenses shall be as follows:— For a license of the first class, not less than one thousand dollars. For a license of the second or third class, not less than two hundred and fifty dollars. For a license of the fourth class, not less than three hundred dollars. For a license of the fifth class, not less than one hundred and fifty dollars. For a license of the sixth class, one dollar.

Minimum fees for liquor licenses.

SECTION 2. This act shall take effect on the first day of July next.

*Approved May 15, 1888.*

AN ACT TO INCORPORATE THE CARY LIBRARY.

*Chap.342*

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

SECTION 1. Alice B. Cary, William A. Tower, Carleton A. Staples, Edward G. Porter, Albert Bryant, James S. Munroe, Ellen Dana, Matthew H. Merriam and Augustus E. Scott, their associates and successors are made a corporation by the name of the Cary Library, for the formation and maintenance of a public library in Lexington with all the powers and privileges, and subject to all the duties and liabilities set forth in the general laws which now are or hereafter may be in force and applicable to such corporations.

Cary Library incorporated.

SECTION 2. Said corporation may hold real and personal estate to the amount of two hundred thousand dollars for the purposes aforesaid in addition to books and objects of curiosity and art.

Real and personal estate not to exceed \$200,000.

SECTION 3. Said corporation shall consist of at least thirty and not more than fifty members residents of the town of Lexington to be elected by the corporation by ballot, together with the school committee and selectmen of said town, for the time being, who shall be members ex officio.

Members of the corporation.

Property to be vested in board of trustees.

SECTION 4. The management and control of the property of said corporation, subject to its by-laws and regulations, shall be vested in a board of nine trustees, who shall be elected by said corporation from its members by ballot. At the first election three of said trustees shall be elected for one year, three for two years and three for three years, and thereafter said trustees shall be elected for three years, one-third thereof to be elected annually, except that members *ex officio* shall be elected only for the terms of their respective offices; whenever a vacancy occurs in said board of trustees said corporation shall fill the same for the unexpired term.

May take property now held by trustees of Cary Library when so authorized by vote of the town.

SECTION 5. Whenever said town of Lexington by vote at a town meeting called for that purpose shall have assented thereto said corporation may take and hold for the purposes aforesaid the funds and property now held by the trustees of Cary library now existing in said town, which they have acquired and hold under the terms of the gifts and bequests of Maria Cary, late of said Lexington, deceased, to be held and applied by the corporation in the same manner as if held by said trustees, and shall file a detailed statement of such taking with the town clerk of said Lexington within thirty days thereafter. Any person sustaining damages by such taking may have his damages assessed by trial by jury upon a petition to the superior court for the county of Middlesex brought within sixty days after the filing of said statement. Said town of Lexington may also by vote at a town meeting called for that purpose transfer to said corporation all other funds now held or hereafter received by said town for the purposes of a public library or for the present Cary library to be held and applied by the corporation in the same manner as if they were held by the town, and may transfer to said corporation the books and pamphlets comprising the present Cary library and objects of curiosity and art and other property connected therewith upon such terms and conditions as shall be agreed upon by said town and corporation.

Town may transfer other funds to the corporation.

Corporation may purchase or take certain land.

SECTION 6. The said corporation for the purposes aforesaid, may purchase or otherwise take in fee the land or any part thereof with the buildings and other fixtures thereon situated on the corner of Clark and Main streets in Lexington aforesaid, and bounded northeasterly by Main street, northwesterly by Clark street, southwesterly

by land of Porter and southeasterly by land of the estate of Charles Adair. Said corporation shall within sixty days from the time it shall take said land, file in the registry of deeds for the county of Middlesex a description of the land so taken as certain as is required in a common conveyance of lands, and a statement that the same is taken pursuant to the provisions of this act; and the title to the land so taken shall vest in said corporation. The said corporation shall pay all damages sustained by any person by the taking of said land under the provisions of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law where land is taken for the laying out of highways, on application at any time within one year from the taking of said land under the authority of this act: but no application shall be made after the expiration of said one year.

Payment of damages.

SECTION 7. In case of any petition for the assessment of damages under this act the court or commissioners on the request of the petitioner shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such petitioner for the land or other property taken, and all the right or authority of said corporation to enter upon or use such land or other property, except for making surveys, shall be suspended until it gives the security so required.

Corporation may be required to give security for payment of damages and costs.

SECTION 8. Said corporation shall allow the inhabitants of the town of Lexington free use of said library, under reasonable regulations, and said town may appropriate money and pay the same annually to said corporation towards defraying the expense of maintaining and increasing said library including the salary of a librarian and of any necessary assistants and the expense of the care of said library and of any library building which may be provided therefor. The town may also pay over to said corporation, for the use of the library, any money by law applicable to the use of a town library.

Inhabitants of Lexington to have free use of library.

Town may contribute towards support of library.

SECTION 9. This act shall take effect upon its passage.

*Approved May 15, 1888.*

*Chap.*343 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS.

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

May hold meet-  
ings in any state  
or territory,  
etc.

SECTION 1. The American Board of Commissioners for Foreign Missions is hereby authorized to hold its meetings in any state or territory of the United States and in the District of Columbia.

Acts and pro-  
ceedings  
ratified.

SECTION 2. All acts and proceedings of the said corporation at any meeting heretofore held in any part of the United States are hereby ratified and confirmed, and shall have the same validity and force as though said meeting had been held within this Commonwealth.

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

*Approved May 15, 1888.*

*Chap.*344 AN ACT RELATIVE TO NOTICE AND SERVICE OF NOTICE OF PETITIONS FOR THE ENFORCEMENT OF LIENS ON BUILDINGS AND LAND.

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

Enforcement of  
liens on build-  
ings and lands.

SECTION 1. Section thirteen of chapter one hundred and ninety-one of the Public Statutes is amended by striking out the words "whether filed as a petition or inserted in a summons", in the first line thereof, so that said section as amended shall read as follows: — *Section 13.* The petition shall contain a brief statement of the contract on which it is founded and of the amount due thereon, with a description of the premises subject to the lien and all other material facts and circumstances, and shall pray that the premises may be sold and the proceeds of the sale applied to the discharge of the demand.

Amendment to  
P. S. 191, § 13.

Amendment to  
P. S. 191, § 16.

SECTION 2. Section sixteen of chapter one hundred and ninety-one of the Public Statutes is amended so as to read as follows: — *Section 16.* The court in which the petition is entered, or the clerk thereof when the court is not in sitting, or the justice of said court shall issue a precept to any officer authorized by law to serve such precept commanding him to summon the owner of the building or structure to appear and answer said petition, and also to give notice of the filing of said petition to the debtor, when said debtor is not the owner of the building or structure, and to all creditors who have a lien of the same kind upon the same estate. Such precept shall be in substance as follows: —



COMMONWEALTH OF MASSACHUSETTS.

Form of precept.

[L. S.] ss. To the sheriffs of our several counties or their deputies, [or to any constable of the city or town of \_\_\_\_\_ in said county] greeting.

We command you to summon \_\_\_\_\_ the alleged owner of a certain building or structure on real estate [description] to appear before \_\_\_\_\_ court at within [and for] our said county of \_\_\_\_\_ on \_\_\_\_\_ then and there in our said court to answer unto a petition for lien which \_\_\_\_\_ petitioner hath filed in said court to enforce a lien upon said building or structure and the interest of said alleged owner in the lot of land upon which the same is situated to secure payment of a debt amounting to \_\_\_\_\_ dollars and \_\_\_\_\_ cents alleged to be due said petitioner [for labor performed on said building or structure, or for labor furnished, or for materials furnished and actually used on said building or structure, *as the case may be*] and the costs which may accrue in enforcing such lien.

And we further command you to notify the debtor in said petition mentioned and all creditors other than the petitioner having liens of the same kind upon the same estate that said petition has been filed in our said court. And have you there this precept with your doings therein.

Witness \_\_\_\_\_ Esquire, at \_\_\_\_\_ this day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_

[Clerk or Justice.]

Service of such precept shall be made upon said owner, debtor and each of said creditors fourteen days at least before the return day of said precept by serving them each with an attested copy of said precept and by posting a like attested copy upon said building or structure. The fees of the officer for such service shall be fifty cents for each person on whom served and thirty cents for each copy with fees for travel as in the service of other civil process. If the petition is entered in a police, district, or municipal court, or before a trial justice, the day for the appearance and answer shall be fixed at not more than sixty days from the day of entry.

Service of precept.

Fees for service.

SECTION 3. Section seventeen of chapter one hundred and ninety-one of the Public Statutes is amended so as to

Amendment to P. S. 191, § 17.

read as follows:— *Section 17.* If it appear to the court or justice that any of the parties entitled to notice are absent from the Commonwealth or that it is probable that they cannot be found to be served with the precept or notice, the petition shall stand continued until such notice shall be given as the court or justice shall direct.

Repeal.

SECTION 4. Section twelve of chapter one hundred and ninety-one of the Public Statutes, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

To take effect  
Sept. 1, 1888.

SECTION 5. This act shall take effect on the first day of September in the year eighteen hundred and eighty-eight and shall not apply to proceedings begun prior to that date.

*Approved May 15, 1888.*

**Chap. 345** AN ACT CONCERNING JUDGMENT AND EXECUTION IN FAVOR OF ADVERSE CLAIMANTS IN TRUSTEE PROCESS.

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

Judgment and  
execution in  
favor of adverse  
claimants in  
trustee process.  
Amendment to  
P. S. 183, § 38.

SECTION 1. Section thirty-eight of chapter one hundred and eighty-three of the Public Statutes is hereby amended so as to read as follows:— *Section 38* If it appears that the claimant holds a valid assignment from the principal defendant, and that such assignment is held only as security for a debt, the court shall upon the request of the plaintiff, proceed to ascertain and determine the amount due upon such debt at the time of the service of process upon the trustee, and such claimant shall have judgment and execution for his costs and any sum of money so found to be due him; and after said judgment and execution are satisfied the excess if any in the hands of such trustee, above the amount of such judgment, shall be subject to be held by the trustee process in the same manner and with the same effect, as if no such assignment existed. But if it appears that a trustee has been defaulted and that judgment has been rendered against him thereon and that he had in his hands goods, effects or credits liable to the attachment and that he has paid any part thereof on the execution issued on the original judgment he shall be liable to the adverse claimant only for the excess in his hands above the amount so paid.

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

*Approved May 15, 1888.*

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-EIGHT OF THE PUBLIC STATUTES RELATING TO PARTITION OF LANDS. *Chap. 346*

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

SECTION 1. Section two of chapter one hundred and seventy-eight of the Public Statutes is hereby amended to read as follows:— *Section 2.* One or more of the persons so holding lands may apply by petition to the supreme judicial court, or the superior court, held for any county in which any of the lands lie, for a partition of the same, and said court may cause partition to be made of any real estate, lying within the Commonwealth, of which partition is prayed, whether situated in the county where such petition is filed or in any other county, and may cause the share or shares of the petitioners to be set off and assigned, and the residue of the premises shall remain for the person or persons entitled thereto and subject, if more than one person is so entitled, to a future partition.

Partition of lands.

Amendment to P. S. 178, § 2.

SECTION 2. Section nine of said chapter is hereby amended in the thirteenth line thereof by striking out the words “ when held for the county in which the lands lie ” and inserting in lieu thereof the following:— when held for some county in which some of the lands lie.

Amendment to P. S. 178, § 9.

SECTION 3. Section seventy-five of said chapter is hereby amended by striking out the word “ the ” at the end of the fourth line of said section and also the last line of said section, and inserting in the place thereof the following:— each of the several counties or districts where the lands lie.

Amendment to P. S. 178, § 75.

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

*Approved May 17, 1888.*

AN ACT TO INCORPORATE THE CITY OF QUINCY.

*Chap. 347*

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

TITLE I. — MUNICIPAL GOVERNMENT.

SECTION 1. The inhabitants of the town of Quincy shall, in case of the acceptance of this act by the voters of said town, as hereinafter provided, continue to be a body politic and corporate under the name of the City of Quincy, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now pertaining to

City of Quincy incorporated.

and incumbent upon the said town as a municipal corporation.

Administration to be vested in one officer called the mayor, and a legislative department of a single body called the city council.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in an executive department which shall consist of one officer to be called the mayor, and in a legislative department which shall consist of a single body to be called the city council, the members whereof shall be called councilmen. The executive department shall never exercise any legislative power, and the legislative department shall never exercise any executive power. The general management and control of the public schools of said city shall be vested in a school committee.

To be divided into six wards

SECTION 3. The territory of said city shall first be divided into six wards, as hereinafter provided, but said number, upon any subsequent division of said city into new wards, may be increased by an affirmative vote of a majority of the members of the city council passed previous to and in the year of such new division.

#### TITLE II. — ELECTIONS AND MEETINGS.

Municipal election on the first Tuesday of December.

SECTION 4. The municipal election shall take place annually on the first Tuesday of December; and the municipal year shall begin on the first Monday of January following. All meetings of the citizens for municipal purposes shall be called by warrants issued by order of the city council, which shall be in such form, and be served and returned in such manner and at such times, as the council may by ordinance direct.

Mayor, councilmen and members of the school committee to be elected by ballot.

SECTION 5. At such municipal election the qualified voters shall give in their votes by ballot in the several wards for mayor, councilmen and members of the school committee then to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office the several persons, up to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected. If it shall appear that there is no choice of mayor, or if the person elected mayor shall refuse to accept the office, or shall die before qualifying, or if a vacancy in said office shall occur subsequently and more than three months previous to the

expiration of the municipal year, the city council shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor, and shall be repeated until the election of a mayor is completed. If the full number of members of the city council has not been elected, or if a vacancy in the office of councilman shall occur subsequently and more than three months previous to the expiration of the municipal year, the council shall forthwith cause a new election to be held to fill the vacancy or vacancies.

SECTION 6. All meetings for the election of national, state, county and district officers shall be called by order of the city council in the same manner as meetings for municipal elections are called.

*Meetings for election of national, state, etc., officers to be called by order of the city council.*

SECTION 7. The city council may, when no convenient ward room for holding the meetings of the citizens of any ward can be had within the territorial limits of such ward, appoint and direct, in the warrant for calling any meeting of the citizens of such ward, that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

*When no convenient ward room can be had in ward, meeting may be held in adjacent ward.*

SECTION 8. General meetings of the citizens qualified to vote may from time to time be held according to the right secured to the people by the constitution of this Commonwealth, and such meetings may, and, upon the request in writing of fifty qualified voters, setting forth the purposes thereof, shall be duly called by the city council.

*General meetings.*

#### TITLE III. — LEGISLATIVE DEPARTMENT.

SECTION 9. The members of the city council shall consist of councilmen at large and councilmen from wards, and shall be elected annually as follows: councilmen at large, in number one less than the number of wards in said city, shall be elected by and from the qualified voters of the city voting in their respective wards; and three councilmen from wards shall be elected by and from the qualified voters in each ward. The councilmen shall hold office for the municipal year beginning with the first Monday in January following their election, and until a majority of the succeeding council shall be elected and

*City council to consist of councilmen at large and councilmen from wards.*

To receive no compensation for services.

Mayor and councilmen elect to meet annually on the first Monday in January.

qualified. They shall receive no compensation for their services.

SECTION 10. The mayor elect and the councilmen elect shall annually, on the first Monday in January, at twelve o'clock at noon, meet and be sworn to the faithful discharge of their duties. The oath shall be administered, at their first meeting after the acceptance of this act, by the town clerk, and in subsequent years by the city clerk, or, in case of his absence, by any justice of the peace, and shall be duly certified on the journal of the city council. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall not then have been elected, the oath of office may at any time thereafter be administered to him in the presence of the council; and at any time thereafter in like manner the oath of office may be administered to any member of the council who has been previously absent, or has been subsequently elected; and every such oath shall be duly certified as aforesaid.

Organization.

President of the council.

SECTION 11. After the oath has been administered to the councilmen present, they shall be called to order, at their first organization by the town clerk, and in subsequent years by the city clerk, or in case of the absence of the clerk, by the oldest member present. The person so calling the city council to order shall proceed to call the roll of members, and each member shall declare his choice for president of the council, who shall be a member thereof. If no quorum is present an adjournment shall be taken to a later hour or to the next day, and thereafter the same proceedings shall be had from day to day until a quorum shall be present. If any person receive the votes of a majority of all the members of the council, such person shall be declared chosen president thereof. If on the first day on which a quorum is present no person receive the votes of such majority, the roll-call shall be repeated until some person receive the votes of such majority or an adjournment to the succeeding day is taken, and on such succeeding day a plurality of those voting shall be sufficient for an election. No other business shall be in order until a president is chosen. The president shall be sworn by the town or city clerk, as the case may be, or, in case of the absence of the clerk, by any justice of the peace. The council shall then proceed to the choice of a clerk in the same manner as above provided for the

Clerk of the council.

choice of president, and no other business shall be in order until a clerk is chosen. The president and the clerk may be removed from office by the affirmative vote of two-thirds of all the members of the council, taken by roll-call. The president of the council shall have the same right to vote as any other member thereof. The city clerk may be chosen clerk of the council, but these offices shall nevertheless remain distinct and independent. The clerk of the council shall keep a journal containing a record of the proceedings of the council, and a record at large of all votes taken by roll-call, and he shall engross, sign and attest all ordinances and resolutions of the council.

President and clerk may be removed from office.

Clerk to keep a journal of proceedings.

SECTION 12. The mayor may at any time call a special meeting of the city council by causing written notification thereof, together with a statement of the subjects to be considered thereat, to be left at the usual place of residence of each member of the council, at least twenty-four hours before the time appointed for such meeting.

Mayor may at any time call a special meeting of the council.

SECTION 13. The city council shall determine the rules of its own proceedings and shall be the judge of the election, returns and qualifications of its own members. In case of the absence of the president, the council shall choose a president pro tempore, and a plurality of votes cast shall be sufficient for a choice. The council shall sit with open doors, and shall cause the journal of its proceedings to be open to public inspection. The vote of the council upon any question shall be taken by roll-call when the same is requested by at least three members. A majority of the members of the council shall be required to constitute a quorum, but a smaller number may adjourn from day to day. The council shall, so far as not inconsistent with this act, have and exercise all the legislative powers of towns, and have all the powers and be subject to all the liabilities of city councils, and of either branch thereof, under the general laws of the Commonwealth, and it may by ordinance prescribe the manner in which such powers shall be exercised.

City council to fix rules of its proceedings, and be judge of election, etc., of members.

Majority to be a quorum.

SECTION 14. The city council shall in the month of January choose an auditor of accounts, who shall hold office for the term of one year, beginning with the first Monday in February next ensuing, and until his successor is chosen and qualified. The council may at any time, by ordinance or resolution, establish the office of comp-

Auditor of accounts.

Office of comptroller may be established.

troller, and may prescribe his duties, and may choose a person to fill such office in the same manner and for the same term as herein provided in the case of the auditor of accounts. A majority of the votes of all the members of the council taken by roll-call shall be necessary for the choice of the auditor of accounts and comptroller, and they may each be removed by the affirmative vote of a majority of all the members of the council taken by roll-call. The offices of auditor of accounts and of comptroller may be held by the same person.

City council, with approval of mayor, may lay out, etc., streets.

SECTION 15. The city council shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew or discontinuing of, or making specific repairs in, all streets and ways, and all highways within the limits of said city, and to assess the damages sustained by any person thereby, and further, except as herein otherwise provided, to act in all matters relating to such laying out, locating anew, altering, discontinuing or repairing. Any person aggrieved by the assessment of his damages, or other action of the council under this section, shall have all the rights and privileges now allowed by law in such cases in appeals from decisions of the selectmen.

Ordinance, etc., involving expenditure of more than \$500, requires an affirmative vote of the whole council.

SECTION 16. In case any ordinance, order, resolution or vote involves the appropriation or expenditure of money, to an amount which may exceed three hundred dollars, the laying of an assessment, or the granting to a person or corporation of any right in, over or under any street or other public ground of said city, the affirmative votes of a majority of all the members of the city council shall be necessary for its passage. Every such ordinance, order, resolution or vote shall be read twice, with an interval of at least three days between the two readings, before being finally passed, and the vote upon its final passage shall be taken by roll-call.

Certain ordinances, etc., to be submitted to the mayor for approval.

SECTION 17. Every ordinance, order, resolution or vote of the city council, except such as relate to its own internal affairs, to its own officers or employees, to the election or duties of the auditor of accounts or comptroller, to the removal of the mayor, or to the declaration of a vacancy in the office of mayor, shall be presented to the mayor for his approval or disapproval, and like proceedings shall be had thereon as are in such case provided by the general laws relating to cities.



SECTION 18. The city council shall have power within said city to make and establish ordinances and by-laws, and to affix thereto penalties as herein and by general law provided, without the sanction of any court or justice thereof: *provided, however*, that all laws and regulations now in force in the town of Quincy, shall, until they shall expire by their limitation, or be revised or repealed by the council, remain in force. Complaint for the breach of any ordinance or by-law may be made by the mayor or any head of a department, or by any resident of the city.

City council may make ordinances, etc., and affix penalties.

SECTION 19. No vote of the city council authorizing or ratifying a contract for, or providing for the purchase by the city of the franchise or corporate property, or any rights and privileges of the Quincy Water Company, a corporation established by chapter one hundred and sixty-two of the acts of the year eighteen hundred and eighty-three, or of its successors or assigns, shall take effect until the same has been passed by an affirmative vote of a majority of all the members of the council, taken by roll-call, and the authority so to purchase has been assented to by the voters of the city as provided by said act.

Quincy Water Company.

SECTION 20. The city council shall not authorize the erection of a school-house, or of any addition thereto, nor pass any appropriation for such purpose, until plans for the same have been approved by vote of the school committee and such approval has been certified in writing to the council by the chairman of said committee.

City council not to authorize erection of a school-house, etc., until plans have been approved, etc., by the school committee.

SECTION 21. The city council shall not authorize or appropriate money for the erection of a city hall, or for the purchase or lease of land for a location thereof, until such erection has been approved by the qualified voters of the city, voting in their respective precincts, at an annual municipal election. The form of such approval shall be prescribed by the council.

Not to authorize erection of a city hall until approved by the voters.

SECTION 22. The city council may establish a fire department for said city, to consist of a chief engineer, one assistant engineer from each ward and such other officers and men as it may prescribe; and it may make regulations for the government of the department.

Fire department.

SECTION 23. The city council may, by the affirmative vote of two-thirds of all its members, establish by ordinance a police department, to consist of a chief of police and such other officers and men as it may prescribe, and

Police department.

may make regulations for the government of the department.

Removal of mayor from office for misconduct or neglect of official duty.

SECTION 24. At any meeting of the city council it shall be in order for any member thereof to give written notice, seconded in writing by a majority at least of all the members of the council, of his intention to move at the next meeting thereof, occurring within not less than ten days, a resolution that the mayor be removed for official misconduct or neglect of duty. Such notice shall specify as particularly as possible the acts of misconduct or the instances of neglect of duty complained of, shall be entered at large by the clerk in the minutes of the council, and the clerk shall within two days serve a copy thereof upon the mayor and mail a copy to each of the members of the council at his residence. At such next meeting of the council the mayor shall have the right to speak in his own defence and to be heard by counsel. The vote on the resolution shall be by roll-call. If the resolution fail to receive the affirmative votes of three-fourths of all the members of the council it shall have no effect, and shall not be re-introduced during that meeting of the council. If it receive the affirmative votes of three-fourths of all the members of the council, it shall, upon the service of a copy thereof upon the mayor, personally or by leaving the same at his last or usual place of residence, take effect, and the office of mayor shall thereupon become vacant. The council shall thereupon order a warrant for a new election for mayor to be issued, and such further proceedings shall be had as are provided in section five hereof for the case of a failure to elect a mayor.

Members of council not to hold other office, etc.

SECTION 25. No member of the city council shall, during the term for which he is elected, hold any other office in or under the city government, have the expenditure of any money appropriated by the council, or act as counsel in any matter before the council or any committee thereof, and no person shall be eligible for appointment to any municipal office established by the council during any municipal year within which he was councilman until the expiration of the succeeding municipal year.

#### TITLE IV. — EXECUTIVE DEPARTMENT.

Executive powers to be vested in the mayor.

SECTION 26. The executive powers of the city shall be vested solely in the mayor and may be exercised by him either personally or through the several officers and

boards of the city in their departments, under his general supervision and control. In case of a vacancy in any office to which appointment is made by the mayor he may personally perform the duties thereof, but he shall not be entitled to receive any salary or pay attached thereto. The mayor shall hold office for the municipal year beginning with the first Monday in January following his election, unless sooner removed, and until his successor is elected and qualified.

SECTION 27. The mayor shall have the sole power of appointment to all the municipal offices established by or under this act, unless herein otherwise provided; and he may remove from office by written order any officer so appointed hereunder for any cause which he shall in his official discretion deem sufficient, which cause he shall assign in his order of removal. Such office shall become and be vacant upon the filing with the city clerk of such order of removal, and the service of a copy thereof upon the officer so removed, either personally or by leaving the same at his last or usual place of residence. The city clerk shall keep such order of removal on file where it shall be open to public inspection.

SECTION 28. The salary of the mayor shall be one thousand dollars a year for the period of the first ten municipal years, and thereafter shall be one thousand dollars a year, and such additional sum as the city council may establish by ordinance passed by vote of two-thirds of all its members, such ordinance not to take effect, however, until the year succeeding that in which it is passed.

SECTION 29. Until a department of police shall be established in accordance with the provisions of this act, the mayor shall have the appointment, control and direction of the police force of the city.

SECTION 30. Whenever by reason of sickness or absence from the city or other cause the mayor shall be disabled from performing the duties of his office, he may designate by a writing filed in the office of the city clerk, either the city treasurer, the commissioner of public works, the city clerk, or the city solicitor to act as mayor, or, in case of the failure of the mayor to make such designation, the first named of the above mentioned officers then performing the duties of his office shall act as mayor. Such officer shall, during the continuance of such disability,

Vacancies.

Mayor may appoint and remove municipal officers established under this act, unless otherwise herein provided.

Salary of mayor.

Mayor to have control, etc., of police force until police department is established.

Who may act when mayor is disabled by sickness or absence from the city.

have all the rights and powers of mayor, except that he shall not when so acting have the power of removal, unless thereto in any instance authorized by vote of the city council, nor any power of appointment unless such disability of the mayor has continued for a period of thirty days, nor power to approve or disapprove any ordinance, order, resolution or vote until within twenty-four hours of the time when it would take effect without the approval of the mayor. In case such disability of the mayor continues for a period exceeding thirty days, the city council may at any time after the expiration of that period declare a vacancy to exist in the office of mayor.

President of the council may act in case of vacancy in office of mayor.

SECTION 31. Whenever there shall be a vacancy in the office of mayor, the president of the city council shall act as mayor and possess all the rights and powers of mayor during such vacancy, except that when so acting as mayor he shall not have the power of appointment or removal unless thereto in any instance authorized by vote of the council.

#### TITLE V. — SCHOOL DEPARTMENT.

School committee to have the management and control of the schools.

Manner of election, etc.

SECTION 32. The management and control of the schools of said city shall be vested solely in a school committee, consisting of members at large and members from wards, who shall serve without pay and shall be elected from the inhabitants of the city as follows: At the first municipal election held under this act three members at large of the school committee shall be elected by the qualified voters of the entire city, one to serve for the term of three years, one for the term of two years and one for the term of one year, beginning with the first Monday in January then next ensuing, and thereafter one member at large of said school committee shall be elected in like manner at each annual municipal election, to serve for the term of three years beginning with the first Monday in January next ensuing, in place of the member at large whose term then expires. At said first election six members from wards of said school committee shall be elected by the qualified voters in the several wards respectively, one such member being elected in each ward, two of such members to serve for terms of three years, two for terms of two years, and two for terms of one year, beginning with the first Monday in January next ensuing. The selectmen of the town of Quincy directly after the acceptance of this

act shall determine by lot which wards of said city shall elect members as aforesaid for three years, two years and one year respectively, and shall give public notice of their determination seven days at least before said first election. At each subsequent annual municipal election the qualified voters in each ward which has elected a member from wards of the school committee, whose term of office then expires, shall elect in his place a member of said committee to serve for the term of three years as aforesaid. If in any year there shall be a new division of said city into wards, the terms of office of all the members of the school committee from wards shall expire at the end of the municipal year in which such division is made; and at the municipal election occurring in such year one member from wards shall be elected by the qualified voters in each new ward, and the council shall by lot make such arrangement of the terms of the respective members from wards of said committee that the terms of one-third of such members, as near as may be, shall expire each year. The school committee shall at its first meeting in each municipal year, or as soon thereafter as may be, choose a chairman from among its members by ballot, and the votes of a majority of all the members of the board shall be required in order to elect. The school committee may at any time by vote of a majority of all its members remove such chairman and elect another in his place.

Apportionment among wards to be determined by lot.

Chairman of the school committee.

SECTION 33. The school committee shall, on the first Monday in January, or as soon thereafter as may be, choose, by vote of a majority of its members, but not from their number, a superintendent of schools, who shall be under its direction and control. Such superintendent shall hold office until the first Monday in January next ensuing, unless sooner removed, and until his successor is chosen and qualified; and he may be removed at any time by the school committee by vote of a majority of its members. The school committee shall in case of a vacancy in their numbers forthwith notify the city council, and the council shall call a joint convention of the members thereof and of the school committee, and at such convention the vacancy shall, by vote of a majority of all the members of the two bodies, be filled until the end of the municipal year in which the warrant for the next ensuing municipal election is issued, and at such election the vacancy shall be filled for the remainder, if any, of the

Superintendent of schools.

Vacancies in school committee.

unexpired term in the same manner as the member whose office is vacant was elected.

TITLE VI. — ADMINISTRATIVE OFFICERS.

Commissioner  
of public works.

SECTION 34. There shall be the following administrative officers, who shall perform the duties by law and herein prescribed for them respectively, and such further duties not inconsistent with the nature of their respective offices as the city council may prescribe:— I. A commissioner of public works, who shall have cognizance, direction and control:— *a.* Of the performance of all contracts entered into by the city with any water company, of the observance by every water company having pipes within the city, of all the laws of the Commonwealth and ordinances of the city, and of all structures, machinery, pipes, and other property owned or leased by the city, connected with the supply and distribution of water; *b.* Of the construction, alteration, repair, care and lighting of streets, ways and sidewalks; *c.* Of the construction, alteration, repair and care of public buildings; except that the care of all school buildings shall remain under the control of the school committee, and the care of the Thomas Crane public library under the control of the board of trustees of said library; *d.* Of the construction, alteration, repair and care of public sewers and drains; *e.* Of the digging, construction and care of wells for the city; *f.* Of the construction, alteration, repair, care and maintenance of public bridges. No person or corporation authorized by the city council to dig up any public street or sidewalk in said city shall begin such digging before furnishing to such commissioner security, satisfactory to him, to restore such street or sidewalk to its former condition. The said commissioner shall, in general, except as in section fifteen of this act otherwise provided, have, exclusively, the powers and be subject to the duties, liabilities and penalties which may, by law, be given to or imposed upon road commissioners of towns. II. A city treasurer, who shall receive, have the custody of and pay out all moneys, and cause an accurate account of the same to be kept in proper book-keeping form, or in such form as the city council may prescribe. He shall make to the council, annually or oftener, at such time or times in each year as it shall prescribe, a full and detailed statement of the receipts

City treasurer.

and expenditures of the city during such portion of the financial year as it may direct, and of the cash balance or surplus; and in every such statement the different sources of the city revenue and the amount received from each, the several appropriations made, the objects for which the same were made, and the amount of moneys expended under each, the moneys borrowed on the credit of the city, the authority under which each loan was made, and the terms on which the same was obtained, shall be clearly and particularly specified. III. A city clerk. IV. A collector of taxes; and the offices of collector of taxes and of city treasurer may be held by the same person. V. A city solicitor, who shall have charge and control of the legal business of the city, shall attend to such matters as may be referred to him by the mayor, and shall act as corporation counsel when called upon for a legal opinion by the city council, the mayor, or any municipal officer established by this act. VI. A chief of police, when a police department is established as herein provided. VII. A chief engineer of the fire department, when a fire department is established as herein provided. VIII. An overseer of the poor, who shall exercise the powers and be subject to the duties prescribed for boards of overseers of the poor by the laws of the Commonwealth. IX. A principal assessor, and as many assistant assessors as there are wards in the city, who shall together constitute the board of assessors. The principal assessor shall be ex officio chairman of the board. One assistant assessor shall be assigned by the board to each ward of the city. The city council may, by the affirmative vote of two-thirds of all its members, authorize the appointment of second assistant assessors, who shall be appointed by the principal assessor; they shall be equally apportioned among the wards of the city, shall be assigned to the wards of which they are respectively resident, and shall assist in assessing only the persons and property therein. X. A board of park commissioners, consisting of three persons, who shall exercise the powers and be subject to the duties given to or imposed upon the board of park commissioners of the town of Quincy by chapter seventy of the acts of the year eighteen hundred and eighty-two, so far as not inconsistent with this act, and shall have general cognizance, direction and control of laying out and caring for the public parks of the city and of all work

City clerk.  
Collector of  
taxes.

City solicitor.

Chief of police.  
Chief engineer.

Overseer of  
the poor.

Principal assess-  
or and assistant  
assessors.

Board of park  
commissioners.

Board of health. in and upon the same. XI. A board of health, consisting of five persons; but in case the city council shall at any time provide for the payment of the members of said board, the number thereafter appointed shall be three.

License commissioners. XII. A board of license commissioners, if said city authorizes the granting of licenses for the sale of intoxicating liquors. Such board shall consist of the following officers, ex officio: the mayor, who shall be the chairman of the board, the city treasurer and the chief of police, or, until a department of police is established, the city clerk. XIII. A board of trustees of the Thomas Crane public library, consisting of six persons. XIV. A board of managers of the Adams academy, consisting of six persons. XV. A board of managers of public burial places, consisting of six persons, who shall have general cognizance, direction and control of laying out and caring for public burial places, and of all work in or upon the same. The above named officers and boards shall be appointed on or before the first Monday in February, and shall hold their respective offices for the term of one year, beginning with the first Monday in February, unless sooner removed, and until their respective successors, or in the case of boards, until a majority of the members thereof are appointed and qualified. They shall be sworn to the faithful discharge of the duties of their respective offices. The city council may by ordinance establish additional administrative offices and define the duties of the incumbents thereof, and such offices shall be subject to the provisions of this act.

Trustees of public library.

Managers of Adams Academy. Managers of public burial places.

Additional administrative offices may be established.

Chairmen of boards to be chosen by ballot.

Secretary and clerk.

SECTION 35. Each of the above named boards shall, at its first meeting on or after the first Monday of February in each year, or as soon thereafter as may be, choose by ballot a permanent chairman from among its members, unless otherwise above provided. No person shall be chosen permanent chairman unless he shall receive the votes of a majority of the members of the board, and he may be removed from such chairmanship by the same vote. Each of said boards shall, unless it has a clerk as hereinafter provided, choose a secretary from among its members, in the same manner as above prescribed for the choice of a chairman, and may remove him in the same manner. The city council may authorize any of said boards to choose a clerk in the manner above prescribed for the choice of a chairman and secretary, and may provide for the payment of such clerk.



SECTION 36. The auditor of accounts shall on the first business day of every month audit all accounts in which the city is concerned as debtor or creditor and shall report to the council as it shall direct. He shall have access at all times during business hours to all the books and vouchers of the city treasurer.

Duties of auditor.

SECTION 37. The mayor, the chairman of the school committee, the auditor, the comptroller, all of the administrative officers above named other than the members of boards, and the chairmen of the above named boards shall ex officio be entitled to seats with the city council. The mayor shall, when requested, and all the other officers above named shall, unless excused, attend its meetings; and they shall, at the request of the council, answer for their respective offices, committees and boards at the meetings of the council. In case the chairman of a board is unable to be present at any such meeting, he may designate another member of the board to represent it at such meeting. The said officers shall be notified in like manner with the councilmen of all the meetings of the council. They shall have the right to speak upon all matters relating to their respective departments, but upon no other matters, and shall have no right to vote. They shall give such information as may be required by the members of the council and answer such questions as may be asked by the members in relation to any matter, act or thing connected with their respective offices or the discharge of the duties thereof: *provided, however*, that any such officer may refuse to answer such question if notice thereof has not been given at least three days before the time of the meeting in a notice book to be provided for the purpose by the city clerk and kept in his office, unless the council shall vote that the question is of such urgency and of such nature that it should be answered without notice.

Certain officers to have seats with the city council ex officio.

They may speak, but shall not vote.

To give such information as may be required.

Proviso.

SECTION 38. The administrative officers and boards above named in this title, and all administrative officers and boards hereafter established by the city council and not coming within the department of any officer or board so above named, shall have the power, except as herein otherwise provided, to appoint or employ and to remove or discharge all officers, clerks and employees, in their respective departments. Such appointments shall not be for any specified term, but shall hold good until removal

Administrative officers, etc., may appoint and remove employees, etc.

Orders of removal shall state the grounds therefor.

Boards, etc., to make contracts for work and materials.

Boards, etc., to keep record of official transactions.

Certain officers may be required to give bonds.

Officers to be sworn within five days of appointment or election.

Eligibility for election or appointment to office.

or discharge. Orders of removal shall state the grounds therefor, and shall be entered upon the records of the officer or board making the same, and removals shall take effect upon the filing of a copy of such order with the city clerk in a book provided for the purpose, and open to public inspection. The above named administrative officers and boards shall, in their respective departments, make all necessary contracts for work, and for the furnishing of materials and supplies for the city, and for the construction, alteration, repair and care of all public works, institutions, buildings and other property; and shall have, subject to the mayor, the direction and control of all the executive and administrative business of the city. They shall be at all times accountable to the mayor, as the chief executive officer, for the proper discharge of their duties.

SECTION 39. Every board, and every officer above named not a member of a board, shall keep a record of all official transactions, and such record shall be open to public inspection.

SECTION 40. The city council may require the auditor of accounts, the comptroller, the treasurer and such other officers as are entrusted with the receipt, care and disbursement of money, to give bonds with such security as it shall deem proper for the faithful discharge of their respective duties.

#### TITLE VII. — GENERAL PROVISIONS.

SECTION 41. Every person elected or appointed to the office of auditor of accounts or comptroller, or to any administrative office named in the preceding title of this act, shall, within five days after notice of such election or appointment, except as herein otherwise provided, take and subscribe, before the mayor or city clerk, or a justice of the peace, an oath or affirmation faithfully to perform the duties of his office, which oath or affirmation, or a certified copy thereof, shall be filed in the office of the city clerk.

SECTION 42. No person shall be eligible for election or appointment to any office established by this act, unless at the time of such election or appointment he shall have been a citizen of the United States for at least one year, nor to any such office except the offices of commissioner of public works, superintendent of schools, chief of police

and chief engineer of the fire department, unless at the time of such election or appointment he shall have been a resident of the city for at least one year. No person shall be eligible for election as a councilman from wards unless he shall have been a resident of the ward for which he is elected for at least three months previous to his election.

SECTION 43. Any office established by or under this act shall become vacant if the incumbent thereof ceases to be a resident of the city. The conviction of the incumbent of any such office of a crime punishable by imprisonment shall operate to create a vacancy in the office held by him.

Office to become vacant if incumbent ceases to be a resident.

SECTION 44. The limit of indebtedness of the said city, exclusive of any indebtedness created for supplying the inhabitants with water, shall be one per cent. of the average valuation of said city, as ascertained in accordance with chapter three hundred and twelve of the acts of the year eighteen hundred and eighty-five, but otherwise the general laws relating to municipal indebtedness shall apply to said city. The financial year of the city shall begin at such time as the city council shall by ordinance prescribe.

Limit of indebtedness of the city.

SECTION 45. The administrative officers and boards above named in title six shall, annually, on or before the first day of March, furnish to the mayor an itemized and detailed estimate of the moneys required for their respective departments or offices during the ensuing financial year. The mayor and city treasurer shall examine such estimates, and shall submit the same to the city council on or before the first day of April, with their itemized and detailed recommendations thereon. No gross appropriation of money, and no item thereof, in excess of the recommendations of the mayor and city treasurer, in case they shall agree in such recommendations, shall be passed by the council, except by the affirmative vote of two-thirds of the members present and voting, and in no case by vote of less than a majority of all the members of the council.

Boards to furnish to mayor estimates of moneys required for the year.

SECTION 46. Every officer and employee, of the city, other than those mentioned in section thirty-seven of this act, shall, at the request of the city council, appear before it and give such information as it may require in relation to any matter, act or thing connected with his

Officers and employees to furnish information to the city council upon request.

office or employment or the discharge of the duties thereof.

Salaries to be fixed by ordinance.

SECTION 47. The city council shall establish by ordinance the regular salaries or remuneration of the offices established by this act, in case the same is not fixed herein, and of such other offices as may hereafter be established, and after the first municipal year no ordinance of the council changing any such salary or remuneration shall take effect until the municipal year succeeding that in which the ordinance is passed.

No expenditure to be made until appropriation has been voted.

SECTION 48. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made, nor liability incurred, by or in behalf of the city, until an appropriation has been duly voted by the city council, sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable out of such appropriation: *provided, however,* that, after the expiration of the financial year and until the passage of the regular annual appropriations, liabilities payable out of a regular appropriation to be contained therein may be incurred to an amount not exceeding one-third of the total of such appropriation for the preceding year.

Civil service.

SECTION 49. Nothing herein contained shall affect the enforcement of the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being "An Act to improve the civil service of the Commonwealth and the cities thereof", or of the rules made by the commissioners appointed thereunder; and the city council shall make sufficient and proper appropriations for the carrying out and enforcement of said act and such rules in said city.

No right, suit, etc., to be affected by this act.

SECTION 50. The passage of this act shall not affect any right, accruing or accrued, or any suit, prosecution or other legal proceeding pending, at the time when it shall take effect by acceptance, as herein provided, and no penalty or forfeiture previously incurred shall be affected thereby. All persons holding office in said town, at the time this act shall be accepted as aforesaid, shall continue to hold such offices until the organization of the city government hereby authorized shall be effected, and until their respective successors shall be chosen and qualified.

Amendments to 1883, 192.

SECTION 51. Chapter one hundred and sixty-two of the acts of the year eighteen hundred and eighty-three is

hereby amended by inserting after the words “direction of”, in line twenty-two of section two of said act, the words:—the commissioner of public works of the city of Quincy or,—by striking out in the thirteenth line of section ten of said act the words, “by the water commissioners hereinafter provided for”, and inserting in place thereof the words:—by the commissioner of public works of the city of Quincy,—by inserting after the words, “said loan”, in the eighteenth line of said section, the words:—unless an amount thereof, equal to the total amount divided by the greatest number of years which any of such securities have to run, is made payable at the end of each year from the date of its issue,—and by striking out section twelve of said act and inserting in place thereof a new section, as follows:—*Section 12.* All the authority granted to the city of Quincy by this act, and not otherwise specifically provided for, shall be vested in the commissioner of public works, to be exercised by him, subject to the ordinances and regulations of the city council. In case a sinking fund is constituted, under the provisions of this act, the city treasurer shall ex officio be the trustee of such sinking fund, subject to the ordinances and regulations of the city council.—The city of Quincy is hereby given all the rights and privileges, and made subject to all the duties and liabilities given to or imposed upon the town of Quincy by said act, except as above amended.

SECTION 52. So much of chapter seventy of the acts of the year eighteen hundred and eighty-two as is inconsistent with this act is hereby repealed, and the city of Quincy is hereby given all the rights and privileges and made subject to all the liabilities therein given to or imposed upon the town of Quincy with relation to laying out and maintaining a public park or parks. Repeal.

SECTION 53. Upon an acceptance of this act, as herein provided, the selectmen of said town shall forthwith divide the territory thereof into six wards, so that the wards shall contain, as nearly as may be consistent with well defined limits to each, an equal number of voters, and they shall designate the wards by numbers. They shall, for the purpose of the first municipal election to be held hereunder, which shall take place on the first Tuesday of December next succeeding such acceptance, provide suitable polling places in the several wards, and give Division of territory into six wards.

notice thereof, and shall at least ten days previous to such first Tuesday in December appoint all proper election officers therefor, and they shall in general have the powers and perform the duties of the mayor and the board of aldermen of cities under chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, the provisions of which shall so far as applicable apply to said election; and the town clerk shall perform the duties therein assigned to city clerks. The registrars of voters shall cause to be prepared and published according to law lists of the qualified voters in each of the wards established by the selectmen.

Selectmen to notify persons elected at first election, and to provide place of meeting for mayor and city council.

SECTION 54. The selectmen shall notify the persons elected at such first election severally of their elections, and shall provide and appoint a place for the first meeting of the mayor and city council on the first Monday in January next ensuing; and shall, by written notices left at their respective places of residence, at least twenty-four hours prior to such meeting, notify thereof the mayor elect and councilmen elect, who shall immediately proceed to organize and carry into effect the provisions of this act, which shall then have full force and effect. The selectmen shall, in like manner, provide and appoint a place and time for the first meeting of the school committee and notify the members elect thereof. Nothing herein shall affect the annual meeting in said town for the election of national, state, district and county officers, which may be held next after the acceptance thereof.

Meeting of voters to act upon acceptance of act.

SECTION 55. A meeting may be held for the purpose of submitting the question of the acceptance of this act to the legal voters of said town at any time within two years after the passage thereof, except in the months of November and December. At such meeting the polls shall be open not less than eight hours, and the vote shall be taken by ballot in accordance with the provisions of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, so far as the same shall be applicable, in answer to the question: "Shall an act passed by the general court in the year eighteen hundred and eighty-eight, entitled 'An Act to incorporate the city of Quincy', be accepted?"; and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance. If at any meeting so held this act shall fail to be thus accepted, it may, at the ex-

piration of three months from any such previous meeting, be again thus submitted for acceptance, but not after the period of two years from the passage thereof.

SECTION 56. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of the said town shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said town as herein prescribed.

To take full effect upon acceptance.

*Approved May 17, 1888.*

AN ACT IN RELATION TO THE EMPLOYMENT OF CHILDREN.

*Chap. 348*

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

SECTION 1. No child under thirteen years of age shall be employed at any time in any factory, workshop or mercantile establishment. No such child shall be employed in any indoor work, performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the city or town in which he resides are in session, or shall be employed in any manner during such hours unless during the year next preceding such employment he has attended school for at least twenty weeks as required by law.

Child under thirteen years not to be employed in factories, etc. No such child to be employed for wages during public school hours, etc.

SECTION 2. No child under fourteen years of age shall be employed in any manner before the hour of six o'clock in the morning or after the hour of seven o'clock in the evening. No such child shall be employed in any factory, workshop or mercantile establishment, except during the vacation of the public schools in the city or town where he resides, unless the person or corporation employing him procures and keeps on file a certificate and employment ticket for such child as prescribed by section four of this act, and no such child shall be employed in any indoor work, performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of such city or town are in session, unless as aforesaid, or shall be employed in any manner during such hours unless during the year next preceding such employment he has attended school for at least twenty weeks as required by law; and such employment shall not continue in any case beyond the time when such certificate expires. The chief of the district police, with the approval of the governor, shall have authority to designate any kind or kinds of employment in factories, workshops or mercantile establishments as injurious to the

Child under fourteen years not to be employed before six A.M. or after seven P.M. Such child not to be employed in a factory, etc., except during vacation of public schools, etc.

Duty of chief of the district police.

health of children under fourteen years of age employed therein, and after one week's written notice from the said chief to the employer or his superintendent, overseer or other agent of such designation no such child shall be employed in any such kind or kinds of employment in any factory, workshop or mercantile establishment.

When child under sixteen years may be employed.

SECTION 3. No child under sixteen years of age shall be employed in any factory, workshop or mercantile establishment unless the person or corporation employing him procures and keeps on file the certificate required in the case of such child by the following section, and also keeps on file a full and complete list of such children employed therein.

Certificate of child under fourteen years not to be signed until employment ticket is presented.

SECTION 4. The certificate of a child under fourteen years of age shall not be signed until he presents to the person authorized to sign the same an employment ticket, as hereinafter prescribed, duly filled out and signed. The certificate and the employment ticket shall be separately printed, and shall be in the following forms respectively, and the blanks therein shall be filled out and signed as indicated by the words in brackets:—

#### EMPLOYMENT TICKET, LAW OF 1888.

Employment ticket.

When [name of child], height [feet and inches], complexion [fair or dark], hair [color], presents a certificate duly signed, I intend to employ [him or her].

[Signature of intending employer or agent.]

[Town or city and state.]

#### AGE AND SCHOOLING CERTIFICATE, LAW OF 1888.

Age and schooling certificate.

This certifies that I am the [father, mother or guardian] of [name of child], and that [he or she] was born at [name of town or city], in the county of [name of county, if known], and state [or country] of [name], on the [day and year of birth], and is now [number of years and months] old.

[Signature of father, mother or guardian.]

[Town or city and date.]

Then personally appeared before me the above named [name of person signing] and made oath that the foregoing certificate by [him or her] signed is true to the best of [his or her] knowledge and belief. I hereby



approve the foregoing certificate of [name of child], height [feet and inches], complexion [fair or dark], hair [color], having no sufficient reason to doubt that [he or she] is of the age therein certified. Age and schooling certificate.

[Signature of person authorized to sign, with official character or authority.]

[Town or city and date.]

In case the age of the child is under fourteen, the certificate shall continue as follows, after the word "certified": — And I hereby certify that [he or she] can read at sight, and can write legibly, simple sentences in the English language, and that [he or she] has attended the [name] public [or private] day school according to law for [number of weeks, which must be at least twenty] weeks during the year next preceding this date, and that the last twenty weeks of such attendance began [date]. This certificate expires [date, one year later than above date].

[Signature of the person authorized to sign, with official character or authority.]

If attendance has been at a private school, also signature of a teacher of such school, followed by words, — certifying to school attendance.

[Town or city and date.]

In case a child cannot read and write as above stated, the following may be substituted for the clause beginning "and I hereby certify" through to and including the word "language": "and I hereby certify that [he or she] is a regular attendant at the [name] public evening school"; but in such case the certificate shall only continue in force for as long a time as attendance of such child at such evening school is endorsed weekly during the session of such evening school, not exceeding the length of the public school year minus twenty weeks in place of attendance at day school as now provided by law, with a statement from a teacher thereof certifying that his attendance continues regular. If attendance has been at a half-time school, forty weeks of such attendance must be certified to instead of twenty. The foregoing certificate must be filled out in duplicate, and one copy thereof shall be kept on file by the school committee. Any explanatory matter may be printed with such certificate in the discretion of the school committee or superintendent of schools.

By whom  
schooling cer-  
tificate to be  
signed.

SECTION 5. In cities and towns having a superintendent of schools, said certificate shall be signed only by such superintendent, or by some person authorized by him in writing; in other cities and towns it shall be signed by some member or members of the school committee authorized by vote thereof: *provided, however*, that no member of a school committee, or other person authorized as aforesaid, shall have authority to sign such certificate for any child then in, or about to enter, his own employment, or the employment of a firm of which he is a member, or of a corporation of which he is an officer or employee. The person signing the certificate shall have authority to administer the oath provided for therein, but no fee shall be charged therefor; such oath may also be administered by any justice of the peace.

Proviso.

Certificate of  
age to be signed  
by father, etc.

SECTION 6. The certificate as to the birthplace and age of a child shall be signed by his father if living and a resident of the same city or town; if not, by his mother; or if his mother is not living, or if living is not a resident of the same city or town, by his guardian; if a child has no father, mother or guardian living in the same city or town, his own signature to the certificate may be accepted by the person authorized to approve the same.

Provisions in  
case child has  
been continu-  
ously a resident  
since reaching  
age of thirteen.

SECTION 7. No child who has been continuously a resident of a city or town since reaching the age of thirteen years shall be entitled to receive a certificate that he has reached the age of fourteen unless or until he has attended school according to law in such city or town for at least twenty weeks since reaching the age of thirteen, unless exempted by law from such attendance. Before signing the approval of the certificate of age of a child, the person authorized to sign the same shall refer to the last school census taken under the provisions of section three of chapter forty-six of the Public Statutes, and if the name of such child is found thereon, and there is a material difference between his age as given therein and as given by his parent or guardian in the certificate, allowing for lapse of time, or if such child plainly appears to be of materially less age than that so given, then such certificate shall not be signed until a copy of the certificate of birth or of baptism of such child, or a copy of the register of its birth with a town or city clerk, has been produced, or other satisfactory evidence furnished that such child is of the age stated in the certificate.

SECTION 8. The truant officers may, when so authorized and required by vote of the school committee, visit the factories, workshops and mercantile establishments in their several cities and towns, and ascertain whether any children under the age of fourteen are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the school committee and to the chief of the district police or the inspector of factories for the district. The inspectors of factories, and the truant officers when authorized as aforesaid, may demand the names of all children under sixteen years of age employed in such factories, workshops and mercantile establishments, and may require that the certificates and lists of such children provided for in this act shall be produced for their inspection. Such truant officers shall inquire into the employment, otherwise than in such factories, workshops and mercantile establishments, of children under the age of fourteen years, during the hours when the public schools are in session, and may require that the aforesaid certificates of all children under sixteen shall be produced for their inspection; and any such officer, or any inspector of factories, may bring a prosecution against a person or corporation employing any such child, otherwise than as aforesaid, during the hours when the public schools are in session, contrary to the provisions of this act, if such employment still continues one week after written notice from such officer or inspector that such prosecution will be brought, or if more than one such written notice, whether relating to the same child or to any other child, has been given to such employer by a truant officer or inspector of factories at any time within one year.

Truant officers, duly authorized, may visit factories, etc.

Inspectors of factories may demand names of children there employed, under sixteen years.

SECTION 9. Every parent or guardian of a child under fourteen years of age who permits any employment of such child contrary to the provisions of this act, and every owner, superintendent or overseer of any factory, workshop or mercantile establishment who employs or permits to be employed therein any child contrary to the provisions of this act, and any other person who employs any child contrary to the provisions of this act, shall for every such offence forfeit not less than twenty nor more than fifty dollars for the use of the public schools of the city or town. Every parent, guardian, or person authorized to sign the certificate prescribed by section four of this act,

Penalty for permitting employment of, or giving employment to, a child contrary to this act.

who certifies to any materially false statement therein, shall be punished by fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. A failure to produce to a truant officer or inspector of factories the certificate required by the provisions of this act shall be prima facie evidence of the illegal employment of the child whose certificate is not produced.

Definition of the words "factory" and "workshop."

SECTION 10. The expressions "factory" and "workshop" used in this act shall have the meanings defined for them respectively by chapter one hundred and three of the acts of the year one thousand eight hundred and eighty-seven.

Printed copies of act to be transmitted to school committees.

SECTION 11. Within one month of the passage of this act the chief of the district police shall cause a printed copy thereof to be transmitted to the school committee of every city and town in the Commonwealth.

Repeal.

SECTION 12. Sections one to six, inclusive, of chapter forty-eight of the Public Statutes, chapter two hundred and twenty-four of the acts of the year eighteen hundred and eighty-three, chapter two hundred and twenty-two of the acts of the year eighteen hundred and eighty-five, and section one of chapter four hundred and thirty-three of the acts of the year eighteen hundred and eighty-seven are hereby repealed.

To take effect July 1, 1888.

SECTION 13. This act shall take effect on the first day of July in the year one thousand eight hundred and eighty-eight.

*Approved May 17, 1888.*

*Chap. 349* AN ACT TO PROVIDE FOR THE BETTER ACCOMMODATION OF THE STATE GOVERNMENT IN THE CITY OF BOSTON.

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

Governor and council may acquire land adjacent or near to the state house for the better accommodation of the state government.

SECTION 1. For the purpose of providing suitable and adequate accommodations for the legislative and executive departments of the state government and for the several bureaus, boards and officers of the Commonwealth whose offices are, or may be, located in the city of Boston, and for any other necessary and convenient uses of the Commonwealth in the transaction of its business, the governor and council are hereby authorized, in the name and behalf of the Commonwealth, to acquire by gift or purchase, or to take within six months after the passage of this act, the whole of the following described tracts or parcels of land, with the buildings and improvements thereon, and with

the rights and privileges thereto appertaining, the same being situate in said city of Boston, and lying adjacent or near to the state house, namely: The square or parcel of land lying next north of the state house, and bounded north by Derne street, east by Temple street, south by the south line of Mount Vernon street and west by Hancock street. Also, they are authorized to take, by purchase or otherwise, the parcel of land or any part thereof comprising the estates on the easterly side of Temple street, between Mount Vernon and Derne streets, bounded and described as follows: Northerly by Derne street, westerly by Temple street, southerly by the south line of Mount Vernon street and easterly by a line parallel with and sixty feet from the easterly line of Temple street, including in the above description, in whole or in part, numbers thirteen and fifteen in Mount Vernon street, and eighty-two, eighty, seventy-eight, seventy-six, seventy-four, seventy-two, seventy and sixty-eight in Temple street, and nine and eleven in Derne street.

Description  
of land.

SECTION 2. The governor and council shall file in the registry of deeds for the county of Suffolk, and cause to be recorded therein, a description of any lands taken as aforesaid, as certain as is required in an ordinary deed of land, with a statement, signed by the governor, that the same are taken in the name and behalf of the Commonwealth under provision of this act; and the act and time of filing thereof shall be deemed to be the act and time of taking such lands, and to be sufficient notice to all persons that the same have been so taken. The title to all lands so taken shall vest absolutely in the Commonwealth and its assigns forever.

To file in the  
registry of  
deeds a descrip-  
tion of any  
lands taken.

SECTION 3. The governor and council shall have full power to settle, by agreement or arbitration, the amount of compensation to be paid any person by reason of the taking of his property under the provisions of this act; and in case a price shall not be fixed in the manner aforesaid the governor and council shall, within six months from the date of taking, proceed to appraise the value of each parcel of property, and the value of the interest of each and every party therein, so far as may be ascertained, and shall file, in detail, a statement of their findings with the treasurer of the Commonwealth, and shall immediately thereafter give public notice, by advertising once a week for three successive weeks in a newspaper published in the

Title to vest in  
the Common-  
wealth and its  
assigns forever.

Amount of com-  
pensation may  
be settled by  
agreement or by  
arbitration.

city of Boston, of the fact of such valuation, together with a general description of the property taken sufficient for identification, and the appraisal of the value thereof made by them; and any party in interest who shall be dissatisfied with the valuation made as aforesaid may, at any time within one year from the date of filing said valuation with the treasurer, apply to the superior court for the county of Suffolk to have his damages assessed by jury in the manner provided in section one hundred and five of chapter forty-nine of the Public Statutes, and the provisions of sections one hundred and six, one hundred and seven and one hundred and eight of said chapter shall apply to proceedings hereunder.

Party dissatisfied may apply to have damages assessed by a jury.

When the provisions of P. S. 112, §§ 107-109 shall apply.

SECTION 4. Whenever the property taken is represented by a guardian or trustee, and when there are different interests, or when the property taken is mortgaged, the provisions of sections one hundred and seven, one hundred and eight and one hundred and nine of chapter one hundred and twelve of the Public Statutes shall apply.

Governor and council may negotiate with city of Boston concerning construction of streets, etc.

SECTION 5. The governor and council are authorized to negotiate with the city of Boston concerning the construction of any new street or way, and concerning any changes, whether of width, location or grade, in Temple street, Mount Vernon street, or any other street necessary to be changed in the course of the work herein contemplated, and to arrange as to character and extent of any change necessary or desirable; also the terms and conditions as between the Commonwealth and the city of Boston on which such changes may be made, and may agree upon the same, subject to the approval of the legislature.

May discontinue Temple street, or any part thereof, between Mt. Vernon and Derne streets.

SECTION 6. The governor and council may discontinue the whole of Temple street between Mount Vernon street and Derne street, or any portion thereof, and any avenue or way which is upon or across any land acquired or taken as aforesaid, and may acquire or take, as aforesaid, all rights and interests in and to the land under the same; and they may appropriate any portions of lands acquired or taken under this act for laying out, widening or relocation of any new or existing street, avenue or way which they may deem to be necessary or convenient for access to the present state house grounds, or to the land so acquired or taken, or for public use. They shall cause such notice of such discontinuance, laying out, widening or

relocation, with a description by metes and bounds sufficiently accurate for identification, to be published in the newspaper in which the general laws are published by the secretary of the Commonwealth; and such publication shall be deemed to be sufficient notice to all persons of such discontinuance, laying out, widening or relocation.

SECTION 7. The governor and council shall have, in respect to indemnity and assessment of damages sustained by any persons in their property by the laying out, locating anew, altering or discontinuing a highway in the work contemplated in this act, all powers existing in the street commissioners of the city of Boston under chapter forty-nine of the Public Statutes or other acts thereto pertaining; and the provisions of said chapter forty-nine, and other acts not inconsistent herewith, respecting assessment of damages, awarding indemnity for damages sustained by reason of such laying out, alteration, locating anew, discontinuance of a highway, or order for special repairs, shall apply to proceedings under this act. And all awards and judgments rendered under this act shall be paid by the treasurer of the Commonwealth.

To have powers in respect to indemnity and assessment of damages of street commissioners of city of Boston under P. S. 49, etc.

SECTION 8. Whenever the governor and council shall file with the auditor of the Commonwealth a statement of the assessment of damages to any person by reason of the taking of, or damage to, his property in pursuance of this act, or a statement showing the amount agreed upon as aforesaid as purchase price for any property herein described, or interest therein, the auditor shall certify the amount so assessed or agreed upon, and a warrant shall be made therefor as in the case of other lawful payments from the treasury of the Commonwealth, and upon the execution of such release or conveyance as shall be prescribed by the attorney-general, the treasurer shall pay to the party in interest the sum to which he is entitled as aforesaid.

Awards and judgments to be paid by the state treasurer.

Auditor to certify amounts assessed or agreed upon.

SECTION 9. In order to defray the expenses which may be incurred in pursuance of this act, the treasurer and receiver-general is hereby authorized, under the direction of the governor and council, to issue scrip or certificates of debts, in the name and behalf of the Commonwealth, to an amount not exceeding five hundred thousand dollars, redeemable on the first day of July in the year nineteen hundred and one; said scrip to bear interest at a rate not exceeding four per cent. per annum,

Treasurer, under direction of governor and council, may issue scrip, etc., to an amount not exceeding \$500,000.

payable semi-annually at the office of the treasurer and receiver-general in Boston. Said scrip shall be issued from time to time as may be necessary, and no portion of said scrip shall be disposed of at any price less than the par value, and any sum or sums of money necessary to be paid for the land that shall be taken and the expenses incurred under the provisions of this act, are hereby appropriated to be paid out of the proceeds of the sale of scrip aforesaid, or from any other money in the treasury not otherwise appropriated.

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

*Approved May 17, 1888.*

*Chap. 350* AN ACT IN ADDITION TO AN ACT TO ESTABLISH A BOARD OF GAS COMMISSIONERS.

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

Gas company, upon application to gas commissioners, may have price of its gas fixed and determined.

SECTION 1. Any gas company in this Commonwealth, whether furnishing gas under the provisions of general laws or of any special charter or of any contract with any city or town, may apply to the board of gas commissioners to fix and determine the price of the gas to be thereafter sold and delivered by said company, or to revise any former order or action of said board in regard to the quality or price thereof; said board after such notice as it shall deem expedient shall give a public hearing on such application to the petitioner and to the city or town and such other persons interested as may desire to be heard, and thereafter may pass such orders and take such action in regard to the subject matter as it may deem just and reasonable, and the orders and decrees of such board in relation to the price and quality of the gas thereafter to be furnished by said company shall be thereafter binding upon all parties until further order of said board. Whenever, pursuant to section nine of chapter three hundred and fourteen of the acts of the year eighteen hundred and eighty-five, the said board has ordered a reduction in the price of gas or improvement in quality thereof the maximum price fixed by such order shall not be increased by the company named therein except in the manner herein provided.

Manufacturers, etc., of gas or electricity for light, etc., to report accidents where any person suffers bodily injury.

SECTION 2. All companies and individuals engaged in the business of manufacturing and selling gas or electricity for light or fuel shall make a written report within twenty-four hours to the board of gas commissioners of every



accident caused by the gas or electricity manufactured or supplied by them, whereby an employee or any other person shall suffer bodily injury, or loss of life, or be rendered insensible, stating the time, place and circumstances of the accident, and such other facts in relation thereto as the board may require; and the board shall present in its annual report an abstract of all such cases. The board shall personally investigate all cases which it may deem to require investigation.

SECTION 3. This act shall take effect on the thirtieth day of June in the year eighteen hundred and eighty-eight.

*Approved May 17, 1888.*

AN ACT TO ANNEX A PORTION OF THE TOWN OF TEWKSBURY TO  
THE CITY OF LOWELL.

*Chap. 351*

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

SECTION 1. So much of the town of Tewksbury in the county of Middlesex, with all the inhabitants and estates thereon, as is thus bounded and described, to wit: beginning at a point where the present dividing line between said Lowell and said Tewksbury crosses the northerly boundary line of the location of the Lowell and Andover railroad; thence running easterly by said northerly boundary line about twenty-one hundred feet to the easterly line of Forrest street, so called, at the point of its intersection with said northerly boundary line of the location of said Lowell and Andover railroad; thence running northeasterly in a straight course to the junction of the northerly line of Rogers street with the easterly line of the Butman road, so called; thence running by said easterly line of said Butman road, northerly, northwesterly and northerly to Andover street, and in the same course to the northerly line of said Andover street; thence by said northerly line of said Andover street westerly about thirty-five feet; thence northerly by the westerly line of land, now or formerly of one Plummer in a straight course to the thread of the Merrimack river; thence by the thread of said Merrimack river southwestly to the present western boundary line between said Lowell and said Tewksbury; thence by said present western boundary line southerly and southwestly to the point of beginning, is hereby set off and separated from said town of Tewksbury and annexed to and made a part of the city of Lowell in said county, and shall constitute a part of

Portion of the town of Tewksbury annexed to the city of Lowell.

the sixth ward thereof until a new division of wards is made.

Liability for taxes.

SECTION 2. The inhabitants and the estates on said tract of land set off as aforesaid and the owners of said estates shall be liable to pay all such taxes as are already assessed on them by said town of Tewksbury and all such taxes as may be assessed on them by said town of Tewksbury before this act shall take effect, in the same manner as they would have been liable if this act had not been passed. And until the next state valuation the city of Lowell shall annually in the month of November, pay to the town of Tewksbury, the proportionate part of the state and county tax assessed upon said town of Tewksbury, which the valuation of the part set off bears to the total valuation of the town according to the valuation made by the assessors of the town in the year eighteen hundred and eighty-seven.

Aid and support of paupers.

SECTION 3. If any persons who have heretofore gained a legal settlement in the town of Tewksbury by reason of residence on the territory set off as aforesaid, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall come to want and stand in need of relief, aid and support as paupers they shall be relieved and supported by the city of Lowell, in the same manner as if they had gained a legal settlement in said Lowell.

Election of senators and representatives to the general court.

SECTION 4. The inhabitants upon the territory hereby set off and annexed to the city of Lowell shall continue to be a part of the town of Tewksbury for the purpose of electing senators and representatives to the general court, until the next apportionment shall be made, and it shall be the duty of the mayor and aldermen of said city to make a true list of the persons on the territory hereby annexed, qualified to vote at such elections, and post up the same in said territory, and correct the same, as required by law, and deliver the same to the selectmen of said town, at least seven days before any such election, and the same shall be taken and used by the selectmen of said town for such election in the same manner as if it had been prepared by themselves.

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

*Approved May 17, 1888.*

AN ACT TO ESTABLISH THE COMPENSATION OF CLERKS PRO TEM-  
PORE OF MUNICIPAL, POLICE AND DISTRICT COURTS. *Chap.352*

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

SECTION 1. In case of the sickness, absence or other disability of the clerk of any municipal, police or district court, having no assistant clerk, the clerk appointed pro tempore shall receive for each day's service a sum equal to the rate per day of the salary of the permanent clerk, said compensation to be paid by the county in which such court is situated; but the compensation so paid for any excess over fourteen days' service by the clerk pro tempore in any one year shall be deducted by the county treasurer from the salary of the clerk.

Compensation of clerks pro tempore of municipal, police and district courts.

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

*Approved May 17, 1888.*

AN ACT RELATING TO BALLOTS CAST BY WOMEN IN ELECTIONS FOR  
MEMBERS OF SCHOOL COMMITTEES. *Chap.353*

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

SECTION 1. No ballot shall be cast by any woman qualified to vote for school committee, unless the same shall contain the words:— For school committee only,— clearly written, printed or stamped upon the back thereof; and no ballot unless so endorsed shall be received from any woman so voting. Ballots containing such endorsement shall be counted only in the choice of members of school committee, and for no other office or purpose.

Ballots cast by women in elections for members of school committees.

SECTION 2. The provisions of section twenty-seven of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, relating to the printing or engraving of any device or mark upon the backs of ballots shall not apply to ballots for school committee only.

Provisions of 1884, 291, § 27, not to apply to ballots for school committee only.

*Approved May 17, 1888.*

AN ACT TO ESTABLISH A BOARD OF SEWER COMMISSIONERS FOR  
THE CITY OF NORTHAMPTON. *Chap.354*

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

SECTION 1. There shall be elected by the city council of the city of Northampton, by concurrent ballot, as soon as may be convenient, six persons, legal voters of said city, to constitute a board of sewer commissioners, to serve two for one year, two for two years, and two for three years, from the first Monday of March in the year

Board of sewer commissioners to be established.

Election of  
sewer commis-  
sioners.

eighteen hundred and eighty-eight and until their respective successors are elected and qualified; and thenceforth there shall be elected annually, in the same manner, in the month of February, two persons, legal voters of said city, to serve as members of said board for the term of three years from the first Monday of March then next ensuing and until their respective successors are elected and qualified. Said commissioners shall annually appoint a clerk, to be under the direction and control of said commissioners, and may appoint, but not from their own number, a superintendent; said commissioners may remove, for sufficient cause, such clerk or superintendent. The compensation of such clerk and superintendent shall be fixed by the city council. Any vacancy occurring in said board may be filled for the unexpired term by concurrent ballot of the city council, as hereinbefore provided. The members of said board shall serve without compensation.

To establish a  
system of sewer-  
age and sewage  
disposal.

SECTION 2. Said board of commissioners alone shall have authority, and it shall be the duty of said board, to adopt and establish a system of sewerage and sewage disposal for said city, but no such system of sewage disposal shall be constructed until said system and location have been approved by the state board of health, after fourteen days' notice by said board of the presentation to it of such system for its approval, by a publication of such notice, with a time and place for a hearing thereon, in such papers and at such times as said board may deem proper, and said board after hearing may reject such system, may approve it or may modify and amend the same and approve it as so modified and amended. It shall be the duty of said board of commissioners to construct, maintain and repair, and have the charge of, all main drains and common sewers in said city and all matters pertaining thereto; but no contract shall be made by said commissioners which shall require the payment of any greater sum than the unexpended balance of such sum as may have been appropriated by the city council for the use of said commissioners.

To construct,  
maintain and  
have charge of  
all main drains  
and common  
sewers.

May take lands,  
divert streams,  
etc.

SECTION 3. For the purpose of establishing said system of sewerage and drainage, said board of commissioners may take by purchase or otherwise any lands in said city, public or private, necessary therefor; and may take and divert streams or water courses within the limits of

said city, and may change the course and channel thereof in any manner they deem expedient, and devote the same to said purposes.

SECTION 4. In taking such lands and water courses for said purposes, the board shall proceed in the manner required by law in cases where land is taken for highways; and persons suffering damages in their property shall have the same rights and remedies for ascertaining and recovering the amount thereof as are provided by law for ascertaining and recovering damages for lands taken for highways.

To proceed in manner required for taking land for highways.

SECTION 5. Any person benefited by the act of said board shall pay to the treasurer of said city such sums as said board shall assess upon him as his proportional share of the expenditure for said purposes; and the sum so assessed shall constitute a lien upon his real estate so benefited for two years from the time of such assessment; and if the amount is not paid within ninety days after notice thereof, the same may be levied by a sale of said real estate, to be conducted in the same manner as a sale of real estate for the non-payment of taxes.

Assessment for betterments.

SECTION 6. Any person aggrieved by such assessment may, at any time within three months from receiving notice thereof, apply for a jury. Such application shall be made in like manner, and the proceedings thereon shall be the same, as in the case of lands taken for laying out highways: *provided*, that before making his application the party shall give one month's notice in writing to said commissioners of his intention so to apply, and shall therein particularly specify his objections to the assessment made by them, to which specification he shall be confined upon the hearing by the jury.

Person aggrieved may apply for a jury.

Proviso.

SECTION 7. Said board of commissioners may allow any particular drains to enter such drains or sewers upon such terms and conditions as they may prescribe. Any party dissatisfied with the terms and conditions prescribed by said commissioners may, within three months from receiving notice thereof, appeal to the mayor and aldermen, who shall determine upon what terms and conditions the particular drain of such person shall enter such main drains or sewer.

Particular drains may enter sewers upon terms prescribed by commissioners.

SECTION 8. All contracts made by said board for the purposes of this act, as herein provided, shall be the contracts of the city.

Contracts made by the board to be contracts of the city.

Sewer scrip of the city of Northampton not to exceed \$100,000.

SECTION 9. For the purpose of defraying the expenses and outlays incurred for the purposes aforesaid, or so much thereof as they shall see fit, the city council of the city of Northampton is hereby authorized to issue from time to time scrip, notes, bonds or certificates of debt, to be denominated on the face thereof Sewer Scrip of the City of Northampton, to an amount outstanding at any one time not exceeding one hundred thousand dollars, and redeemable at a time not exceeding ten years from and after the date.

Sinking fund.

SECTION 10. All sums of money received under the fifth and seventh sections of this act may be set apart by the city council as a sinking fund for the payment of such sewer debt, and shall be considered as so much raised by the city under the provisions of chapter twenty-nine of the Public Statutes and the act in amendment thereof, toward the sum therein required to be raised for a sinking fund under said chapter; or such sums may be applied by the city council from time to time to extinguish the sewer debt.

Provisions of P. S. 50 to apply.

SECTION 11. The provisions of chapter fifty of the Public Statutes, applicable to sewers and drains and not inconsistent with this act, shall apply to the city of Northampton in carrying out the provisions of this act.

SECTION 12. This act shall take effect upon its passage.

*Approved May 17, 1888.*

### Chap. 355

AN ACT RELATING TO THE DIVISION OF THE NET PROFITS OF SAVINGS BANKS.

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

Division of the net profits of savings banks. P. S. 116, § 27.

SECTION 1. Section twenty-seven of chapter one hundred and sixteen of the Public Statutes is hereby amended so as to read as follows: — *Section 27.* Once in every term of three years, if the net profits accumulated over and above said guaranty fund and dividends amount to one per cent. of the deposits which have remained in such corporation for one year then next preceding, such net profits may be divided among the depositors whose deposits have remained therein for one year at least then next preceding, in proportion to the amount of dividends which have been declared on their deposits during the three years then next preceding.

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

*Approved May 17, 1888.*

AN ACT TO INCORPORATE THE TRUSTEES OF THE HAVERHILL CITY *Chap.356*  
HOSPITAL.

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

SECTION 1. George H. Carleton, Nathan S. Kimball, Samuel L. Currier, Addison B. Jaques, Amos A. Sargent, Samuel K. Towle and John Crowell, all of the city of Haverhill, in the county of Essex, in the Commonwealth of Massachusetts, and their successors, are hereby made a corporation by the name of the Haverhill City Hospital, to be located in the said city of Haverhill, for the purpose of establishing and maintaining a hospital for the reception and treatment of persons who may need medical or surgical treatment during temporary sickness or injury.

Haverhill City Hospital incorporated.

SECTION 2. Said corporation shall consist of seven members, of whom the mayor of the city of Haverhill for the time being shall always be one ex officio, and not more than three of whom shall be physicians. The members of the corporation shall constitute and be denominated the board of trustees, and the mayor of the city for the time being shall be chairman ex officio. Whenever any vacancy shall occur in the membership of the corporation such vacancy shall be filled by an election by the remaining members.

Members of the corporation to be denominated the board of trustees.

SECTION 3. Said corporation is authorized to take and hold real or personal estate by gift, grant, devise or bequest, or otherwise, to an amount not exceeding two hundred and fifty thousand dollars.

Real and personal estate not to exceed \$250,000.

SECTION 4. All property, real or personal, now vested in or possessed by Moses How, Calvin H. Weeks, Joseph H. Sheldon, George H. Carleton, Nathan S. Kimball, Samuel M. Currier, Addison B. Jaques, Amos A. Sargent, Samuel K. Towle and John Crowell, as trustees of the Haverhill City Hospital, shall be and hereby is vested in said corporation, to be held by it for the purposes for which it was established.

Property in possession of Moses How and others as trustees of the Haverhill City Hospital vested in said corporation.

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

*Approved May 17, 1888.*

**Chap.357** AN ACT TO ESTABLISH THE NUMBER OF OFFICERS IN ATTENDANCE UPON THE SUPERIOR COURT FOR THE COUNTY OF SUFFOLK, AND IN RELATION TO THEIR DUTIES.

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

Officers in attendance upon the superior court for the county of Suffolk.  
P. S. 139, § 67.

SECTION 1. Section sixty-seven of chapter one hundred and fifty-nine of the Public Statutes is hereby amended so as to read as follows:— *Section 67.* The sheriff of the county of Suffolk shall appoint, subject to the approval of the justices of the superior court or a majority thereof, officers for attendance upon the several sessions of said court in said county, in number not exceeding four for each session for civil business in which juries are impanelled, three for each session held without juries and six for the session for criminal business. The sheriff shall from time to time interchange said officers between the several sessions, in such manner as shall secure, as nearly as may be, the performance of equal service by each officer.

To give bond to the sheriff.

SECTION 2. Each of such officers shall give to the sheriff of the county of Suffolk a bond, with sufficient sureties for the faithful performance of his duties, in the sum of fifteen hundred dollars.

To have authority of constables to serve venire, etc.

SECTION 3. Such officer shall have all the authority which constables now have by law to serve venire for jurors and the processes of said court, and shall be allowed in such service the actual expenses necessarily incurred therein, to be paid by the county.

Repeal.

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

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

*Approved May 17, 1888.*

**Chap.358** AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

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

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and to meet certain other expenses authorized by law, to wit:—



- For George White, the sum of one hundred and eighty-one dollars, as authorized by chapter forty-five of the resolves of the present year. George White.
- For the publication of a digest of the decisions of the board of railroad commissioners, a sum not exceeding five hundred dollars, as authorized by chapter forty-six of the resolves of the present year. Digest of decisions of railroad commissioners.
- For certain changes and improvements at the Taunton lunatic hospital, a sum not exceeding ten thousand five hundred dollars, as authorized by chapter fifty of the resolves of the present year. Taunton lunatic hospital.
- For printing additional copies of the report of the commissioners of the state topographical survey for the year eighteen hundred and eighty-seven, a sum not exceeding fifty dollars, as authorized by chapter fifty-two of the resolves of the present year. Report of commissioners of the state topographical survey.
- For Owen McDonald of Lexington, the sum of three hundred dollars, as authorized by chapter fifty-three of the resolves of the present year. Owen McDonald.
- For printing the new index to the Public Statutes, a sum not exceeding five thousand dollars, as authorized by chapter fifty-five of the resolves of the present year. New index to the Public Statutes.
- For Charles E. Fogerty, the sum of two hundred and eighteen dollars, as authorized by chapter fifty-seven of the resolves of the present year. Charles E. Fogerty.
- For the erection of flankstones and the mounting of cannon to mark the positions of certain regiments and batteries of Massachusetts volunteers on the battlefield of Gettysburg, Pennsylvania, a sum not exceeding twelve hundred dollars, as authorized by chapter fifty-eight of the resolves of the present year. Flankstones, etc., at Gettysburg, Pa.
- For a stable, carriage house, coal shed and certain other improvements at the Westborough insane hospital, a sum not exceeding twelve thousand dollars, as authorized by chapter fifty-nine of the resolves of the present year. Westborough insane hospital.
- For painting and certain other improvements at the state almshouse at Tewksbury, a sum not exceeding eight thousand dollars, as authorized by chapter sixty of the resolves of the present year. State almshouse.
- For the widow of the late Rowse R. Clarke, the sum of seven hundred and fifty-seven dollars, as authorized by chapter sixty-one of the resolves of the present year. Widow of Rowse R. Clarke.
- For electric lighting machinery, solitary cells and painting at the reformatory prison for women, a sum not ex- Reformatory prison for women.

ceeding sixty-three hundred dollars, as authorized by chapter sixty-two of the resolves of the present year.

Widow of Joseph W. White.

For the widow of the late Joseph W. White, the sum of six hundred ninety-seven dollars and twenty-two cents, as authorized by chapter sixty-five of the resolves of the present year.

State board of arbitration.

For clerical service in the department of the state board of arbitration, a sum not exceeding three hundred dollars, as authorized by chapter two hundred and sixty-one of the acts of the present year, being in addition to the nine hundred dollars appropriated by chapter two of the acts of the present year.

Officers of state prison.

For the salaries of certain officers at the state prison at Boston, a sum not exceeding thirty-three hundred dollars, as authorized by chapter two hundred and sixty-four of the acts of the present year, being in addition to the fifty-two thousand dollars appropriated by chapter twenty-one of the acts of the present year.

District attorney for the southeastern district.

For the salary of the district attorney for the southeastern district, the sum of two hundred dollars and eighty-four cents, as authorized by chapter two hundred and sixty-seven of the acts of the present year, being in addition to the eighteen hundred dollars appropriated by chapter four of the acts of the present year.

Land for reformatory prison for women.

For the purchase of additional land for the reformatory prison for women, a sum not exceeding two thousand dollars, as authorized by chapter two hundred and seventy-two of the acts of the present year.

Chief justice of superior court.

For the salary and travelling expenses of the chief justice of the superior court, a sum not exceeding seven hundred dollars, as authorized by chapter two hundred and seventy-four of the acts of the present year, being in addition to the fifty-three hundred dollars appropriated by chapter four of the acts of the present year.

Associate justices of the superior court.

For the salaries and travelling expenses of the thirteen associate justices of the superior court, a sum not exceeding sixty-one hundred and seventy-five dollars, as authorized by chapter two hundred and seventy-four of the acts of the present year, being in addition to the several amounts heretofore appropriated for the salaries of said associate justices.

Clerical assistance for register of probate, etc., in Suffolk county.

For clerical assistance in the office of the register of probate and insolvency for the county of Suffolk, a sum not exceeding three hundred dollars, as authorized by

chapter two hundred and eighty of the acts of the present year, being in addition to the twelve hundred dollars appropriated for clerical assistance to the register of probate and insolvency for the county of Suffolk by chapter four of the acts of the present year.

For the payment of certain bills contracted in repairing buildings at the Lyman school for boys at Westborough, in excess of the appropriation therefor, authorized by chapter twenty-six of the resolves of the year eighteen hundred and eighty-seven, a sum not exceeding six hundred and twenty-five dollars.

Lyman school  
for boys.

For William V. Kellen, the sum of twenty-seven hundred and seventy dollars, being balance of compensation allowed for services rendered in the preparation of the new index to the Public Statutes as per order of the governor and council, under authority of chapter seventy-five of the resolves of the year eighteen hundred and eighty-six.

William V.  
Kellen.

For expenses in civil actions in the attorney-general's department, a sum not exceeding three hundred dollars, being in addition to the three hundred dollars appropriated by chapter fifteen of the acts of the present year.

Expenses in  
civil actions in  
attorney-  
general's  
department.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding three thousand dollars, being in addition to the ten thousand dollars appropriated by chapter three of the acts of the present year.

Expenses of  
committees.

For the purchase of paper for the Commonwealth, used in the execution of the contract for state printing, under the direction of the secretary of the Commonwealth, a sum not exceeding two thousand dollars, being in addition to the twenty thousand dollars appropriated by chapter five of the acts of the present year.

Purchase of  
paper.

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

*Approved May 17, 1888.*

AN ACT TO INCORPORATE THE NEW BEDFORD BOARD OF TRADE.  
*Be it enacted, etc., as follows:*

*Chap. 359*

SECTION 1. Isaac B. Tompkins, Jr., Charles S. Kelley, William G. Wood and Lemuel LeB. Holmes, their associates and successors, are hereby made a corporation by the name of the New Bedford Board of Trade, for the purpose of promoting trade and commerce in the

New Bedford  
Board of Trade  
incorporated.

city of New Bedford and its vicinity, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to such corporations: *provided, however,* that this act shall not be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Real and personal estate not to exceed \$50,000.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding fifty thousand dollars, to be devoted to the purposes of said corporation.

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

*Approved May 17, 1888.*

**Chap.360**

AN ACT TO FIX THE TENURE OF OFFICE OF THE MEMBERS OF THE POLICE FORCE OF THE CITY OF WORCESTER.

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

Tenure of office of members of the police force of Worcester.

SECTION 1. All members of the regular police force of the city of Worcester, excepting the city marshal or chief of police, and such assistant marshals as the mayor and aldermen may appoint, shall be hereafter appointed by the mayor, subject to confirmation by the board of aldermen, to hold office during good behavior; and such officers may be removed by the mayor and board of aldermen, after a due hearing, for such cause as they may deem sufficient, and shall express in the order of removal.

Repeal.

SECTION 2. So much of the charter of the city of Worcester as is inconsistent herewith is hereby repealed.

Subject to acceptance by the city council.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city by concurrent vote on or before the first day of March, eighteen hundred and eighty-nine.

*Approved May 17, 1888.*

**Chap.361**

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO ESTABLISH A SYSTEM OF SEWERAGE.

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

Town may establish a system of sewerage.

SECTION 1. The town of Plymouth is hereby authorized, by and through the agency of such persons or committee as it may elect or appoint, to lay, make and maintain all such main drains and common sewers as the town may authorize, through the ways and highways of said town, and through the lands of any persons or corporations, and may repair the same. Main drains and common sewers so laid shall be the property of the town.

SECTION 2. The said town may take by purchase or otherwise, and hold any lands, rights of way or easements necessary for the construction of said drains and common sewers. Said town shall, within sixty days after the taking of any lands, rights of way or easements, otherwise than by purchase, file or cause to be recorded in the registry of deeds for the county and district in which such lands or other property are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the persons or committee provided for in section one of this act, and thereupon the title to the property so taken shall vest absolutely in said town.

May take lands, etc.

To cause to be recorded in the registry of deeds a description of lands, etc., taken.

SECTION 3. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way or easement, or by any other thing done by the town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of town ways.

Damages to be paid by the town.

SECTION 4. Every person who enters his particular drain into such main drains or common sewers shall pay therefor such reasonable sum as the selectmen may determine: *provided*, that no person using a common sewer or town drain now laid in said town shall be required to pay any sum for the privilege of entering his particular drain, now laid, into any drain laid under the provisions of this act.

Payment to be made for entry of particular drains into main drains.

SECTION 5. The said town may, for the purposes of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate thirty thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words Plymouth Sewer Loan, Act of 1888, shall be payable at the expiration of periods not exceeding twenty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer and be countersigned by a majority of the board of selectmen of the town. The said town may sell such securities at public or private sale, or

Plymouth Sewer Loan, Act of 1888.

May sell securities, or pledge the

same for money borrowed.

Proviso.

To provide for payment of bonds at maturity.

Return to state what action has been taken.

Nothing to be done until system and location has been approved by the state board of health.

Subject to acceptance by a two-thirds vote.

Repeal.

pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged at less than the par value thereof. No such bonds, notes or scrip shall be issued unless the town at the time of authorizing said loan, shall provide for the payment thereof in such annual payments, beginning with the issue of the bonds, as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby, less any sum in the hands of the treasurer received under section four, shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under section thirty-four of chapter eleven of the Public Statutes.

SECTION 6. The return required by section ninety-one of chapter eleven of the Public Statutes shall state whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

SECTION 7. Nothing shall be done under authority of this act until said system and location has been approved by the state board of health, after fourteen days' notice by said board of the presentation to it of such system for its approval, by a publication of such notice, with the time and place for a hearing thereon, in such papers and at such times as said board may deem proper; and said board, after hearing, may reject such system, may approve it or may modify and amend the same, and approve it as so modified and amended.

SECTION 8. This act shall take effect upon its acceptance by a two-thirds vote of the voters of the town present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any one year shall not exceed three.

SECTION 9. Chapter three hundred twenty-four of the acts of the year eighteen hundred eighty-seven is hereby repealed.

*Approved May 17, 1888.*

AN ACT CONCERNING THE ASSESSMENT OF TAXES IN CERTAIN CASES. *Chap. 362*

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

SECTION 1. Section seventy-eight of chapter eleven of the Public Statutes as amended by chapter eighty-five of the acts of the year eighteen hundred and eighty-six is hereby further amended, to read as follows:— *Section 78.* When the assessors of any city or town after their rate of taxation has been declared and whether before or after their warrant has been committed to the collector, discover that the real or personal estate of any person, to an amount not less than one hundred dollars and liable to taxation, has been omitted from the last annual assessment of taxes in such city or town, said assessors shall between the fifteenth and twentieth days of December next ensuing, proceed to assess such person for such estate in like manner as he should have been assessed in such last annual assessment. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant. No tax shall be invalidated for the reason that, in consequence of the provisions of this section, the whole amount of the taxes assessed in a city or town exceed the amount authorized by law to be raised.

Assessment of taxes in certain cases. P. S. 11, § 78. 1886, 85.

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

*Approved May 17, 1888.*

AN ACT TO AMEND SECTION FOUR OF CHAPTER ELEVEN OF THE PUBLIC STATUTES RELATING TO THE TAXATION OF PERSONAL ESTATE. *Chap. 363*

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

Section four of chapter eleven of the Public Statutes is hereby amended by inserting after the words “ public stocks and securities ”, in line eight thereof, the words:— bonds of all railroads including street railways, — so that the first eight lines of said section shall read as follows:— *Section 4.* Personal estate shall, for the purposes of taxation, include goods, chattels, money, and effects, wherever they are, ships and vessels at home or abroad, except as provided in section eight, money at interest, and other debts due the persons to be taxed more than they are indebted or pay interest for, but not including

Taxation of personal estate. P. S. 11, § 4.

in such debts due any loan on mortgage of real estate, taxable as real estate, except the excess of such loan above the assessed value of the mortgaged real estate, public stocks and securities, bonds of all railroads including street railways, stocks in turnpikes, —

*Approved May 17, 1888.*

**Chap.364** AN ACT TO AMEND AN ACT TO INCORPORATE THE TRUSTEES OF THE DELTA UPSILON SOCIETY OF WILLIAMS COLLEGE.

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

Charter amended.

SECTION 1. Chapter thirty-six of the acts of the year one thousand eight hundred and eighty-eight is hereby amended by striking out the name "Lewis A. Jones", in the first section thereof, and inserting in place thereof the name: — Lewis A. James.

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

*Approved May 17, 1888.*

**Chap.365** AN ACT IN RELATION TO THE EVIDENCE GIVEN AT INQUESTS.

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

When death occurs by accident on a railroad, evidence taken at inquest to be forwarded to the railroad commissioners.

When a justice has reason to believe that an inquest to be held by him relates to a death by accident upon a railroad, of a passenger or employee or of a traveller upon a public or private way at a railroad crossing, it shall be his duty to cause a verbatim report of the evidence given before him to be made. The accuracy of such report shall be sworn to by the person making it, and the report and the reporter's bill for his services after each has been examined and approved in writing by such justice, shall be forwarded without unnecessary delay, to the board of railroad commissioners. Such bill shall be paid by the Commonwealth, and shall be assessed upon the corporation or corporations owning or operating the road or roads on which the accident happens, and shall be collected as provided in section twelve of chapter one hundred and twelve of the Public Statutes.

*Approved May 17, 1888.*

**Chap.366** AN ACT TO ESTABLISH A NAVAL BATTALION TO BE ATTACHED TO THE VOLUNTEER MILITIA.

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

Naval battalion to be attached to the volunteer militia.

SECTION 1. There shall be allowed in addition to the companies of the militia provided for in section twenty-two of chapter four hundred and eleven of the acts of the



year eighteen hundred and eighty-seven not more than four companies of naval militia which shall constitute a battalion to be known as the naval battalion of the volunteer militia.

SECTION 2. The officers of this battalion shall consist of a lieutenant commander, whose rank and pay shall assimilate to that of a major of infantry, and a staff to consist of one adjutant, one ordnance officer, one paymaster, who shall be the mustering officer, and one surgeon, each with rank of lieutenant junior grade; they shall be paid the same as battalion staffs in the militia: there shall also be attached to the staff the following petty officers:— one master-at-arms, two yeomen, one hospital steward, one chief bugler, who shall receive the same pay as the non-commissioned staff of a battalion of infantry.

Battalion officers.

SECTION 3. To each company there shall be one lieutenant commanding, two lieutenants junior grade, two ensigns, to receive the same pay as captains, first and second lieutenants respectively of infantry: two boat-swains' mates, two gunners' mates, two coxswains, two quartermasters and forty-four seamen. All enlisted men of companies shall receive the pay of enlisted men of companies of infantry of the militia.

Company officers.

Pay of enlisted men.

SECTION 4. The naval battalion shall be uniformed as the commander-in-chief shall direct out of any existing appropriations for uniforms or supplies for the militia, and shall be instructed as he may direct and be subject to the laws and regulations governing the militia; the duty required by law may be performed afloat.

Uniforms.

Duty may be performed afloat.

SECTION 5. The companies composing the naval battalion may be raised as provided by law when the United States government is ready to furnish arms and equipments and a vessel of war for performance of duty required by law.

When companies may be raised.

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

*Approved May 17, 1888.*

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-FIVE RELATING TO THE INSPECTION AND CONSTRUCTION OF BUILDINGS IN THE CITY OF BOSTON.

*Chap. 367*

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

SECTION 1. Section one hundred and five of chapter three hundred and seventy-four of the acts of the year eighteen hundred and eighty-five is hereby amended so as

Inspection and construction of buildings in Boston.

Amendment to  
1885, 374, § 105.

to read as follows: — *Section 105.* Every building occupied above the second floor from the level of the street by two or more families and every building occupied as a tenement, boarding or lodging house, or for a factory, mill or manufactory, or for offices or workshops in which persons are employed above the second floor, and every school building more than two stories in height, shall be provided with suitable facilities for escape in case of fire, in good repair at all times, and sufficient for the safe egress in case of fire of all the persons usually employed in or frequenting the building; and where fire escapes are authorized by the inspector on the outside of a building, they may project over the highway, and shall have suitable connection with the ground.

Amendment to  
1885, 374, § 106.

SECTION 2. Section one hundred and six of said chapter is hereby amended so as to read as follows: — *Section 106.* Any building provided with stairways or fire escapes approved by the inspector, shall be deemed to be provided with sufficient facilities for escape in case of fire, as required by the preceding section. The owner of any building which is provided with stairs on the outside shall construct such stairs with railed landings at each story above the first, and connect them with each story by doors or windows. No person shall place any obstruction on any outside stairway or fire escape.

Amendment to  
1885, 374, § 108.

SECTION 3. Section one hundred and eight of said chapter is hereby amended so as to read as follows: — *Section 108.* Every opening into a shaft or hoistway shall be protected by sufficient automatic rails or gates and trap doors, or such other mechanical devices as shall be equivalent thereto; and every elevator car and hoist shall be provided with some sufficient arrangement to prevent the falling of the car or hoist in case of any accident to the ropes, or other hoisting apparatus. Every opening, other than a stairway, through the floor, or into an elevator shaft or hoistway, shall be securely closed at the close of each day by the occupant; and, if there is no occupant, by the lessee or owner.

Amendment to  
1885, 374, § 109.

SECTION 4. Section one hundred and nine of said chapter is hereby amended so as to read as follows: — *Section 109.* All openings within the building into a hoist shaft, except shafts for passenger elevators, shall be furnished with metal, or metal covered doors, hung to rabbeted iron frames, with iron thresholds to the same;

and said doors shall be kept closed when not in use by springs of sufficient strength. Equivalent protection shall be maintained in the case of passenger elevators. Windows or openings in an external wall into a hoistway or elevator shaft shall have three iron bars painted red perpendicularly across and equally dividing the window or opening.

SECTION 5. Section one hundred and forty-six of said chapter is hereby amended so as to read as follows:—  
*Section 146.* Any person who shall build or alter any wall, building or other structure, or part thereof, in violation of any provision of this act, or who shall, after twenty-four hours' notice from the inspector, maintain or use any such wall, building or other structure, or part thereof, so built or altered, or shall violate any provision of this act, shall be punished by a fine of not less than fifty nor more than five hundred dollars, to be paid into the treasury of said city, unless another penalty is hereinbefore specifically provided.

Amendment to  
1885, 374, § 146.

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

*Approved May 17, 1888.*

AN ACT TO INCREASE THE CAPITAL STOCK OF THE WORCESTER  
STEEL WORKS.

*Chap. 368*

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

SECTION 1. The Worcester steel works is hereby authorized to increase its capital stock to an amount not exceeding seven hundred and fifty thousand dollars.

May increase  
capital stock.

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

*Approved May 17, 1888.*

AN ACT TO INCORPORATE THE TRUSTEES OF THE PRESBYTERY OF  
BOSTON.

*Chap. 369*

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

SECTION 1. Thomas A. Reeves, Robert Court, Ebenezer M. McPherson, Charles C. Wallace, Robert Gilchrist, William J. Irving, John Loughran Scott, Peter M. MacDonald, John Christie and their successors are hereby made a corporation by the name of the Trustees of the Presbytery of Boston.

Trustees of the  
Presbytery of  
Boston  
incorporated.

SECTION 2. The said corporation is hereby authorized to take and hold for religious and charitable purposes, by gift, devise, bequest, grant or purchase, and to convey

May take estate  
now held for  
Presbytery of  
Boston.

and otherwise dispose of, from time to time, as the presbytery hereinafter mentioned may direct, all the real and personal estate now held for the benefit of the association known as the Presbytery of Boston, or which has been or may hereafter, for the purpose of said presbytery and in the promotion of its charitable or religious purposes, be given, devised, bequeathed or granted to the said corporation or to the said presbytery or for the charitable or religious purposes thereof, or which may in any manner have accrued or shall accrue from the interest, income or use of such real and personal estate.

Disposition of property of church, etc., when declared by presbytery to be extinct, etc.

SECTION 3. In case any church, religious society or charitable institution now or hereafter connected with said presbytery shall cease to carry out the purposes for which it was originally created, or shall be declared by said presbytery to be extinct, then the said corporation shall in law be capable of holding all properties, personal or real, held by said church, religious society or charitable institution, and make such disposition thereof for religious or charitable purposes as said presbytery may direct.

Powers and liabilities.

SECTION 4. The said corporation shall possess all the powers, rights and privileges and be subject to all the liabilities and provisions contained in all general laws that now are or may hereafter be in force so far as the same are applicable to such corporations.

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

*Approved May 17, 1888.*

*Chap. 370* AN ACT TO PRESERVE THE PURITY OF THE WATERS OF WASHAKUM POND, IN THE TOWNS OF FRAMINGHAM AND ASHLAND.

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

Bathing in Washakum pond forbidden.

SECTION 1. All bathing in Washakum pond, in the towns of Framingham and Ashland, is hereby forbidden so long as the water supply for the reformatory prison for women is taken, in part or wholly, from said pond.

Penalty for wantonly corrupting water.

SECTION 2. Whoever wilfully or wantonly corrupts or pollutes the waters of said pond, shall upon conviction be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding three months.

Provisions may be enforced by commissioners of prisons.

SECTION 3. The commissioners of prisons are hereby authorized to take such steps as are necessary to protect the waters of said pond under the provisions of this act.

SECTION 4. This act shall take effect upon the first day of June in the year eighteen hundred eighty-eight. To take effect June 1, 1888.  
*Approved May 17, 1888.*

AN ACT RELATING TO CERTAIN COURT OFFICERS IN THE COUNTY OF SUFFOLK. Chap.371

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

The deputy sheriffs and constables in attendance as officers at the superior court in the county of Suffolk shall while on duty in said court wear uniforms to be designated by the sheriff of said county, and shall be allowed and paid to provide such uniforms the sum of one hundred dollars each annually in addition to the salary allowed by law to such officers. Court officers to wear uniforms.  
*Approved May 17, 1888.*

AN ACT IN RELATION TO AGREEMENTS TO MAKE WILLS OF REAL AND PERSONAL ESTATE. Chap.372

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

SECTION 1. No agreement to make a will of either real or personal estate, and no agreement to give a legacy, or make a devise by will, shall be binding, unless such agreement is in writing signed by the party whose executor, or administrator is sought to be charged, or by some person by such party duly authorized. Agreement to give a legacy or devise by will not binding unless in writing.

SECTION 2. Nothing herein contained shall in any way affect any agreement made prior to the passage of this act. Agreement heretofore made not to be affected.

SECTION 3. This act shall take effect upon its passage.  
*Approved May 17, 1888.*

AN ACT TO AMEND AN ACT TO GIVE THE TRUSTEES OF THE EASTERN RAILROAD COMPANY ADDITIONAL AUTHORITY TO INVEST THE SINKING FUND OF SAID CORPORATION. Chap.373

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

SECTION 1. Section one of chapter eight of the acts of the year eighteen hundred and eighty-five is hereby amended, so as to read as follows:— The sinking fund provided for by section fourteen of chapter two hundred and thirty-six of the acts of the year eighteen hundred and seventy-six either as now or hereafter existing and whether in the form of money or of securities, shall be invested by the trustees in the certificates of indebtedness of said Eastern Railroad Company for cancellation when- Investment of sinking fund of the Eastern Railroad Company.

Investment of sinking fund.

ever said certificates can be bought at prices not exceeding their fair value as compared with that of securities in which the savings banks of the Commonwealth are authorized to invest their funds, and also whenever the corporation shall so request and shall furnish the trustees the difference in money, to be fixed by them, between the price at which the amount of certificates so requested to be purchased can be obtained and the fair value thereof as compared with that of said savings bank securities: *provided, however*, that said trustees shall purchase certificates as herein authorized and required only after inviting proposals to sell from all certificate holders by such public advertisement as seems to them sufficient and only in such manner as to give to all parties offering to sell at the lowest prices equal privileges and advantages.

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

*Approved May 17, 1888.*

### Chap.374

#### AN ACT TO INCORPORATE THE CITY OF WOBURN.

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

City of Woburn incorporated.

SECTION 1. The inhabitants of the town of Woburn, in case of the acceptance of this act by the voters of said town, as hereinafter provided, shall continue to be a body politic and corporate under the name of the city of Woburn, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation.

Mayor, board of aldermen and common council.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one officer, to be called the mayor; one council, to be called the board of aldermen, and one council to be called the common council: which councils, in their joint capacity, shall be denominated the city council. The general management and control of the public schools of said city shall be vested in a school committee.

School committee.

SECTION 3. The territory of said city shall be divided into seven wards, as hereinafter provided.

To be divided into seven wards.

Municipal election on first Tuesday in December.

SECTION 4. The municipal election shall take place annually on the first Tuesday in December: and the municipal year shall begin on the first Monday in January next ensuing. All meetings of the citizens for municipal

purposes shall be called by warrants issued by the mayor and the board of aldermen, which shall be in such form and be served and returned in such manner and at such times as the city council may by ordinance direct.

SECTION 5. At such municipal elections the qualified voters in the several wards shall give in their votes by ballot for mayor, aldermen, common councilmen and school committee, in accordance with the provisions of this act and the laws of the Commonwealth; and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office, the several persons, to the number required to be chosen, receiving the highest number of votes, shall be deemed and declared to be elected. If it shall appear at an election that there is no choice of mayor, or if the person elected mayor shall refuse to accept the office or shall subsequently die before qualifying, or a vacancy in said office shall subsequently occur, the board of aldermen shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor, and repeated until the election of a mayor is completed. The mayor thus elected shall hold office for the remainder of the term. If the full number of members of either branch of the city council shall fail to be elected, or a vacancy shall occur in either branch, such branch shall declare a vacancy or vacancies to exist, and thereupon the board of aldermen shall cause a new election to be held to fill the same. The person thus elected to fill a vacancy shall hold office for the remainder of the term.

Election of municipal officers.

SECTION 6. All meetings for the election of national, state, county and district officers shall be called by the mayor and board of aldermen in the same manner as meetings for municipal elections are called.

Election of national, state, etc., officers.

SECTION 7. The board of aldermen may, when no convenient ward room for holding the meeting of the citizens of any ward can be had within the territorial limits of such ward, appoint and direct in the warrant for calling the meeting of such ward, that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

Meeting may be held in an adjacent ward, when no convenient room in ward can be had.

General meetings of citizens.

SECTION 8. General meetings of the citizens qualified to vote may, from time to time, be held, according to the right secured to the people by the constitution of this Commonwealth, and such meetings may, and upon the request in writing of fifty qualified voters setting forth the purposes thereof, shall be duly warned by the mayor.

Executive power vested in the mayor and aldermen.

SECTION 9. Except as herein otherwise provided the executive power of said city generally, with all the powers heretofore vested in and exercised by the selectmen of the said town, shall be vested in and exercised by the mayor and aldermen as fully as if the same were herein specially enumerated.

Mayor to be the chief executive officer of the city.

SECTION 10. The mayor shall be elected by the qualified voters of the entire city and shall hold office for the municipal year beginning with the first Monday in January next succeeding the election. He shall be the chief executive officer of the city, and it shall be his duty to be active and vigilant in causing the laws, ordinances and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers. He may suspend any officer, and may suspend any work or payment, whether under contract or otherwise, for a period not exceeding ten days: but in such case he shall report his action, with his reasons therefor to the city council, which shall take immediate action thereon. He may call special meetings of the city council, or either branch thereof, when in his opinion the interests of the city require it, by causing notices to be left at the usual places of residence of the members to be convened. He shall from time to time communicate to the city council, or either branch thereof, such information and recommend such measures as the business and interests of the city may in his opinion require. He shall, when present, preside in the board of aldermen and in convention of the two branches, but shall have no vote except in case of an equal division. His salary shall be fixed by the city council by concurrent vote, and the same shall be payable at stated periods, but the salary of any mayor shall not be increased or diminished for the year for which he is chosen. He shall receive no other compensation for his services.

Salary.

Mayor to appoint police officers, etc., subject to confirmation.

SECTION 11. The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, a chief of police, and such number of other police officers and constables as the city council shall determine. The chief



of police, and all other police officers, shall hold office during good behavior and until removed by the mayor, with the concurrence of the board of aldermen, after hearing, for cause in their opinion sufficient. The board of aldermen may require any person who may be appointed a chief of police or constable to give a bond with such security and to such an amount as they may deem reasonable and proper for the faithful discharge of the duties of the office, upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns.

Officers may be required to give bonds.

SECTION 12. Whenever there shall be a vacancy in the office of mayor, or whenever by reason of sickness, absence from the city or other cause, the mayor shall be disabled from attending to the duties of his office, the president of the board of aldermen shall act as mayor, and possess all the rights and powers of mayor during such vacancy or disability.

If mayor is disabled, etc., president of board of aldermen to act.

SECTION 13. One alderman shall be elected by and from the qualified voters of each ward. Under the division of said city, as hereinafter provided for, one common councilman each shall be elected by and from the qualified voters of the North Woburn, Montvale and Cummingsville wards, so called, respectively, and two common councilmen shall be elected by and from the qualified voters of each of the remaining wards; but upon a new division of said city into wards containing, as nearly as may be, an equal number of voters, two common councilmen shall be elected by and from the qualified voters of each of the wards so constituted. No person shall be eligible for election as alderman or common councilman who is not at the time of his election a resident of the ward from which he is chosen, but a removal subsequently to another ward of said city shall not disqualify any such officer from discharging the duties of his office. The aldermen and common councilmen shall hold office for the municipal year beginning with the first Monday in January next succeeding their election, and respectively until a majority of the succeeding boards shall be elected and qualified. They shall be sworn to the faithful discharge of their duties, and they shall receive no compensation for their services. A majority of each board shall constitute a quorum for the transaction of business.

Election of aldermen and common councilmen.

To be residents of wards from which elected.

Majority of each board to be a quorum.

Mayor, aldermen and common councilmen to meet in convention and be sworn, on the first Monday of January.

SECTION 14. On the first Monday of January, at three o'clock in the afternoon, the mayor, aldermen and common councilmen elect shall meet in joint convention, when they shall be sworn to the faithful discharge of the duties of their respective offices. The oath shall be administered by the city clerk, or by any justice of the peace, and a certificate of such oath having been taken shall be entered on the journals of the board of aldermen and of the common council by their respective clerks. The common council shall be organized by the choice of a president and clerk, to hold their offices respectively during the pleasure of the common council, and the clerk shall be sworn to the faithful performance of his duties. The board of aldermen shall choose a president who shall preside at meetings of the board of aldermen and of the two councils in joint convention, in the absence of the mayor. The sessions of the board of aldermen, when not engaged in executive business, and of the common council, and of the two branches in convention, shall be public.

Common council to choose a president and clerk.

Aldermen to choose a president.

City council to see that no money is paid from the treasury unless granted, etc.

SECTION 15. The city council shall take care that no money be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds, with sufficient penalties and sureties, from all persons intrusted with the receipt, custody or disbursement of money. It shall, as often as once in each year, cause to be published for the use of the inhabitants a particular account of the receipts and expenditures of said city and of the public debt, and a schedule of all city property. It shall have the care and superintendence of the city buildings and the custody, management and disposal of all city property.

To cause to be published an account of receipts and expenditures.

To have care of city buildings.

City council, with approval of mayor, to lay out streets, etc.

SECTION 16. The city council shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew, or discontinuing of, or making specific repairs in all streets and ways, and all highways within the limits of said city, and to assess the damages sustained by any person thereby; but all questions relating to the subjects of laying out, altering, repairing or discontinuing any street, way or highway, shall first be acted upon by the mayor and aldermen. Any person aggrieved by any proceedings of the city council under this provision, shall have all the rights and privileges now allowed by law in appeals from the decisions of selectmen or road commissioners of towns.

SECTION 17. The city council shall have power to make and establish ordinances and by-laws, and to affix thereto penalties, as herein and by general law provided, without the sanction of any court or justice thereof: *provided, however,* that all laws and regulations now in force in the town of Woburn shall, until they shall expire by their limitation, or be revised or repealed by the city council, remain in force.

May make ordinances and by-laws.

SECTION 18. The city council shall annually in the month of January in convention choose by joint ballot a city clerk, and also a treasurer and a collector of taxes, who may be the same person, and may by concurrent vote choose a city solicitor, a city auditor, a city physician, a superintendent of streets, a chief engineer and not more than four assistant engineers of the fire department, who shall hold their respective offices for the term of one year, beginning with the first Monday of February next ensuing, and until their respective successors shall be chosen and qualified.

To choose a city clerk, a treasurer and a collector of taxes by joint ballot, and may choose certain other officers by concurrent vote.

SECTION 19. The city clerk shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the city council may require of him. He shall be the clerk of the board of aldermen and of the city council in convention, and shall keep a journal of all votes and proceedings. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; and he shall perform such other duties as shall be prescribed by the board of aldermen. In case of the temporary absence of the city clerk, the mayor, with the consent of the board of aldermen, may appoint a clerk pro tempore, who shall be duly qualified.

City clerk to have charge of journals, etc., of board of aldermen.

To engross all ordinances.

Clerk pro tempore in absence of city clerk.

SECTION 20. The city council first elected after the acceptance of this act shall, in the month of February, choose, by concurrent vote, three persons to be assessors of taxes, to serve, one for the term of three years, one for the term of two years and one for the term of one year, beginning with the first Monday in March next ensuing, and until their respective successors are chosen and qualified; and thereafter the city council shall annually, in the month of February, choose in the same

Assessors of taxes to be chosen by concurrent vote.

Assistant assessors.

manner one person as assessor, who shall hold office for the term of three years, beginning with the first Monday in March then next ensuing, and until another is chosen and qualified in his stead. The city council shall annually, in the month of February, choose, by concurrent vote, one person from each ward to be an assistant assessor for one year from the first Monday in March next ensuing and until his successor is elected and qualified; and it shall be the duty of the person so elected to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards.

Overseers of the poor.

SECTION 21. The city council first elected after the acceptance of this act shall, in the month of February, choose, by concurrent vote, three persons to be overseers of the poor, to serve, one for the term of three years, one for the term of two years, and one for the term of one year, beginning with the first Monday in March next ensuing, and until their respective successors are chosen and qualified; and thereafter the city council shall annually, in the month of February, choose in the same manner one person as overseer of the poor, who shall hold his office for the term of three years, beginning with the first Monday in March then next ensuing, and until another shall be chosen and qualified in his stead; but no more than one of the three members so to be chosen shall be eligible from any one ward of said city. The persons so chosen shall, with the mayor, constitute the board of overseers of the poor, and the mayor shall be ex officio chairman of the board.

Sinking fund commissioners.

SECTION 22. The city council first elected after the acceptance of this act shall, in the month of February, choose, by concurrent vote, three persons to be sinking fund commissioners, to serve, one for the term of three years, one for the term of two years, and one for the term of one year, beginning with the first Monday in March next ensuing, and until their respective successors are chosen and qualified; and thereafter the city council shall annually, in the month of February, choose in the same manner one person as sinking fund commissioner, who shall hold his office for the term of three years, beginning with the first Monday in March then next ensuing, and until his successor shall be chosen and qualified in his stead.

Board of water commissioners.

SECTION 23. The members of the board of water commissioners elected by said town under the provisions of

chapter three hundred and seven of the acts of the year eighteen hundred and seventy-one, and acts amendatory thereof, and holding office at the time of the acceptance of this act, shall continue to hold their respective offices until the expiration of the respective terms for which they were elected; and for the further continuance of said board the city council shall annually, in the month of February, choose, by concurrent vote, one person as water commissioner, who shall hold his office for the term of three years, beginning with the first Monday in April then next ensuing, and until his successor is chosen and qualified. The commissioners thus chosen shall have and exercise the same powers and authority as the commissioners so elected by said town, and all other powers and authority given under said acts for supplying said town with water shall be vested in the city council.

SECTION 24. The trustees of the Woburn public library elected by said town under the provisions of chapter two hundred and seventy-three of the acts of the year eighteen hundred and eighty-five, and holding office at the time of the acceptance of this act, shall continue to hold their respective offices until the expiration of the respective terms for which they were elected; and for the continuance of such trustees the city council shall annually, in the month of February, choose, by concurrent vote, one person as trustee of said library, who shall hold his office for the term of three years, beginning with the first Monday in April then next ensuing, and until his successor is chosen and qualified.

Trustees of the  
Woburn public  
library.

SECTION 25. The members of the board of commissioners for the care and management of the Woburn cemetery and other public burial grounds, elected by said town under the provisions of chapter one hundred and nine of the acts of the year eighteen hundred and eighty-four, and holding office at the time of the acceptance of this act, shall continue to hold their respective offices until the expiration of the respective terms for which they were elected; and for the further continuance of said board the city council shall annually, in the month of February, choose, by concurrent vote, one person as such commissioner, who shall hold his office for the term of five years, beginning with the first Monday in April then next ensuing, and until his successor is chosen and qualified. The commissioners thus chosen shall have and exer-

Board of  
commissioners  
for the care and  
management of  
the Woburn  
cemetery, etc.

cise the same powers and authority as the commissioners so elected by said town.

Board of health. SECTION 26. All power and authority now vested by law in the board of health for the town of Woburn, or in the selectmen thereof, shall be transferred to and vested in the mayor and aldermen, until the city council, who shall have authority to establish a board of health, shall otherwise provide.

Vacancies in offices. SECTION 27. Vacancies occurring in the offices mentioned in the preceding sections, whose incumbents are chosen by joint ballot or concurrent vote of the city council, may likewise be filled at any time by the city council by joint ballot or concurrent vote, as the case may be, for the unexpired term; and the incumbents of any such office may at any time be removed by the city council by concurrent vote for cause in the opinion of said council deemed sufficient, or by the mayor or with the consent of a majority of the members of each branch of the city council for like cause. The compensation of all such officers shall be fixed by concurrent vote of the city council. The city council may establish other subordinate offices, and provide for the election or appointment of the incumbents thereof, prescribe their duties and fix their compensation.

Compensation.

Subordinate officers.

Aldermen and councilmen not eligible to office of emolument.

SECTION 28. No person shall be eligible, by appointment or election by the mayor and aldermen or city council, to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment or election, shall be a member of the board of aldermen or of the common council.

School committee to be elected.

SECTION 29. At the municipal election to be held next after the acceptance of this act, there shall be elected by the qualified voters of the city nine persons to be members of the school committee, to serve, three for the term of three years, three for the term of two years, and three for the term of one year, beginning with the first Monday in January next ensuing, and thereafter three persons shall be elected at each municipal election who shall hold office for the term of three years beginning with the first Monday in January then next ensuing; and the persons so chosen shall with the mayor ex officio, constitute the school committee, and the mayor shall be chairman thereof. The members of the school committee shall be chosen from the inhabitants of said city and shall serve

Mayor to be a member ex officio.

without compensation. The committee may choose from their own number a chairman, who shall preside in the absence of the mayor. The committee shall appoint from their own number, or otherwise, a secretary, who shall be under the direction and control of the committee, and may appoint, but not from their own number, a superintendent of schools, and they may remove such officers at their pleasure. Vacancies occurring in the committee may be filled at any time by the joint ballot of the city council and the school committee in convention. The member so chosen shall hold office until the end of the municipal year in which the warrant for the next ensuing municipal election is issued.

Chairman and secretary of school committee.

Superintendent of schools.

Vacancies.

SECTION 30. Upon an acceptance of this act, as here-in provided, the selectmen of said town shall forthwith divide the territory thereof into seven wards, so that the villages of North Woburn, Montvale and Cummingsville, so called, shall each constitute a separate ward, and the remainder of the town, comprising the centre thereof, shall be divided into four wards, so that the same shall contain, as nearly as may be consistent with well defined limits to each, an equal number of voters, and they shall designate the wards by numbers. They shall, for the purpose of the first municipal election to be held hereunder, which shall take place on the first Tuesday of December next succeeding such acceptance, provide suitable polling places in the several wards and give notice thereof, and shall, at least ten days previous to the said first Tuesday in December, appoint all proper election officers therefor; and they shall, in general, have the powers and perform the duties of the mayor and the board of aldermen of cities under chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, the provisions of which shall, so far as applicable, apply to said election, and the town clerk shall perform the duties therein assigned to city clerks. The registrars of voters shall cause to be prepared and published lists of the qualified voters in each of the wards established by the selectmen.

City to be divided into seven wards.

Suitable polling places to be provided in the several wards.

Registrars of voters to publish lists of voters.

SECTION 31. The selectmen shall notify the persons elected mayor, aldermen and common councilmen severally of their election and shall provide and appoint a place for the first meeting of the aldermen and common council on the first Monday in January next ensuing, and

Selectmen to notify city officers elect, and provide place for first meeting.

by written notices left at the respective residences at least twenty-four hours prior to such meeting shall notify thereof of the mayor elect, aldermen elect and councilmen elect, who shall immediately proceed to organize and carry into effect the provisions of this act, which shall then have full force and effect. The selectmen shall in like manner provide and appoint a place and time for the first meeting of the school committee and notify the members elect thereof. Nothing herein shall affect the annual meeting in said town for the election of national, state, district and county officers which may be held next after the acceptance thereof.

To provide place for meeting of school committee, etc.

Meeting for voting upon the question of acceptance of this act.

SECTION 32. A meeting may be called for the purpose of submitting the question of the acceptance of this act to the legal voters of said town at any time after the passage thereof, except in the months of November and December. At such meeting the polls shall be open not less than eight hours, and the vote shall be taken by ballot, in accordance with the provisions of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, so far as the same shall be applicable, in answer to the question "Shall an act passed by the general court in the year eighteen hundred and eighty-eight, entitled 'An act to incorporate the city of Woburn', be accepted?" and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance. If at any meeting so called this act shall fail to be thus accepted, it may, at the expiration of three months from any such previous meeting, be again thus submitted for acceptance, but not after the period of two years from the passage thereof.

Not to take full effect until accepted by voters.

SECTION 33. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of the said town shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said town as herein prescribed.

*Approved May 18, 1888.*



AN ACT TO PROTECT THE PURITY OF INLAND WATERS, AND TO REQUIRE CONSULTATION WITH THE STATE BOARD OF HEALTH REGARDING THE ESTABLISHMENT OF SYSTEMS OF WATER SUPPLY, DRAINAGE AND SEWERAGE.

*Chap. 375*

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

SECTION 1. The state board of health shall have the general oversight and care of all inland waters, and shall be furnished with maps, plans and documents suitable for this purpose, and records of all its doings in relation thereto shall be kept. It may employ such engineers and clerks and other assistants as it may deem necessary: *provided*, that no contracts or other acts which involve the payment of money from the treasury of the Commonwealth shall be made or done without an appropriation expressly made therefor by the general court. It shall annually on or before the tenth day of January report to the general court its doings in the preceding year, and at the same time submit estimates of the sums required to meet the expenses of said board in relation to the care and oversight of inland waters for the ensuing year, and it shall also recommend legislation and suitable plans for such systems of main sewers as it may deem necessary for the preservation of the public health, and for the purification and prevention of pollution of the ponds, streams and inland waters of the Commonwealth.

State board of health to have oversight and care of all inland waters.

SECTION 2. Said board shall from time to time, as it may deem expedient, cause examinations of the said waters to be made for the purpose of ascertaining whether the same are adapted for use as sources of domestic water supplies or are in a condition likely to impair the interests of the public or persons lawfully using the same, or imperil the public health. It shall recommend measures for prevention of the pollution of such waters, and for removal of substances and causes of every kind which may be liable to cause pollution thereof, in order to protect and develop the rights and property of the Commonwealth therein and to protect the public health. It shall have authority to conduct experiments to determine the best practicable methods of purification of drainage and sewage or disposal of the same. For the purposes aforesaid it may employ such expert assistance as may be necessary.

To cause examinations as to purity of water to be made.

To advise, etc., authorities of cities and towns intending to introduce, etc., systems of water supply, drainage or sewerage.

SECTION 3. It shall from time to time consult with and advise the authorities of cities and towns, or with corporations, firms or individuals either already having or intending to introduce systems of water supply, drainage or sewerage, as to the most appropriate source of supply, the best practicable method of assuring the purity thereof or of disposing of their drainage or sewage, having regard to the present and prospective needs and interests of other cities, towns, corporations, firms or individuals which may be affected thereby. It shall also from time to time consult with and advise persons or corporations engaged or intending to engage in any manufacturing or other business, drainage or sewerage from which may tend to cause the pollution of any inland water, as to the best practicable method of preventing such pollution by the interception, disposal or purification of such drainage or sewage: *provided*, that no person shall be compelled to bear the expense of such consultation or advice, or of experiments made for the purposes of this act. All such authorities, corporations, firms and individuals are hereby required to give notice to said board of their intentions in the premises, and to submit for its advice outlines of their proposed plans or schemes in relation to water supply and disposal of drainage and sewage, and all petitions to the legislature for authority to introduce a system of water supply, drainage or sewerage shall be accompanied by a copy of the recommendation and advice of the said board thereon. Said board shall bring to the notice of the attorney-general all instances which may come to its knowledge of omission to comply with existing laws respecting the pollution of water supplies and inland waters, and shall annually report to the legislature any specific cases not covered by the provisions of existing laws, which in its opinion call for further legislation.

To notify attorney-general of omission to comply with laws respecting the pollution of water supplies, etc.

Words "drainage" and "sewage" defined.

SECTION 4. In this act the term "drainage" refers to rainfall, surface and subsoil water only, and "sewage" refers to domestic and manufacturing filth and refuse.

Repeal.

SECTION 5. Chapter two hundred and seventy-four of the acts of the year eighteen hundred and eighty-six is hereby repealed, but nothing in this act shall be construed to affect the expenditures authorized under chapter thirty of the resolves of the year eighteen hundred and eighty-eight.

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

*Approved May 18, 1888.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO REFUND A  
 PORTION OF THE MONEY PAID AS BETTERMENTS FOR THE MARINE  
 PARK IN SAID CITY. Chap.376

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

SECTION 1. The city of Boston may, by concurrent vote of the city council, at any time within two years from the passage of this act, refund any portion, not exceeding ninety per centum, of the sums assessed for betterments on account of the marine park in said city and paid, in whole or in part, into the treasury of said city prior to the fourth day of June in the year one thousand eight hundred and eighty-seven; and any sums so refunded shall be paid by the city treasurer to the persons to whom said betterments were assessed or their legal representatives.

City of Boston may refund a portion of money paid as betterments for the marine park.

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

*Approved May 18, 1888.*

AN ACT TO PROVIDE FOR THE PUNISHMENT OF FEMALE PERSONS  
 FOR A SECOND OFFENCE OF DRUNKENNESS. Chap.377

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

If a female person is guilty of drunkenness, who has been convicted of a like offence once within the next preceding twelve months, she may be punished by fine not exceeding five dollars and the costs of prosecution, or by imprisonment in the jail or in any place provided by law for common drunkards, not more than two months.

Punishment of females for a second offence of drunkenness.

*Approved May 18, 1888.*

AN ACT TO INCORPORATE THE AVON CEMETERY ASSOCIATION IN  
 THE TOWN OF AVON. Chap.378

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

SECTION 1. Silas S. Gifford, Abijah Otis, Isaac Littlefield, Gilbert Littlefield, Nathan Tucker, their associates and successors, are hereby made a corporation by the name of the Avon Cemetery Association, for the purpose of controlling, caring for and improving grounds set apart and known as East Stoughton Cemetery, situated and lying within one enclosure in the town of Avon: and said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws which now are or hereafter may be in force applicable to similar corporations.

Avon Cemetery Association incorporated for the purpose of controlling the East Stoughton Cemetery.

May assume legal control of cemetery.

SECTION 2. Said association is hereby authorized to take possession and assume legal control of said cemetery, and may acquire by gift, bequest, devise or purchase, and may hold, so much personal property as may be necessary for the objects connected with and appropriate for the purpose of said association: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery.

Proprietors of lots of land to be members of association.

SECTION 3. All persons who shall become proprietors of lots in any lands acquired by said association, and all persons who now are proprietors of lots whether by deed or otherwise in the real estate mentioned in section one of this act shall be and become members of said association, and whenever any person shall cease to be the proprietor of a lot in the lands of said association he shall cease to be a member thereof

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

*Approved May 18, 1888.*

**Chap.379**

AN ACT TO AUTHORIZE CITIES TO INDEMNIFY POLICE OFFICERS FOR INJURIES RECEIVED OR EXPENSES INCURRED WHILE ACTING AS POLICE OFFICERS.

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

Cities may indemnify police officers for certain expenses and damages.

SECTION 1. Any city may, in its discretion, to an amount not exceeding the amount which may be recommended by the board or officer having the power to appoint police officers in such city, indemnify a police officer for any expenses or damages hitherto or hereafter by him sustained while acting as a police officer, or incurred in the defence or settlement of any suit brought against him for acts done while so acting.

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

*Approved May 18, 1888.*

**Chap.380**

AN ACT RELATIVE TO THE PROOF OF CERTAIN PROBATE NOTICES.

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

Proof of probate notices.

SECTION 1. The giving of the notices required by section one of chapter one hundred and thirty-two and by section twelve of chapter one hundred and thirty-four of the Public Statutes, may, by permission of the probate court having jurisdiction of the matter, after satisfactory evidence that the notices have been given as ordered, be proved by the affidavit of persons other than those men-

tioned in chapter one hundred and forty-eight of the acts of the year eighteen hundred and eighty-eight.

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

*Approved May 18, 1888.*

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AUTHORIZE THE  
INCORPORATION OF THE MEIGS ELEVATED RAILWAY COMPANY.

*Chap. 381*

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

SECTION 1. A certificate of incorporation of the Meigs elevated railway company may be issued at any time within two years from the date when this act shall take effect.

Certificate of incorporation may be issued within two years.

SECTION 2. The amount of capital stock shall not be less than two hundred thousand dollars, nor less than one hundred thousand dollars for each mile of road. When ten per cent. of said stock is paid in, a certificate of incorporation shall be issued, and the whole capital stock shall be paid in in cash before the construction of the road shall be commenced.

Capital stock.

SECTION 3. Section four of chapter eighty-seven of the acts of the year eighteen hundred and eighty-four is hereby repealed and the following substituted therefor: — Said railway shall not be open for public use until the board of railroad commissioners, after an examination, certifies that all laws relating to the construction of said road have been complied with, and provided that the opinion of said board on matters of law may be revised by the supreme court on petition, and that it appears to be in a safe condition for operation.

Railroad commissioners to certify that laws in relation to construction have been complied with before road is opened to public use.

SECTION 4. Section seven of chapter eighty-seven of the acts of the year eighteen hundred and eighty-four is hereby amended to read as follows: — Said corporation, or the owner of any property taken for such railway, or of any property abutting on streets through which said railway may pass, not so taken, in any manner injuriously affected or lessened in value, whether by smoke, noise, obstruction of light, air or access, disturbance of quiet enjoyment or otherwise, by the construction, maintenance or operation of said railway, may petition for assessment of the damages, and the petition shall be heard and determined in the same manner and with like effect as now provided by law when real estate is taken for public highways. But said corporation shall not acquire title to any land, nor enter upon any street, until all damages to the

Amendment to 1884, 87, § 7.

owners of land and abutters on any part of the street occupied, or to be occupied, by its structure have been paid or secured in a manner satisfactory to the owner, or to be fixed by the superior court or any justice thereof sitting in equity for the county where the land lies, upon the petition of either party and summary hearing. And the erection of the structures authorized by this act in any street shall be deemed a new servitude, for which damages may be claimed by any owner of land having a fee or an easement appendant or appurtenant to his land, in, on, or over such street, or by any tenant of such owner. But all persons claiming interests in the same estate shall join in one petition. And such petition for damages on any street shall be filed before the expiration of one year after the structures authorized by this act are built or operated in that part of such street contiguous to the petitioner's estate.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

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

*Approved May 18, 1888.*

**Chap. 382** AN ACT FOR THE FINAL DETERMINATION OF CONTESTS CONCERNING THE APPOINTMENT OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

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

Electors of president and vice president. Amendment to P. S. 9, § 13.

SECTION 1. Section thirteen of chapter nine of the Public Statutes is hereby amended so as to read as follows: — *Section 13.* The governor and council shall within ten days after the votes for electors have been transmitted to the secretary of the Commonwealth, as provided in the preceding section, open and examine such returns and count the votes and declare by proclamation to be printed in at least one newspaper in each county of the Commonwealth, the names of the several persons who have received not less than one-fifth of all the votes cast and the number of votes received by each person and the several persons who have received the highest number of votes so returned and whose election shall not have been contested and notice of such contest given to the governor within fourteen days of the date of such proclamation shall be deemed and taken to be elected and the governor shall thereupon transmit to each person so chosen a certificate of his election.

Proclamation to be made.

SECTION 2. Section fifteen of chapter nine of the Public Statutes is hereby amended by striking out the words "Tuesday preceding the first Wednesday of December" and substituting therefor the words:— Saturday preceding the second Monday in January. Amendment to P. S. 9, § 15.

SECTION 3. Section sixteen of said chapter is hereby amended by striking out the words "first Wednesday of December" and inserting in place thereof the words:— second Monday in January. Amendment to P. S. 9, § 16.

SECTION 4. Any person who by the proclamation of the governor as hereinbefore provided appears to have received not less than one-fifth of the votes cast in an election for electors of president and vice-president of the United States may apply to the supreme judicial court in the county of Suffolk for a declaration of his election as elector. Person who has received one-fifth of votes cast may apply to supreme judicial court in Suffolk to be declared elector.

SECTION 5. Such application shall be made by petition in writing to be filed within seven days from the date of the proclamation provided for in section one of this act. The petition shall set forth the names of the person or persons whose election is contested and the grounds for such contest. The petitioner shall upon filing such petition and before any proceedings are had thereon, recognize to the Commonwealth in such sum and with such sureties as the court shall order to pay all costs incurred in the prosecution of such petition, in case he shall not prevail in the same. Petition to be filed within seven days from date of proclamation.

SECTION 6. Upon the filing of said petition and the giving of the said recognizance the said court shall order due notice of the petition to be given in such manner as it may direct to the governor of the Commonwealth and to the person or persons whose elections are contested, said notice to be published in such newspapers, being at least one in each county of the Commonwealth, as the court shall order. Such notice shall contain a short statement of the substance of the petition and shall designate the day fixed by the court for the hearing of the same which day shall be not less than three nor more than seven days from the filing of the petition. Notice to be given to the governor and to the persons whose elections are contested.

SECTION 7. At the day fixed for the hearing the petitioner shall appear and produce his evidence and the person or persons whose election is contested may appear and produce evidence on their part. Either party may appear himself or by his authorized agent or attorney and Petitioner to appear and produce evidence, and person whose election is contested may appear.

no other person shall be entitled to be made a party to the proceedings on such petition or to be heard personally or by counsel thereon, provided that if more than one petition be pending or more than one election be contested, the court may order the cases to be heard together or apart as in its judgment may seem best.

Court to determine all questions of law or fact involved.

SECTION 8. The court shall thereupon hear the case or cases and finally determine all questions of law or fact involved. The burden of proof in every case shall be upon the petitioner and the hearing shall be confined to the grounds stated in the petition which shall not be amended after it has been filed. No *ex parte* affidavit shall be competent evidence in such hearing. No person shall be excused from testifying or producing papers or documents on the ground that such testimony or production will tend to criminate himself: *provided*, that no person so testifying shall be liable to any suit or prosecution civil or criminal for any matters or causes in respect of which he shall be so examined or to which his testimony shall relate. The court shall have the same powers to compel the attendance of witnesses which it now has in suits at common law, and nothing in this act shall be held to limit the power of the court to make such rules and regulations as to the conduct of the proceedings as it may deem proper not inconsistent with the provisions of this act, and the court shall have all powers necessary to the complete carrying out and performance of the authority conferred upon it by this act.

Court to adjudge in each case which party is entitled to the office.

SECTION 9. The court shall adjudge in each case which of the parties to the proceedings is entitled to the office of elector, and shall cause such adjudication to be entered of record in such form and manner as it shall direct, and shall forthwith certify said adjudication to the governor of the Commonwealth and such adjudication so certified shall be final and conclusive that the person therein stated to have been elected is duly elected, and the governor shall forthwith transmit to such person a certificate of his election, and every such certificate shall recite that it is issued pursuant to an adjudication under this act referring to this act by the date of its passage.

If petitioner fails to prosecute his petition, the court shall adjudge that he has so failed, and shall

SECTION 10. If any petitioner shall fail to duly appear and prosecute his petition against any person who has been made a respondent thereto according to the requirements of this act and of such rules or orders as the court



shall make, the court shall adjudge that he has so failed and shall cause such adjudication to be entered of record in such form and manner as it shall direct, and shall forthwith certify such adjudication to the governor of the Commonwealth; and the same shall be a final and conclusive bar to the claim of the petitioner against such respondent as fully and completely as if such claim had been heard and determined on its merits, and the governor shall issue his certificate as provided in the preceding section.

certify such adjudication to the governor.

SECTION 11. The costs of all proceedings under this act shall be taxed under the direction of the court, and if more than one case is heard together, the costs shall be apportioned under the same direction and in every case in which the petitioner shall not finally prevail, the costs shall be paid by him, and in every case in which the petitioner shall finally prevail, the costs shall be borne by the Commonwealth, and the same shall be paid out of the treasury of the Commonwealth upon the warrant of the governor and council.

The costs shall be taxed under the direction of the court.

SECTION 12. The final hearing and determination under this act shall be by a majority of the justices of the court but any single justice may exercise any other of the powers given to the court by this act.

Final hearing and determination to be by a majority of the justices.

SECTION 13. All periods of time mentioned in this act shall be reckoned exclusive of the day from which they begin to run and inclusive of their last day, and Sundays and holidays shall be included.

Periods of time: how to be reckoned.

*Approved May 18, 1888.*

AN ACT TO PROVIDE FOR THE PREPARATION AND PUBLICATION OF SUPPLEMENTS TO THE PUBLIC STATUTES.

*Chap. 383*

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

SECTION 1. The governor, with the advice and consent of the council, may appoint some skilled person who shall prepare a supplement to the Public Statutes, containing the general laws passed since the enactment of the Public Statutes down to and including the year eighteen hundred and eighty-eight, together with a suitable index thereof, and with marginal references to the statutes affected by such general laws and to the decisions of the supreme judicial court relating to them.

A skilled person may be appointed to prepare a supplement to the Public Statutes.

SECTION 2. The compensation for the services herein provided for shall be fixed by the governor and council.

Compensation to be fixed by the governor and council.

Supplement to  
be stereotyped  
and printed.

SECTION 3. The supplement herein provided for shall be stereotyped and printed, and the first edition of such supplement shall consist of two thousand copies, and further editions thereof may be printed at the discretion of the governor and council. In said printed supplement shall be included a copy of the table of changes in the Public Statutes and statutes subsequent thereto, as prepared for the year eighteen hundred and eighty-eight under the authority of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and eighty-two.

Distribution.

SECTION 4. Copies of such supplement shall be distributed as follows:—six copies to the clerk of the senate, for the use of the senate; six copies to the clerk of the house of representatives, for the use of the house; six copies to the librarian of the state library, for use in the library; eighty copies to the sergeant-at-arms, for use in the various committee rooms and department offices; one copy to each member of the general court; and one copy each to the following officers, persons, and societies:—the governor, the lieutenant-governor, each member of the council, the secretary of the Commonwealth, the treasurer and receiver-general, the auditor of accounts, the attorney-general, the clerk of the senate, the clerk of the house of representatives, the judges, clerks, and registers of the judicial courts, the registers of deeds, the county commissioners, each district attorney, and the law library societies in each county, and each incorporated library and public library established under the laws of this Commonwealth. Further copies shall be offered for sale to the public at the expense of the paper, presswork, and binding, and public notice shall be given of the price and of the place of sale.

Copies to be  
offered for sale  
to the public.

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

*Approved May 18, 1888.*

### Chap. 384

AN ACT TO PROVIDE ARMORIES FOR THE MASSACHUSETTS VOLUNTEER MILITIA.

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

Armory com-  
missioners to  
be appointed.

SECTION 1. The governor, with the advice and consent of the council, is hereby authorized within six months from the passage of this act, to appoint three persons, one of whom shall be an experienced builder, who shall be designated and known as the armory commissioners.

Said commissioners shall receive such compensation, while engaged in the service of the Commonwealth, as the governor and council shall determine.

SECTION 2. Said commissioners shall acquire for the city of Boston, by purchase or otherwise, two suitable lots of land in different parts of the city, and shall erect on each lot a suitable building for an armory capable of furnishing accommodations for twelve companies of infantry, for such companies of artillery, cavalry, signal and ambulance corps and detachments of the militia and for such of the militia headquarters located in said city, and such rooms for company, battalion and regimental drill and the care of state property as they may deem necessary, and shall, in the same manner, acquire, in each city in which two or more companies of militia are located, a suitable lot of land, and erect thereon a suitable building for an armory capable of furnishing accommodations for as many companies and militia headquarters and detachments of the militia as are located in such city, and such rooms for drills and care of state property as the commissioners deem necessary: *provided, however,* that no land shall be acquired until the site has been approved by the governor and council; and no building shall be erected until the plans thereof have been so approved.

To acquire two lots of land in Boston, and erect on each a suitable armory building.

To acquire land and build an armory in each city where two or more companies are located.

Proviso.

SECTION 3. The said commissioners shall cause to be recorded in the registry of deeds for the county and district in which any land which shall be taken under authority of this act lies, a description of the land taken as aforesaid, as certain as is required in an ordinary deed of land, with a statement, signed by the commissioners, that the same is taken for the city in which it is situated, under the provisions of this act; and the act and time of filing thereof shall be deemed to be the act and time of taking such land, and to be sufficient notice to all persons that the same has been so taken. The title to all land so taken shall vest absolutely in the city in which it is situated and its assigns forever.

To cause to be recorded in the registry of deeds a description of the land taken.

Title to land taken to vest in the city.

SECTION 4. The said commissioners may, by agreement with the owner of any land taken under the authority of this act, determine the value thereof, and, if they cannot agree, either party may have a jury to determine such value, in the manner provided for the determination of damages for land taken for highways in the same city.

Commissioners may agree with owner as to value of land. Failing to agree either party may have a jury.

on petition therefor filed in the clerk's office of the superior court for the county in which the land lies, within one year from the taking of the land.

Statement of the amount determined to be filed with the auditor.

SECTION 5. Whenever the governor and council shall file with the auditor of the Commonwealth a statement showing the amount determined by agreement or verdict as the value of any property purchased or taken by said commissioners, the auditor shall certify such amount, and a warrant shall be made therefor, as in the case of other lawful payments from the treasury of the Commonwealth; and, upon the execution of such release or conveyance as shall be prescribed by the attorney-general, the treasurer shall pay to the party in interest the sum to which he is entitled, as aforesaid, and all sums necessary therefor are hereby appropriated.

Treasurer to make payment.

Scrip, etc., to be issued not exceeding the amounts designated.

SECTION 6. To meet the expenses incurred under the preceding sections, the treasurer and receiver-general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth, and under its seal, to an amount not exceeding the amounts designated, as hereinafter provided, for a term not exceeding thirty years. Said scrip or certificates of debt, shall be issued as registered bonds, or with interest coupons attached, and shall bear interest not exceeding four per centum per annum, payable semi-annually, on the first day of March and September of each year. Such scrip or certificates of debt shall be designated on the face as Armory Loan; shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in the lawful money of the United States, and shall be sold and disposed of at public auction, or in such other mode and at such times and prices and in such amounts, and at such rate of interest, not exceeding four per centum per annum, as the governor and council shall deem for the best interest of the state.

Armory Loan.

Sinking fund to be established.

SECTION 7. The treasurer and receiver-general shall, on issuing any of said scrip or certificates of debt, establish a sinking fund and apportion thereto, from year to year, an amount sufficient with its accumulations to extinguish the debt at maturity. The amount required each year to pay the interest and sinking fund requirements for the loan contracted for such armories shall be included in and made a part of the sum charged to the city in

Amount required to pay interest, etc., to be assessed on city in which armory is built.

which such armory is located, and shall be assessed upon it in the apportionment and assessment of its annual tax ; and the treasurer and receiver-general shall in each year notify each such city of the assessment, which amount shall be paid by such city into the treasury of the Commonwealth at the time required for the payment of its state tax, and after said debt has been extinguished no rent shall be paid for the use of said armories by the Commonwealth.

Amount to be paid by city at time of payment of state tax.

SECTION 8. When said armories, or any of them, have been completed, and so long as they are used for armories, they shall be under the exclusive control of the adjutant-general, under the orders of the commander-in-chief, and all expenses of the care, furnishing and repairs of the same shall be paid by the Commonwealth, and provided for in the annual appropriation for the militia.

Armories when completed to be under control of the adjutant-general.

SECTION 9. No proceedings shall be had and no expense incurred for the acquiring of land or for the erecting of a building for an armory in any city under the foregoing sections until said sections have been accepted, and the amount of the loan necessary to meet the expense of acquiring the land and erecting the armory has been designated by the city.

Foregoing sections to be accepted and amount of loan designated by city before proceedings are had.

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

*Approved May 18, 1888.*

AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE COMMONWEALTH.

*Chap. 385*

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

SECTION 1. The secretary of the Commonwealth shall receive a salary of thirty-five hundred dollars a year from and after the first day of January in the year eighteen hundred and eighty-eight.

Salary established.

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

*Approved May 18, 1888.*

AN ACT TO FIX THE TENURE OF OFFICE OF THE MEMBERS OF THE POLICE FORCE OF THE CITY OF HOLYOKE.

*Chap. 386*

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

SECTION 1. All members of the regular police force of the city of Holyoke, excepting the chief of police, shall be hereafter appointed by the mayor, subject to confirmation by the board of aldermen, to hold office during good behavior ; and such officers may be removed by the

Members of regular police force of city of Holyoke, excepting the chief, to hold office during good behavior.

mayor and board of aldermen, after a due hearing, for such cause as they may deem sufficient and shall express in the order of removal.

Repeal.

SECTION 2. So much of the charter of the city of Holyoke as is inconsistent herewith is hereby repealed.

To take effect upon acceptance by the city council on or before March 1, 1889.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city by concurrent vote on or before the first day of March in the year eighteen hundred and eighty-nine.

*Approved May 22, 1888.*

*Chap. 387* AN ACT IN RELATION TO MORTGAGE LOAN AND INVESTMENT COMPANIES.

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

Mortgage loan and investment companies.

SECTION 1. Every corporation now or hereafter established under the laws of this Commonwealth for the special purpose of negotiating or making loans of money secured by deed of trust or mortgage of real estate situated outside of this Commonwealth, may exercise and enjoy all the powers, and shall be governed by the provisions and be subject to the duties, restrictions and liabilities prescribed in this act and any acts which may hereafter be passed in amendment or lieu thereof. All such corporations heretofore chartered shall continue to exercise and enjoy their powers and privileges according to their respective charters, and shall be subject to all the liabilities imposed by the same, except so far as said powers, privileges and liabilities are modified and controlled by the provisions of this act.

Powers and duties.

May loan money secured by deed of trust or mortgage of real estate situated outside of this state.

SECTION 2. Every such corporation may make loans of money secured by deed of trust or mortgage of real estate situated in any state, other than this Commonwealth, or territory of the United States to an amount not exceeding fifty per cent. of the appraised value of said property; but no loan shall be made on any property subject to a prior mortgage, encumbrance or lien. Every such corporation may also hold, sell and assign the bonds, notes, mortgages and securities taken for such loans; may guarantee the payment of the interest and principal of any bonds, notes or other evidences of debt secured as aforesaid, and may guarantee the title to the property securing such evidences of debt for the time such debt remains unpaid: *provided*, that nothing contained in this act shall be construed as authorizing such corporations to engage in the business of title insurance.

Proviso.

SECTION 3. Every such corporation may purchase, hold, guarantee, sell and assign notes or bonds, and the mortgages or deeds of trust securing the same, or other papers securing any loan made by any individual, firm, corporation or association, provided such loan shall have been made in accordance with the conditions under which such corporations can make loans, as prescribed in section two of this act.

May purchase, sell and assign notes or bonds and mortgages, etc., securing the same.

SECTION 4. Every such corporation may receive money from any individual, firm, corporation or association, for investment in the securities which such corporations are by this act authorized to sell or issue, and may allow interest on such money from the time of its receipt to the time of its investment as aforesaid, at such rate as may be agreed upon; may receive, care for, manage and sell stocks, bonds and evidences of debt, the avails of which are intended for investment as aforesaid. No such corporation shall receive money on deposit, except as hereinbefore provided, or engage in any form of banking or trust business other than as permitted by the terms of this act.

May receive money for investment.

May manage and sell stocks, etc.

Not to receive money on deposit.

SECTION 5. Every such corporation may act as agent for the purpose of foreclosing mortgages and collecting claims arising by reason of any evidence of debt deposited with it under the provisions of section four of this act; may purchase real estate at any public auction sale thereof made by virtue of the power contained in any deed of trust or mortgage owned, held or guaranteed by it, or at a private sale thereof made for the purpose of cancelling the debt secured by any such deed of trust or mortgage; may hold, sell, transfer and convey said property: *provided*, all real estate purchased or acquired under the provisions of this section shall be sold within five years after such purchase or acquisition.

May act as agent for foreclosing mortgages, etc.

May purchase real estate at public auction.

Proviso.

SECTION 6. Every such corporation may issue debentures or bonds, to secure the payment of which, such corporation shall from time to time assign, transfer and set over to trustees, none of whom shall be officers of the corporation, or to a trust company established under the laws of this Commonwealth, deeds of trust or mortgages of real estate on which loans have been made in accordance with the provisions of this act, to be held by such trustees or company in trust for the benefit of the holders of said debentures or bonds, whereupon such trustees or

May issue debentures or bonds.

company shall endorse their or its certificate of such fact upon debentures or bonds not exceeding in amount the face value of securities so transferred to them or it.

Total amount of debentures, etc., issued not to exceed ten times amount of capital stock.

SECTION 7. The total amount of mortgages guaranteed and of debentures or bonds issued by any such corporation shall at no time be in excess of ten times the amount of its capital stock actually paid in and its surplus.

Bonds, notes, etc., to be payable at principal place of business in this state.

SECTION 8. All bonds, notes and other evidences of debt taken by such corporation for money loaned shall be payable to such corporation at its principal place of business within this Commonwealth, and shall pass by delivery, by transfer on the books of such corporation at its principal place of business within this Commonwealth, or by certificate of its transfer agent at such other place as it may appoint. No transfer except on the books of the corporation or by certificate of its transfer agent, shall be valid unless the last transfer shall have been to bearer. A complete record of such transfer by said transfer agents shall be forwarded to and kept at the principal place of business of such corporation within this Commonwealth.

Transfers.

May hold certain real estate in this state.

SECTION 9. Every such corporation may hold real estate within this Commonwealth suitable for the transaction of its business, to an amount not exceeding twenty-five per cent. of its capital actually paid in.

Not to hold any share of its own capital stock, unless, etc.

SECTION 10. No such corporation shall be the purchaser or holder of any of the shares of its own capital stock, unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith: and stock so purchased shall, within six months from the time of its purchase, be sold or disposed of at public or private sale.

Liability of shareholders.

SECTION 11. The shareholders of every such corporation shall be held individually liable in the same manner and to the same extent, and not otherwise, as stockholders of manufacturing corporations are or may be held liable under the laws of this Commonwealth. The provisions contained in sections sixty-two to seventy-one inclusive of chapter one hundred and six of the Public Statutes shall apply to and regulate the enforcement of this liability.

Guaranty fund.

SECTION 12. Every such corporation shall set apart as a guaranty fund a sum not less than five per cent. of its paid in capital, and shall thereafter annually add thereto a sum not less than ten per cent. of its net earnings, until such fund, with the accumulated interest thereon,



shall be equal to not less than twenty-five per cent. of its paid in capital. Said fund shall be invested in United States bonds; English consols; first mortgage bonds of any railroad corporation which has paid a dividend on its stock for at least three years next preceding the date of said investment; in the legally authorized bonds for municipal purposes of any city of the United States of not less than thirty thousand inhabitants whose whole indebtedness shall not exceed five per cent. of its last assessed valuation; or in any securities in which savings banks of this Commonwealth are allowed to invest.

Investment of guaranty fund.

SECTION 13. The books of every such corporation shall at all reasonable times be open for inspection to the stockholders and to all holders of bonds and debentures issued by such corporation, or of notes and other evidences of debt guaranteed by such corporation.

Books to be open for inspection to stockholders.

SECTION 14. The commissioners of savings banks shall have access to the vaults, books and papers of every such corporation; and it shall be their duty to inspect, examine and inquire into its affairs and take proceedings in regard to them at such times as they shall deem necessary, in the same manner and to the same extent as if such corporation was a savings bank, subject to all the laws which are now or hereafter may be in force relating to such institutions in this regard; *provided, however,* said commissioners may cause any examination to be made by an expert under their direction but at the expense of the corporation. Every such corporation shall annually, within ten days after the last business day of October, make a return to said commissioners, which return shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind in accordance with a blank form to be furnished by said commissioners, and such annual returns shall be published in a newspaper of the city or town where such corporation is located, at the expense of such corporation, at such times and in such manner as may be directed by said commissioners. Said commissioners shall annually make report to the general court of such facts and statements respecting such corporations and in such forms as they deem that the public interest requires.

Commissioners of savings banks to have supervision of affairs.

Proviso.

Corporation to make and publish annual return.

Commissioners to make annual report to the general court.

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

*Approved May 22, 1888.*

**Chap.388** AN ACT RELATIVE TO THE DISCHARGE OF SMALL LOANS AND THE REDEMPTION OF THE SECURITY GIVEN FOR SUCH LOANS.

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

Loans for less than one thousand dollars dischargeable upon payment of principal borrowed and interest at eighteen per cent., etc.

SECTION 1. All loans hereafter contracted, for less than one thousand dollars, shall be dischargeable by the debtor upon payment or tender of the principal sum actually borrowed and interest at the rate of eighteen per centum per annum, from the time said money was borrowed, together with a sum, for the actual expenses of making the loan and securing the same, not exceeding ten dollars, provided that the lender shall be entitled to interest for six months at said rate when the debt is paid before the expiration of that period. And all payments in excess of said rate shall be applied to the discharge of the principal and the borrower shall only be obliged to pay or tender the balance of the principal and interest, at said rate, due after such application. All acts and parts of acts inconsistent herewith are hereby repealed: *provided*, that nothing in this act shall be construed to affect any loan made at a less rate than at the rate of eighteen per centum per annum, nor shall it be construed to repeal so much of section three of chapter seventy-seven of the Public Statutes as provides that when there is no agreement for a different rate the interest of money shall be at the rate of six dollars upon each hundred dollars for a year.

Repeal.  
Proviso.

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

*Approved May 22, 1888.*

**Chap.389** AN ACT TO PROVIDE FOR AN ADDITIONAL OFFICER ON THE DISTRICT POLICE FORCE.

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

District police officer may be appointed.

SECTION 1. The governor may appoint one district police officer in addition to the number now authorized by law: *provided*, that the whole district police force shall not exceed twenty-three men.

One officer to be detailed for commissioners on inland fisheries.

SECTION 2. The chief of the district police shall, upon said appointment, detail an officer for duty under the direction of the commissioners on inland fisheries.

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

*Approved May 22, 1888.*

AN ACT TO AMEND AND CODIFY THE STATUTES RELATING TO THE *Chap.390*  
COLLECTION OF TAXES.

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

SECTION 1. Every collector of taxes, constable, sheriff, or deputy-sheriff, receiving a tax-list and warrant from the assessors, shall proceed to collect the taxes therein mentioned, according to the warrant.

Officers to collect taxes according to the warrant.

SECTION 2. The collector shall, as soon as possible after receiving any tax-list and warrant, make out and distribute tax-bills to both residents and non-residents, showing the taxes assessed upon each tax-payer; but an omission to make or distribute tax-bills shall not invalidate a tax or proceedings for the collection or enforcement of the same. In cities, the tax-bills shall state the residence of each male tax-payer, giving the street and number if possible, and the tax-bills of persons assessed for a poll-tax only shall be distributed on or before the fifteenth day of September of the year in which the tax is assessed.

Collector to make out and distribute tax-bills.

Tax-bills for poll-tax to be distributed on or before fifteenth of September.

SECTION 3. Every collector of taxes shall enter in the book containing the tax-list, against the name of every person or corporation paying any money to such collector, the total amount received from such person or corporation, specifying in relation to such receipts the following particulars so far as the same may be applicable, viz.: abatements allowed; discount allowed; interest charged; total amount received; time when received.

Collector to enter in book amount received from every person, etc., together with abatements, etc., allowed.

SECTION 4. Every collector of taxes shall also keep a cash book, in which he shall enter as they are received all sums paid to such collector, specifying in relation to such receipts the total amount of tax; abatements allowed; discount allowed; interest charged; total amount received; and time when received. Said collector shall also keep a record of the date and amount of every payment and disbursement made by him, and to whom paid, together with such other matters as any city or town may require.

To keep a cash book, etc.

To keep record of date and amount of every payment, etc.

SECTION 5. All books kept by any collector of taxes by virtue of any provision of law shall be furnished at the expense and be the property of the city or town in which such collector holds office, and shall at all reasonable times be open to examination by the auditor or auditors of such city or town or any other officers or agents authorized by such city or town to make examination thereof.

Books to be furnished by cities and towns.

Books to be open to examination.

Collector to make return of warrant as assessors shall require.

SECTION 6. Every collector of taxes shall make return of his warrant with his tax-list and of his doings thereon at such time or times as the assessors shall require the same, in writing.

To complete collection although term of office has expired.

SECTION 7. The collector shall, unless removed from office as hereinafter provided, or unless his tax-list has been transferred to his successor as provided by law, complete the collection of taxes committed to him, although his term of office expires before such completion.

To demand payment before distraining.

SECTION 8. Collectors shall, before distraining the goods of a person for his tax, demand payment thereof from such person, either personally or at his usual place of abode, if to be found within their precincts.

May be directed to compel payment without demand when credit of person is doubtful, etc.

SECTION 9. When the assessors consider that the credit of a person taxed is doubtful, or believe that he is about to leave the state, they may, by a special warrant, direct the collector forthwith, without demand or notice, to compel payment by distress or imprisonment, whether the tax is made payable immediately, at a future day, by instalments, or otherwise.

Person claiming an abatement to exhibit a certificate.

SECTION 10. If a person claims the benefit of an abatement, he shall exhibit to the collector demanding his taxes a certificate of such abatement from the assessors or other proper officer, as provided in chapter eleven of the Public Statutes; and shall be liable to pay all costs and officers' fees incurred before exhibiting such certificate.

Liability for costs.

If there is an error in the name, tax may be collected of person intended.

SECTION 11. If, in the assessors' lists or in their warrant and list committed to the collector, there is an error in the name of a person taxed, the tax assessed to him may be collected of the person intended to be taxed, if he is taxable and can be identified by the assessors.

#### COLLECTION BY DISTRESS.

Collector to levy by distress and sale of goods.

SECTION 12. If a person refuses or neglects for fourteen days after demand, to pay his tax, the collector shall, without unnecessary delay, levy the same by distress or seizure and sale of his goods, including any share or interest he may have as a stockholder in a corporation incorporated under authority of this Commonwealth, and excepting the following goods: — The tools or implements necessary for his trade or occupation; beasts of the plough necessary for the cultivation of his improved land; military arms; utensils for house-keeping necessary for upholding life; and bedding and apparel necessary for himself and family.

Exceptions.

SECTION 13. The collector shall keep the goods distrained, at the expense of the owner, for four days at least, and shall, within seven days after the seizure, sell the same by public auction, for payment of the tax and charges of keeping and sale, having given notice of the sale by posting up a notification thereof, in some public place in the city or town, forty-eight hours at least before the sale.

To keep goods distrained four days at least and to sell same within seven days.

SECTION 14. The collector may once adjourn such sale for a time not exceeding three days; he shall forthwith give notice of such adjournment by posting a notification at the place of sale.

May once adjourn such sale.

SECTION 15. The seizure of a share or other interest in a corporation may be made by leaving with any officer of the corporation, with whom a copy of a writ may by law be left when the share of a stockholder is attached on mesne process, an attested copy of the warrant, with a certificate thereon, under the hand of the collector, setting forth the tax which the stockholder is to pay, and that, upon his neglect or refusal to pay, the collector has seized such share or interest.

Seizure of a share or other interest in a corporation.

SECTION 16. The sale of such share or interest shall be made in the manner prescribed by law for the sale of goods by collectors of taxes in like cases, and also subject to the provisions of sections forty-eight and forty-nine of chapter one hundred and seventy-one of the Public Statutes respecting sales on executions.

Sale of such share or interest.

SECTION 17. If the distress or seizure is sold for more than the tax and charges of keeping and sale, the collector shall return the surplus to the owner, upon demand, with an account in writing of the sale and charges.

To return surplus.

#### BY IMPRISONMENT.

SECTION 18. If a person refuses or neglects for fourteen days after demand to pay his tax, and the collector cannot find sufficient goods upon which it may be levied, he may take the body of such person and commit him to prison, there to remain until he pays the tax and charges of commitment and imprisonment, or is discharged by order of law.

Collector may take the body and commit him to prison.

SECTION 19. When the collector commits a person to prison, he shall give the keeper thereof an attested copy of the warrant, with a certificate thereon, under the hand

To give to keeper of jail an attested copy of the warrant.

of the collector, setting forth the sum which such person is to pay as his tax, with the cost of taking and committing him, and that upon his having neglected payment for fourteen days, or otherwise, as the case may be, and for want of goods whereof to make distress, he has taken his body.

Oath for the relief of poor debtors.

SECTION 20. When a person committed to prison for the non-payment of taxes desires to take the oath for relief of poor debtors, he may represent the same to the jailer; and the jailer shall make the same known to some magistrate having authority to examine poor debtors; and the magistrate shall thereupon appoint a time and place for the examination of the debtor, and shall direct the jailer to cause the debtor to be present at the same. The notice required in such case to be given to the creditor may be given to either of the assessors or to the collector by whom the party was committed. And the assessors and collector, or any of them, may appear and do all things which a creditor might do in case of arrest on execution. And if the person so committed to prison for the non-payment of taxes is unable to pay the same, he shall be entitled to his discharge in like manner as persons committed on execution.

Liability of collector.

SECTION 21. If such person is discharged, the collector shall be liable to pay the tax with the charges of imprisonment, unless he arrested and committed the party within one year after the tax was committed to him to collect, or unless he is exonerated therefrom by the city or town to which the tax is due.

Collector may require aid.

SECTION 22. A collector, when resisted or impeded in the exercise of his office, may require any suitable person to aid him therein; and if such person refuses to render such aid, he shall forfeit a sum not exceeding ten dollars.

Penalty for refusal.

May demand payment from person wherever found, etc.

SECTION 23. A collector may demand payment from a person assessed for a tax wherever such person is found; and in default of payment for fourteen days after demand the collector may forthwith proceed to collect the tax by making a distress, or by commitment of such person to the prison of the county where he is found; or the collector may issue his warrant to the sheriff of any county or his deputy, or to any constable, directing them to distrain the property or take the body of such person, and to proceed therein in like manner as required of col-

lectors in like cases. The warrant shall run throughout the state, and any officer to whom it is directed may serve it and apprehend the person in any county.

Warrant to run throughout the state.

BY SUIT OR DISTRESS.

SECTION 24. When a person assessed for a tax, either on real or personal estate, or both, dies or neglects to pay the tax for three months after it is committed to the collector, or, being an unmarried woman, marries before payment of the tax, the collector may, in his own name, maintain an action of contract, or trustee process therefor, in like manner as for his own debt.

Collector may maintain action of contract, etc., if person taxed dies, or being an unmarried woman, marries, etc.

SECTION 25. When a person assessed for a tax dies or becomes insolvent before the payment thereof, or when a tax is assessed upon the estate of a deceased person, the executor or administrator or assignee shall, if a demand has been made upon him therefor, forthwith upon his acquiring any moneys applicable to the payment of the tax, pay the same, and in default shall be liable personally therefor, as for a tax assessed upon him.

Liability of executor or administrator or assignee.

SECTION 26. Whenever personal property placed in the hands of a corporation or an individual as an accumulating fund for the future benefit of heirs or other persons has been duly assessed to such heirs or persons according to the provisions of clause six, section twenty, of chapter eleven of the Public Statutes, and the persons so taxed neglect to pay the tax for one year after it has been committed to the collector, the collector may, in his own name, maintain an action of contract therefor against said trustee, in like manner as for his own debt; and the amount thereof paid by said trustee may be allowed in his account as such trustee.

Personal property placed in hands of corporation, etc., as an accumulating fund.

SECTION 27. When a person is taxed for real estate in his occupation, but of which he is not the owner, the collector, after demand of payment, may levy the tax by distress and sale of the cattle, sheep, horses, swine, or other stock or produce of such estate, belonging to the owner thereof, which within nine months after such assessment is committed to him shall be found upon the premises, in the same manner as if such stock or produce were the property of the person so taxed; but such demand need not be made if the person on whom the tax is assessed resided within the precinct of the collector at the time of the assessment, and subsequently removes therefrom and remains absent three months.

Person taxed for real estate in his occupation but is not the owner thereof.

Collector may, before making demand, mail, etc., summons.

SECTION 28. When a tax is due from any person, the collector may, before making a demand for the payment thereof, as required by law, mail post paid or cause to be delivered a summons to such person, stating therein the amount due and that unless the same is paid within ten days with twenty cents for the summons, the collector will then proceed to collect the same according to law.

Charges and fees of collector, for distraint, etc.

SECTION 29. The following charges and fees and no other shall be allowed to the collector, and shall be added to the amount of the tax upon a distraint of goods, or arrest and commitment: —

For a summons, twenty cents.

For making a written demand, twenty cents.

For advertisement of sale, fifty cents.

For posting notices of sale in one or more public places, twenty cents.

For a warrant to sheriff or constable, fifty cents.

For copy of warrant under section fifteen and certificate thereon, one dollar.

For removing goods distrained and keeping the same, the actual and reasonable cost thereof.

For an arrest on assessor's warrant, and commitment to prison, the fees allowed by law to sheriffs for like services.

#### BY SALE OR TAKING OF REAL ESTATE.

Taxes on real estate, etc., to constitute a lien thereon.

SECTION 30. Taxes assessed on real estate, including taxes assessed under sections fourteen, fifteen and sixteen of chapter eleven of the Public Statutes, shall constitute a lien thereon from the first day of May until the expiration of two years from the first day of October of the year in which said taxes are assessed; and may with all incidental costs and expenses be levied by sale thereof, if the tax is not paid within fourteen days after a demand of payment made either upon the person taxed or upon any person occupying the estate; when taxes on real estate are assessed to the heirs of a deceased person or to more than one owner, a demand made upon one of said heirs or owners shall be sufficient, but the collector may sell real estate for taxes after the two years have elapsed, unless the estate has been alienated prior to the giving of the notice of such sale.

Taxes re-assessed on real estate to constitute a lien.

SECTION 31. Taxes re-assessed on real estate shall constitute a lien thereon for the time specified in the preceding section, unless the estate has been alienated



between the first and second assessments; and may be levied as provided in the preceding section.

SECTION 32. If a mortgagee of real estate, situated in the place of his residence, previously to the assessment of a tax, gives written notice to the clerk of such place that he holds a mortgage thereon, with a description of the estate, the collector before proceeding to sell it for non-payment of taxes shall demand payment of said taxes of the mortgagee, as provided in section thirty.

Collector to demand payment of mortgage of real estate, before proceeding to sell it, etc.

SECTION 33. If a mortgagee or non-resident owner of real estate previously to the assessment of a tax, gives a written authority to some inhabitant of the place as his attorney, to pay the taxes imposed on such estate, and the authority is filed with, or recorded by, the clerk of the place, the demand of payment shall be made upon such attorney before the estate is sold; otherwise, no demand need be made of payment of taxes assessed on the real estate of non-resident owners.

Demand to be made upon attorney.

SECTION 34. When a demand is made upon the attorney under the preceding section, the collector shall not advertise the sale of the lands until two months from the time of such demand.

When so made collector to wait two months.

SECTION 35. The collector shall give notice of the time and place of sale of real estate for payment of taxes, by an advertisement thereof three weeks successively in some newspaper published in the city or town where the premises to be sold for taxes are situated, if there is such newspaper, and, if not, then in a newspaper printed in the county where the real estate lies; the last publication to be at least one week before the time of sale.

To publish notice of place and time of sale of real estate.

SECTION 36. The advertisement shall contain a substantially accurate description of the several rights, lots, or divisions of the estate to be sold, the amount of the tax assessed on each, the names of all owners known to the collector, and the taxes assessed on their respective lands.

Advertisement to contain a substantially accurate description of estate, etc.

SECTION 37. The collector shall, three weeks before the sale, post a notice similar to that required by the two preceding sections in some convenient and public place in his precinct, and a like notice on the premises by him advertised to be sold, if any part thereof is bounded by a street, lane, court, or highway.

Collector to post notices.

SECTION 38. When real estate to be sold under the provisions of this act is situated in a place the name of which has been changed by law within three years next

When name of place has been changed by law within three years.

preceding the sale, the collector shall in his advertisement and notices of the sale designate such place by its former and present name.

Competent evidence of demand and notification.

SECTION 39. The affidavit of a disinterested person, or any deputy collector, or of the collector who makes the sale of land for the payment of taxes, stating the demand of the payment of the tax, the person of whom and the time and manner in which it was made, and a like affidavit of the posting and publishing of notifications of the sale, with a copy of the original advertisement thereto annexed, and filed and recorded within three months after the date of sale in the registry of deeds of the county or district where the land lies, shall be competent evidence of said demand and of the notification.

Sale of real estate, etc., authorized, sufficient to discharge taxes and charges.

SECTION 40. If the taxes are not paid the collector shall, at the time and place appointed for the sale, sell by public auction so much of the real estate, or the rents and profits of the whole estate for such term of time, as shall be sufficient to discharge the taxes and necessary intervening charges; or he may at his option sell the whole or any part of the land; and after satisfying the taxes and charges, he shall deposit the balance, if any, in the treasury of the city or town; and such city or town shall pay such balance to the owner of the estate upon demand. The collector, may in his discretion at such sale, require an immediate deposit by the purchaser of such sum as he shall deem necessary to insure good faith, in part payment of the purchase money, which deposit shall not exceed the amount of the tax and the costs and charges thereon; and if he fails to make such deposit forthwith, the sale shall be void and the estate shall, then and there, be again offered for sale.

Collector may require a deposit by the purchaser.

Charges and fees.

SECTION 41. The following charges and fees, and no other, shall be allowed to the collector, and shall be added to the amount of the tax, as provided in the preceding section: —

For making a written demand, twenty cents.

For preparing advertisement, fifty cents.

For advertisement in newspaper, the actual cost of the same.

For posting up notices in one or more public places, twenty cents.

For posting up notices on each piece of real estate, twenty cents.

For copy of notice, and the publication thereof, and obtaining affidavit of disinterested person, fifty cents.

For recording affidavit at registry of deeds, the fees of the register.

For preparing deed, two dollars.

And in the event that any delinquent tax-payer offers to pay the tax before the day of sale or taking, such charges shall be added to the tax as have intervened at the time of said offer to pay.

SECTION 42. The collector may adjourn his sale from time to time not exceeding seven days in the whole; and he shall give notice of every such adjournment by a public declaration thereof at the time and place previously appointed for the sale.

Collector may adjourn sale from time to time, not exceeding seven days in the whole.

SECTION 43. The collector shall execute and deliver to the purchaser a deed of the real estate or rents and profits sold; which deed shall state the cause of sale, the price for which the estate or rents and profits were sold, the name of the person on whom the demand for the tax was made, the places in the city or town where the notices were posted, the newspaper in which the advertisement of the sale was published, and the place of residence of the grantee, and a warranty that the sale has in all particulars been conducted according to the provisions of law; and, if the real estate has been sold, shall convey, subject to the right of redemption provided for in section fifty-seven, all the right and interest which the owner had therein at the time when the same was taken for his taxes. Such deed, to be valid, shall be recorded within thirty days from the day of sale.

To execute and deliver a deed to the purchaser.

SECTION 44. If it should subsequently appear that by reason of any error, omission or informality in any of the proceedings of assessment or sale, the purchaser has no claim upon the property sold, there shall be paid to said purchaser, by the city or town whose collector executed said deed, upon his surrender and discharge of the deed so given, the amount paid by such purchaser, together with interest on the same at the rate of ten per cent. per annum, which payment shall be in full satisfaction of all claims for damages for any defects in the proceedings: *provided*, the said purchaser, within two years from the date of such deed, offers in writing to surrender and discharge the same, or to assign and transfer to the city or town all his right, title and interest therein as the collector thereof shall elect.

Deed to be recorded within thirty days.

In case of error, etc., in proceedings of assessment or sale, amount paid by purchaser to be refunded upon surrender of deed.

Proviso.

Resident purchaser of real estate sold for non-payment of taxes to file statement, etc., with treasurer.

Non-resident purchaser to appoint an attorney authorized to release such real estate.

Lawful tender to and service of process upon such attorney deemed to be sufficient. Redemption of real estate.

City, town, collector or treasurer not liable under provisions of section 44, unless deed contains specific statement, etc.

SECTION 45. Every person acquiring or holding title to real estate under a sale for the non-payment of any tax or other assessment, who is a resident of the city or town wherein such real estate is situated, shall file with the treasurer of the city or town, and with the register of deeds of the county wherein such real estate is situated, a brief statement showing his place of residence and of business, specifying in each case, if practicable, the street and the number in the street. Every person acquiring or holding title to real estate as above who is not a resident of the city or town wherein such real estate is situated, or who removes from such city or town, shall appoint and have some suitable agent or attorney residing therein or in the city or town wherein the deed of such real estate is recorded, duly authorized to release such real estate in accordance with the provisions of law providing for such cases, and shall file with the treasurer of such city or town and with such register of deeds such original and additional statements containing the name of any such agent or attorney and his place of residence and of business, as is herein required in the case of resident purchasers or holders; and whenever such person changes his place of residence or business, or his attorney, a new certificate as above shall be filed.

SECTION 46. Any lawful tender of payment to and service of process upon such agent or attorney shall be deemed sufficient tender to or service upon the purchaser or holder of such real estate; and if upon reasonable search such purchaser, holder, agent or attorney cannot be found at the place described as hereinbefore provided, or being found neglects or refuses to release such estate upon the terms and in the manner provided by law, or if such holder or purchaser neglects to file a certificate as required by the preceding section, such real estate may be redeemed in the manner provided in sections fifty-eight and fifty-nine.

SECTION 47. No city or town and no collector or treasurer of a city or town shall, under the provisions of section forty-four, pay or be liable for the amount due upon any deed therein referred to or for any part thereof unless the offer of the holder of such deed contains a specific statement of the reason why such holder has no claim on the estate sold, with the evidence on which he relies; and if such evidence is based upon any public

record or upon facts shown in any such record, the statement above required shall contain a specific reference to the particular instrument relied upon.

SECTION 48. If at the time and place of sale no person appears and bids for the estate, or for the rents and profits thereof, or for the whole or any part of the land, an amount equal to the tax and charges, and if the sale has been adjourned one or more times, as provided in section forty-two, a public declaration of the fact shall then and there be made by the collector; immediately after which, if no bid equal to the tax and charges is then made, the collector shall give public notice that he shall, and that he then and there does, purchase, on behalf of the city or town by which the tax is assessed, the said estate in one of the forms set forth in section forty; but no sum exceeding the amount of the tax and the incidental costs and expenses of levy and sale shall be offered by him therefor; and the same shall be allowed him in his settlement with such city or town.

If no person makes suitable bid for estate, after one or more adjournments, collector to give notice that he has purchased the same in behalf of the city or town.

SECTION 49. If after the sale of real estate for the payment of taxes a purchaser thereof fails to pay the collector within ten days the full sum offered by him and to receive his deed, the sale shall be null and void, and the city or town shall be deemed to be the purchaser of the estate, according to the provisions of the preceding section.

If purchaser fails to pay within ten days, sale to be null and void, and city or town deemed purchaser.

SECTION 50. When the city or town becomes the purchaser, the deed to be given by the collector shall, in addition to the statements required by section forty-three, set forth the fact of the non-appearance of a purchaser at the sale advertised by him, or of the preceding sale and the failure of a purchaser to pay the sum offered, as the case may be, and shall confer upon such city or town the same rights as belong to an individual to whom such a deed may be given.

Deed to set forth fact of non-appearance of purchaser, etc.

SECTION 51. Deeds to a city or town shall be placed in the custody of its treasurer, to whom all applications for the redemption of the estate so sold shall be made. And the several cities and towns may, as holders of such deeds, exercise the same rights and perform the same duties as any individual purchaser of real estate taken for taxes, and may make regulations for the custody, management and sale of such estates, and for the assignment of the tax titles thus obtained, not inconsistent with law or with the right to redeem the same.

Deeds to a city or town to be placed in custody of its treasurer.

Collector may take the whole of real estate if tax or assessment is not paid within fourteen days after demand.

SECTION 52. In addition to the power to enforce the lien for a tax or assessment on real estate, including taxes assessed under sections fourteen, fifteen and sixteen of chapter eleven of the Public Statutes, with all incidental costs and expenses by sale thereof, the collector shall have power to take for the city or town the whole of the real estate taxed or assessed, if the tax or assessment is not paid within fourteen days after a demand of payment made as required by sections thirty, thirty-two and thirty-three, and remains unpaid at the date of such taking. The collector shall give three weeks' notice of his intention to exercise such power of taking; which notice may be served either in the manner prescribed by law for the service of summonses for witnesses in civil cases, or by advertisement thereof in the manner required by section thirty-five, and shall contain the particulars required by section thirty-six. He may also post a similar notice in accordance with the provisions of section thirty-seven.

To give three weeks' notice of intention to exercise the power of taking.

Competent evidence of demand and notice.

SECTION 53. The affidavit of the collector, deputy collector, or of a disinterested person, taken before a justice of the peace, of the service of the demand of payment, and of the notice, as provided in the preceding section, with copies thereof annexed, filed and recorded in the registry of deeds of the county or district where the land lies, shall be competent evidence of such demand and notice.

Statement of the cause of taking, etc.

SECTION 54. Said affidavits shall be annexed to the instrument of taking, which shall be under the hand and seal of the collector, and shall contain a statement of the cause of taking, a substantially accurate description of each parcel of land taken, the name of the person to whom the same was assessed, and the amount of the tax thereon and of the incidental costs and expenses to the date of taking, and shall be filed and recorded in the registry of deeds of the county or district where the land lies; and the title to the lands so taken shall thereupon vest in the city or town, subject to the right of redemption given by section fifty-seven.

Charges and fees.

SECTION 55. Whenever the collector exercises the power of taking above provided, there shall be allowed to him, and added to the amount of the tax, the same charges and fees as are fixed for similar proceedings by section forty-one; and when service of the demand of payment and notice of intention to take is made in the man-

ner prescribed by law for the service of summonses for witnesses in civil cases, there shall be allowed therefor, and added as above mentioned, fifty cents, together with the fees of officers for travel fixed by chapter one hundred and ninety-nine of the Public Statutes.

SECTION 56. Every sale or taking of real estate for payment of taxes shall be deemed to be in the name of the owner or owners thereof, if the proceedings of assessment, sale or taking are made in the name of one or more of the persons who appear as record owners of such estate at the date of assessment; but any taking of real estate for payment of taxes shall be of the whole estate, and no sale or taking shall be of the undivided interest of any one or more of the joint owners thereof.

Sale or taking of real estate for payment of taxes shall be deemed to be in the name of the owner.

SECTION 57. The owner of real estate taken or sold for payment of taxes, including those assessed under sections fourteen, fifteen and sixteen of chapter eleven of the Public Statutes, or his heirs or assigns, may within two years from the day of taking or sale redeem the estates taken or sold by paying or tendering to the collector, when he exercises the power of taking, the amount of the tax for which said property was taken, with the charges and fees allowed to him, and all intervening taxes; or to the purchaser, his heirs or assigns, the original sum and intervening taxes paid by him; and in each case with ten per cent. interest, the cost of recording the tax deed or evidence of taking, and a sum not exceeding three dollars for examination of title, a deed of conveyance or release, and for all other necessary intervening charges; and when the rents and profits are sold for payment of taxes, the same may be redeemed at any time within two years in the manner provided for the redemption of rents and profits taken on execution. And in the following cases real estate so taken or sold may be redeemed, by any person having such title thereto that he might have recovered the same if no such taking or sale had been made, at any time within two years after he has actual notice of the sale: —

Redemption of real estate taken or sold for payment of taxes.

First, When no person is named in the tax-list as the owner or occupant of the premises, they being taxed as belonging to persons unknown.

Second, When the person who is named in said list is merely a tenant or occupant of the premises, and not the rightful owner thereof.

Third. When there is any substantial and misleading error in the name of the person intended to be taxed.

Fourth. When the person offering to redeem is a mortgagee of record.

But no person shall have a right to redeem land held by a city or town under a sale or taking for payment of a tax or assessment, unless he pays or tenders to the collector thereof all sums due the city or town in respect of said land by reason of all such sales or takings thereof, and of all subsequent taxes or assessments thereon due and unpaid, with all interest and incidental cost and expenses.

If purchaser cannot be found owner may redeem by paying amount to the treasurer.

SECTION 58. If upon reasonable search the purchaser of real estate sold for payment of taxes, or an agent or attorney duly appointed by the purchaser as hereinafter provided, cannot be found, the owner of the estate may redeem it as provided in the preceding section, on paying to the treasurer of the place in which it is situated the amount which he would be required to pay to the purchaser; and the affidavit of any disinterested person of the making such search, filed in the registry of deeds for the district or county in which the land is situated, within ninety days from the completion of the search, shall be competent evidence of the facts therein stated.

Treasurer to give to the person paying it a certificate of such payment.

SECTION 59. Such treasurer shall receive the money and give to the person paying it a certificate of such payment, specifying the estate on which the tax was originally assessed. The certificate may be recorded in the registry of deeds, with a note of reference from such record to the collector's deed; and when so recorded, shall have the effect to release and discharge all right and title acquired under the collector's deed. The treasurer shall hold all money so received by him for the use and benefit of the persons entitled thereto, and shall pay it over on reasonable demand.

After proceedings have been commenced, holder of mortgage may pay tax and intervening charges, etc.

SECTION 60. After proceedings have been commenced for the taking or sale of real estate for a tax assessed thereon, and before the taking or sale is made, the holder of any mortgage thereon may pay such tax with all intervening charges and expenses; and when the owner of real estate has neglected, for three months after demand, to pay such a tax, and the collector has made demand therefor upon a holder of a mortgage thereon, such holder may in like manner pay such tax, charges and expenses.



SECTION 61. The holder of a mortgage, upon taking possession of real estate thereunder, shall be liable to pay all taxes due thereon, and the expenses of any taking or sale for taxes that has been commenced or has taken place, to be recovered of him in an action of contract by the collector, or, when a sale has taken place by the purchaser; and upon payment or tender by the mortgagee to the collector or the purchaser of the same sums and within the same time as provided in section fifty-seven for owners of real estate to make tender, the city or town or such purchaser shall execute and deliver to him a valid deed of assignment of all interest acquired by virtue of the taking or sale.

Holder of a mortgage taking possession liable to pay all taxes due.

SECTION 62. For all sums paid to a collector by the holder of a mortgage under either of the two preceding sections, the collector shall upon demand give him a receipt therefor, duly acknowledged; and such sums shall be added to and constitute part of the principal sum of the mortgage; and the mortgage shall not be redeemed without the consent in writing of the holder, until such sums and interest thereon are paid; and such receipt recorded within thirty days from its date, in the registry of deeds for the county or district where the land lies, shall be notice to all persons of the payment of such sums, and of the lien upon the estate therefor.

Collector to give receipt, upon demand, to holder of mortgage for sums paid.

Receipt to be recorded.

SECTION 63. If any part of a tax duly assessed upon real estate under the provisions of sections fourteen, fifteen and sixteen of chapter eleven of the Public Statutes remains unpaid on the first day of January next after the same has been assessed, either party may pay the same; and, if it is paid by a mortgagee, he may take from the collector such a certificate as is mentioned in section fifty-nine, to be recorded as therein provided, with a note of reference from such record to the mortgage deed; and such sums so paid for taxes other than those assessed to himself, with costs and interest, shall be added to and constitute a part of the principal sum of his mortgage; and the recording of such certificate within thirty days from its date shall be notice to all persons of the payment of such sums, and of the lien therefor upon the estate. When taxes so assessed to a mortgagee have been paid by the mortgagor or by a person claiming under him, either to the collector or to a mortgagee who has paid the same as provided in this

Either party may pay tax assessed under P. S. 11, §§ 14-16, remaining unpaid on the first day of January next following assessment.

section, the person so paying may deduct the sum so paid, with the costs and interest thereon, from the amount due to the mortgagee to whom said taxes were assessed, unless the parties have otherwise agreed in writing. A person whose tax is so paid by another shall have the same right to recover it from the city or town, if illegally assessed, which he would have had if the tax had been paid under a protest by him in writing.

Taxes to be assessed upon estate purchased or taken by a city or town.

SECTION 64. If an estate is purchased or taken by a city or town, according to the provisions of this act, taxes shall be assessed upon the same in the same manner as though the same were not so purchased or taken; and said taxes shall be deducted from the proceeds of the final sale, as provided in section sixty-six.

Owner of an interest in real estate, entitled to redeem, may pay money for redemption.

SECTION 65. The owner of any interest in real estate purchased and held by a city or town for payment of taxes may, if he has a right to redeem the same, pay to the treasurer of the city or town all sums required by law for the redemption of such estate; in which case the treasurer shall give to him a like certificate as that mentioned in section fifty-nine, and the certificate may be recorded in the manner, and with like effect, as that described in said section. If the person so redeeming be the holder of a mortgage, the sums so paid by him shall be added to, and constitute a part of, the principal sum of the mortgage; and the mortgage shall not be redeemed until such sums, and interest thereon, are paid; and, in such case, the recording of said certificate in the registry of deeds in the district or county where the land lies, within thirty days from its date, shall be notice to all persons of the payment of such sums and of the lien upon the estate therefor.

If real estate held by a city or town is not redeemed within the prescribed time, collector to sell the same within two years.

SECTION 66. If no person lawfully entitled redeems, within the time prescribed by law, real estate purchased or taken for and held by a city or town under the provisions of this act, or of any statute repealed by this act, its collector of taxes for the time being, without any vote or other authority being required therefor, shall, within two years thereafter, proceed to sell the same by public auction, after having given the notice required in section thirty-five; and if, from any cause, such sale shall not be made within two years, as aforesaid, it shall be made by the collector at such time as he deems best or at once upon the service upon him of a written demand of any

person interested therein The collector shall state in his notice of sale the amount for not less than which the sale will be made, and shall, for the city or town, execute and deliver to the highest bidder therefor a quitclaim deed. From the money arising from said sale shall be deducted the expenses of making the sale, together with the amount named in the collector's deed or instrument of taking as the sum due when the same was executed, and all interest and charges thereon fixed by law, and also all subsequent taxes and assessments, with all interest and charges due in respect thereof; and the balance, if any, shall be deposited in the city or town treasury, and shall be paid to the party legally entitled to the estate if it had not been sold for taxes, if such balance is called for within five years; and if not demanded within that time, the same shall inure to the benefit of said city or town.

Collector to state minimum price.

Expenses of sale, etc., to be deducted from purchase money.

Balance to be deposited in treasury, and be paid to party entitled to the estate if it had not been sold for taxes.

SECTION 67. If no person bids at such sale for said real estate said amount or more, or if the person so bidding and to whom the estate is sold fails to pay to the collector within ten days the full sum offered by him for the estate, the collector shall make an affidavit before a justice of the peace of the non-appearance of a purchaser or the failure of such bidder to pay the sum offered, and the same shall be recorded in the registry of deeds in the county or district where the land lies, within thirty days of the date at which the same was offered for sale; such affidavit, or a copy thereof duly certified by the register of deeds, shall be prima facie evidence of the facts therein stated.

Proceedings in case no one bids at the sale.

SECTION 68. After the recording of said affidavit, the collector, for and in behalf of the city or town, shall, within thirty days thereafter, take possession of said real estate, and the city or town may make such regulations for the custody, management and sale thereof as it deems best, and taxes shall be assessed thereon in the name of such city or town until such land shall be sold; the said affidavit shall be placed in the custody of its treasurer, and such subsequent sale and the money received therefrom shall be had and held as provided in section sixty-six.

Collector to take possession.

#### PROCEEDINGS WHEN TAX TITLE IS DEEMED INVALID.

SECTION 69. When a collector of taxes has reasonable cause to believe that the title created by a deed given in

When a collector believes title created by

deed, etc., is invalid, etc., he may, within two years, require the owner of record to surrender deed.

consequence of a sale for payment of taxes, or of an assessment, a lien for which is enforceable by sale of real estate, is invalid by reason of an error, omission or informality, in the assessment or sale, he may, with the approval of the assessors, within two years from the date of said deed, give notice to the person appearing of record as owner of the real estate, requiring him within thirty days to surrender and discharge the deed so given, and to receive from the city or town the sum due therefor, with interest as provided by law, or to file with the collector a written statement that he refuses to make such surrender or discharge; and such statement shall be deemed an absolute release of the city or town from any liability whatever upon the warranty contained in said deed.

Notice to be served as of summons for witnesses in civil cases.

SECTION 70. The notice required by the preceding section shall be served in the manner prescribed by law for the service of summonses for witnesses in civil cases; but in case the holder has no place of abode in the city or town, or cannot be there found, it shall be served by mail or by publication one week in some newspaper published in the county wherein the city or town lies; or, if there be none such, in some newspaper published in an adjacent county. If the holder fails to comply with such notice, the collector shall, upon the expiration of thirty days from the service thereof, cause a copy of the notice, with an affidavit by himself or a disinterested person of the service thereof, taken before a justice of the peace, to be filed and recorded in the registry of deeds of the county or district wherein the city or town lies. A note of reference to the record of said copy shall be made on the margin of the record of the collector's deed therein referred to; and from the time of such record the interest payable by law in respect of such deed shall cease, and said copy, when so recorded, shall have the effect to release and discharge all right and title acquired under such deed. The collector shall notify the treasurer of the city or town, who shall appropriate out of any funds in his hands the amount due in respect of said deed for the use and benefit of the persons entitled thereto, and shall pay it over on reasonable demand.

Notice to be recorded in registry of deeds.

Collector to notify treasurer.

If invalidity arose from error in assessment, etc., tax to be re-assessed.

SECTION 71. If the invalidity of a deed so recalled by the collector arose by reason of any error, omission, or informality in the assessment, the collector, after obtain-

ing a surrender and discharge of the deed from the holder, or causing a copy of the notice to be filed and recorded as provided in the preceding section, shall forthwith notify the board by which the tax or assessment was laid, who shall immediately re-assess the same, as provided by section seventy-nine of chapter eleven of the Public Statutes. If such invalidity arose by reason of an error, omission, or informality in the proceedings of the collector, he shall, after obtaining a surrender and discharge of the deed, or causing a copy of the notice to be filed and recorded as aforesaid, forthwith collect the unpaid tax or assessment referred to in such deed by proceedings in conformity to law.

Proceedings if from error of collector.

SECTION 72. When the collector has reasonable cause to believe that a tax title, held by a city or town under a sale or taking for payment of a tax or assessment, is invalid by reason of any error, omission, or informality in the assessment, sale, or taking, he may, with the approval of the assessors, release, disclaim and annul such title by an instrument under his hand and seal, duly filed and recorded in the registry of deeds of the county or district where the land lies. If the invalidity of such title arose by reason of an error, omission, or informality in the assessment, the assessors shall immediately re-assess the same, as provided by section seventy-nine of chapter eleven of the Public Statutes.

If collector believes that a tax title is invalid by reason of error in assessment, sale, etc., title may be annulled.

#### LIEN OF CO-TENANTS.

SECTION 73. Any co-tenant, who pays the whole amount of tax assessed upon land held by him and one or more other persons as joint tenants or as tenants in common, shall have a lien upon the interest of each of his co-tenants in the land, to secure the payment to him of the proportion of such tax due and payable by each of said co-tenants respectively, together with the costs for enforcing the same: *provided*, that any person whose tax has been so paid by his co-tenant shall have the same rights in regard to recovering back taxes illegally assessed that he would have had if the tax had been paid under a protest by him in writing.

A co-tenant who pays whole amount of tax to have a lien upon the interest of each of his co-tenants.

Proviso.

SECTION 74. Such lien may be enforced in the manner provided for enforcing liens on buildings and lands; and shall be dissolved, unless the person desiring to avail himself thereof files in the registry of deeds for the

Enforcement of lien, etc.

county or district in which the lands are situated, within thirty days from the day of payment of said tax, a certificate setting forth a description, sufficiently accurate for identification, of the property intended to be covered by the lien, the names of the several co-tenants and the interest of each therein, the amount of tax paid, and the amount due from each co-tenant, which certificate shall be subscribed and sworn to by the person claiming the lien or by some one in his behalf, and shall be recorded in a book to be kept for the purpose by the register of deeds in each county or district, who shall be entitled to the same fees therefor as for recording mortgages of equal length.

Lien not to be of force against a mortgage, etc.

SECTION 75. Such lien shall not be of force against any mortgage actually existing and duly recorded prior to the recording of said certificate; and unless a suit for enforcing it is commenced within ninety days from the date of filing said certificate, the lien shall be dissolved.

#### MISCELLANEOUS PROVISIONS.

Supreme judicial court to have equity powers in cases of taking, etc., of real estate, etc.

SECTION 76. In all cases of taking or sale of real estate for the payment of taxes assessed thereon, the supreme judicial court shall have equity powers, if relief is sought within five years from the taking or sale.

Every city and town may direct which power its collector may exercise.

SECTION 77. Every city by ordinance, and every town by by-law, may direct which power its collector shall exercise to enforce the lien for taxes or assessments laid on real estate, that of sale or of taking; and in the absence of any such ordinance or by-law the collector may exercise either power at his discretion; but the passage of any such ordinance or by-law shall not render invalid any proceedings commenced before the passage of the same.

Sheriff to post copy of tax-list and warrant.

SECTION 78. When the tax-list and warrant of the assessors is committed to the sheriff or his deputy, he shall forthwith post, in some public place in the city or town assessed, an attested copy of said list and warrant; and shall make no distress for a tax till after thirty days from the time of such posting.

Officer's fees.

SECTION 79. If a person pays his tax on such list within said thirty days, the officer shall receive for his fees five per cent. on the sum assessed; but if a tax remains unpaid after said thirty days, the officer shall proceed to collect the same by distress or imprisonment, or by sale of real

estate in the manner collectors are required to proceed in like cases. The officer may also levy his fees for service and travel, in the collection of each person's tax, as in other cases of distress and commitment, or sale of real estate.

SECTION 80. When the city council of a city or the inhabitants of a town vote to appoint their treasurer a collector, he may issue his warrants to the sheriff of the county, or his deputy, or to any of the constables of the city or town, returnable in sixty days, requiring them to collect any or all taxes due; and such warrants shall be in substance the same and confer like powers as warrants issued by assessors to collectors.

When treasurer is collector he may issue his warrants to the sheriff.

SECTION 81. Any officer to whom is given by law authority to collect taxes may appoint such deputy collectors of taxes as he may from time to time be authorized by the board of aldermen or selectmen, and deem it expedient to appoint, who shall give bonds for the faithful discharge of their duties, in such sums as the board of aldermen or selectmen may from time to time prescribe; and such deputies shall have the same powers as collectors of taxes in towns.

Deputy collectors may be appointed.

SECTION 82. The treasurer or other disbursing officer of any city or town may, and if so requested by the collector of that place shall, withhold payment of any moneys that may be made payable from the treasury of that place to any person whose taxes, assessed in that place, are then due, and wholly or partly unpaid: *provided*, that no greater sum shall thus be withheld than is necessary to pay the amount of tax then due as aforesaid, with interest and costs. The sum withheld shall be payable to the collector, who shall, if required, give a written receipt therefor. The person taxed may, in such case, have the same remedy as if he had paid such tax after a levy upon his goods. The collector's right as established by this section shall be valid against any trustee process not commenced, or any assignment not recorded, prior to the seventeenth day of May in the year eighteen hundred and seventy-eight.

Treasurer may withhold money made payable to a person whose taxes are unpaid.

Proviso.

SECTION 83. Every collector shall once in two months, if required, exhibit to the mayor and aldermen or selectmen a true account of all moneys received on the taxes committed to him, and shall produce the treasurer's receipts for all money paid into the treasury by him.

Collector, if required, to exhibit account every two months of money received, etc., on taxes, etc.

Penalty for neglect.

SECTION 84. If a collector neglects so to exhibit his accounts, he shall forfeit two and a half per cent. on the sums committed to him for collection.

Collector to be credited with all sums abated, etc.

SECTION 85. The collector shall be credited with all sums abated according to law; with the amount of taxes assessed upon any person committed to prison within one year from the receipt of the tax-list by the collector, and before paying his tax; with any sums which the city or town may see fit to abate to him, due from persons committed after the expiration of a year; and with the amount of the taxes and charges in case of lands purchased or taken by the city or town for payment of taxes.

Deficiency to be supplied if collector fails, without his own default, to collect.

SECTION 86. If the collector fails to collect a tax without his own default, and there is a deficiency of the amount due on a state or county tax, such deficiency shall be supplied by him from the proceeds of the collection of city or town taxes, if any in his hands; and, if he have none, by the city or town treasurer, on the written requisition of the collector.

If collector neglects to pay over to state and county treasurers, city or town to be liable.

SECTION 87. If a collector of taxes neglects to pay, within the time required by law, such sums of money as ought by him to be paid to the state or county treasurer, the city or town by which such collector was appointed shall be liable for such sums, to be recovered in an action of contract by such state or county treasurer respectively.

If collector neglects to pay state or county tax, or city or town tax, etc.

SECTION 88. If a collector neglects seasonably to pay a state or county tax committed to him, whereby the city or town is compelled to pay the same, or neglects seasonably to account for and pay in a city or town tax committed to him, the city or town may recover the amount thereof, with all damages sustained through such neglect, and interest, by an action of contract, declaring on his official bond if any has been given.

In case collector becomes insane, absconds, etc.

SECTION 89. If a collector becomes insane, or in the judgment of the selectmen otherwise unable to discharge his duty, or absconds, removes, or in the judgment of the selectmen is about to remove, from the place, or if he refuses on demand to exhibit to the mayor and aldermen, or selectmen, his accounts of collections as herein provided, the selectmen may remove him from office and appoint another collector as in case of the death of the collector.

If collector dies or is removed.

SECTION 90. If a collector dies or is removed as provided in section eighty-nine, before completing the col-



lection of a tax committed to him, the selectmen may appoint some suitable person to complete the collection, who shall receive a reasonable compensation, to be paid by the town, and the assessors shall commit the same tax-list to him, with their warrant, accordingly; and he shall have the same powers and be subject to the same duties and liabilities as other collectors.

SECTION 91. The tax-list of a collector who is paid by a fixed salary may, upon the expiration of his term of office, be committed to his successor, as in the case of the death of a collector, subject to all the provisions of law relating to the transfer of a tax-list in case of the death of a collector, as far as applicable thereto.

Tax-list of collector who is paid a fixed salary may be transferred to successor upon expiration of term of office.

SECTION 92. In case of the death or removal from office of a collector, his executors or administrators and all other persons into whose hands any of his unsettled tax-lists may come, shall forthwith deliver the same to the selectmen.

Upon death, etc., of collector, unsettled tax-lists to be delivered to selectmen.

SECTION 93. Collectors shall be paid such compensation for their services as their cities or towns shall determine. In towns they shall be elected by ballot, and their compensation shall be fixed by the towns at the annual meeting, or at a special meeting called for that purpose.

Compensation of collectors.

SECTION 94. No tax paid to a collector shall be recovered back in any action unless it appears that it was paid after an arrest of the person paying it, a levy upon his goods, a notice of sale of his estate, or a protest in writing signed by the person paying the same, and that the action was brought by the person assessed for the tax within three months after such payment; and the damages awarded in an action based upon any error or irregularity in the assessment or apportionment of a tax shall not be greater than the excess of the tax above the amount for which the plaintiff was liable to be taxed; and no sale, contract or levy shall be avoided by reason of such error or irregularity.

No tax paid to collector shall be recovered back, unless, etc.

#### REPEAL OF STATUTES.

SECTION 95. Chapter twelve of the Public Statutes, chapter two hundred and forty-three of the acts of the year eighteen hundred and eighty-two, chapter one hundred and one of the acts of the year eighteen hundred and eighty-three, chapters one hundred and sixty-two and two hundred and forty-two of the acts of the year eighteen hun-

Repeal of P. S. 12: 1882, 243; 1883, 101; 1884, 162, 242; 1886, 320; 1887, 142.

dred and eighty-four, chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-six and chapter one hundred and forty-two of the acts of the year eighteen hundred and eighty-seven are hereby repealed. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability incurred, or any right accrued and established, or suit or proceeding to enforce such right or liability under the authority of the repealed laws.

Forms which may be used in proceedings for collection of taxes under this chapter.

SECTION 96. The following forms may be used in proceedings for the collection of taxes under this chapter, and, if substantially followed, they shall be deemed sufficient for the proceedings to which they respectively relate; but this shall not be so construed as to prohibit the use of other suitable forms. These forms may also be used, so far as applicable, in the collection of betterments and other assessments of like character.

SECTION 97. This act shall take effect upon its passage.

#### SCHEDULE OF FORMS.

##### NO. 1. — FORM OF DEMAND UNDER SECTION 8.

COLLECTOR'S OFFICE, B, , 18 .

To \_\_\_\_\_

Herewith find your tax bill due 18 , amounting to \$ . Payment of the same is hereby demanded. [If interest has been voted by the city or town, add] Interest at the rate of per cent. per annum will be charged from 18 . You are hereby notified that unless your tax is paid in fourteen days from this date, with all legal charges, the collector will then proceed to collect the same according to law.

C D,

*Collector of Taxes for the of .*

Schedule of forms.

Form of demand under section 8.

##### NO. 2. — FORM OF NOTICE OF SALE OF DISTRAINED PROPERTY UNDER SECTION 13.

COLLECTOR'S SALE.

Distrained upon a warrant of distress for non-payment of taxes, and will be sold by public auction on , the day of , 18 , at o'clock m., at , unless said taxes shall be paid before the sale, the following described property, to wit. [Here describe the property.]

B, , 18 . C D,

*Collector of Taxes for the of .*

Notice of sale of distrained property under section 13.

NO. 3. — FORM OF NOTICE OF ADJOURNMENT OF SALE UNDER SECTION 14.

Notice of adjournment of sale under section 14.

To the original notice of sale, or a copy thereof, add the following, and post at the place of sale: —

The collector hereby gives notice that the above sale stands adjourned to \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, at the same hour and place.

B, \_\_\_\_\_, 18\_\_\_\_. C D, \_\_\_\_\_  
Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_.

NO. 4. — FORM OF CERTIFICATE TO BE MADE UPON AN ATTESTED COPY OF WARRANT WHEN CORPORATE STOCK IS SEIZED UNDER SECTION 15.

Certificate to be made upon an attested copy of warrant when corporate stock is seized under section 15.

COLLECTOR'S OFFICE, B, \_\_\_\_\_, 18\_\_\_\_.

I hereby give notice that I have seized \_\_\_\_\_ share of the capital stock of the [A B Company] standing in the name of \_\_\_\_\_ by virtue of a warrant of distress, a copy of which is herewith presented. Said share being seized and distrained for the non-payment of a tax duly assessed upon the said \_\_\_\_\_ by the assessors of \_\_\_\_\_ for the year 18\_\_\_\_, amounting to the sum of \_\_\_\_\_ which the said \_\_\_\_\_, after due demand, has neglected and refused to pay.

B, \_\_\_\_\_, 18\_\_\_\_. C D, \_\_\_\_\_  
Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_.

NO. 5. — FORM OF CERTIFICATE TO BE MADE UPON AN ATTESTED COPY OF A WARRANT WHEN A COMMITMENT TO PRISON IS MADE UNDER SECTION 19.

Certificate to be made upon an attested copy of a warrant when a commitment to prison is made under section 19.

I hereby certify that \_\_\_\_\_ dollars is the sum which A B, now committed to prison, is to pay as his proportion of the tax within mentioned, and that upon his having neglected payment for *fourteen days after demand* (omit the words in italics if committed on special warrant under section 9), and for want of goods whereof to make distress, I have taken his body. The cost of taking and committing is \_\_\_\_\_.

C D, \_\_\_\_\_  
Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_.

NO. 6. — FORM OF COLLECTOR'S WARRANT TO SHERIFF, ETC., TO DISTRAIN OR COMMIT UNDER SECTION 23.

Collector's warrant to sheriff, etc., to distrain or commit under section 23.

COMMONWEALTH OF MASSACHUSETTS.

To the Sheriffs of our several Counties, or their Deputies, or to any Constable of the \_\_\_\_\_

GREETING :

WHEREAS \_\_\_\_\_ a resident of \_\_\_\_\_ in the County of \_\_\_\_\_, was duly assessed for the year eighteen hundred \_\_\_\_\_

Collector's war- and by the Assessors of the of , a  
 1011. tax in the sum of ; and the same now remains  
 unpaid; Therefore,

In the name of the Commonwealth of Massachusetts, you and each of you, are required and directed to levy and collect said tax, and for that purpose, to distrain the property or take the body of the said , and in so doing to proceed in like manner as Collectors are required by law to do in the like cases, viz. : —

You are required to demand payment of the said tax of the said person so assessed, either personally or at the place of his usual abode. . . . And in default of payment of said tax, by the said person so assessed after any demand as aforesaid, you are thereupon directed and required forthwith to levy and collect the amount of said tax, or so much thereof as shall not be abated agreeably to law, by distraining the goods or chattels of the said person so assessed sufficient to satisfy and pay such tax, and all legal costs and charges of keeping and selling the same (saving nevertheless and excepting the following goods, which are by law exempted from distress for the non-payment of taxes, viz. : the tools or implements necessary for the trade or occupation of the said person so assessed, beasts of the plow necessary for the cultivation of his improved lands; military arms; utensils for housekeeping, necessary for upholding life; and bedding and apparel necessary for the said person so assessed and his family). And the goods and chattels so distrained by you, you are required to keep at the cost and charge of the owner, for the space of four days at the least, and within seven days after the seizure you shall sell the same at public auction, for the payment of the tax, and of the charges of keeping, and of the sale; having first given notice of such sale by posting up a notification thereof, in some public place in the town or city where found, forty-eight hours at least before the sale: Provided, however, that you may, if you shall see fit, once adjourn said sale for a time not exceeding three days, in which case you shall forthwith give notice of such adjournment by posting up a notification thereof of the time and place of sale. And if said distress shall be sold for more than the tax and the charges of keeping the distress, and making sale thereof, the surplus arising from such sale, if any there be, you are required to deliver and pay to the owner of such goods or chattels upon demand, with an account in writing of the sale and charges. And if said person so assessed shall neglect or refuse to pay the amount of his said taxes, or the sum which may be due after any legal abatement of the same, for the space of fourteen days, from and after such demand as aforesaid, and for want of any goods or chattels of any person so assessed, whereon to make distress, to be by him shown to you, saving and excepting the goods or chattels by law exempted from distress for non-payment of taxes as aforesaid,



Collector's notice of sale of real estate to be published in a newspaper under sections 35 and 36.

**NO. 9. — FORM OF COLLECTOR'S NOTICE OF SALE OF REAL ESTATE TO BE PUBLISHED IN A NEWSPAPER UNDER SECTIONS 35 AND 36.**

COLLECTOR'S NOTICE.

B, , 18 .

The owners and occupants of the following described parcels of real estate situated in the city or town of , in the county of and Commonwealth of Massachusetts, and the public, are hereby notified that the taxes thereon severally assessed for the years hereinafter specified, according to the list committed to me as collector of taxes for said by the assessors of taxes, remain unpaid, and that said parcels of real estate will be offered for sale by public auction at the in said on , 18 , at o'clock M., for the payment of said taxes with costs and charges thereon, unless the same shall be previously discharged. [Here state the name of the party taxed, if known; a substantially accurate description of the estate; the year in which the tax is assessed; and the amount of the tax on each parcel of real estate.]

C D,  
Collector of Taxes for the of .

No. 10. — [Under section 37, use form No. 9 for notice to be posted on the premises, with the words, "This estate to be sold for unpaid taxes", written or printed at the top of the notice.]

Affidavit of disinterested person, deputy collector or collector of demand under section 39 to be recorded in the registry of deeds.

**NO. 11. — FORM OF AFFIDAVIT OF DISINTERESTED PERSON, DEPUTY COLLECTOR OR COLLECTOR OF DEMAND UNDER SECTION 39 TO BE RECORDED IN THE REGISTRY OF DEEDS.**

S, , 18 .

I [A B, a disinterested person, or a deputy collector, or collector] hereby certify that on the day of , 18 , I served upon E F a demand for the payment of a tax of dollars assessed upon him by the assessors of , in 18 , upon the estate in said [here give a substantially accurate description of the estate], with a notice that if said amount, together with the legal costs (and interest) thereon, was not paid within fourteen days from the date thereof that the said estate would be sold by public auction, pursuant to law. A B.

COMMONWEALTH OF MASSACHUSETTS.

H , ss. 18 .  
Then personally appeared the said A B, and made oath that this statement by him subscribed is true.

Before me,

Justice of the Peace.

No. 12. — FORM OF AFFIDAVIT UNDER SECTION 39, WHEN THE DEMAND IS MADE UPON TWO OR MORE DISTINCT PERSONS.

Affidavit under section 39, when the demand is made upon two or more distinct persons.

I [A B, a *disinterested person*, or a *deputy collector*, or *collector*] hereby certify that on or since the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, I have served on each of the parties hereinafter mentioned, on the date and in the manner specified, as may be seen by reference to their respective names, a demand like the blank hereunto attached, the blanks being first filled with the date, name, amount of the tax, and location of the real estate.

A B.

Names.	Amount of Tax.	Manner and Date of Service.

COMMONWEALTH OF MASSACHUSETTS.

H \_\_\_\_\_, ss. \_\_\_\_\_ S, \_\_\_\_\_, 18\_\_\_\_.

Then personally appeared the said A B, and made oath that the above statement by him subscribed is true.

Before me,

*Justice of the Peace.*

[Here annex the blank form, No. 8, referred to in the affidavit.]

No. 13. — FORM OF AFFIDAVIT OF POSTING AND PUBLISHING ADVERTISEMENT OF SALE UNDER SECTION 39.

Affidavit of posting and publishing advertisement and sale under section 39.

I, A B, of \_\_\_\_\_, in the County of \_\_\_\_\_, and Commonwealth of Massachusetts [a *disinterested person*, or a *deputy collector*, or *collector* of taxes], hereby certify that I witnessed the posting [or posted] on the premises named therein the printed notice hereto annexed of the collector of taxes of the (town or city) of \_\_\_\_\_ for the sale of real estate [or of the various parcels of real estate] situate in said \_\_\_\_\_, for non-payment of taxes, as specified in said notice hereto annexed, also in a convenient and public place, to wit: The \_\_\_\_\_; in said (town or city), and that said notice was advertised three weeks successively in the \_\_\_\_\_, a newspaper published in (city or town) [or if there is no such newspaper, state that fact and add: in said County], the last publication being at least one week before the advertised time of sale; and that said posting was done three weeks before the time of sale, in accordance with law.

A B.

COMMONWEALTH OF MASSACHUSETTS.

H \_\_\_\_\_, ss. \_\_\_\_\_ S, \_\_\_\_\_, 18\_\_\_\_.

Then personally appeared the above named \_\_\_\_\_, and made oath that the foregoing statements by him subscribed are true.

Before me,

*Justice of the Peace.*

[Here annex a copy of the advertisement.]

Deed under sections 43 and 44.

No. 14. — FORM OF DEED UNDER SECTIONS 43 AND 44.

COMMONWEALTH OF MASSACHUSETTS.

*To all Persons to whom these Presents may come,*

I, \_\_\_\_\_, Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_, in the County of \_\_\_\_\_ and Commonwealth of Massachusetts,

SEND GREETING :

WHEREAS, the Assessors of Taxes of said \_\_\_\_\_ of \_\_\_\_\_, in the lists of assessments for taxes, which they committed to me to collect for the year one thousand eight hundred and \_\_\_\_\_, duly assessed \_\_\_\_\_ as owner \_\_\_\_\_ of the real estate in said \_\_\_\_\_, which is hereinafter described, the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, for State, *City or Town*, and County Taxes thereon; and whereas, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_, I duly demanded of said [if the demand was made on a mortgagee or an attorney of a non-resident owner here insert the fact] \_\_\_\_\_ the payment of said taxes, so as aforesaid assessed on said real estate, and the same were not paid; and whereas, after the expiration of fourteen days from the time of demanding payment of said taxes as aforesaid, the same still remaining unpaid, I duly advertised said real estate to be sold by public auction for the payment of said taxes, and all incidental costs and expenses, on the \_\_\_\_\_, A.D. 18 \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_, at the \_\_\_\_\_, in said \_\_\_\_\_, by publishing an advertisement thereof, containing also a substantially accurate description, and the name of the owner of said real estate, and the amount of the taxes so as aforesaid assessed thereon, in the \_\_\_\_\_, a newspaper published in \_\_\_\_\_, in the county where said real estate lies, three weeks successively, the last publication whereof was one week before the time appointed for the sale, and by posting the said advertisement in \_\_\_\_\_ public and convenient place \_\_\_\_\_ in said \_\_\_\_\_, to wit: the \_\_\_\_\_, and also on said real estate, three weeks before the time appointed for said sale; and whereas, said taxes so as aforesaid assessed on said real estate not being paid, I proceeded at the time and place appointed as aforesaid for the sale, to sell said real estate by public auction for the discharging and payment of said taxes thereon, and said incidental costs and expenses\* [if the sale is adjourned add here], and no person appeared and bid for the estate thus offered for sale an amount equal to the said taxes and costs and expenses, and I thereupon, at said time and place appointed for sale, adjourned said sale until the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_, at \_\_\_\_\_ o'clock in the forenoon, at the same place, and then and there made public proclamation of said adjournment; and in like manner in all respects, I adjourned said sale from time to time, to the same hour and place, and then and there made public proclamation of said adjournments; and at the time and place so fixed and proclaimed for making said sale on each of the several days, at the said hour and place, I proceeded to offer for sale said real



estate by public auction for the payment of said taxes, costs and expenses, and no person appeared at either time so fixed by adjournment for said sale and bid a sum equal to said taxes, costs and expenses, until on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_; and at the said time and place so fixed for said sale by the last of the said adjournments, namely, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_. [use such of these averments as will conform to the facts]. I proceeded again to offer for sale by public auction said real estate for the payment of said taxes and costs and expenses, and the said real estate was struck off to \_\_\_\_\_ of \_\_\_\_\_, in the county of \_\_\_\_\_ and State of \_\_\_\_\_, for the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, he being the highest bidder therefor;

Therefore, know ye, that I, the said \_\_\_\_\_, Collector of Taxes as aforesaid, by virtue of the power vested in me by law, and in consideration of the said sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents to me paid by said \_\_\_\_\_, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto \_\_\_\_\_ the said \_\_\_\_\_ the following described real estate, the same being the land taxed as aforesaid, to wit: [Here describe the estate.]

To have and to hold the same, to \_\_\_\_\_ the said \_\_\_\_\_ heirs and assigns, to \_\_\_\_\_ their use and behoof forever; subject to the right of redemption by any person legally entitled to redeem the same.

And I, the said collector, do covenant with the said heirs and assigns, that the sale aforesaid has, in all particulars, been conducted according to the provisions of law.†

In witness whereof, I, the said \_\_\_\_\_, Collector as aforesaid, have hereunto set my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_.

[SEAL.]

*Signed, sealed and delivered in presence of* \_\_\_\_\_ of \_\_\_\_\_  
Collector of Taxes for the \_\_\_\_\_

ss.

18\_\_\_\_.

Then personally appeared the above named \_\_\_\_\_, Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the foregoing instrument to be his free act and deed.

Before me,

*Justice of the Peace.*

NO. 15. — FORM OF DEED WHEN THE CITY OR TOWN IS THE PURCHASER UNDER SECTIONS 48 AND 50.

COMMONWEALTH OF MASSACHUSETTS.

[Proceed as in No. 14 to the \* and continue as follows: —] and no person appeared and bid for the estate thus offered for sale an amount equal to the said taxes and costs and expenses, and I thereupon, at said time and place appointed for sale, adjourned said sale until \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_,

Deed under sections 43 and 44.

Deed when the city or town is the purchaser under sections 48 and 50.

A.D. 18 , at o'clock in the forenoon, at the same place, and then and there made public proclamation of said adjournment; and in like manner in all respects, I adjourned said sale from time to time, to the same hour and place, and then and there made public proclamation of said adjournments; and at the time and place so fixed and proclaimed for making said sale on each of said several days, I proceeded to offer for sale said real estate by public auction for the payment of said taxes, costs and expenses, and no person appeared at either time so fixed by adjournment for said sale and bid a sum equal to said taxes, costs and expenses, and at the time and place so fixed for said sale by the last of the said adjournments, namely, on the day of , A.D. 18 , at o'clock in the forenoon, I made a public declaration of all the facts hereinbefore recited; and no person then appeared and bid a sum equal to said taxes, costs and expenses [if only one adjournment is made, change these averments to conform to the facts]; and I thereupon then and there immediately gave public notice that I should, and that I then and there did purchase on behalf of the said of , said real estate for the sum of dollars and cents, being the amount of said taxes and said incidental costs and expenses;

Therefore know ye, that I, the said , Collector of Taxes as aforesaid, by virtue of the power vested in me by law, and in consideration of the premises, hereby give, grant, bargain, sell and convey unto the said of , the following described real estate, the same being the land taxed as aforesaid, to wit: [Here describe the estate.]

To have and to hold the same, to the said of , and its assigns, to its and their use and behoof forever; subject to the right of redemption by any person legally entitled to redeem the same.

And I, the said Collector, do covenant with the said of , and its assigns, that the sale aforesaid has, in all particulars, been conducted according to the provisions of law. [Conclude as in No. 14 from the †.]

Deed to city or town when the purchaser fails to pay, etc., under sections 49 and 50.

NO. 16. — FORM OF DEED TO CITY OR TOWN, WHEN THE PURCHASER FAILS TO PAY, ETC., UNDER SECTIONS 49 AND 50.

[Proceed as in No. 14 to the \* and continue as follows:—] and the said real estate was struck off to of in the County of and State of for the sum of dollars and cents, he being the highest bidder therefor; and whereas, the said failed to pay to me the sum offered by him as aforesaid, and receive his deed of the premises bid off by him, within ten days after the said sale, and the said sale became null and void, and the said of thereby became the purchaser of the premises so bid off by the said for the sum of dollars

and            cents, being the amount of said taxes and said incidental costs and expenses;

Therefore know ye, that I, the said            Collector of Taxes as aforesaid, by virtue of the power vested in me by law, and in consideration of the premises, hereby give, grant, bargain, sell and convey unto the said            of           , the following described real estate, the same being the land taxed as aforesaid, to wit: [Here describe the estate.]

To have and to hold the same, to the said            of           , and its assigns, to its and their use and behoof forever; subject to the right of redemption by any person legally entitled to redeem the same.

And I, the said Collector, do covenant with the said            of           , and its assigns, that the sale aforesaid has, in all particulars been conducted according to the provisions of law. [Conclude as in No. 14 from the †.]

NO. 17. — FORM OF NOTICE OF INTENTION TO TAKE REAL ESTATE UNDER SECTION 52.

Notice of intention to take real estate under section 52.

COLLECTOR'S NOTICE.

The owners and occupants of the following-described *parcels* of real estate situate in the            of           , in the County of           , and Commonwealth of Massachusetts, and all other persons, are hereby notified that the *taxes* thereon, *severally* assessed for the year hereinafter specified, according to the list committed to me as Collector of Taxes for the said            of           , by the Assessors of Taxes of said           , remain unpaid, and that said *parcels* of real estate will be taken for the said            of           , on the day of            A. D. 18           , at            o'clock            M., for the payment of said taxes, together with the costs and charges thereon, unless the same shall be previously discharged. [Here state the name of owner or occupant, a description of the parcel or parcels of lands, the year for which the taxes were assessed, and the sum assessed upon each parcel.]

C D,

*Collector of Taxes for the            of           .*

B,            18           .

NO. 18. — FORM OF AFFIDAVIT OF DEMAND AND NOTICE TO BE ANNEXED TO THE INSTRUMENT OF TAKING UNDER SECTION 53.

Affidavit of demand and notice to be annexed to the instrument of taking under section 53.

I, C D, of           , in the County of           , and Commonwealth of Massachusetts, on oath depose and say that on the            day of            A. D. 18           , I, as Collector of Taxes for the            of           , made a written demand on            for the amount of the tax assessed by the assessors of said            of           , as of the first day of

May, A.D. 18 , upon the said , with the costs then due on certain real estate situated in said of , by [Here state manner in which the demand was made], of which the following is a true copy:—

“COLLECTOR’S OFFICE, 18 .

To , I hereby demand of you the payment of dollars and cents, that being the amount of tax assessed for the year 18 by the assessors of , on the real estate [Here describe the estate] owned by you. You are hereby notified that if said amount, together with the costs thereon, is not paid within fourteen days from this date, the said real estate will be taken for said taxes for the said of . Tax, \$ ; costs and charges, \$ . C D,  
*Collector of Taxes for the of .*”

[If notice is published and posted, add:] And I, the said C D, do further depose and say that I posted and published notices, of which the following is a copy [Here annex a copy of the notice], as follows: A copy thereof was posted on [Here state where posted], and I also published a copy of said notice in the , a newspaper published in said

[If there be no such paper published in said town, state the fact and add, “in in said county”], three weeks successively, that the posting of said notices and the first publication thereof was more than fourteen days after the making the demand as aforesaid; and I do further depose and say that, at the date of the instrument of taking, hereto annexed, the amount of taxes due on the estate therein described, with the costs and expenses, amounted to the sum of dollars and cents, and that the parcel or *parcels* or *lot* or *lots* of land were taken for the reason that the taxes remained unpaid at the time of the said taking.

C D,  
*Collector of Taxes for the of .*

B , ss. 18 .  
Then personally appeared the above named C D, and made oath that the foregoing affidavit by him subscribed is true.

Before me,

*Justice of the Peace.*

Taking of real estate under section 54.

NO. 19. — FORM OF TAKING OF REAL ESTATE UNDER SECTION 54.

Whereas, the tax assessed by the assessors of as of the first day of May, in the year 18 , upon E F as the owner (or occupant) of the real estate hereinafter described, was duly committed to me as Collector of Taxes for said of ; and whereas, the said taxes, amount-

ing to            dollars and            cents, have not been paid; and whereas, a demand for the payment of said taxes and the costs and expenses then due was made by me on the said E F on the            day of           , last past, in conformity to law; and whereas, notice of my intention to take said real estate by virtue of the authority vested in me as Collector of Taxes for said            has been duly made, as by law required; and whereas, the said taxes, at the date of this instrument, remain unpaid; now, therefore, know all men by these presents, that I, C D, as Collector of Taxes as aforesaid, by virtue of the power and authority in me vested as aforesaid, have taken, and by these presents do take, for the said            of           , subject to redemption according to law, the following described lot or parcel of land, with the buildings thereon, the same being the estate assessed as aforesaid, to wit: [Here describe the estate.] The said E F is the only person known to me as owner of the above described estate.

In witness whereof, I, the said C D, as Collector as aforesaid, hereunto set my hand and seal this            day of           , in the year eighteen hundred and           .

C D, [SEAL.]  
Collector of Taxes for the            of           .

No. 20. — FORM OF DEED BY CITY OR TOWN WHEN ESTATE IS REDEEMED UNDER SECTION 57, TO BE EXECUTED BY THE PROPER OFFICERS OF THE CITY OR TOWN.

Deed by city or town when estate is redeemed under section 57, to be executed by the proper officers of the city or town.

KNOW ALL MEN BY THESE PRESENTS,

That the            of           , in consideration of           , to it paid by            of           , the receipt whereof is hereby acknowledged, does hereby *remitse, release*, and forever *quitclaim* unto the said            all the right, title and interest which the said            of            acquired, by or under a deed made to it by           , the Collector of Taxes for said (City or Town), dated the            day of            in the year of our Lord one thousand eight hundred and           , and recorded with            Deeds, Lib.            Fol.            in and to the following parcel of real estate in said           , viz.: [Here describe the estate.]

To have and to hold the above released premises, with all the privileges and appurtenances to the same belonging, to the said           , heirs and assigns, to            use and behoof forever.

In witness whereof, the said            of            has caused its corporate seal to be hereunto affixed, and these presents to be signed, acknowledged and delivered in its name and behalf by           , its           , hereto duly authorized, this            day of           , in the year of our Lord eighteen hundred and           .

Town (or City) of           . [SEAL.]

*Signed and sealed in presence of*           .

*By*           .

Affidavit of a disinterested person of search for purchaser, his agent or attorney when they cannot be found, under section 58.

NO. 21. — FORM OF AFFIDAVIT OF A DISINTERESTED PERSON OF SEARCH FOR PURCHASER, HIS AGENT OR ATTORNEY WHEN THEY CANNOT BE FOUND, UNDER SECTION 58.

I, A B, on oath depose and say that in behalf of C D, who claims a right to redeem certain lands situated in the of , which were sold by Collector of Taxes for said for non-payment of taxes assessed upon and described in a deed of said Collector to , dated 18 , and recorded with Deeds, Libro Folio I have made diligent search for said purchaser in the place of which he is described as a resident, and that I have also made diligent search for an agent or attorney of such purchaser, but after such diligent search have been unable to find either the purchaser or any such agent or attorney. A B.

, ss. , 18 .  
Then personally appeared the above named A B, and made oath that the foregoing statement by him subscribed is true.

Before me,

*Justice of the Peace.*

Receipt by collector to a mortgagee under section 60.

NO. 22. — FORM OF RECEIPT BY COLLECTOR TO A MORTGAGEE, UNDER SECTION 60.

COLLECTOR'S OFFICE, 18 .  
I, , Collector of Taxes for the of , hereby certify that the Assessors of Taxes of said of , in the list of assessments for taxes, which they committed to me to collect for the year one thousand eight hundred and , duly assessed the sum of dollars and cents, as owner of the real estate situated as follows, viz. : —

and I further certify that the said neglected to pay such tax for three months after demand, and I thereupon made a demand therefor upon who claimed to be the holder of a mortgage upon said real estate ; and that the said has paid to me the sum of dollars and cents, being the amount of said tax, with all intervening charges and expenses, the receipt of which I hereby acknowledge. C D,

*Collector of Taxes for the of .*

S , ss. , 18 .  
Then personally appeared the above named , Collector of the of and made oath to the statement by him subscribed.

Before me,

*Justice of the Peace.*

NO. 23. — FORM OF RECEIPT BY COLLECTOR UNDER SECTIONS 61 AND 62.

Receipt by collector under sections 61 and 62.

COLLECTOR'S OFFICE, 18 .

I, \_\_\_\_\_, Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_, hereby certify that the Assessors of Taxes of said \_\_\_\_\_ of \_\_\_\_\_, in the list of assessments for taxes, which they committed to me to collect for the year one thousand eight hundred and \_\_\_\_\_, duly assessed \_\_\_\_\_ the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, as owner of the real estate situated as follows, viz. : —

\_\_\_\_\_ and I further certify that proceedings have been commenced by me for the sale of said real estate for said tax, and that \_\_\_\_\_ who claimed to be the holder of a mortgage thereon, has paid to me the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, being the amount of said tax, with all intervening charges and expenses, the receipt of which I hereby acknowledge, said receipt having been demanded by said mortgagee.

C D,

*Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_.*

S \_\_\_\_\_, ss. \_\_\_\_\_ 18 .  
Then personally appeared the above named \_\_\_\_\_, Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_, and made oath to the statement by him subscribed. Before me,

*Justice of the Peace.*

NO. 24. — FORM OF NOTICE OF SALE OF UNREDEEMED REAL ESTATE, IN BEHALF OF A CITY OR TOWN, WITHIN TWO YEARS AFTER EXPIRATION OF THE RIGHT OF REDEMPTION, UNDER SECTION 66.

Notice of sale of unredeemed real estate in behalf of a city or town, within two years after expiration of the right of redemption, under section 66.

SALE OF UNREDEEMED REAL ESTATE BY THE \_\_\_\_\_ OF \_\_\_\_\_ .  
COLLECTOR'S OFFICE, B, \_\_\_\_\_, 18 .

In conformity with the laws of the Commonwealth of Massachusetts, the public and all persons interested as former owners and occupants of each of the following described parcels of real estate situated in the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ and Commonwealth aforesaid, are hereby notified that said parcels having been conveyed according to law to said [Town or City of] for non-payment of taxes and assessments and the time within which each of the estates might be redeemed by the owners thereof having expired, each of said parcels will be offered for sale in accordance with Section 65, of Chapter \_\_\_\_\_ of the Acts of the year 1888, by public auction at the \_\_\_\_\_ in said B \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and to the highest bidder for each of the several parcels a quitclaim deed will be delivered. For further particulars reference is made to the Registry of Deeds of the County of \_\_\_\_\_, the volume and folio numbers following

the description of each parcel, indicating the record of the deed under which the said                    of                    now holds title to the estate described.

The sums set against the several estates show the amounts due thereon respectively for the taxes and assessments for the non-payment of which said estate was sold to (or taken by) the said                    together with the subsequent taxes and assessments, interest on the same, and all lawful costs and charges. And none of the said estates will be sold for less than the amount set against the said estates, respectively.

[Here set out the name of original owner or occupant if known, a description of each parcel, the place of registry, vol. and folio, the years in which assessed and the amount for not less than which the sale will be made.]

C D,  
Collector of Taxes for the                    of                    .

Deed of  
unredeemed  
tax title under  
section 66.

No. 25. — FORM OF DEED OF UNREDEEMED TAX TITLE  
UNDER SECTION 66.

KNOW ALL MEN BY THESE PRESENTS,

That, whereas the real estate hereinafter described was by deed of                    , Collector, dated                    A. D. 18                    , and recorded with                    Deeds, Lib.                    Fol.                    , duly conveyed to the                    of                    , a municipal corporation legally established in the County of                    and Commonwealth of Massachusetts, for the non-payment of taxes, and whereas no person lawfully entitled has, within the time prescribed by law, redeemed said real estate, and whereas I, the Collector of Taxes of the said                    of                    , acting under the provisions of chapter                    of the Acts of the year eighteen hundred and eighty-eight, duly advertised said real estate to be sold by public auction on the                    day of                    , 18                    , at                    o'clock in the forenoon, at the                    in said                    of                    , by publishing an advertisement thereof, containing a substantially accurate description of said real estate in the                    , a newspaper published in                    , three weeks successively, the last publication whereof was at least one week before the time appointed for the sale, and by posting a like advertisement in                    public and convenient place in said                    of                    , to wit:                    , in said city or town and also on said real estate, three weeks before the time appointed for said sale: and whereas, the amounts due on said estate not being paid, the                    of                    by the                    Collector,                    , thereto duly authorized by statute, proceeded at the time and place appointed as aforesaid for the sale, to sell real estate by public auction, and the said real estate was then and there struck off to                    , of                    , in the County of                    , and State of                    , for the sum of                    dollars and                    cents, he being the highest bidder therefor;



Now, therefore, the \_\_\_\_\_ of \_\_\_\_\_, by its Collector of Taxes, by virtue of the statutes in such case made and provided, and every other power hereto it enabling, in consideration of \_\_\_\_\_ dollars and \_\_\_\_\_ cents paid by said \_\_\_\_\_, the receipt whereof is hereby acknowledged, does hereby *remise, release,* and forever *quitclaim* unto the said \_\_\_\_\_, heirs and assigns, all the right, title and interest which the said \_\_\_\_\_ of \_\_\_\_\_ acquired, by or under the deed above mentioned, in and to the following parcel of real estate in said \_\_\_\_\_, viz.: [Here describe the estate.]

To have and to hold the above released premises, with all the privileges and appurtenances thereto belonging, to the said \_\_\_\_\_, his heirs and assigns, to his and their use and behoof forever.

In witness whereof, the said \_\_\_\_\_ of \_\_\_\_\_ has caused its seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by its Collector of Taxes, hereto duly authorized by law this day of \_\_\_\_\_, in the year eighteen hundred and \_\_\_\_\_

Town (or City) of \_\_\_\_\_ [SEAL.]

By C D, \_\_\_\_\_  
Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_.

[To be acknowledged by the Collector as the free act and deed of the City or Town.]

No. 26. — FORM OF AFFIDAVIT OF COLLECTOR OF THE NON-APPEARANCE OF A PURCHASER, OR THE FAILURE OF BIDDER TO PAY THE SUM BID, UNDER SECTION 67.

Affidavit of collector of the non-appearance of a purchaser, or the failure of bidder to pay the sum bid, under section 67.

I, C D, Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ and Commonwealth of Massachusetts on oath depose and say that the advertisement of the sale of unredeemed real estate, a copy of which is hereto annexed, was published and posted according to the requirements of law, and that at the time and place of sale as stated in the same [no person appeared and bid for the real estate advertised in said advertisement against the name of \_\_\_\_\_ the sum or amount therein stated, or more] and the estate advertised as aforesaid against the name of \_\_\_\_\_ was struck off to A B, for the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, he being the highest bidder therefor, I further depose and say that said A B failed to pay to me as such Collector, within ten days, the sum offered by him for said estate.

C D,  
Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_.

S \_\_\_\_\_, ss. \_\_\_\_\_ 18 \_\_\_\_\_  
Then personally appeared the above named C D, Collector of Taxes for the \_\_\_\_\_ of \_\_\_\_\_, and made oath that the above statement by him subscribed is true.

Before me,

Justice of the Peace.

[Here annex a copy of the advertisement.]

Notices when tax title is deemed invalid under sections 69 and 72. (From assessors to collector.)

**No. 27. — FORMS OF NOTICES WHEN TAX TITLE IS DEEMED INVALID, UNDER SECTIONS 69 AND 72.**

(FROM THE ASSESSORS TO THE COLLECTOR.)

OFFICE OF THE BOARD OF ASSESSORS, 18 .

To the Collector of Taxes for the of .

Sir: You are hereby notified that the tax assessed as of the first day of May, 18 , in the name of upon an estate estimated to contain [here insert the area] land, situated [here insert the name of street or other description] was invalid by reason of error in assessment; and that any deed given by you in consequence of a sale for the non-payment of such tax conveyed no valid title to the purchaser. And the Board approves of your sending a notice to that effect to the owner of said estate.

Board of Assessors of the of , by A B,  
One of said Assessors.

(From the collector to the holder of the title)

**No. 28. —**

(FROM THE COLLECTOR TO THE HOLDER OF THE TITLE.)

COLLECTOR'S OFFICE, 18 .

To \_\_\_\_\_

You are hereby notified that I have reason to believe that the tax assessed as of the first day of May, 18 , in the name of upon an estate estimated to contain of land, situated [here describe the estate], being the same estate conveyed to by Collector, and recorded with Deeds, Libro Folio was, in my opinion, invalid by reason of an error in the assessment or in the proceedings for the sale. [Here give a brief statement of the defect:] and I do hereby, with the approval of the assessors of said , notify and require you, within thirty days from the time when this notice shall be served upon you, to surrender and discharge the deed so given, and to receive from the of the sum due therefor, with interest as provided by law, or to file with the Collector a written statement that you refuse to make such surrender and discharge.

C D,  
Collector of Taxes for the of .  
Approved May 23, 1888.

AN ACT TO AMEND SECTION ONE OF CHAPTER THREE HUNDRED AND FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SIX CONCERNING THE PUNISHMENT FOR RAPE. Chap.391

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

Section one of chapter three hundred and five of the acts of the year eighteen hundred and eighty-six is hereby amended in the second and fourth lines thereof by striking out the word "thirteen" in each of said lines and inserting in place thereof the word: — fourteen, — so that the same shall read as follows: — *Section 1.* Whoever ravishes and carnally knows a female of the age of fourteen years or more by force and against her will, or unlawfully and carnally knows and abuses a female child under the age of fourteen years, shall be punished by imprisonment in the state prison for life, or for any term of years. Age of consent.  
  
Punishment for rape.

*Approved May 23, 1888.*

AN ACT TO ENABLE THE CITY OF BOSTON, FOR THE PURPOSE OF OBTAINING LANDS FOR ITS PUBLIC PARKS, TO INCUR INDEBTEDNESS OUTSIDE OF THE LIMIT FIXED BY LAW. Chap.392

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

SECTION 1. The city of Boston for the purpose of purchasing or taking such additional lands for its public parks as the park commissioners of said city shall deem desirable and necessary, and paying therefor, may incur indebtedness and may from time to time issue bonds, notes or scrip therefor to an amount not exceeding six hundred thousand dollars, outside of the limit of indebtedness fixed by law for said city, payable in periods not exceeding fifty years from the date of issue, and bearing interest at rates not exceeding four per cent. per annum, but the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall in all other respects apply to the issue of said bonds, notes and scrip and to the establishment of a sinking fund for the payment thereof at maturity. May issue bonds, etc., to an amount not exceeding \$600,000 outside of the debt limit.

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

*Approved May 23, 1888.*

**Chap.393** AN ACT RELATIVE TO THE VALIDITY OF MORTGAGES OF REAL ES-TATE AS AGAINST ASSIGNEES IN INSOLVENCY.

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

Validity of mortgages of real estate as against assignees in insolvency.

A mortgage of real estate recorded more than four months after its date shall not be valid as against an assignee in insolvency of the estate of the mortgagor appointed in proceedings in insolvency begun at any time after the date of the mortgage and before the expiration of one year from the recording thereof.

*Approved May 23, 1888.*

**Chap.394** AN ACT TO AMEND AN ACT TO INCORPORATE THE VERY REVEREND FATHER MATHIEW MUTUAL BENEVOLENT TOTAL ABSTINENCE SOCIETY.

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

May hold additional real and personal estate.

SECTION 1. Section two of chapter ninety-three of the acts of the year eighteen hundred and sixty-three, being an act entitled An Act to incorporate the Very Reverend Father Mathew Mutual Benevolent Total Abstinence Society, is hereby amended so that said section shall read as follows : — *Section 2.* Said corporation may take and hold real estate not exceeding thirty thousand dollars, and personal property not exceeding ten thousand dollars, for the purposes aforesaid.

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

*Approved May 23, 1888.*

**Chap.395** AN ACT TO PREVENT DESECRATION OF GRAVES BY THE REMOVAL THEREFROM OF FLOWERS, FLAGS OR OTHER MEMORIAL TOKENS.

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

Penalty for removing flowers, flags or other memorial tokens from graves.

SECTION 1. Whoever, without authority, removes any flowers, flags or memorial tokens from any grave, tomb, monument or burial lot in any cemetery, or other place of burial shall be punished by fine not exceeding one hundred dollars for each offence.

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

*Approved May 23, 1888.*

AN ACT TO EXPEDITE THE SETTLEMENT OF CLAIMS FOR PENSIONS. *Chap. 396*

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

SECTION 1. The governor with the advice and consent of the council shall appoint a citizen of this Commonwealth to be a state agent for the settlement of pension, bounty and back pay claims of citizens of this Commonwealth against the federal government. His salary shall be two thousand dollars per year, and he shall hold office until his successor is appointed and confirmed.

State agent to be appointed for settlement of pension, bounty and back pay claims.

Salary.

SECTION 2. A suitable office, clerical assistance, and travelling expenses when necessary to visit Washington, shall be furnished by the state; bills thus incurred to be approved by the adjutant-general and audited by the state auditor.

Office, clerical assistance, etc., to be furnished.

SECTION 3. The said agent shall furnish information, prepare papers, expedite the adjudication of claims and assist claimants in proving their cases, keep records of the work done in his office, and make an annual report to the legislature of the operation of his office.

Agent to furnish information, prepare papers, etc.

SECTION 4. There shall be paid to the council of administration of the Grand Army of the Republic in the department of Massachusetts the sum of three thousand dollars, to be used under their direction in the payment of any bills heretofore incurred by them in securing pensions, bounties or back pay, and for providing temporary relief for soldiers and sailors needing the same.

Allowance to the council of administration of the Grand Army of the Republic.

SECTION 5. The sum of seven thousand dollars may be expended for the purposes named in this act.

\$7,000 may be expended under this act.

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

*Approved May 23, 1888.*

AN ACT RELATING TO THE LAYING OUT, ALTERATION, DISCONTINUANCE AND REPAIRS OF HIGHWAYS IN THE CITY OF BOSTON. *Chap. 397*

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

SECTION 1. Sections eighty-four, eighty-five and eighty-six of chapter forty-nine of the Public Statutes are hereby amended so as to read as follows: — *Section 84.* The board of street commissioners of the city of Boston shall have power to lay out, locate anew, alter, widen and discontinue highways in the city of Boston and order specific repairs thereon, and whenever they are of the opinion that the public necessity and convenience require

Laying out, alteration and repairs of highways in Boston. Amendments to P. S. 49, §§ 84-86.

Laying out,  
alteration and  
repairs of high-  
ways in Boston.

that a highway shall be laid out within said city, or that an existing highway shall be located anew, altered, widened or discontinued, or that specific repairs shall be ordered thereon, the said commissioners shall appoint a time for a public hearing, and shall cause a notice thereof and of their intention in the matter to be published once a week for two successive weeks in two daily newspapers published in said city, the last publication to be at least seven days previous to the time fixed for said hearing. Said hearing may be adjourned from time to time, if the commissioners deem it necessary, and, after said hearing, said commissioners shall determine what action relating to said way the public necessity and convenience require; and such determination, being recorded in the records of said commissioners, the said way shall be thereby laid out, located, altered, widened or discontinued, or specific repairs shall be ordered, in accordance with such determination. *Section 85.* Said commissioners shall estimate the amount of damage sustained by any persons in their property by such laying out, locating anew, altering, widening or discontinuing, or ordering specific repairs on, a highway, and, in their aforesaid determination, shall state the share of each separately. *Section 86.* The city, or any party interested, if dissatisfied with the estimate of damage in any case mentioned in the preceding section, may have the amount of such damages determined by a jury at the bar of the superior court, in the same manner in which other civil causes are there tried, by filing in the clerk's office of said court, for the county of Suffolk, at any time before the expiration of one year from the time when the lands are entered upon, and possession taken for the purpose of constructing the highway, or when no land is taken, from the time when the work is actually commenced on the highway, a petition for such jury. The petitioner before filing his petition shall notify the adverse party to appear and answer thereto, by causing a summons containing a copy of said petition to be served upon him in the manner provided by sections twenty-nine to thirty-six inclusive of chapter one hundred and sixty-one of the Public Statutes.

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

*Approved May 24, 1888.*

AN ACT TO SUPPLY THE TOWN OF ASHBURNHAM WITH PURE WATER. *Chap.398*

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

SECTION 1. The town of Ashburnham may supply itself and its inhabitants with water for the extinguishment of fires and for domestic purposes, may establish hydrants, relocate and discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

Town of Ashburnham may supply itself with water.

SECTION 2. The said town for the purposes aforesaid, and for the purpose of obtaining a supply of water, may draw and convey directly from Upper Naukeag pond, so called, in said town, so much of the waters thereof, and the waters that flow into and form the same, as it may require; and it may take by purchase, or otherwise, and hold any water rights connected with said pond, and any springs and streams tributary thereto, and the water of any other ponds, or water sources, within the limits of said town, and the water rights connected with any of said sources, and also all lands, rights of way and easements, necessary for holding and preserving such water, and for conveying the same to any part of said town, and may erect upon the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as when completed shall not unnecessarily obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act, said town may dig up, raise and embank any such lands or ways in such manner as to cause the least hindrance to public travel on such ways.

May take water from Upper Naukeag pond.

May construct and lay down conduits, etc.

SECTION 3. The said town shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the northern district of the county of Worcester a description thereof sufficiently accurate for identification,

To cause to be recorded in the registry of deeds a description of the land, etc., taken.

with a statement of the purpose for which the same is taken, signed by the water commissioners hereinafter provided for.

Town to pay damages.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property, by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under the authority of this act, except that said town shall not be liable to pay any damages resulting from taking water from said Upper Naukeag pond, other than the state itself would be legally liable to pay. Any person or corporation, entitled to damages as aforesaid, under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within the period of three years from the taking of such land or other property, or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or any injury thereto, until the water is actually withdrawn or diverted by said town, under the authority of this act.

Application for damages not to be made until water is actually withdrawn.

Ashburnham Water Loan not to exceed \$75,000.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate seventy-five thousand dollars; such bonds, notes and scrip shall bear on their face the words Ashburnham Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town, and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, but the same shall not be sold or pledged for less than the par value thereof. The said town unless it avails itself of the provisions of section six shall provide at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the

To establish a sinking fund.



principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

SECTION 6. The said town, instead of establishing a sinking fund, may at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required shall, without further vote, be assessed by the assessors of said town, in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed, under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May provide for payment by annual proportionate payments in lieu of sinking fund.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amount raised and applied thereunder for the current year.

Return required to state amount of sinking fund, etc.

SECTION 8. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund, and payments on the principal as may be required under the provisions of this act.

To raise annually by taxation sufficient to pay current expenses and interest.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town, under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

Penalty for wilfully corrupting or diverting water.

SECTION 10. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next

Board of water commissioners to be elected.

succeeding annual town meeting, to constitute a board of water commissioners, and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act, and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Vacancies.

Subject to acceptance by a two-thirds vote.

SECTION 11. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for the purpose, within three years from its passage, but the number of meetings so called in any year shall not exceed three.

*Approved May 24, 1888.*

**Chap.399** AN ACT PROVIDING FOR THE INSPECTION IN CERTAIN CASES OF BUILDINGS AND OTHER STRUCTURES ALLEGED TO BE UNSAFE OR DANGEROUS.

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

Inspection of buildings alleged to be unsafe.

SECTION 1. Any member of the inspection department of the district police force when called upon by the mayor and aldermen of any city, except the city of Boston, or by the selectmen of a town, shall inspect any building or other structure or anything attached to or connected therewith in such city or town which has been represented to be unsafe or dangerous to life or limb.

Inspector, in his judgment, to cause building to be removed, or to render the same secure and safe.  
P. S. 104, §§ 1-11.

SECTION 2. If it appears to an inspector upon such inspection that the building or other structure or anything attached to or connected therewith is unsafe or dangerous to life or limb, in case of fire or otherwise, he shall proceed to cause the same to be removed or to render the same safe and secure, in the manner provided by sections four to eleven inclusive of chapter one hundred and four of the Public Statutes, and may cause proceedings to be instituted under section twelve of said chapter one hundred and four.

SECTION 3. The words “mayor and aldermen” in section five of said chapter one hundred and four shall for the purposes of this act be construed to apply to the mayor and aldermen of a city or the selectmen of a town as the case may be.

Words “mayor and aldermen” construed.

SECTION 4. If in any city or town in which such inspection is made there is no city engineer or chief engineer of the fire department, the mayor and aldermen or selectmen as the case may be shall designate some other officer or officers or some suitable persons in place of the officers so named to act upon the board of survey provided for in section six of said chapter one hundred and four, and the provisions of said section and of sections seven, eight, nine, ten, and twelve of said chapter one hundred and four shall apply to a board thus constituted.

Board of survey. P. S. 104, § 6.

*Approved May 24, 1888.*

AN ACT TO AUTHORIZE THE TOWN OF WELLESLEY TO SUPPLY THE TOWN OF NEEDHAM WITH WATER. Chap.400

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

SECTION 1. The town of Wellesley is hereby authorized to furnish from its water supply to the town of Needham, or to any portion thereof, a supply of water for the use of said town of Needham and its inhabitants for the extinguishment of fires and for domestic purposes, and may contract with said town of Needham for such supply of water on such terms as may be agreed upon between said towns.

Wellesley may supply Needham with water.

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

*Approved May 24, 1888.*

AN ACT TO AUTHORIZE THE TRUSTEES OF WESTFIELD ACADEMY TO EXPEND THE INCOME OF THEIR FUNDS IN AID OF THE HIGH SCHOOL OF THE TOWN OF WESTFIELD. Chap.401

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

SECTION 1. The trustees of Westfield Academy are hereby authorized to devote and expend the whole or any part of the income of any funds held by them, or for their benefit, in aiding the town of Westfield in the support of the high school, upon such terms and for such time as they may deem expedient.

Trustees may expend income in aid of high school of town of Westfield.

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

*Approved May 24, 1888.*

**Chap.402** AN ACT TO PROVIDE FOR THE FURTHER INTRODUCTION AND EXTENSION OF A POLICE SIGNAL SYSTEM IN THE CITY OF BOSTON.

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

Police signal system in city of Boston may be extended.

SECTION 1. The board of police for the city of Boston may expend, in addition to the amount now authorized by chapter three hundred and twenty-five of the acts of the year eighteen hundred and eighty-seven, the sum of seventy-five thousand dollars for the further introduction and extension in the several police divisions of said city of an electrical signal and telephonic system, and may provide such patrol wagons, horses, equipments and accommodations as in the opinion of said board may be necessary therefor. The said board may from time to time for the purpose of providing therefor, draw upon the city treasurer of said city, an amount not exceeding said sum, and the city treasurer shall pay the same upon the requisitions of said board out of the receipts for liquor license fees which shall remain in the treasury of said city after the provisions of section fourteen of chapter one hundred of the Public Statutes have been complied with. The provisions of said chapter three hundred and twenty-five of the acts of the year eighteen hundred and eighty-seven shall apply to the extension of said system as herein provided.

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

*Approved May 24, 1888.*

**Chap.403** AN ACT IN RELATION TO THE LABOR OF PRISONERS.

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

Certain industries to be maintained in the prisons.

SECTION 1. It shall be the duty of the warden of the state prison, the superintendent of the Massachusetts reformatory, the superintendent of the reformatory prison for women, and the masters of the several houses of correction, to establish and maintain in their respective institutions such industries as shall be fixed upon as provided by section one of chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven.

Number of prisoners to be employed, limited.

SECTION 2. The number of persons employed in any industry in the state prison, Massachusetts reformatory or reformatory prison for women, or in any house of correction, shall not exceed one-twentieth of the number

of persons employed in such industry in the state, according to the classification given in the census of eighteen hundred and eighty, unless a larger number is needed to produce articles to be supplied to state and county institutions, as provided in section thirteen of said chapter. If said classification does not give the number employed in any industry in the state, the limit to the number who may be so employed in any institution in any industry shall be as provided by chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-three: *provided, however*, that two hundred and fifty prisoners may be employed in the manufacture of brushes at the house of correction at Cambridge, upon the public account system, so called.

Proviso.

SECTION 3. The tools, implements and materials needed for use in manufacturing in any institution under the provisions of said chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven shall be purchased by the warden, superintendent or master of said institution, under the supervision of the general superintendent of prisons, after estimates or requisitions, in such form as said general superintendent shall from time to time require, shall have been approved by him. Such manufactured goods as shall be produced in either of said institutions shall be sold by the principal officer thereof, under such approval of said general superintendent as he shall from time to time require. Said warden, superintendent or master is authorized to appoint agents who shall, in his behalf, under such rules and regulations as the general superintendent shall from time to time establish, purchase tools, implements and materials, and sell manufactured goods as aforesaid. The appointment of every such agent shall be subject to the approval of the general superintendent of prisons, but he may be removed at any time without such approval by the officer who appointed him. The compensation of every such agent shall be fixed from time to time by the officer by whom he is appointed, with the approval of said general superintendent. Said general superintendent shall have no authority to purchase or sell any articles for any institution.

Tools, implements and materials to be purchased under supervision of the general superintendent.

SECTION 4. Section twelve of said chapter four hundred and forty-seven is hereby amended by inserting the words: — by him, — after the word “made” in the third

Appointment of agent for sale of goods subject to approval of general superintendent.

Amendment to 1887, 447, § 12.

line, and by adding at the end of the section the following words:— or if such suit is prosecuted or defended by a master of a house of correction, to arbitrators or referees to be approved by the county commissioners of the county in which said house of correction is established, — so that it will read as follows:— *Section 12.* The warden, superintendent or master, or their successors, may sue upon any sale or be sued upon any purchase made by him under the provisions of this act. No such suit shall abate by reason of the office of the warden, superintendent or master becoming vacant; but any successor of the warden, superintendent or master, pending such suit, shall take upon himself the prosecution or defence thereof, and upon motion of the adverse party and notice he shall be required to do so. When a controversy arises respecting any purchase or sale made under this act, or a suit is pending thereon, the warden, superintendent or master may submit the same to the final determination of arbitrators or referees, to be approved by the governor, or, if such suit is prosecuted or defended by a master of a house of correction, to arbitrators or referees appointed by the county commissioners of the county in which said house of correction is established.

Employment upon the piece-price plan subject to approval of general superintendent.

SECTION 5. No provision shall be made for the employment of prisoners upon the piece-price plan, as authorized by chapter twenty-two of the acts of the current year, except with the approval of the general superintendent of prisons.

Repeal.

SECTION 6. Sections seventeen and eighteen of chapter two hundred and nineteen of the Public Statutes, and section seven of chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven are hereby repealed.

Amendments to P. S. 221, §§ 54, 55; 1884, 255, § 28; 1887, 447.

SECTION 7. Sections fifty-four and fifty-five of chapter two hundred and twenty-one of the Public Statutes are hereby amended by striking out so much thereof as requires the approval by the commissioners of prisons of bills incurred in carrying out the provisions of said chapter four hundred and forty-seven, in the state prison and reformatory prison for women, and so much as requires that contracts for the labor of prisoners in said institutions shall be approved by the commissioners of prisons and by the governor and council. Section twenty-eight of chapter two hundred and fifty-five of the acts of the year

eighteen hundred and eighty-four is hereby amended by striking out the following words, "The said commissioners shall, with the superintendent, cause provision to be made for the employment of the prisoners; but no such provision shall be made without the approval of the governor and council"; also by striking out the words "the said commissioners shall endeavor to establish in said reformatory such industries as will enable prisoners employed therein to learn valuable trades", and inserting in place thereof the following words:—The superintendent of said reformatory, and the general superintendent of prisons, shall endeavor to establish in said reformatory such industries, within the provisions of the requirements of chapter four hundred and forty-seven of the acts of the year eighteen hundred and eighty-seven, as will enable prisoners employed therein to learn valuable trades. Section thirty of said chapter is amended by striking out so much thereof as requires the approval, by the commissioners of prisons, of bills incurred in carrying out the provisions of said chapter four hundred and forty-seven in said reformatory.

SECTION 8. So much of chapter two hundred and twenty of the Public Statutes as gives to the county commissioners or to the board of directors of public institutions of the city of Boston any authority or control over matters connected with the employment of prisoners in any house of correction is hereby repealed, and all such authority and control is hereby vested in the general superintendent of prisons and the master of such house of correction.

Amendment to  
P. S. 220.

SECTION 9. Three hundred copies of the report of the general superintendent shall be printed annually for his use.

Three hundred  
copies of report  
for superintendent.

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

*Approved May 24, 1888.*

AN ACT TO SUPPLY THE TOWN OF MILLBURY WITH WATER.

*Chap. 404*

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

SECTION 1. The town of Millbury may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same, may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

Town of  
Millbury may  
supply itself  
with water.

May take water of ponds and water sources lying east of Blackstone river.

May erect buildings and other structures.

May dig up lands under direction of the selectmen of towns in which lands are situated.

To cause to be recorded in the registry of deeds a description of the land taken.

Town to pay damages.

Parties failing to agree may have damages determined as when land is

SECTION 2. The said town for the purposes aforesaid may take by purchase or otherwise and hold the water of any ponds or water sources within the limits of said town of Millbury and lying east of the Blackstone river, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town of Millbury; and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works, and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up any such lands, and, under the direction of the board of selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 3. The said town shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district of Worcester a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by the water commissioners hereinafter provided for.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other things done by said town under the authority of this act, except that said town shall not be liable to pay any damages resulting from taking the water from any pond other than the Commonwealth itself would be legally liable to pay. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the



amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property, or the doing of other injury, under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred and twenty-five thousand dollars; such bonds, notes and scrip shall bear on their face the words Millbury Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged for less than the par value thereof. The said town, unless it avails itself of the provisions of section six, shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

SECTION 6. The said town, instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed, the amount required thereby shall, without further vote, be assessed by the assessors of said town in each

taken for  
highways.

Millbury Water  
Loan not to  
exceed in the  
aggregate  
\$125,000.

Sinking fund to  
be established.

May provide for  
annual propor-  
tionate pay-  
ments in lieu of  
sinking fund.

year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return required to state amount of sinking fund, etc., established.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied thereunder for the current year.

To raise annually by taxation sufficient to pay current expenses and interest.

SECTION 8. The said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Town may contract with city of Worcester for a supply of water.

SECTION 9. The said town may contract with the city of Worcester for a supply of water necessary for the purposes of this act, on such terms as may be agreed upon between said town and the said city; and the said city of Worcester is authorized to contract for and furnish, from its water supply, water to said town, and to make the necessary connections of its conduits or pipes with the conduits or pipes of the said town: *provided*, that nothing herein contained shall be construed to compel the said city to make such connections or to furnish said water.

Proviso.

Penalty for wilfully corrupting or diverting water.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes, or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Board of water commissioners to be elected.

SECTION 11. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next

succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote: the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

To be trustees  
of sinking fund.

Vacancies in  
board.

SECTION 12. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within three years from its passage: but the number of meetings so called in any year shall not exceed three.

Subject to  
acceptance by a  
two-thirds vote.

*Approved May 25, 1888.*

AN ACT PROVIDING FOR SPECIAL JUDGMENTS IN CERTAIN CASES WHERE BONDS ARE GIVEN TO DISSOLVE ATTACHMENTS OR TO PROSECUTE REVIEWS.

*Chap. 405*

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

SECTION 1. Whenever any defendant in a civil action dissolves an attachment made in said action by giving bond as provided by the statutes of this Commonwealth and has already been, or afterwards is, discharged from his debts by proceedings in composition in insolvency under chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four and chapter three hundred and fifty-three of the acts of the year eighteen hundred and eighty-five, and where there has been no assignment in the insolvency proceedings, the court may at any time, upon motion, if it appears that the plaintiff is otherwise entitled to judgment in said action, enter a special judgment therein, and said judgment shall be deemed and taken to be a sufficient judgment within the meaning of chapter one hundred and sixty-one of the Public Statutes to enable the plaintiff to maintain an action

Special judgment in certain cases where bond is given to dissolve attachment.

against the sureties on said bond, no other objection existing thereto.

Conditions of bond hereafter to be given to dissolve attachment in a civil action.

SECTION 2. No bond shall hereafter be given to dissolve an attachment in a civil action unless it contains, in addition to the conditions now required by law, a further condition obliging the sureties to pay to the plaintiff within thirty days after the entry of any special judgment in accordance with the preceding section the sum, if any, for which said judgment shall be entered.

Special judgment when defendant petitions for review in a civil action; conditions of bond.

SECTION 3. The court may enter a similar judgment with the same effect when the defendant in a civil action, who petitions for a review thereof, is discharged as aforesaid, and where there has been no assignment in the insolvency proceedings before or after giving the security required in such cases, and no bond shall be hereafter given under section thirty-nine of chapter one hundred and eighty-seven of the Public Statutes unless it contains in addition to the conditions now required by law, a further condition obliging the sureties to pay the plaintiff within thirty days after entry of any special judgment, in accordance with the provisions of this section, the sum, if any, for which said judgment shall be entered.

*Approved May 25, 1888.*

*Chap 406*

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF MALDEN TO DIVIDE SAID CITY INTO SEVEN WARDS AND TO CONFIRM THE ELECTION OF ALDERMEN AND COUNCILMEN IN SAID CITY.

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

City of Malden may be divided into seven wards.

SECTION 1. Section three of chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty-one, relative to the division of the city of Malden into wards, as amended by chapter forty-nine of the acts of the year eighteen hundred and eighty-seven, is hereby further amended so as to read as follows:— *Section 3.* The city council may in the year eighteen hundred and eighty-eight divide said city into seven wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward.

Election confirmed.

SECTION 2. The election of the members of the board of aldermen and of the common council of the city of Malden, held on the first Tuesday of December in the year eighteen hundred and eighty-seven, pursuant to the original provisions of chapter one hundred and sixty-nine of the

acts of the year eighteen hundred and eighty-one, is hereby confirmed and made valid.

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

*Approved May 25, 1888.*

AN ACT TO SUPPLY THE TOWN OF MAYNARD WITH WATER.

*Chap. 407*

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

SECTION 1. The town of Maynard may supply itself and its inhabitants with water for the extinguishment of fires, for domestic, manufacturing and other purposes; may establish fountains and hydrants, relocate and discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

Town of Maynard may supply itself with water.

SECTION 2. The said town, for the purposes aforesaid and for the purpose of obtaining a supply of water, may draw and convey directly from White pond, so called, lying partly in the town of Hudson and partly in the town of Stow, so much of the waters thereof, and the waters that flow into and form the same as it may require; and it may take by purchase, or otherwise, and hold any water rights connected with said pond, and any springs and streams tributary thereto, and the water of any other ponds or water sources, within the limits of said town of Maynard, and the water rights connected with any of said sources; and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said town; and may erect upon the lands thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under, over or upon any lands, water courses, railroads or public or private ways, and along any such way, in such manner as when completed shall not unnecessarily obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all purposes of this act, said town may dig up, raise and embank any such lands or ways in such manner as to cause the least hindrance to public travel on such ways.

May convey water from White pond lying in the towns of Hudson and Stow.

May take water of ponds and water sources in Maynard.

May construct and lay down conduits.

May dig up, etc., lands.

SECTION 3. The said town shall within ninety days after the taking of any lands, rights of way, water rights,

To cause to be recorded in registry of deeds

a description of the land, etc., taken.

water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the water commissioners hereinafter provided for.

Town to pay damages.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or any other thing done by said town under the authority of this act, except that said town shall not be liable to pay any damages resulting from taking water from said White pond, or from taking water from any other water source within the limits of said town, other than the state itself would be legally liable to pay. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have damages assessed and determined in the manner provided by law when land is taken for the laying out of highways by making application at any time within the period of three years from the taking of such land or other property or rights, or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right, or any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Parties failing to agree may have damages assessed as when land is taken for highways.

Maynard Water Loan not to exceed in the aggregate \$75,000.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip to an amount not exceeding in the aggregate seventy-five thousand dollars; such bonds, notes and scrip shall bear on their face the words Maynard Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners. The said town may sell such securities at public auction or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such

May sell securities or pledge the same for money borrowed.

securities shall not be sold or pledged at less than the par value thereof. The said town shall pay the interest on said loan as it accrues, and shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually after the expiration of five years from the first issuance of said loan, contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

Sinking fund to be established.

SECTION 6. The said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such proportionate payments, after the expiration of five years from the first issuance of said loan, as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required shall, without further vote, be assessed by the assessors of said town, in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed, under the provisions of section thirty-four of chapter eleven of the Public Statutes.

May provide for annual proportionate payments in lieu of sinking fund.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of sinking fund established under this act, and if none is established, whether action has been taken in accordance with the provisions of the preceding section, and the amount raised and applied thereunder for the current year.

Return required to state amount of sinking fund, etc., established.

SECTION 8. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Town to raise annually by taxation sufficient to pay current expenses and interest.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town, under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and, upon

Penalty for wilfully corrupting or diverting water.

conviction of either of the above wilful or wanton acts, shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

Board of water commissioners to be elected.

SECTION 10. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act, and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund; any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

To be trustees of sinking fund.

Vacancies in board.

Subject to acceptance by a two-thirds vote within three years.

SECTION 11. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town, present and voting thereon at a legal town meeting called for the purpose, within three years from its passage; but the number of meetings so called in any year shall not exceed three.

Repeal.

SECTION 12. So much of chapter one hundred and ninety-one of the acts of the year eighteen hundred and eighty as authorizes the town of Marlborough to take or hold any of the waters of said White pond is hereby repealed.

*Approved May 25, 1888.*

**Chap. 408**

AN ACT TO AUTHORIZE THE EAST MIDDLESEX STREET RAILWAY COMPANY TO FURTHER EXTEND ITS TRACKS IN THE CITY OF CHELSEA.

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

May run its cars over tracks of other companies with consent of mayor and aldermen of Chelsea.

SECTION 1. The East Middlesex Street Railway Company is authorized, with the consent of the mayor and aldermen of the city of Chelsea, to run its cars over the tracks of other companies and operate its business from



the junction of Everett avenue and Broadway across Broadway square, and through Winnisimmet street, to Chelsea ferry in said city of Chelsea.

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

*Approved May 25, 1888.*

AN ACT TO REVIVE CHAPTER ONE HUNDRED AND TWENTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SIX, ENTITLED AN ACT TO INCORPORATE THE PLAINVILLE WATER COMPANY.

*Chap. 409*

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

SECTION 1. Chapter one hundred and twenty-seven of the acts of the year eighteen hundred and eighty-six, entitled an act to incorporate the Plainville Water Company is hereby revived, provided said company is organized and work begun before the ninth day of April in the year eighteen hundred and eighty-nine.

Plainville Water Company, act of incorporation revived.

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

*Approved May 25, 1888.*

AN ACT TO CHANGE THE NAME OF THE DAKOTA MORTGAGE LOAN CORPORATION, AND TO GRANT IT ADDITIONAL POWERS.

*Chap. 410*

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

SECTION 1. The name of the Dakota Mortgage Loan Corporation, a corporation duly organized under the laws of this Commonwealth, is hereby changed to Globe Investment Company.

Name changed to Globe Investment Company.

SECTION 2. Said corporation shall have its principal place of business in the city of Boston, and in addition to the purposes for which it was organized, shall have and enjoy all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in chapter three hundred and eighty-seven of the acts of the year eighteen hundred and eighty-eight, and shall also be subject to all general laws which now are or hereafter may be in force so far as the same may be applicable to said corporation.

To have its principal place of business in Boston.

SECTION 3. This act shall take effect on the first day of July in the year eighteen hundred and eighty-eight.

To take effect July 1, 1888.

*Approved May 25, 1888.*

*Chap.*411

## AN ACT TO INCORPORATE THE MILTON WATER COMPANY.

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

Milton Water Company incorporated.

SECTION 1. Oliver W. Peabody, Amor L. Hollingsworth, Edwin D. Wadsworth, Lemuel Crossman, Cyrus Brewer, Samuel Gannett, Horace E. Ware, Theodore R. Glover and J. Malcolm Forbes, their associates and successors, are hereby made a corporation by the name of the Milton Water Company, for the purpose of supplying the inhabitants of that part of the town of Milton hereinafter designated, or of any portion thereof, with water for domestic, manufacturing and other purposes, including the extinguishment of fires; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, so far as the same may be applicable to such corporations.

May take waters of Houghton's pond, of Neponset river or of Pine Tree brook, etc.

SECTION 2. The said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of Houghton's pond, of Neponset river, or of Pine Tree brook, sometimes so called, which empties into said river near Central avenue, all in said Milton, and the waters of any springs, brooks, wells, ponds or streams in that part of said Milton lying southerly and easterly of a line drawn as follows, viz.:—Beginning at the observatory on the summit of Great Blue hill on the boundary line between the towns of Milton and Canton, thence running northeasterly passing one hundred feet southerly from the house in which Henry S. Russell resides a distance of fifteen thousand feet, and thence turning at a right angle and running northwesterly a distance of about eight thousand eight hundred feet to Neponset river; with the water rights and water sources connected therewith. And said corporation may at any time during the continuance of this charter contract with the Quincy Water Company, or with the city of Boston for a supply of water on terms to be mutually agreed upon between the parties so contracting, and may make such connections of its conduits or pipes with those of the contracting corporation or city as may be necessary for the purpose. And said Quincy Water Company and said city of Boston are authorized to make such contracts and connections, and to furnish water to said Milton Water Company for the purposes aforesaid from any source from which they are authorized to take

May contract with the Quincy Water Company or with the city of Boston for a supply of water.

water under their original charters or under any statutes of this Commonwealth. No such contract shall be made for a period exceeding ten years. But during the last year of the period of any existing contract, a new contract may be made for a period not exceeding ten years. And said corporation for the purposes aforesaid may take by purchase or otherwise and hold all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to all or any parts of said town lying southerly and easterly of the line described in this section; and may erect on the lands thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and under the direction of the board of selectmen may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

Contract not to be for a period exceeding ten years.

May take and hold lands, rights of way, etc.

May construct and lay down conduits.

May dig up lands under direction of the selectmen.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid other than by purchase, file and cause to be recorded in the registry of deeds for the county of Norfolk a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by the president of the corporation.

To cause to be recorded in the registry of deeds a description of land, etc., taken.

SECTION 4. The said corporation shall pay all damages sustained by any corporation or person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any corporation or person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on

Corporation to pay damages.

Parties failing to agree may have damages assessed as when land is taken for highways.

application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto until the water is actually withdrawn or diverted by said corporation under the authority of this act.

Corporation may distribute water and fix and collect water rates.

SECTION 5. The said corporation may distribute the water through that portion of said town of Milton lying southerly and easterly of the line aforesaid, may regulate the use of said water and fix and collect rates to be paid for the same, may establish public fountains and hydrants and discontinue the same; and may make such contracts with the said town, or with any fire or other district that is or may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishing of fires or for other purposes, as may be agreed upon by said town, or such fire or other district, individual or corporation, and said corporation. And said town of Milton or any fire or other district or corporation therein is authorized to make such contracts for a supply of water with said corporation.

May contract with town of Milton or with any district therein, etc., to supply water.

Capital stock and shares.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding fifty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds to an amount not exceeding the amount of its capital stock actually paid in and applied to the purpose of its incorporation, and may secure the same at any time by a mortgage of its franchise and property.

May issue bonds.

Penalty for wilfully corrupting or diverting water.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by fine not exceeding three hundred dollars or by imprisonment in the jail not exceeding one year.

SECTION 8. The said corporation may by vote from time to time fix and determine what amount or quantity of water it purposes to take and appropriate under this act; in which case the damages for such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, in which event said corporation shall be further liable only for the additional damages caused by such additional taking.

May determine by vote the amount of water it purposes to take.

SECTION 9. The said town of Milton, or any fire district that is or may hereafter be legally organized therein, shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation on payment to said corporation of the total cost of its franchise, works and property of any kind, held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum. But such taking shall be subject to any and all contracts which may have been made by said Milton Water Company with said Quincy Water Company or with the said city of Boston under the authority given in this act. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. The said town or such fire district, on taking, as herein provided, the property of said corporation shall assume all of its outstanding obligations, including the bonds authorized by this act, and the amount thus assumed shall be deducted from the total amount to be paid by said town or such fire district to said corporation. In case of foreclosure of the bonds authorized by this act, the said town or such fire district may take possession of the property and rights of said corporation on the payment of said bonds, principal and interest. In case said town or such fire district and said corporation are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said corporation, then upon a suit in equity by said town or such fire district the supreme judicial court shall ascertain and fix such total

Town of Milton or any fire district therein, may take franchise and property upon payment of cost thereof.

Subject to contracts made with Quincy Water Company or with the city of Boston.

Subject also to all outstanding obligations.

Parties failing to agree, the cost to be determined by the supreme judicial court upon a suit in equity.

Authority to take franchise subject to assent by a two-thirds vote.

Milton Water Loan not to exceed \$150,000.

To provide for payment at maturity by establishing a sinking fund or by making annual proportionate payments

cost under the foregoing provisions of this act, and enforce the right of said town or such fire district to take possession of such franchise, corporate property, rights and privileges upon payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the taking is assented to by said town or such fire district by a two-thirds vote of the voters of said town or such fire district, present and voting thereon at a meeting legally called for that purpose.

SECTION 10. The said town or such fire district may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words Milton Water Loan: shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of said town, or such fire district, and be countersigned by the water commissioners hereinafter provided for. The said town or such fire district may sell such securities at public or private sale, or pledge the same at not less than their par value for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town or such fire district shall pay the interest upon said loan as it accrues, and shall provide for the payment of said principal at maturity by establishing at the time of contracting said loan a sinking fund, or from year to year by such annual proportionate payments as will extinguish the same within the time prescribed by this act. In case said town or such fire district shall decide to establish a sinking fund, it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town or such fire district shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall, without further vote be raised annually by taxation in the same way as money is raised for other town or fire district expenses.

SECTION 11. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken for the payment of annual proportions of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

Returns required to state amount of sinking fund, etc., established.

SECTION 12. After the purchase of said franchise and corporate property as herein provided, the said town or such fire district shall raise annually by taxation a sum which, with the income derived from the sale of water, shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds, notes and scrip issued by said town or such fire district, together with such payments on the principal as may be required under the provisions of this act. Said town or such fire district is further authorized, by assent of two-thirds of the voters of said town or such fire district present and voting thereon at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works in said portion of said town lying southerly and easterly of the line aforesaid and providing additional appliances and fixtures connected therewith, not exceeding three thousand dollars in any one year.

Town to raise annually by taxation sufficient for current expenses and interest.

SECTION 13. The said town or such fire district shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town or such fire district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town or such fire district may impose by its vote; the said commissioners shall be the trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the

Board of water commissioners to be elected.

To be trustees of sinking fund.

Vacancies in board.

sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town or such fire district at any legal meeting called for the purpose. No money shall be drawn from the said district treasury on account of said water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said town or such fire district in writing of their doings and expenditures.

To make annual report of receipts and expenditures.

Assessment and collection of tax voted.

SECTION 14. Whenever a tax is duly voted by said fire district for the purposes of this act, the clerk shall render a certified copy of the vote to the assessors of the town of Milton, who shall proceed within thirty days to assess the same in the same manner in all respects as town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the same manner as is provided for the collection of town taxes; and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on taxes when overdue in the same manner as interest is authorized to be collected on unpaid town taxes: *provided*, said town or district at the time of voting to raise a tax shall so determine and shall also fix a time for the payment thereof.

To take effect January 1, 1889, unless, etc.

SECTION 15. This act shall take effect on the first day of January, eighteen hundred eighty-nine, unless the said town of Milton previous to that date shall at a meeting legally called for the purpose vote, by a majority vote of the voters present and voting, to petition the next legislature for authority to construct a system of water works in said town, and upon the passage of such a vote by said town before said date then and thereupon this act shall become void, and provided that this act shall become void unless work under the same shall be commenced within three years from said date. *Approved May 28, 1888.*

### Chap. 412

AN ACT TO INCORPORATE THE BRUSH HILL WATER COMPANY.

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

Brush Hill Water Company incorporated.

SECTION 1. Ellerton P. Whitney, George H. Chickering, John A. Tucker, Henry A. Whitney, Felix Rackemann, Charles G. White, Charles H. Parker, Arthur Wainwright and Amor L. Hollingsworth, their associates and successors, are hereby made a corporation



by the name of the Brush Hill Water Company, for the purpose of supplying the inhabitants of that part of the town of Milton hereinafter designated or of any portion thereof, with water for domestic, manufacturing and other purposes, including the extinguishment of fires; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, so far as the same may be applicable to such corporations.

SECTION 2. The said corporation for the purposes aforesaid may at any time during the continuance of this charter contract with the Hyde Park Water Company, the Milton Water Company or any other water company or the town of Canton for a supply of water on terms to be mutually agreed upon between the parties so contracting, and may make such connections of its conduits or pipes with those of the contracting corporation or town as may be necessary for the purpose; and said named or referred to water companies and said town of Canton are authorized to make such contracts and connections and furnish water to said Brush Hill Water Company for the purposes aforesaid, from any source from which they are authorized to take water under their original charters, or under any statutes of this Commonwealth. No such contract shall be made for a period exceeding ten years. But during the last year of the period of any existing contract, a new contract may be made for a period not exceeding ten years. And the said corporation hereby chartered for the purposes aforesaid, may hold the waters aforesaid and may take by purchase or otherwise and hold all lands, rights of way and easements necessary for holding and preserving such water and for carrying the same to any part of that portion of said town of Milton lying northerly and westerly of the following described line, viz.:— Beginning at the observatory on the summit of Great Blue hill on the boundary line between the towns of Milton and Canton, thence running northeasterly passing one hundred feet southerly from the house in which Henry S. Russell resides, a distance of fifteen thousand feet; and thence turning at a right angle and running northwesterly a distance of about eight thousand eight hundred feet to Neponset river; and may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery

May contract with the Hyde Park Water Company, the Milton Water Company or any other water company or the town of Canton for a supply of water.

Contract not to exceed a period of ten years.

May take and hold certain lands, rights of way, etc.

May construct and lay down conduits.

and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water sources, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and under the direction of the board of selectmen may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

To cause to be recorded in registry of deeds a description of lands, etc., taken.

SECTION 3. The said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid other than by purchase, file and cause to be recorded in the registry of deeds for the county of Norfolk a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by the president of the corporation.

Liability for damages.

SECTION 4. The said corporation shall pay all damages sustained by any corporation or person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any corporation or person sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto until the water is actually withdrawn or diverted by said corporation under the authority of this act.

No application to be made for damages until water is actually withdrawn.

May distribute water through certain portion of Milton, and may fix and collect water rates.

SECTION 5. The said corporation may distribute the water through said portion of the town of Milton lying northerly and westerly of the line aforesaid; may regulate the use of said water and fix and collect rates to be paid

for the use of the same; may establish public fountains and hydrants and discontinue the same; and may make such contracts with the said town of Milton, or with any fire or other district that is or may hereafter be established therein, or with any individual or corporation to supply water for the extinguishing of fires or for other purposes, as may be agreed upon by said town, or such fire or other district, individual or corporation, and said corporation. And said town of Milton or any fire or other district or corporation therein is authorized to make such contracts for a supply of water with said corporation.

May establish public fountains and hydrants.

SECTION 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount twenty thousand dollars; and the whole capital stock of said corporation shall not exceed seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

Real estate.

Capital stock and shares.

SECTION 7. The said corporation may issue bonds, and secure the same by a mortgage on its franchise and other property, to an amount not exceeding its capital stock actually paid in and applied to the purposes of its incorporation.

May issue bonds and secure by mortgage.

SECTION 8. The said corporation may by vote, from time to time, fix and determine what amount or quantity of water it purposes to take and appropriate under this act; in which case the damages for such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, in which event said corporation shall be further liable only for the additional damages caused by such additional taking.

May determine by vote what amount of water it purposes to take.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

Penalty for corrupting or diverting water, etc.

SECTION 10. The said town of Milton or any fire district that is or may hereafter be legally organized therein shall have the right at any time to take, by purchase or

Town of Milton or any fire district therein may take franchise and

property on  
payment of total  
cost thereof.

Subject to  
contracts made.

To assume all  
outstanding  
obligations.

Failing to agree  
upon cost,  
matter to be  
determined by  
supreme  
judicial court  
upon a suit in  
equity.

Subject to  
assent by a  
two-thirds vote.

otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the total cost of its franchise, works and property of any kind held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum. But such taking shall be subject to any and all contracts which may have been made by said Brush Hill Water Company with said Hyde Park Water Company, said Milton Water Company or any other water company or said town of Canton under the authority given in this act. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds, in any year, the cost of maintaining and operating said works for that year then such excess shall be deducted from the total cost. The said town or fire district on taking, as herein provided, the property of said corporation, shall assume all of its outstanding obligations, including the bonds authorized by this act, and the amount thus assumed shall be deducted from the total amount to be paid by said town or fire district to said corporation. In case of a foreclosure of the bonds authorized by this act, the said town or fire district may take possession of the property and rights of said corporation on the payment of said bonds, principal and interest. In case said town or fire district and said corporation are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said corporation, then, upon a suit in equity by said town or fire district, the supreme judicial court shall ascertain and fix such total cost under the foregoing provisions of this act, and enforce the right of said town or fire district to take possession of such franchise, corporate property, rights and privileges upon payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the taking is assented to by said town or fire district by a two-thirds vote of the voters of said town or fire district present and voting thereon at a meeting legally called for that purpose.

SECTION 11. The said town or such fire district may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate seventy-five thousand dollars; such bonds, notes and scrip shall bear on their face the words Milton Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of said town or such fire district and be countersigned by the water commissioners herein-after provided for. The said town or such fire district may sell such securities at public or private sale, or pledge the same at not less than their par value for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. And said town or such fire district shall pay the interest upon said loan as it accrues, and shall provide for the payment of said principal at maturity by establishing at the time of contracting said debt a sinking fund, or from year to year, by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town or such fire district shall decide to establish a sinking fund, it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town or such fire district shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall, without further vote of said district, be raised annually by taxation in the same way as money is raised for other town or fire district expenses.

Milton Water Loan not to exceed in the aggregate \$75,000.

May sell securities or pledge the same for money borrowed.

Sinking fund to be established or payment to be made by proportionate payments.

SECTION 12. The returns required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken for the payment of annual proportions of said bonded debt as hereinbefore provided, and the amount raised and expended therefor for the current year.

Returns required to state amount of sinking fund, etc., established.

SECTION 13. After the purchase of said franchise and corporate property as herein provided, the said town or

To raise annually by taxation sufficient

for current expenses and interest.

Extension of water works.

Assessment and collection of tax voted.

Board of water commissioners to be elected.

such fire district shall raise annually by taxation a sum which, with the income derived from the sale of water, shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds, notes and scrip issued by said town or such fire district, together with such payments on the principal as may be required under the provisions of this act. Said town or such fire district is further authorized, by assent of two-thirds of the voters of said town or such fire district present and voting thereon at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works in that portion of said town lying northerly and westerly of the line aforesaid and providing additional appliances and fixtures connected therewith not exceeding three thousand dollars in any one year.

SECTION 14. Whenever a tax is duly voted by said fire district for the purposes of this act, the clerk shall render a certified copy of the vote to the assessors of the town of Milton who shall proceed within thirty days to assess the same in the same manner in all respects as town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the same manner as is provided for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on taxes when overdue in the same manner as interest is authorized to be collected on unpaid town taxes: *provided*, said town or district at the time of voting to raise a tax shall so determine, and shall also fix a time for the payment thereof.

SECTION 15. The said town or such fire district shall, after its purchase of said franchise and corporate property as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town or such fire district by this act, and not otherwise specifically provided for, shall be vested

in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town or such fire district may impose by its vote; the said commissioners shall be the trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town or such fire district, at any legal meeting called for the purpose. No money shall be drawn from the said district treasury on account of said water works except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said town or such fire district in writing of their doings and expenditures.

To be trustees of the sinking fund.

Vacancies in board.

To make annual report of doings and expenditures.

SECTION 16. This act shall take effect on the first day of January in the year eighteen hundred and eighty-nine unless the said town of Milton previous to that date shall at any meeting legally called for the purpose, vote by a majority vote of the voters present and voting, to petition the next legislature for authority to construct a system of water works in said town, and upon the passage of such a vote by said town before said date, then and thereupon this act shall become void, and provided that this act shall become void unless work under the same shall be commenced within three years from said date.

To take effect January 1, 1889, unless, etc.

*Approved May 28, 1888.*

AN ACT IN RELATION TO SAFE DEPOSIT, LOAN AND TRUST COMPANIES.

*Chap. 413*

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

SECTION 1. All safe deposit, loan and trust companies hereafter incorporated under the authority of this Commonwealth may exercise the powers and shall be governed by the rules and subject to the duties, liabilities and provisions contained in this chapter. And they shall also be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and five of the Public Statutes, so far as the same do not conflict with the provisions of this chapter, and to all general laws which now are or hereafter may be in force relating to such corporations: *provided*, that no safe deposit, loan or trust company, incorporated hereafter shall advance money or credits on

Government of companies hereafter incorporated.

Not to advance money, etc., on farm property

outside of the state.

farm property situated outside of this Commonwealth, or on the bonds or securities of any mortgage investment company.

Capital stock and shares.

SECTION 2. The capital stock of such corporation shall not be less than one hundred thousand dollars nor more than one million dollars, divided into shares of the par value of one hundred dollars each; and no business shall be transacted by the corporation until the whole amount of its capital is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have actually been paid in in cash.

Officers of the corporation.

SECTION 3. The officers of every such corporation shall consist of a president, clerk, or secretary, a board of not less than seven directors, a treasurer or actuary, or both, and such other officers as may be prescribed by its by-laws.

Treasurer and actuary to be appointed: other officers to be elected at annual meeting.

SECTION 4. The officers of every such corporation, except the treasurer and actuary, shall be chosen at its annual meeting. The treasurer and actuary shall be appointed by the directors, and shall hold their respective offices during the pleasure of the board of directors and shall give bond for the faithful discharge of their duties to the satisfaction of said board.

May adopt by-laws.

SECTION 5. The corporation may adopt by-laws for the proper management of its affairs consistent with law, may establish rules and regulations controlling the assignment and transfer of its shares, may determine what number of shares shall be represented at any meeting to constitute a quorum. If the quorum is not so determined, a majority in interest of the stockholders shall constitute a quorum.

Quorum.

What may be received on deposit, storage, etc.

SECTION 6. Every such corporation is hereby authorized to receive on deposit, storage or otherwise, moneys, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt and other property of every kind, upon such terms or conditions as may be obtained or agreed upon, and at the request of the depositor to collect and disburse the interest or income upon such of said property received on deposit as produces interest or income, and to collect and disburse the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation, and also to advance money or credits on real property within the Commonwealth, and on personal security on terms that may be agreed



upon; and all the rights and privileges necessary for the execution of such powers are hereby granted. Deposits under this section shall be general deposits, and may be made by corporations and persons acting individually or in any trust capacity.

SECTION 7. Any court of law or equity, and any court of probate and insolvency of this Commonwealth, may by decree or otherwise direct any moneys or properties under its control, or that may be paid into court by parties to any legal proceedings, or which may be brought into court by reason of any order or judgment, to be deposited with such corporation, upon such terms and subject to such instructions as the court may prescribe: *provided, however,* that such corporation shall not be required to assume or execute any trust without its assent. Such corporation shall also have power to receive and hold moneys or property in trust or on deposit from executors, administrators, assignees, guardians and trustees, upon such terms or conditions as may be obtained or agreed upon: *provided, also,* that all such moneys or property received under the provisions of this section shall be loaned on or invested only in the authorized loans of the United States, or of any of the New England states, or cities or counties or towns thereof, or of the states of Illinois, Iowa, Michigan, Minnesota, Wisconsin, or the cities or counties thereof, or stocks of state or national banks organized within this Commonwealth, or in the first mortgage bonds of any railroad company incorporated by any of the New England states and whose road is located wholly or in part in the same and which has earned and paid regular dividends on all its issues of capital stock for two years next preceding such loan or investment, or in the bonds of any such railroad company unencumbered by mortgages, or in first mortgages on real estate in this Commonwealth, or in any securities in which savings banks are allowed to invest, or upon notes, with two sureties, of manufacturing corporations established under the laws of this state, or of individuals with a sufficient pledge as collateral of any of the aforesaid securities; but all real estate acquired by foreclosure of mortgage or by levy of execution shall be sold at public auction within two years after such foreclosure or levy; *provided, also,* that all such money or property received, invested or loaned under this section shall be a special deposit in such corporation, and the ac-

Any court of law or equity and court of probate, etc., may order moneys under its control to be deposited with such corporation.

Not required to execute trust without its assent.

Proviso.

Money or property received, invested, etc., to be a special deposit.

counts thereof shall be kept separate, and such funds, and the investment or loans of them, shall be specially appropriated to the security and payment of such deposits, and not to be subject to the other liabilities of the corporation; and for the purpose of securing the observance of this proviso, such corporation shall have a trust department into which all business authorized by this section shall be kept separate and distinct from its general business.

SECTION 8. Every such corporation may be appointed trustee under any will or instrument creating a trust for the care and management of property, under the same circumstances and in the same manner, and subject to the same control by the court having jurisdiction of the same, as in the case of a legally qualified person. The capital stock of such corporations, with the liabilities of the stockholders existing thereunder, together with the trust guarantee fund as hereinafter provided, shall be held as security for the faithful discharge of the duties undertaken by virtue of sections seven and eight, or of any existing similar provision of law as applicable to any such corporation heretofore chartered, and no surety shall be required upon the bonds filed by such corporation. In all proceedings in the probate court or elsewhere, connected with any authority exercised under this section, or under similar provisions relating to any such corporation heretofore chartered, all accounts, returns and other papers may be signed and sworn to, in behalf of the corporation, by any officer thereof duly authorized by it, and the answers and examinations under oath of said officer shall be received as the answers and examinations of the corporation, and the court may order and compel any and all officers of such corporation to answer and attend said examination in the same manner as if they were parties to the proceedings of inquiry instead of the corporation: *provided, however,* that such corporation shall not be required to receive or hold any property or moneys, or to execute any trust, without its assent; *provided, also,* that it shall be competent for the party making a deposit with the company, to direct whether such money and property shall be held and invested separately or invested in the general trust fund of the company, and *provided, also,* that the corporation shall always be bound to follow and be governed by all directions contained in any will or instrument under which it may act.

May be appointed trustee under any will or instrument creating a trust.

Capital stock, etc., to be held as security for faithful performance of duties.

Court may compel any officer to attend examination.

Not to be required to execute a trust without its consent. Proviso.

Bound to follow directions in will, etc.

SECTION 9. No money, property or securities received or held by such corporation under the provisions of sections seven and eight of this act shall be mingled with the investments of the capital stock or other moneys or property belonging to such corporation, or be liable for the debts or obligations thereof.

Money received under sections seven and eight not to be mingled with investments of capital stock.

SECTION 10. The directors may from time to time set apart as a trust guarantee fund, such portion of the profits as they may judge expedient. The trust guarantee fund shall be invested in such securities only as the trust deposits may by law be invested in. The accounts of its investment and management, and the securities in which it is invested, shall be kept in the trust department.

Investment of trust guarantee fund.

SECTION 11. The trust guarantee fund shall be absolutely pledged for the faithful performance by the corporation of all its duties and undertakings under the seventh and eighth sections of this act, and shall be applied to make good any default in such performance, and such pledge and liability shall not in any respect relieve the capital stock and general funds of the corporation, but creditors under the seventh and eighth sections shall have an equal claim with other creditors upon the capital and other property of the corporation, in addition to the security hereby given.

Trust guarantee fund pledged for faithful performance of duties.

SECTION 12. No portion of such trust guarantee fund shall be transferred to the general capital while the corporation has undertakings of the kind mentioned in the seventh and eighth sections, for whose performance bonds are required from individuals, outstanding uncompleted; but its income, if not needed at any dividend time to make good such deposits or undertakings may be added to and disposed of with the general income of the corporation.

Not to be transferred to the general capital, while, etc.

Disposition of income.

SECTION 13. Such corporation shall at all times have on hand, as a reserve, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of all its deposits which are subject to withdrawal upon demand or within ten days; and whenever said reserve of such corporation shall be below said per centum of such deposits, it shall not increase its liabilities by making any new loans until the required proportion between the aggregate amount of such deposits and its reserve fund shall be restored: *provided*, that in lieu of lawful money two-thirds of said fifteen per centum

Corporation to have as a reserve an amount equal to fifteen per cent. of its deposits withdrawable on demand.

Proviso.

may consist of balances payable on demand, due from any national bank doing business in this Commonwealth or in the city of New York, and one-third of said fifteen per centum may consist of lawful money and bonds of the United States or of this Commonwealth, the absolute property of such corporation.

Liability of shareholders.

SECTION 14. The shareholders of such corporation shall be held individually liable, equally and ratably, and not one for another, for all contracts, debts and engagements of the corporation, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions contained in chapter one hundred and six of the Public Statutes, sections sixty-two to seventy-one, inclusive, shall apply to and regulate the enforcement of this liability.

May act as agents for issuing, etc., bonds, certificates of stock, etc.

SECTION 15. Such corporations are also authorized to act as agents for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidence of indebtedness of any corporation, association, municipal corporation, state or national government, on such terms as may be agreed upon, and may also act as trustee or financial or other agent for any person or firm, corporation, association, municipal corporation or government, and in their behalf may negotiate loans and may sell and negotiate the sale of securities, and may also act as trustee for the bondholders of corporations, and to this end are empowered to receive transfers of real and personal property upon such terms as may be agreed upon.

May act as financial agent, and in their behalf negotiate loans, etc.

Not to make loan on security of shares of its own capital stock.

SECTION 16. No such corporation shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale.

Liability of any one corporation, etc., not to exceed one-fifth of paid up capital stock of this corporation.

SECTION 17. The total liabilities to such corporation of any person, firm or corporation, other than cities or towns, for money borrowed, including in the liabilities of a company or firm the liabilities of its several members, shall at no time exceed one-fifth part of such amount of the capital stock of this corporation as is actually paid up. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of com-

mercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

SECTION 18. Such corporation may hold real estate suitable for the transaction of its business to an amount not exceeding twenty-five per cent. of its capital, and in no case to exceed two hundred and fifty thousand dollars.

May hold real estate to amount not exceeding twenty-five per cent. of its capital.

SECTION 19. No person shall be a director in any such corporation unless he is a stockholder holding not less than ten shares of unpledged stock therein. A majority of the directors shall be citizens of and resident in this Commonwealth and not more than one-third of the directors shall be directors in any other corporation included within the provisions of this act.

Director to be a holder of at least ten shares of unpledged stock.

SECTION 20. Deposits with such corporation, which can be withdrawn on demand or upon not exceeding ten days' notice, shall for the purposes of taxation be deemed money in possession of the persons to whom the same is payable.

Deposits withdrawable on demand, etc., deemed money in possession for purposes of taxation.

SECTION 21. Such corporation shall also, annually, between the first and tenth days of May, return to the tax commissioner a true statement, attested by the oath of some officer of the corporation, of all personal property held upon any trust on the first day of May which would be taxable if held by an individual trustee residing in this Commonwealth, and the name of every city or town in this Commonwealth where any beneficiary resided on said day, and the aggregate amount of such property then held for all beneficiaries resident in each of such cities or towns, and also the aggregate amount held for beneficiaries not resident in this Commonwealth, under the pains and penalties provided in section fifty-four of chapter thirteen of the Public Statutes and acts in amendment thereof, for corporations failing to make returns provided by said act. Such corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such property, at the rate ascertained and determined by him, under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

To make annual return to tax commissioner of personal property held in trust, liable to taxation.

SECTION 22. Such corporation shall also, annually, between the first and tenth days of May, return to the tax commissioner a true statement, verified by the oath of some officer of the corporation, of the amount of all sums

Annual return to tax commissioner of sums deposited on interest or for investment.

deposited with it on interest or for investment, other than those specified in the twentieth and twenty-first sections of this act, together with the name of every city and town in this Commonwealth where any beneficial owner resided on said first day of May, and the aggregate amount of such deposits then held for the benefit of persons residing in each of such cities and towns, under like penalty. Such corporation shall annually pay to the treasurer of the Commonwealth a sum to be ascertained by assessment by the tax commissioner upon an amount equal to the total value of such deposits at three-fourths of the rate ascertained and determined by him under section forty of chapter thirteen of the Public Statutes and acts in amendment thereof.

Payments into the state treasury.

Not to be taxed in towns, etc., where beneficiaries reside.

SECTION 23. No taxes shall be assessed in any city or town for state, county or town purposes, upon or in respect to any such property held in trust or any such amounts deposited on interest or for investment, but such proportion of the sum so paid by such corporation as corresponds to the amount of such property held for beneficiaries or payable to persons resident in this Commonwealth shall be credited and paid to the several cities and towns where it appears from the returns or other evidence that such beneficiaries resided on the first day of May next preceding, according to the aggregate amount so held for beneficiaries and persons residing in such cities and towns respectively; and in regard to such sums so to be assessed and paid as aforesaid such corporation shall be subject to sections fifty-two, fifty-three, fifty-seven, fifty-eight and fifty-nine of chapter thirteen of the Public Statutes and acts in amendment or lieu thereof, so far as the same are applicable thereto.

Subject to provisions of P. S. 13, as to taxation of capital stock.

SECTION 24. Every such corporation shall be subject to the provisions of chapter thirteen of the Public Statutes as to the taxation of its capital stock, and to any acts in amendment thereof and in addition thereto.

Books to be open for inspection to stockholders, etc.

SECTION 25. The books of such corporation shall at all reasonable times be open for inspection to the stockholders and to beneficiaries under any trust held by such corporation as hereinbefore provided.

Returns to be made to commissioners of savings banks.

SECTION 26. Such corporation shall, annually, within ten days after the last business day of October, and at such other times as the commissioners of savings banks may require, but not exceeding four times within any

calendar year, make a return to the commissioners of savings banks in this Commonwealth, showing accurately the condition thereof at close of business on said day, which shall be signed and sworn to by its president and secretary, treasurer or actuary and a majority of its board of directors; and said returns shall specify the following, namely: Capital stock; amount of all moneys and property in detail in the possession or charge of said company as deposits; amount of deposits payable on demand or within ten days; amount of trust guarantee fund; trust funds or for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states or cities or counties or towns, stating amount in each; investments in bank stock, stating amount in each; investments in railroad stock, stating amount in each; investments in railroad bonds, stating amount in each; loans on notes of corporations; loans on notes of individuals; loans on mortgages of real estate; cash on hand and such other information as the commissioners of savings banks may prescribe; all as existing at the date of making such returns, with the rate, amount and date of dividends since last return. The commissioners of savings banks shall have access to the vaults, books and papers of the company, and it shall be their duty to inspect, examine and inquire into its affairs and to take proceedings in regard to them in the same manner and to the same extent as if this corporation was a savings bank, subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard. Such returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amount of each kind, in accordance with a blank form to be furnished by said commissioners; and these returns shall be published in a newspaper of the city or town where such corporation is located, by and at the expense of such corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners.

Returns to commissioners of savings banks.

Commissioners of savings banks to make examination into affairs.

Returns to be made in form of a trial balance of books and to be published in a newspaper.

SECTION 27. The name shall be one not previously in use by any existing corporation established under the laws of this Commonwealth, nor so nearly identical therewith as to be calculated to mislead, and shall be changed only

Name to be one not in use by any existing corporation.

by act of the general court. The words "trust company" shall form a part of the name.

SECTION 28. This act shall take effect upon its passage.

*Approved May 28, 1888.*

**Chap. 414** AN ACT TO REGULATE THE SALE OF CIDER APPLES, BEANS AND PEAS.

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

Sale of cider apples, beans and peas.

Amendment to P. S. 60, § 21.

SECTION 1. Section twenty-one of chapter sixty of the Public Statutes is hereby amended to read as follows :—

*Section 21.* In all contracts for the sale and delivery of wheat, corn, rye, oats, barley, buckwheat, cider apples, beans, peas, cracked corn, ground corn or corn meal, ground rye or rye meal, or feed, or any other meal except oatmeal, the same shall, except as provided in chapter sixty-six, be bargained for and sold either by the bushel or by the cental.

Weight of a bushel.

Amendment to P. S. 60, § 22.

SECTION 2. Section twenty-two of chapter sixty of the Public Statutes is hereby amended to read as follows :—

*Section 22.* A bushel of wheat shall be sixty pounds avoirdupois ; a bushel of corn or rye, fifty-six pounds ; a bushel of oats, thirty-two pounds ; a bushel of barley or buckwheat, forty-eight pounds ; a bushel of apples, when sold for the purpose of making cider, fifty pounds ; a bushel of beans or peas, sixty-two pounds ; a bushel of cracked corn, corn meal, rye meal, or feed, or any other meal except oatmeal, fifty pounds ; and a cental, one hundred pounds.

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

*Approved May 28, 1888.*

**Chap. 415** AN ACT TO AMEND SECTION THIRTY OF CHAPTER ONE HUNDRED AND FIFTY-FOUR OF THE PUBLIC STATUTES RELATING TO PROCESSES ISSUING FROM POLICE AND DISTRICT COURTS.

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

Processes issuing from police and district courts. Amendment to P. S. 154, § 30.

Section thirty of chapter one hundred and fifty-four of the Public Statutes is hereby amended so as to read as follows :—*Section 30.* Processes issuing from a court having a clerk shall be under the seal of the court, signed by the clerk or an assistant clerk, and shall bear teste of the first justice who is not a party. In other respects the processes of said courts shall be substantially like the processes issued by trial justices.

*Approved May 28, 1888.*



AN ACT TO INCORPORATE THE NASKATUCKET CEMETERY ASSOCIATION OF FAIRHAVEN. *Chap.416*

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

SECTION 1. Seth Alden, John M. Hathaway, William M. Stetson, Gorham B. Howes, Watson Jenney, Durfee D. Akin, Nelson H. Stevens, their associates and successors, are hereby made a corporation by the name of the Nasketucket Cemetery Association for the purpose of acquiring, holding, managing and perpetuating a place for the burial of the dead in the town of Fairhaven, with all the powers and privileges and subject to all the duties, restrictions and liabilities contained in general laws which now are or hereafter may be in force relating to similar corporations, except as otherwise herein provided.

Nasketucket  
Cemetery  
Association  
Incorporated.

SECTION 2. Said corporation is hereby authorized to take possession and assume legal control of the burying ground situated in Fairhaven known as the Nasketucket cemetery, and may acquire by gift, bequest, devise or purchase, and may hold so much personal property as may be necessary for the objects connected with and appropriate for the purposes of said association: *provided*, nothing herein contained shall affect the individual rights of the present proprietors of said cemetery.

May take  
possession of  
the Nasketucket  
cemetery in  
Fairhaven.

SECTION 3. Any person who shall become proprietor of a lot in any lands acquired by said corporation, and any person who is or may become a proprietor of a lot whether by deed or otherwise, in the real estate mentioned in section two of this act at such time as the same is taken by said corporation, shall be and become members of said corporation upon applying to the trustees hereafter mentioned, and receiving from the corporation a deed of ownership of such lot, and whenever any person shall cease to be the proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.

Proprietor of a  
lot to be  
member of the  
corporation.

SECTION 4. The officers of said corporation shall consist of five or more trustees, a clerk, a treasurer, and such other officers as may be provided for by the by-laws. Such officers shall be elected by the corporation at a meeting legally called for that purpose, and shall hold their offices for the term of one year or until others shall be chosen and qualified in their stead, unless otherwise provided in the by-laws. The treasurer shall give bond for the faithful discharge of his duties, in such sum and with

Officers of the  
corporation.

such sureties as shall be required by the by-laws of the corporation.

Corporation to pay damages sustained.

SECTION 5. The said cemetery association shall pay all damages sustained by any person or corporation in property by the taking of any land or other property, or by any other thing done by said association under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said association as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of one year from the taking of such land or other property, or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said one year.

*Approved May 28, 1888.*

**Chap 417** AN ACT TO PROVIDE FOR AIDING DISCHARGED FEMALE PRISONERS.

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

Aid for discharged female prisoners.

SECTION 1. The commissioners of prisons may expend for aiding discharged female prisoners a sum not exceeding three thousand dollars annually.

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

*Approved May 28, 1888.*

**Chap.418** AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION TWO HUNDRED AND FIFTY THOUSAND DOLLARS.

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

State tax of \$2,250,000.

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say : —

Barnstable county.

BARNSTABLE COUNTY.

Barnstable, . . .	Thirty-eight hundred ninety-two dollars and fifty cents, . . .	\$3,892 50
Bourne, . . .	Eleven hundred ninety-two dollars and fifty cents, . . .	1,192 50
Brewster, . . .	Seven hundred forty-two dollars and fifty cents, . . .	742 50
Chatham, . . .	Nine hundred and ninety dollars, . . .	990 00

## BARNSTABLE COUNTY — CONCLUDED.

Barnstable  
county.

Dennis, . . .	Seventeen hundred seventy-seven dollars and fifty cents, . . .	\$1,777 50
Eastham, . . .	Three hundred and fifteen dollars, . . .	315 00
Falmouth, . . .	Forty-nine hundred and five dollars, . . .	4,905 00
Harwich, . . .	Thirteen hundred and ninety-five dollars, . . .	1,395 00
Mashpee, . . .	One hundred fifty-seven dollars and fifty cents, . . .	157 50
Orleans, . . .	Seven hundred forty-two dollars and fifty cents, . . .	742 50
Provincetown, . . .	Twenty-seven hundred and forty-five dollars, . . .	2,745 00
Sandwich, . . .	Twelve hundred eighty-two dollars and fifty cents, . . .	1,282 50
Truro, . . .	Three hundred eighty-two dollars and fifty cents, . . .	382 50
Wellfleet, . . .	Eleven hundred ninety-two dollars and fifty cents, . . .	1,192 50
Yarmouth, . . .	Two thousand two dollars and fifty cents, . . .	2,002 50
		<hr/>
		\$23,715 00

## BERKSHIRE COUNTY.

Berkshire  
county.

Adams, . . .	Forty-four hundred seventy-seven dollars and fifty cents, . . .	\$4,477 50
Alford, . . .	Three hundred and fifteen dollars, . . .	315 00
Becket, . . .	Four hundred and ninety-five dollars, . . .	495 00
Cheshire, . . .	Nine hundred twenty-two dollars and fifty cents, . . .	922 50
Clarksburg, . . .	Two hundred forty-seven dollars and fifty cents, . . .	247 50
Dalton, . . .	Two thousand forty-seven dollars and fifty cents, . . .	2,047 50
Egremont, . . .	Five hundred and forty dollars, . . .	540 00
Florida, . . .	Two hundred and twenty-five dollars, . . .	225 00
Great Barrington, . . .	Thirty-six hundred and ninety dollars, . . .	3,690 00
Hancock, . . .	Five hundred seventeen dollars and fifty cents, . . .	517 50
Hinsdale, . . .	Nine hundred and forty-five dollars, . . .	945 00

Berkshire  
county.

## BERKSHIRE COUNTY — CONCLUDED.

Lanesborough, .	Six hundred ninety-seven dollars and fifty cents, . . . . .	\$697 50
Lee, . . . . .	Twenty-five hundred and sixty-five dollars, . . . . .	2,565 00
Lenox, . . . . .	Nineteen hundred and eighty dollars, . . . . .	1,980 00
Monterey, . . . . .	Two hundred ninety-two dollars and fifty cents, . . . . .	292 50
Mt. Washington, . . . . .	One hundred and thirty-five dollars, . . . . .	135 00
New Ashford, . . . . .	Ninety dollars, . . . . .	90 00
New Marlboro', . . . . .	Eight hundred and ten dollars, . . . . .	810 00
North Adams, . . . . .	Sixty-five hundred forty-seven dollars and fifty cents, . . . . .	6,547 50
Otis, . . . . .	Two hundred and seventy dollars, . . . . .	270 00
Peru, . . . . .	One hundred fifty-seven dollars and fifty cents, . . . . .	157 50
Pittsfield, . . . . .	Eleven thousand two hundred and five dollars, . . . . .	11,205 00
Richmond, . . . . .	Six hundred seven dollars and fifty cents, . . . . .	607 50
Sandisfield, . . . . .	Four hundred and ninety-five dollars, . . . . .	495 00
Savoy, . . . . .	Two hundred forty-seven dollars and fifty cents, . . . . .	247 50
Sheffield, . . . . .	Eleven hundred and seventy dollars, . . . . .	1,170 00
Stockbridge, . . . . .	Thirty-three hundred seven dollars and fifty cents, . . . . .	3,307 50
Tyringham, . . . . .	Two hundred ninety-two dollars and fifty cents, . . . . .	292 50
Washington, . . . . .	Two hundred forty-seven dollars and fifty cents, . . . . .	247 50
W. Stockbridge, . . . . .	Nine hundred twenty-two dollars and fifty cents, . . . . .	922 50
Williamstown, . . . . .	Twenty-one hundred thirty-seven dollars and fifty cents, . . . . .	2,137 50
Windsor, . . . . .	Two hundred and seventy dollars, . . . . .	270 00
		\$48,870 00

Bristol county.

## BRISTOL COUNTY.

Acushnet, . . . . .	Eight hundred and fifty-five dollars, . . . . .	\$855 00
Attleborough, . . . . .	Seventy-six hundred and fifty dollars, . . . . .	7,650 00

## BRISTOL COUNTY — CONCLUDED.

Bristol county.

Berkley, . . .	Five hundred sixty-two dollars and fifty cents, . . . . .	§562 50
Dartmouth, . . .	Twenty-seven hundred and forty-five dollars, . . . . .	2,745 00
Dighton, . . .	Ten hundred twelve dollars and fifty cents, . . . . .	1,012 50
Easton, . . .	Forty-nine hundred and fifty dollars, . . . . .	4,950 00
Fairhaven, . . .	Two thousand and twenty-five dollars, . . . . .	2,025 00
Fall River, . . .	Fifty-two thousand nine hundred forty-two dollars and fifty cents, . . . . .	52,942 50
Freetown, . . .	Eleven hundred ninety-two dollars and fifty cents, . . . . .	1,192 50
Mansfield, . . .	Fourteen hundred and eighty-five dollars, . . . . .	1,485 00
New Bedford, . . .	Forty thousand five hundred twenty-two dollars and fifty cents, . . . . .	40,522 50
Norton, . . .	Ten hundred twelve dollars and fifty cents, . . . . .	1,012 50
Raynham, . . .	Twelve hundred and sixty dollars, . . . . .	1,260 00
Rehoboth, . . .	Nine hundred twenty-two dollars and fifty cents, . . . . .	922 50
Seekonk, . . .	Eight hundred seventy-seven dollars and fifty cents, . . . . .	877 50
Somerset, . . .	Fifteen hundred and seventy-five dollars, . . . . .	1,575 00
Swansey, . . .	Nine hundred sixty-seven dollars and fifty cents, . . . . .	967 50
Taunton, . . .	Twenty thousand nine hundred forty-seven dollars and fifty cents, . . . . .	20,947 50
Westport, . . .	Eighteen hundred dollars, . . . . .	1,800 00
		§145,305 00

## DUKES COUNTY.

Dukes county.

Chilmark, . . .	Two hundred ninety-two dollars and fifty cents, . . . . .	§292 50
Cottage City, . . .	Fifteen hundred fifty-two dollars and fifty cents, . . . . .	1,552 50
Edgartown, . . .	Nine hundred and ninety dollars, . . . . .	990 00
Gay Head, . . .	Twenty-two dollars and fifty cents, . . . . .	22 50
Gosnold, . . .	Two hundred two dollars and fifty cents, . . . . .	202 50
Tisbury, . . .	Nine hundred and forty-five dollars, . . . . .	945 00
		§1,005 00

Essex county.

## ESSEX COUNTY.

Amesbury, . . .	Twenty-three hundred and forty dollars, . . .	\$2,340 00
Andover, . . .	Sixty-two hundred seventy-seven dollars and fifty cents, . . .	6,277 50
Beverly, . . .	Thirteen thousand six hundred and eighty dollars, . . .	13,680 00
Boxford, . . .	Seven hundred eighty-seven dollars and fifty cents, . . .	787 50
Bradford, . . .	Nineteen hundred fifty-seven dollars and fifty cents, . . .	1,957 50
Danvers, . . .	Forty-five hundred and ninety dollars, . . .	4,590 00
Essex, . . .	Eleven hundred and twenty-five dollars, . . .	1,125 00
Georgetown, . . .	Thirteen hundred twenty-seven dollars and fifty cents, . . .	1,327 50
Gloucester, . . .	Fifteen thousand four hundred and eighty dollars, . . .	15,480 00
Groveland, . . .	Eleven hundred and twenty-five dollars, . . .	1,125 00
Hamilton, . . .	Seven hundred eighty-seven dollars and fifty cents, . . .	787 50
Haverhill, . . .	Eighteen thousand and ninety dollars, . . .	18,090 00
Ipswich, . . .	Twenty-six hundred seventy-seven dollars and fifty cents, . . .	2,677 50
Lawrence, . . .	Thirty-two thousand nine hundred and eighty-five dollars, . . .	32,985 00
Lynn, . . .	Thirty-five thousand three hundred forty-seven dollars and fifty cents, . . .	35,347 50
Lynnfield, . . .	Six hundred and seventy-five dollars, . . .	675 00
Manchester, . . .	Fifty-nine hundred and forty dollars, . . .	5,940 00
Marblehead, . . .	Fifty-five hundred and eighty dollars, . . .	5,580 00
Merrimac, . . .	Fifteen hundred seven dollars and fifty cents, . . .	1,507 50
Methuen, . . .	Thirty-five hundred and fifty-five dollars, . . .	3,555 00
Middleton, . . .	Six hundred fifty-two dollars and fifty cents, . . .	652 50
Nahant, . . .	Seven thousand and twenty dollars, . . .	7,020 00
Newbury, . . .	Thirteen hundred twenty-seven dollars and fifty cents, . . .	1,327 50
Newburyport, . . .	Ten thousand two hundred eighty-two dollars and fifty cents, . . .	10,282 50
North Andover, . . .	Thirty-two hundred and eighty-five dollars, . . .	3,285 00
Peabody, . . .	Eighty-six hundred seventeen dollars and fifty cents, . . .	8,617 50

ESSEX COUNTY — CONCLUDED.

Essex county.

Rockport, . . .	Twenty-five hundred eighty-seven dollars and fifty cents, . . .	\$2,587 50
Rowley, . . .	Seven hundred and twenty dollars, . . .	720 00
Salem, . . .	Thirty-one thousand nine hundred seventy-two dollars and fifty cents, . . .	31,972 50
Salisbury, . . .	Three thousand and sixty dollars, . . .	3,060 00
Saugus, . . .	Nineteen hundred and thirty-five dollars, . . .	1,935 00
Swampscott, . . .	Forty-four hundred thirty-two dollars and fifty cents, . . .	4,432 50
Topsfield, . . .	Nine hundred dollars, . . .	900 00
Wenham, . . .	Six hundred fifty-two dollars and fifty cents, . . .	652 50
West Newbury, . . .	Thirteen hundred and fifty dollars, . . .	1,350 00
		\$234,630 00

FRANKLIN COUNTY.

Franklin county.

Ashfield, . . .	Five hundred and eighty-five dollars, . . .	\$585 00
Bernardston, . . .	Five hundred and eighty-five dollars, . . .	585 00
Buckland, . . .	Six hundred and seventy-five dollars, . . .	675 00
Charlemont, . . .	Four hundred and fifty dollars, . . .	450 00
Colrain, . . .	Seven hundred forty-two dollars and fifty cents, . . .	742 50
Conway, . . .	Nine hundred twenty-two dollars and fifty cents, . . .	922 50
Deerfield, . . .	Fifteen hundred ninety-seven dollars and fifty cents, . . .	1,597 50
Erving, . . .	Four hundred twenty-seven dollars and fifty cents, . . .	427 50
Gill, . . .	Five hundred sixty-two dollars and fifty cents, . . .	562 50
Greenfield, . . .	Forty-five hundred dollars, . . .	4,500 00
Hawley, . . .	Two hundred two dollars and fifty cents, . . .	202 50
Heath, . . .	Two hundred and twenty-five dollars, . . .	225 00
Leverett, . . .	Three hundred eighty-two dollars and fifty cents, . . .	382 50
Leyden, . . .	Two hundred forty-seven dollars and fifty cents, . . .	247 50

Franklin  
county.

## FRANKLIN COUNTY — CONCLUDED.

Monroe, . . .	Sixty-seven dollars and fifty cents,	\$67 50
Montague, . . .	Thirty-six hundred and forty-five dollars,	3,645 00
New Salem, . . .	Three hundred eighty-two dollars and fifty cents,	382 50
Northfield, . . .	Nine hundred dollars,	900 00
Orange, . . .	Twenty-six hundred thirty-two dollars and fifty cents,	2,632 50
Rowe, . . .	Two hundred forty-seven dollars and fifty cents,	247 50
Shelburne, . . .	Ten hundred and eighty dollars,	1,080 00
Shutesbury, . . .	Two hundred two dollars and fifty cents,	202 50
Sunderland, . . .	Five hundred and forty dollars,	540 00
Warwick, . . .	Three hundred and sixty dollars,	360 00
Wendell, . . .	Two hundred forty-seven dollars and fifty cents,	247 50
Whately, . . .	Six hundred seven dollars and fifty cents,	607 50
		\$23,017 50

Hampden  
county.

## HAMPDEN COUNTY.

Agawam, . . .	Fifteen hundred ninety-seven dollars and fifty cents,	\$1,597 50
Blandford, . . .	Four hundred and fifty dollars,	450 00
Brimfield, . . .	Six hundred fifty-two dollars and fifty cents,	652 50
Chester, . . .	Six hundred fifty-two dollars and fifty cents,	652 50
Chicopee, . . .	Seventy-two hundred twenty-two dollars and fifty cents,	7,222 50
Granville, . . .	Four hundred seventy-two dollars and fifty cents,	472 50
Hampden, . . .	Five hundred seventeen dollars and fifty cents,	517 50
Holland, . . .	One hundred and thirty-five dollars,	135 00
Holyoke, . . .	Twenty thousand three hundred sixty-two dollars and fifty cents,	20,362 50
Longmeadow, . . .	Fourteen hundred and forty dollars,	1,440 00
Ludlow, . . .	Nine hundred and forty-five dollars,	945 00



## HAMPDEN COUNTY — CONCLUDED.

Hampden  
county.

Monson, . . .	Two thousand and twenty-five dol- lars, . . . . .	\$2,025 00
Montgomery, . . .	One hundred fifty-seven dollars and fifty cents, . . . . .	157 50
Palmer, . . .	Thirty-two hundred and forty dol- lars, . . . . .	3,240 00
Russell, . . .	Five hundred sixty-two dollars and fifty cents, . . . . .	562 50
Southwick, . . .	Seven hundred and twenty dollars,	720 00
Springfield, . . .	Forty-seven thousand five hundred forty-two dollars and fifty cents,	47,542 50
Tolland, . . .	Two hundred and twenty-five dol- lars, . . . . .	225 00
Wales, . . .	Three hundred eighty-two dollars and fifty cents, . . . . .	382 50
West Springfield, . . .	Four thousand and five dollars, . . .	4,005 00
Westfield, . . .	Eight thousand seventy-seven dol- lars and fifty cents, . . . . .	8,077 50
Wilbraham, . . .	Nine hundred dollars, . . . . .	900 00
		\$102,285 00

## HAMPSHIRE COUNTY.

Hampshire  
county.

Amherst, . . .	Thirty-four hundred forty-two dol- lars and fifty cents, . . . . .	\$3,442 50
Belchertown, . . .	Eleven hundred forty-seven dollars and fifty cents, . . . . .	1,147 50
Chesterfield, . . .	Three hundred eighty-two dollars and fifty cents, . . . . .	382 50
Cummington, . . .	Four hundred and five dollars, . . .	405 00
Easthampton, . . .	Three thousand and fifteen dollars,	3,015 00
Enfield, . . .	Eight hundred seventy-seven dol- lars and fifty cents, . . . . .	877 50
Goshen, . . .	One hundred and eighty dollars, . . .	180 00
Granby, . . .	Five hundred and eighty-five dol- lars, . . . . .	585 00
Greenwich, . . .	Four hundred twenty-seven dollars and fifty cents, . . . . .	427 50
Hadley, . . .	Fourteen hundred and forty dol- lars, . . . . .	1,440 00
Hatfield, . . .	Twelve hundred and fifteen dol- lars, . . . . .	1,215 00
Huntington, . . .	Six hundred seven dollars and fifty cents, . . . . .	607 50

Hampshire  
county.

## HAMPSHIRE COUNTY — CONCLUDED.

Middlefield, . . .	Four hundred and five dollars, . . .	\$405 00
Northampton, . . .	Ten thousand eight hundred twenty-two dollars and fifty cents, . . .	10,822 50
Pelham, . . .	Two hundred and twenty-five dollars, . . .	225 00
Plainfield, . . .	Two hundred two dollars and fifty cents, . . .	202 50
Prescott, . . .	Two hundred and twenty-five dollars, . . .	225 00
South Hadley, . . .	Twenty-two hundred and five dollars, . . .	2,205 00
Southampton, . . .	Six hundred and thirty dollars, . . .	630 00
Ware, . . .	Thirty-eight hundred ninety-two dollars and fifty cents, . . .	3,892 50
Westhampton, . . .	Three hundred thirty-seven dollars and fifty cents, . . .	337 50
Williamsburg, . . .	Eleven hundred and seventy dollars, . . .	1,170 00
Worthington, . . .	Four hundred and five dollars, . . .	405 00
		<hr/> \$34,215 00

Middlesex  
county.

## MIDDLESEX COUNTY.

Acton, . . .	Sixteen hundred and sixty-five dollars, . . .	\$1,665 00
Arlington, . . .	Six thousand and thirty dollars, . . .	6,030 00
Ashby, . . .	Six hundred seven dollars and fifty cents, . . .	607 50
Ashland, . . .	Sixteen hundred eighty-seven dollars and fifty cents, . . .	1,687 50
Ayer, . . .	Fourteen hundred and eighty-five dollars, . . .	1,485 00
Bedford, . . .	Ten hundred twelve dollars and fifty cents, . . .	1,012 50
Belmont, . . .	Thirty-nine hundred and sixty dollars, . . .	3,960 00
Billerica, . . .	Twenty-one hundred and sixty dollars, . . .	2,160 00
Boxborough, . . .	Three hundred and fifteen dollars, . . .	315 00
Burlington, . . .	Five hundred and eighty-five dollars, . . .	585 00
Cambridge, . . .	Seventy thousand one hundred and ten dollars, . . .	70,110 00
Carlisle, . . .	Four hundred seventy-two dollars and fifty cents, . . .	472 50

## MIDDLESEX COUNTY — CONTINUED.

Middlesex  
county.

Chelmsford, . . .	Two thousand and seventy dollars,	\$2,070 00
Concord, . . .	Forty-two hundred and thirty dol- lars, . . . . .	4,230 00
Dracut, . . .	Fourteen hundred sixty-two dol- lars and fifty cents, . . . . .	1,462 50
Dunstable, . . .	Four hundred and five dollars, . . .	405 00
Everett, . . .	Sixty-three hundred and ninety dol- lars, . . . . .	6,390 00
Framingham, . . .	Seventy-eight hundred and seven- ty-five dollars, . . . . .	7,875 00
Groton, . . .	Thirty-six hundred twenty-two dol- lars and fifty cents, . . . . .	3,622 50
Holliston, . . .	Twenty-one hundred and sixty dol- lars, . . . . .	2,160 00
Hopkinton, . . .	Twenty-seven hundred dollars, . . .	2,700 00
Hudson, . . .	Twenty-six hundred and ten dol- lars, . . . . .	2,610 00
Lexington, . . .	Thirty-five hundred thirty-two dol- lars and fifty cents, . . . . .	3,532 50
Lincoln, . . .	Fifteen hundred seven dollars and fifty cents, . . . . .	1,507 50
Littleton, . . .	Nine hundred and ninety dollars, . .	990 00
Lowell, . . .	Sixty-four thousand two hundred eighty-two dollars and fifty cents, . . . . .	64,282 50
Malden, . . .	Sixteen thousand six hundred sev- enty-two dollars and fifty cents..	16,672 50
Marlborough, . . .	Fifty-six hundred two dollars and fifty cents, . . . . .	5,602 50
Maynard, . . .	Twenty-four hundred seven dol- lars and fifty cents, . . . . .	2,407 50
Medford, . . .	Ten thousand four hundred and forty dollars, . . . . .	10,440 00
Melrose, . . .	Fifty-eight hundred and ninety-five dollars, . . . . .	5,895 00
Natick, . . .	Sixty-two hundred and fifty-five dollars, . . . . .	6,255 00
Newton, . . .	Thirty-seven thousand two hundred and sixty dollars, . . . . .	37,260 00
North Reading, . . .	Six hundred seven dollars and fifty cents, . . . . .	607 50
Pepperell, . . .	Eighteen hundred sixty-seven dol- lars and fifty cents, . . . . .	1,867 50
Reading, . . .	Twenty-nine hundred and twenty- five dollars, . . . . .	2,925 00
Sherborn, . . .	Ten hundred fifty-seven dollars and fifty cents, . . . . .	1,057 50
Shirley, . . .	Nine hundred dollars, . . . . .	900 00

Middlesex  
county.

## MIDDLESEX COUNTY — CONCLUDED.

Somerville, . . .	Thirty thousand one hundred twenty-seven dollars and fifty cents, . . .	\$30,127 50
Stonham, . . .	Thirty-nine hundred thirty-seven dollars and fifty cents, . . .	3,937 50
Stow, . . .	Twelve hundred and fifteen dollars, . . .	1,215 00
Sudbury, . . .	Thirteen hundred twenty-seven dollars and fifty cents, . . .	1,327 50
Tewksbury, . . .	Sixteen hundred forty-two dollars and fifty cents, . . .	1,642 50
Townsend, . . .	Twelve hundred eighty-two dollars and fifty cents, . . .	1,282 50
Tyngsborough, . . .	Four hundred and fifty dollars, . . .	450 00
Wakefield, . . .	Forty-eight hundred eighty-two dollars and fifty cents, . . .	4,882 50
Waltham, . . .	Thirteen thousand seven hundred forty-seven dollars and fifty cents, . . .	13,747 50
Watertown, . . .	Eighty-two hundred twelve dollars and fifty cents, . . .	8,212 50
Wayland, . . .	Fifteen hundred and seventy-five dollars, . . .	1,575 00
Westford, . . .	Thirteen hundred seventy-two dollars and fifty cents, . . .	1,372 50
Weston, . . .	Twenty-eight hundred twelve dollars and fifty cents, . . .	2,812 50
Wilmington, . . .	Six hundred ninety-seven dollars and fifty cents, . . .	697 50
Winchester, . . .	Fifty-two hundred forty-two dollars and fifty cents, . . .	5,242 50
Woburn, . . .	Ninety-nine hundred dollars, . . .	9,900 00
		\$374,242 50

Nantucket  
county.

## NANTUCKET COUNTY.

Nantucket, . . .	Thirty-four hundred eighty-seven dollars and fifty cents, . . .	\$3,487 50
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Norfolk county.

## NORFOLK COUNTY.

Bellingham, . . .	Seven hundred and twenty dollars, . . .	\$720 00
Braintree, . . .	Thirty-nine hundred thirty-seven dollars and fifty cents, . . .	3,937 50
Brookline, . . .	Thirty-nine thousand five hundred thirty-two dollars and fifty cents, . . .	39,532 50

## NORFOLK COUNTY — CONCLUDED.

Norfolk county.

Canton, . . .	Forty-four hundred thirty-two dollars and fifty cents, . . .	\$4,432 50
Cohasset, . . .	Forty-one hundred and eighty-five dollars, . . .	4,185 00
Dedham, . . .	Sixty-seven hundred and fifty dollars, . . .	6,750 00
Dover, . . .	Nine hundred dollars, . . .	900 00
Foxborough, . . .	Eighteen hundred sixty-seven dollars and fifty cents, . . .	1,867 50
Franklin, . . .	Twenty-five hundred and twenty dollars, . . .	2,520 00
Holbrook, . . .	Seventeen hundred and fifty-five dollars, . . .	1,755 00
Hyde Park, . . .	Sixty-four hundred twelve dollars and fifty cents, . . .	6,412 50
Medfield, . . .	Thirteen hundred and ninety-five dollars, . . .	1,395 00
Medway, . . .	Seventeen hundred thirty-two dollars and fifty cents, . . .	1,732 50
Millis, . . .	Five hundred and forty dollars, . . .	540 00
Milton, . . .	Fifteen thousand seven hundred twenty-seven dollars and fifty cents, . . .	15,727 50
Needham, . . .	Twenty-three hundred and forty dollars, . . .	2,340 00
Norfolk, . . .	Four hundred and ninety-five dollars, . . .	495 00
Norwood, . . .	Twenty-five hundred forty-two dollars and fifty cents, . . .	2,542 50
Quincy, . . .	Ten thousand seven hundred seventy-seven dollars and fifty cents, . . .	10,777 50
Randolph, . . .	Twenty-nine hundred and twenty-five dollars, . . .	2,925 00
Sharon, . . .	Fourteen hundred and forty dollars, . . .	1,440 00
Stoughton, . . .	Twenty-nine hundred and seventy dollars, . . .	2,970 00
Walpole, . . .	Nineteen hundred and eighty dollars, . . .	1,980 00
Wellesley, . . .	Fifty-five hundred and eighty dollars, . . .	5,580 00
Weymouth, . . .	Seventy-four hundred and seventy dollars, . . .	7,470 00
Wrentham, . . .	Seventeen hundred and ten dollars, . . .	1,710 00
		\$132,637 50

Plymouth  
county.

## PLYMOUTH COUNTY.

Abington, . . .	Twenty-four hundred and seventy-five dollars, . . . . .	82,475 00
Bridgewater, . .	Twenty-nine hundred and seventy dollars, . . . . .	2,970 00
Brockton, . . .	Fifteen thousand eight hundred and eighty-five dollars, . . . . .	15,885 00
Carver, . . . .	Eight hundred and ten dollars, . . . . .	810 00
Duxbury, . . .	Sixteen hundred eighty-seven dollars and fifty cents, . . . . .	1,687 50
E. Bridgewater, .	Nineteen hundred fifty-seven dollars and fifty cents, . . . . .	1,957 50
Halifax, . . . .	Three hundred and fifteen dollars, . . . . .	315 00
Hanover, . . . .	Fifteen hundred and thirty dollars, . . . . .	1,530 00
Hanson, . . . .	Seven hundred and sixty-five dollars, . . . . .	765 00
Hingham, . . . .	Forty-four hundred and fifty-five dollars, . . . . .	4,455 00
Hull, . . . . .	Twenty-four hundred fifty-two dollars and fifty cents, . . . . .	2,452 50
Kingston, . . . .	Twenty-four hundred seven dollars and fifty cents, . . . . .	2,407 50
Lakeville, . . .	Six hundred and thirty dollars, . . . . .	630 00
Marion, . . . .	Eleven hundred forty-seven dollars and fifty cents, . . . . .	1,147 50
Marshfield, . . .	Thirteen hundred and ninety-five dollars, . . . . .	1,395 00
Mattapoisett, . .	Eighteen hundred twenty-two dollars and fifty cents, . . . . .	1,822 50
Middleborough, .	Thirty-seven hundred twelve dollars and fifty cents, . . . . .	3,712 50
Norwell, . . . .	Thirteen hundred seventy-two dollars and fifty cents, . . . . .	1,372 50
Pembroke, . . .	Eight hundred and ten dollars, . . . . .	810 00
Plymouth, . . . .	Sixty-one hundred and sixty-five dollars, . . . . .	6,165 00
Plympton, . . . .	Three hundred and sixty dollars, . . . . .	360 00
Rochester, . . .	Five hundred and eighty-five dollars, . . . . .	585 00
Rockland, . . . .	Three thousand and fifteen dollars, . . . . .	3,015 00
Scituate, . . . .	Eighteen hundred twenty-two dollars and fifty cents, . . . . .	1,822 50
Warcham, . . . .	Nineteen hundred and thirty-five dollars, . . . . .	1,935 00

## PLYMOUTH COUNTY — CONCLUDED.

Plymouth  
county.

W. Bridgewater,	Twelve hundred thirty-seven dol- lars and fifty cents, . . . . .	\$1,237 50
Whitman, . . . .	Thirty-three hundred fifty-two dol- lars and fifty cents, . . . . .	3,352 50
		<hr/> \$67,072 50

## SUFFOLK COUNTY.

Suffolk county.

Boston, . . . . .	Eight hundred thirty-three thousand eight hundred and five dollars, . .	\$833,805 00
Chelsea, . . . . .	Twenty-two thousand and five hun- dred dollars, . . . . .	22,500 00
Revere, . . . . .	Four thousand and fifty dollars, . .	4,050 00
Winthrop, . . . .	Twenty-five hundred eighty-seven dollars and fifty cents, . . . . .	2,587 50
		<hr/> \$862,942 50

## WORCESTER COUNTY.

Worcester  
county.

Ashburnham, . . .	Twelve hundred and fifteen dol- lars, . . . . .	\$1,215 00
Athol, . . . . .	Thirty-two hundred seventeen dol- lars and fifty cents, . . . . .	3,217 50
Auburn, . . . . .	Six hundred and thirty dollars, . .	630 00
Barre, . . . . .	Seventeen hundred and fifty-five dollars, . . . . .	1,755 00
Berlin, . . . . .	Six hundred seven dollars and fifty cents, . . . . .	607 50
Blackstone, . . .	Twenty-nine hundred and twenty- five dollars, . . . . .	2,925 00
Bolton, . . . . .	Six hundred and thirty dollars, . .	630 00
Boylston, . . . .	Six hundred seven dollars and fifty cents, . . . . .	607 50
Brookfield, . . .	Sixteen hundred forty-two dollars and fifty cents, . . . . .	1,642 50
Charlton, . . . . .	Twelve hundred and fifteen dollars,	1,215 00
Clinton, . . . . .	Sixty-three hundred and ninety dollars, . . . . .	6,390 00
Dana, . . . . .	Three hundred eighty-two dollars and fifty cents, . . . . .	382 50

Worcester  
county.

## WORCESTER COUNTY — CONTINUED.

Douglas, . . .	Twelve hundred eighty-two dollars and fifty cents, . . . . .	\$1,282 50
Dudley, . . .	Eleven hundred ninety-two dollars and fifty cents, . . . . .	1,192 50
Fitchburg, . . .	Fifteen thousand five hundred and seventy dollars, . . . . .	15,570 00
Gardner, . . .	Forty-three hundred and twenty dollars, . . . . .	4,320 00
Grafton, . . .	Twenty-nine hundred two dollars and fifty cents, . . . . .	2,902 50
Hardwick, . . .	Sixteen hundred eighty-seven dollars and fifty cents, . . . . .	1,687 50
Harvard, . . .	Twelve hundred eighty-two dollars and fifty cents, . . . . .	1,282 50
Holden, . . .	Twelve hundred and sixty dollars, . . . . .	1,260 00
Inhabardston, . . .	Nine hundred twenty-two dollars and fifty cents, . . . . .	922 50
Lancaster, . . .	Thirty-three hundred and thirty dollars, . . . . .	3,330 00
Leicester, . . .	Twenty-four hundred and thirty dollars, . . . . .	2,430 00
Leominster, . . .	Forty-eight hundred eighty-two dollars and fifty cents, . . . . .	4,882 50
Lunenburg, . . .	Eight hundred and fifty-five dollars, . . . . .	855 00
Mendon, . . .	Seven hundred forty-two dollars and fifty cents, . . . . .	742 50
Milford, . . .	Sixty-nine hundred fifty-two dollars and fifty cents, . . . . .	6,952 50
Millbury, . . .	Twenty-seven hundred dollars, . . . . .	2,700 00
New Braintree, . . .	Five hundred seventeen dollars and fifty cents, . . . . .	517 50
Northborough, . . .	Fourteen hundred and forty dollars, . . . . .	1,440 00
Northbridge, . . .	Thirty-five hundred and fifty-five dollars, . . . . .	3,555 00
North Brookfield, . . .	Twenty-four hundred seven dollars and fifty cents, . . . . .	2,407 50
Oakham, . . .	Four hundred twenty-seven dollars and fifty cents, . . . . .	427 50
Oxford, . . .	Seventeen hundred and ten dollars, . . . . .	1,710 00
Paxton, . . .	Three hundred thirty-seven dollars and fifty cents, . . . . .	337 50
Petersham, . . .	Seven hundred and twenty dollars, . . . . .	720 00
Phillipston, . . .	Three hundred thirty-seven dollars and fifty cents, . . . . .	337 50
Princeton, . . .	Ten hundred fifty-seven dollars and fifty cents, . . . . .	1,057 50



## WORCESTER COUNTY — CONCLUDED.

Worcester  
county.

Royalston, . . .	Nine hundred and ninety dollars,	\$990 00
Rutland, . . .	Five hundred and eighty-five dol- lars, . . . . .	585 00
Shrewsbury, . . .	Twelve hundred and sixty dollars,	1,260 00
Southborough, . . .	Eighteen hundred sixty-seven dol- lars and fifty cents, . . . . .	1,867 50
Southbridge, . . .	Four thousand seventy-two dollars and fifty cents, . . . . .	4,072 50
Spencer, . . .	Fifty-one hundred fifty-two dollars and fifty cents, . . . . .	5,152 50
Sterling, . . .	Eleven hundred forty-seven dollars and fifty cents, . . . . .	1,147 50
Sturbridge, . . .	Twelve hundred and fifteen dollars,	1,215 00
Sutton, . . .	Fifteen hundred ninety-seven dol- lars and fifty cents, . . . . .	1,597 50
Templeton, . . .	Fifteen hundred and thirty dollars,	1,530 00
Upton, . . .	Eleven hundred two dollars and fifty cents, . . . . .	1,102 50
Uxbridge, . . .	Twenty-four hundred and seventy- five dollars, . . . . .	2,475 00
Warren, . . .	Twenty-nine hundred two dollars and fifty cents, . . . . .	2,902 50
Webster, . . .	Thirty-two hundred sixty-two dol- lars and fifty cents, . . . . .	3,262 50
Westborough, . . .	Thirty-two hundred and forty dol- lars, . . . . .	3,240 00
West Boylston, . . .	Fourteen hundred and forty dol- lars, . . . . .	1,440 00
West Brookfield, . . .	Ten hundred fifty-seven dollars and fifty cents, . . . . .	1,057 50
Westminster, . . .	Nine hundred and ninety dollars, . . .	990 00
Winchendon, . . .	Twenty-five hundred and sixty-five dollars, . . . . .	2,565 00
Worcester, . . .	Sixty-nine thousand fifty-two dol- lars and fifty cents, . . . . .	69,052 50
		\$193,545 00

## RECAPITULATION.

Recapitulation  
by counties.

Barnstable Co., . .	Twenty-three thousand seven hun- dred and fifteen dollars, . . . . .	\$23,715 00
Berkshire Co., . .	Forty-eight thousand eight hun- dred and seventy dollars, . . . . .	48,870 00

Recapitulation  
by counties.

## RECAPITULATION — CONCLUDED.

Bristol Co.,	One hundred forty-five thousand three hundred and five dollars,	\$145,305 00
Dukes Co.,	Four thousand and five dollars,	4,005 00
Essex Co.,	Two hundred thirty-four thousand six hundred and thirty dollars,	234,630 00
Franklin Co.,	Twenty-three thousand seventeen dollars and fifty cents,	23,017 50
Hampden Co.,	One hundred two thousand two hundred and eighty-five dollars,	102,285 00
Hampshire Co.,	Thirty-four thousand two hundred and forty-five dollars,	34,245 00
Middlesex Co.,	Three hundred seventy-four thousand two hundred forty-two dollars and fifty cents,	374,242 50
Nantucket Co.,	Thirty-four hundred eighty-seven dollars and fifty cents,	3,487 50
Norfolk Co.,	One hundred thirty-two thousand six hundred thirty-seven dollars and fifty cents,	132,637 50
Plymouth Co.,	Sixty-seven thousand seventy-two dollars and fifty cents,	67,072 50
Suffolk Co.,	Eight hundred sixty-two thousand nine hundred forty-two dollars and fifty cents,	862,942 50
Worcester Co.,	One hundred ninety-three thousand five hundred and forty-five dollars,	193,545 00
		<u>\$2,250,000 00</u>

Treasurer of  
the Common-  
wealth to issue  
warrants.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the Public Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

To require  
selectmen or  
assessors to  
issue warrants  
to city or town  
treasurers.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year eighteen hundred and eighty-eight, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or

assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth, at some time before the first day of October in the year eighteen hundred and eighty-eight.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, from and after the tenth day of December in the year eighteen hundred and eighty-eight; and if the same remains unpaid after the first day of January in the year eighteen hundred and eighty-nine, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

To notify treasurers of delinquent cities and towns.

Warrants of distress may issue against city or town.

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

*Approved May 28, 1888.*

AN ACT RELATING TO THE PROCEDURE IN POOR DEBTOR MATTERS.

*Chap. 419*

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

SECTION 1. Section seventeen of chapter one hundred and sixty-two of the Public Statutes is hereby amended so that the first paragraph of the said section as amended shall read as follows: — Except as provided in sections five to sixteen inclusive, and in section twenty-five, and except in actions of tort, no person shall be arrested on an execution in a civil action, unless the judgment creditor or some person in his behalf, after execution is issued amounting to twenty dollars exclusive of all costs which make part of said judgment, whether the same have accrued in the last action or in any former action on the same original cause of action, and while so much as that amount remains uncollected, makes affidavit, and proves to the satisfaction of some court of record, or police, dis-

Procedure in poor debtor matters. Amendment to P. S. 162, § 17.

Procedure in  
poor debtor  
matters.

trict, or municipal court, or, except in the county of Suffolk, some trial justice, that he believes and has good reason to believe, —.

SECTION 2. Section eighteen of chapter one hundred and sixty-two of the Public Statutes is hereby amended so that the fourth sentence of the said section as amended shall read as follows: — The magistrates or courts before whom such examinations may be held shall be some court of record, or police, district, or municipal court, or, except in the county of Suffolk, some trial justice.

Amendment to  
P. S. 162, § 20.

SECTION 3. Section twenty of chapter one hundred and sixty-two of the Public Statutes is hereby amended by adding at the end thereof the following words: — If at the examination it appears that, after the service of the notice and pending the proceedings thereon, the debtor has made a payment of money or a conveyance, assignment or transfer of any property of his not exempt from being taken on execution, with intent to prevent the same from being transferred or paid to the creditor, or applied by the force of the said proceedings to the satisfaction of the execution, such transfer, assignment, conveyance or payment shall be deemed to be made in contempt of the court or magistrate, and the debtor shall be liable in the discretion of the court or magistrate to be committed as for a contempt, and, when the court or magistrate makes a certificate therefor, shall be conveyed to jail and there kept until discharged by said court or magistrate or otherwise according to law; but payment of debts for necessities for support of himself and family, debts due on executions upon which he has already been cited to appear for examination under the provisions of this chapter or any act amendatory thereof or supplementary thereto, and a reasonable sum for counsel fees, shall not be deemed within the prohibition of this section.

Amendment to  
P. S. 162, § 25.

SECTION 4. Section twenty-five of chapter one hundred and sixty-two of the Public Statutes is hereby amended so that the said section as amended shall read as follows: — If in addition to the first charge specified in section seventeen the judgment creditor, or some one in his behalf, makes affidavit and proves to the satisfaction of some court or magistrate named in section one that there is good reason to believe that the debtor intends to leave the state, the court or magistrate may without notice to the debtor authorize his arrest.

SECTION 5. Section twenty-seven of chapter one hundred and sixty-two of the Public Statutes is hereby amended so that the last sentence in the said section as amended shall read as follows:—When arrested on mesne process, if he does not give bail, and when arrested on execution in any case, he shall be taken before some court of record, or police, district, or municipal court, or, only if he wishes to recognize, a master in chancery, or, only if he wishes to recognize, a commissioner of insolvency, or, except in the county of Suffolk, a trial justice.

Procedure in  
poor debtor  
matters.

Amendment to  
P. S. 162, § 27.

SECTION 6. Section twenty-eight of chapter one hundred and sixty-two of the Public Statutes is hereby amended so that the said section as amended shall read as follows:—When taken before the court or magistrate, if the defendant or debtor desires to take an oath as hereinafter mentioned, but does not desire a time fixed for his examination, the court or magistrate may take his recognizance with surety or sureties in a sum not less than double the amount of the execution, or of the ad damnum in the writ, if he is arrested on mesne process, that within thirty days from the day of his arrest he will deliver himself up for examination before some court of record, or police, district, or municipal court, or, except in the county of Suffolk, some trial justice, giving notice of the time and place thereof as herein provided, and appear at the time fixed for his examination, and from time to time until the same is concluded, and not depart without leave of the court or magistrate, making no default at any time fixed for his examination, and abide the final order of the court or magistrate thereon; but if he is arrested on mesne process and the writ is returnable within thirty days, the number of days within which he shall deliver himself up shall be limited by the court or magistrate so as not to extend beyond the return day of the writ.

Amendment to  
P. S. 162, § 28.

SECTION 7. Section thirty-one of chapter one hundred and sixty-two of the Public Statutes is hereby amended so that the first paragraph of the said section as amended shall read as follows:—If the defendant or debtor, when taken before the court or magistrate or at any time when entitled thereto, desires to take an oath as hereinafter provided, and to have a time fixed therefor, some court of record, or police, district, or municipal court, or, except in the county of Suffolk, some trial justice, shall appoint a time and place for his examination, and shall issue a

Amendment to  
P. S. 162, § 31.

Procedure in  
poor debtor  
matters.

notice thereof to the plaintiff or creditor, signed by said justice of the court or magistrate and designating his official capacity, substantially in the following form:—

Amendment to  
P. S. 162, § 33.

SECTION 8. Section thirty-three of chapter one hundred and sixty-two of the Public Statutes is hereby amended by adding at the end thereof the following words:— But if the oath for the relief of poor debtors has been refused no application to take the same shall be made by the defendant or debtor until the expiration of seven days from the hour of such refusal.

Amendment to  
P. S. 162, § 34.

SECTION 9. Section thirty-four of chapter one hundred and sixty-two of the Public Statutes is hereby amended so that the said section as amended shall read as follows:— When the notice mentioned in section thirty-one has been duly served, the court or magistrate who issued it, or any court of record, or police, district, or municipal court, or, except in the county of Suffolk, any trial justice, shall attend at the time and place therein specified, and examine the defendant or debtor as herein provided.

Amendment to  
P. S. 162, § 34.

SECTION 10. Section fifty-four of chapter one hundred and sixty-two of the Public Statutes is hereby amended so that the first sentence in the said section as amended shall read as follows:— If he represents to the jailer that he is desirous to take the oath for the relief of poor debtors, the jailer shall make the same known to some court of record, or police, district, or municipal court, or, except in the county of Suffolk, some trial justice.

Additional  
associate justice  
of the municipal  
court of the city  
of Boston to be  
appointed.

SECTION 11. There shall be appointed in the manner provided by the constitution one additional associate justice of the municipal court of the city of Boston, who shall be paid in the manner provided by law the salary established by law for an associate justice of the said court; so that the said court shall be composed of one chief justice, four associate justices and one special justice.

Any justice of  
court of record,  
etc., may act as  
such court  
under P. S. 162.

SECTION 12. Any justice of any court of record, or police, district, or municipal court, and any special justice when exercising the powers and duties of a justice of any such court, may act as such court under chapter one hundred and sixty-two of the Public Statutes and any act amendatory thereof or supplementary thereto. Under the said chapter and acts any such court shall have the powers and duties therein given to a justice thereof. Upon legal application made to any police, district or municipal court

such court shall exercise and perform its said powers and duties under the said chapter and acts, accordingly, without unreasonable delay. The term “magistrate”, and the term “magistrates”, whenever either occurs in any section of the said chapter or acts, shall be construed to mean, respectively — magistrate or court, — and, — magistrates or courts. There shall be no appeal from any judgment or order of any court or magistrate rendered or made under the said chapter or acts, except as provided in and by the said chapter. Any court or magistrate acting under the said chapter or acts may issue a writ of habeas corpus when necessary to bring before such court or magistrate for examination a defendant or debtor imprisoned on mesne process or execution, and the proceedings provided for in chapter one hundred and eighty-five of the Public Statutes shall be followed so far as the same are applicable thereto.

Procedure in  
poor debtor  
matters.

May issue writ  
of habeas  
corpus.

SECTION 13. Section sixty-eight of chapter one hundred and sixty-two of the Public Statutes is hereby amended by adding at the end thereof the following words: — The fees of a court or magistrate shall be for each postponement or continuance of an examination or the time fixed therefor, one dollar. When any police, district or municipal court acts hereunder, or under any act amendatory hereof or supplementary hereto, the fees shall be paid into such court as for civil business, and shall be accounted for and paid by the clerk of such court, or by the justice of such court where there is no clerk, to the treasurer of the county in which such court is held; but in the county of Suffolk such clerks and justices as by law account and pay to the collector of the city of Boston shall account and pay to such collector hereunder. The clerk of the municipal court of the city of Boston, for civil business, shall be paid by the county of Suffolk one thousand dollars for extra clerical assistance in addition to and in the manner provided for the amount now paid by the said county to him for extra clerical assistance. The fees of an officer for service of notices under the provisions of this chapter shall be the same as are allowed by law for the service of an original summons in an action at law. If the arrest was on mesne process and final judgment in the action is rendered for the defendant, he shall have taxed in his costs against the

Amendment to  
P. S. 162, § 68.

Fees of court or  
magistrate.

Disposition  
of fees.

Allowances for  
extra clerical  
assistance.

Fees for service  
of process.

Payment of  
costs.

Procedure in poor debtor matters.

plaintiff all lawful costs paid by him because of the arrest, and execution shall issue therefor. If the arrest was on execution, the debtor shall not be deemed to have satisfied the same until he has paid all lawful costs paid by the creditor upon and after the arrest, and all lawful charges paid by the creditor for his support in prison. If the arrest was on mesne process and the plaintiff shall recover more than twenty dollars, exclusive of all costs, the lawful costs paid by him upon and after the arrest, and the lawful charges paid by him for the defendant's support in prison, shall be taxed in his costs against the defendant, and execution shall issue therefor.

Not to apply to cases pending under P. S. 162; 1887, 442, etc.

SECTION 14. The provisions of this act shall not apply to cases pending under the provisions of chapter one hundred and sixty-two of the Public Statutes, chapter four hundred and forty-two of the acts of the year eighteen hundred and eighty-seven, or any act amendatory thereof or supplementary thereto enacted and taking effect before this act takes effect.

To take effect October 1, 1888.

SECTION 15. This act shall take effect upon the first day of October in the year eighteen hundred and eighty-eight.  
*Approved May 29, 1888.*

*Chap. 420*

AN ACT IN RELATION TO THE CONFIRMATION OF DEFECTIVE ACTS OR PROCEEDINGS OF PROBATE COURTS, OR OF PERSONS ACTING UNDER APPOINTMENT FROM PROBATE COURTS.

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

Confirmation of defective acts or proceedings of probate courts or of persons acting under appointment from probate courts.

SECTION 1. When the authority or validity of an act or proceeding of the probate court, or of a person acting as executor, administrator, guardian or trustee, is called in question by reason of an alleged irregularity, defective notice, or want of authority, any party interested in, or affected by such act or proceeding, may apply to the probate court having jurisdiction of the subject matter in respect to which the act or proceeding has been had, and the court, after such notice as it may order to all parties interested, and to the persons who may be the parents of such parties not in being, with power to appoint a guardian or next friend to represent the interests of any person unborn or unascertained, may hear and determine the matter and confirm the act or proceeding in whole or in part, and may authorize and empower the executor,



administrator, guardian or trustee, or any successor, or other person who may be legally appointed to act in the same capacity, to ratify and confirm such act or proceeding, and to execute and deliver such deeds, releases, conveyances and other instruments as may be found necessary for that purpose; but no act or proceeding shall be ratified or confirmed which the court might not have passed or authorized in the first instance upon due proceedings.

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

*Approved May 29, 1888.*

AN ACT TO INCORPORATE THE MIDDLESEX SAFE DEPOSIT AND TRUST COMPANY. Chap.421

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

SECTION 1. Edward M. Tucke, Frank W. Howe, Percy Parker, Frank P. Putnam, Eathan A. Smith, Albion C. Taylor, August Fels, their associates and successors, are hereby made a corporation by the name of the Middlesex Safe Deposit and Trust Company, with authority to establish and maintain a safe deposit and trust company in the city of Lowell, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Middlesex Safe  
Deposit and  
Trust Company  
incorporated.

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

*Approved May 29, 1888.*

AN ACT TO INCORPORATE THE UNION LOAN AND TRUST COMPANY. Chap.422

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

SECTION 1. Henry B. Peirce, Roland Worthington, Warren W. Rice, Horatio Adams, Moses N. Arnold, George G. Kellogg and Charles L. T. Stedman, their associates and successors, are hereby made a corporation by the name of the Union Loan and Trust Company, to be located at Boston with authority to establish and maintain a safe deposit and trust company with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Union Loan and  
Trust Company  
incorporated.

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

*Approved May 29, 1888.*

**Chap.423** AN ACT TO INCORPORATE THE CHELSEA SAFE DEPOSIT AND TRUST COMPANY.

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

Chelsea Safe  
Deposit and  
Trust Company  
incorporated.

SECTION 1. Isaac Stebbins, Wm. R. Pearmain, Sylvester B. Hinckley, Thomas Martin, John G. Low, John Magee, George H. Buck, David Slade, Alfred S. Foster, S. B. Pearmain, Eben Hutchinson, their associates and successors, are hereby made a corporation by the name of the Chelsea Safe Deposit and Trust Company, with authority to establish and maintain a safe deposit and trust company in the city of Chelsea, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

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

*Approved May 29, 1888.*

**Chap.424** AN ACT TO INCORPORATE THE MERCANTILE LOAN AND TRUST COMPANY.

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

Mercantile Loan  
and Trust  
Company  
incorporated.

SECTION 1. Richard J. Monks, Silas Peirce, Nathaniel J. Rust, Thomas Hills, Charles F. Gallagher, Arthur F. Estabrook, Amos F. Breed, Frank H. Monks, their associates and successors, are hereby made a corporation by the name of the Mercantile Loan and Trust Company, with authority to establish and maintain a loan and trust company in the city of Boston, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

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

*Approved May 29, 1888.*

**Chap.425** AN ACT TO CHANGE THE TITLE OF THE LAW CLERK OF THE ATTORNEY-GENERAL AND TO PRESCRIBE HIS DUTIES.

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

Title of the law  
clerk of the at-  
torney-general  
changed to  
second assistant  
attorney-  
general.

SECTION 1. The title of the assistant to the attorney-general known as the "law clerk" is hereby changed to second assistant attorney-general, who, under the direction of the attorney-general, shall aid him in the performance of his official duties.

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

*Approved May 29, 1888.*

AN ACT IN RELATION TO WAYS OF EGRESS AND MEANS OF ESCAPE FROM FIRE IN CERTAIN BUILDINGS. *Chap. 426*

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

SECTION 1. Every building now or hereafter used, in whole or in part, as a public building, public or private institution, schoolhouse, church, theatre, public hall, place of assemblage or place of public resort, and every building in which ten or more persons are employed above the second story in a factory, workshop or mercantile or other establishment, and every hotel, family hotel, apartment house, boarding house, lodging house or tenement house in which ten or more persons lodge or reside above the second story, and every factory, workshop, mercantile or other establishment the owner, lessee or occupant of which is notified in writing by the inspector hereinafter mentioned that the provisions of this act are deemed by him applicable thereto, shall be provided with proper ways of egress, or other means of escape from fire, sufficient for the use of all persons accommodated, assembling, employed, lodging or residing in such building; and such ways of egress and means of escape shall be kept free from obstruction, in good repair and ready for use. Every room above the second story in any such building in which ten or more persons are employed shall be provided, if the inspector mentioned in the following section shall so direct in writing, with more than one way of egress by stairways on the inside or outside of the building, placed as near as practicable at opposite ends of such room; stairways on the outside of the building shall have suitable railed landings at each story above the first, and shall connect with each story by doors or windows; and such landings, doors and windows shall be kept clear of ice and snow and other obstructions. Women or children shall not be employed in a factory, workshop or mercantile or other establishment, in a room above the second story from which there is only one way of egress, if the inspector mentioned in the following section shall so direct in writing. All doors and windows in any building subject to the provisions of this section shall open outwardly if the inspector mentioned in the following section shall so direct in writing. No portable seats shall be allowed in the aisles or passageways of such building during any service or entertainment held therein. The proscenium or curtain opening of all

Public buildings, theatres, etc., to have proper ways of egress or other means of escape from fire.

Doors and windows to open outwardly if inspector so directs.

Curtain opening of theatres to

have a fire-resisting curtain of some incombustible material. 1888, 207.

theatres shall have a fire resisting curtain of some incombustible material, and such curtain shall be properly constructed and shall be operated by proper mechanism; the certificate of the inspector mentioned in the following section shall be conclusive evidence of a compliance with such requirements.

Inspectors of factories, etc., assigned to such duty by chief of the district police, to examine buildings, etc., subject to provisions of this act.

SECTION 2. It shall be the duty of such inspectors of factories and public buildings, as may be assigned to such duty by the chief of the district police force, to examine, as soon as may be after the passage of this act, and thereafter from time to time, all buildings within his district subject to the provisions of this act, and it shall be the duty of the inspector of buildings of the city of Boston so to examine all such buildings within said city. In case any such building conforms in the judgment of such inspector, to the requirements of this act, he shall issue to the owner, lessee or occupant of such building, or of any portion thereof used as above mentioned in section one, a certificate to that effect, specifying the number of persons for whom the ways of egress or means of escape from fire are deemed to be sufficient. Such certificate shall be conclusive evidence, as long as it continues in force, of a compliance on the part of the person to whom it is issued with the provisions of this act. But such certificate shall be of no effect in case a greater number of persons than therein specified are accommodated or employed, or assemble, lodge or reside within such building or portion thereof, or in case such building is used for any purposes materially different from those for which it was used at the time of the granting thereof, or in case the internal arrangements of such building are materially altered, or in case any ways of egress or means of escape from fire existing in such building at the time of such granting are stopped up, rendered unavailable or materially changed; and in no case shall such certificate continue in force for more than five years from its date. Such certificate may be revoked by such inspector at any time upon written notice to the person holding the same, or occupying the premises for which it was granted, and shall be so revoked whenever, in his opinion, any conditions or circumstances have so changed that the existing ways of egress and means of escape are no longer proper and sufficient. A copy of the said certificate shall be kept posted in a conspicuous place upon every floor of such building by the person occupying the premises covered thereby.

Certificate to be issued to owner, etc., of building conforming to requirements.

Certificate may be revoked.

SECTION 3. Upon an application being made to an inspector for the granting of a certificate under this act, he shall issue to the person making the same an acknowledgment that such certificate has been applied for, and pending the granting or refusal of such certificate such acknowledgment shall have for a period of ninety days the same effect as such certificate, and such acknowledgment may be renewed by such inspector with the same effect for a further period not exceeding ninety days, and may be further renewed by the chief of the district police force, until such time as such certificate shall be granted or refused.

Application for certificate to be acknowledged by inspector, and pending the granting or refusal, the acknowledgment to have effect of certificate for ninety days.

SECTION 4. In case any change is made in any premises for which a certificate has been issued under this act, whether in the use thereof or otherwise, such as terminates the effect of such certificate, as above provided in section two, it shall be the duty of the person making the same to give written notice thereof forthwith to the inspector for the district, or to the chief of the district police, if such premises are outside of the city of Boston, or to the inspector of buildings of the city of Boston, if within said city.

Inspector to be notified of any change in building for which certificate has been issued.

SECTION 5. In case any building or portion thereof subject to the provisions of this act is found by an inspector to fail to conform thereto, or in case any change is made in such building or portion thereof such as terminates the effect of a certificate formerly granted therefor as aforesaid, it shall be the duty of such inspector to give notice in writing to the owner, lessee or occupant of such building, specifying and describing what additional ways of egress or means of escape from fire are necessary in the opinion of such inspector in order to conform to the provisions of this act and to secure the granting of a certificate as aforesaid. Notice to any agent of such owner, lessee or occupant in charge of the premises shall be sufficient notice under this section to such owner, lessee or occupant.

Inspector to notify owner if building fails to conform to provisions of this act.

SECTION 6. In case any building subject to the provisions of this act is owned, leased or occupied, jointly or in severalty, by different persons, any one of such persons shall have the right to apply to any part of the outside of such building, and to sustain from any part of the outside wall thereof, any way of egress or means of escape from fire specified and described by an inspector as above provided, notwithstanding the objection of any other such owner, lessee or occupant; and any such way of egress or means of escape may project over the highway.

If building is owned, etc., by several persons, either may apply, etc.

License for use of premises not to issue until certificate has been obtained.

SECTION 7. When a license is required by law or municipal ordinance, in order to authorize any premises to be used for any purpose mentioned in section one, no license for such purpose shall be granted until a certificate for such building or portion thereof shall first have been obtained from an inspector as above provided, and no such license hereafter issued shall continue in force any longer than such certificate remains in force.

Wooden flues, air ducts, etc.

SECTION 8. No wooden flue or air duct for heating or ventilating purposes shall hereafter be placed in any building subject to the provisions of section one of this act, and no pipe for conveying hot air or steam in such building shall be placed, or shall remain placed, nearer than one inch to any woodwork unless protected to the satisfaction of the said inspector by suitable guards or casings of incombustible material.

Every story above the second to be supplied with means of extinguishing fire.

SECTION 9. Every story above the second of a building subject to the provisions of section one shall be supplied with means of extinguishing fire, consisting either of pails of water or other portable apparatus, or of a hose attached to a suitable water supply and capable of reaching any part of such story; and such means of extinguishing fire shall be kept at all times ready for use and in good condition.

Inspection department of the district police and the inspector of buildings in Boston to enforce provisions.

SECTION 10. It shall be the duty of such members of the inspection department of the district police force as may be assigned to such duty by the chief of such force to enforce the provisions of this act outside of the city of Boston, and of the inspector of buildings of the city of Boston to enforce the same within said city, and for such purpose such inspectors shall have the right of access to all parts of any buildings subject to the provisions of this act.

Cities may provide that act shall apply to buildings of three or more stories.

SECTION 11. Cities may by ordinance provide that the provisions of this act shall apply to any buildings three or more stories in height within their respective limits.

Penalty on owner, lessee or occupant.

SECTION 12. It shall be the duty of every owner, lessee or occupant of any building or part thereof subject to this act to cause the provisions thereof to be carried out, and any owner, lessee or occupant failing to observe such provisions shall be subject to a fine of not less than fifty nor more than one thousand dollars; but no prosecution therefor shall be brought until four weeks after written notice from an inspector, as above provided, of the changes necessary to be made in order to conform thereto,

nor then if in the meantime such changes have been made in accordance with such notification. Notice to one member of a firm, or to the clerk or treasurer of a corporation, or to the person in charge of the premises, shall be deemed sufficient notice hereunder, and such notice may be given in person or by mail. Any such owner, lessee or occupant shall be liable for all damages caused by his violation of the provisions of this act. Any person using or occupying a building contrary to the provisions of this act may be enjoined from such use or occupation in a proceeding to be had before the superior court or the supreme judicial court at the instance of the inspector, and upon the filing of a petition therefor any judge or justice of the court in which such proceeding is pending may issue a temporary injunction or restraining order, as provided in proceedings in equity.

Person may be enjoined by the courts for using building contrary to provisions.

SECTION 13. The governor of the Commonwealth is hereby authorized to appoint from time to time, as may be necessary, not exceeding ten additional members of the inspection department of the district police force, qualified to perform the duties of the members of such department.

Ten additional members of the inspection department of the district police may be appointed.

SECTION 14. Sections fifteen to twenty inclusive of chapter one hundred and four of the Public Statutes, section two of chapter two hundred and fifty-one of the acts of the year eighteen hundred and eighty-three, chapter three hundred and twenty-six of the acts of the year eighteen hundred and eighty-five, chapter two hundred and seven of the acts of the year eighteen hundred and eighty-eight, and all acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 15. This act shall take effect on the first day of July in the year one thousand eight hundred and eighty-eight.

To take effect July 1, 1888.

*Approved May 29, 1888.*

AN ACT IN RELATION TO THE BAY STATE GAS COMPANY.

*Chap. 427*

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

SECTION 1. The Bay State Gas Company is hereby authorized to increase its capital stock to an amount not exceeding two million five hundred thousand dollars, subject to the provisions of the general laws and the approval of the board of gas commissioners. Such additional stock to be issued from time to time in such amounts as the said board may determine to be necessary or expedient to carry

May increase capital stock.

Stock to be issued as gas commissioners may determine.

into effect the objects for which said company was organized.

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

*Approved May 29, 1888.*

*Chap.*428 AN ACT AUTHORIZING THE GAS COMMISSIONERS TO LICENSE CERTAIN GAS COMPANIES TO MAKE AND SELL WATER GAS FOR ILLUMINATING PURPOSES.

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

Gas commissioners may license gas company now authorized to make gas for illuminating purposes to make and sell water gas.

SECTION 1. The board of gas commissioners is hereby authorized to license any gas company now authorized to make gas for illuminating purposes to make and sell water gas for illuminating purposes containing any percentage of carbonic oxide that said board may determine: *provided*, that such board shall be of opinion and certify in any license granted by them that in their opinion the gas so authorized can be used with safety for such purposes, and after receiving such license said company shall be exempt from any penalty or prohibition provided in section fourteen of chapter sixty-one of the Public Statutes relating to carbonic oxide, provided the percentage of carbonic oxide shall not exceed the limit allowed by said board.

Proviso.

If water gas contains more than ten per cent. of carbonic oxide, statement of percentage to be furnished to consumer.

SECTION 2. Any company who shall under the provisions of the first section of this act be licensed to make and sell water gas for illuminating purposes containing an excess of ten per cent. of carbonic oxide, shall furnish to every actual consumer a copy of the gas commissioners' license which shall contain a statement of the percentage of carbonic oxide such gas contains as near as the same can be ascertained. And no company so licensed shall charge more for water gas in any locality than is charged in that locality by any company furnishing gas therein when the manufacture and sale of such water gas is so licensed.

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

*Approved May 29, 1888.*

*Chap.*429 AN ACT RELATING TO FRATERNAL BENEFICIARY ORGANIZATIONS.

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

Fraternal beneficiary corporations may be formed.

SECTION 1. Seven or more persons, residents of this Commonwealth, may form a fraternal beneficiary corporation for the purposes hereinafter provided.



SECTION 2. The agreement shall state that the subscribers thereto associate themselves with the intention of forming a corporation, the name of the corporation, the purpose for which it is formed, and the town or city, which shall be in this Commonwealth, in which it is located. The name shall be one not previously in use by an existing corporation, nor so similar as to be liable to be mistaken therefor; it shall indicate that it is a corporation or company, and may be changed only by act of the general court.

Agreement to state name of corporation, purpose and city, etc., in the Commonwealth where located.

SECTION 3. The first meeting of the associates shall be called by a notice signed by one or more of the subscribers to such agreement, stating the time, place and purpose of the meeting; a copy of which notice shall, seven days at least before the day appointed for the meeting, be given to each subscriber, or left at his usual place of business or place of residence, or deposited in the post office, post paid, and addressed to him at his usual place of business or residence. And whoever gives such notice shall make affidavit of his doings, which shall be recorded in the records of the corporation.

First meeting.

SECTION 4. At such first meeting, including any necessary or reasonable adjournment, an organization shall be effected by the choice by ballot of a temporary clerk, who shall be sworn, and by the adoption of by-laws and the election of directors, treasurer and clerk by ballot, and such other officers as the by-laws may provide; but at such first meeting no person shall be eligible as a director who has not subscribed the agreement of association. The temporary clerk shall make and attest a record of the proceedings until the clerk has been chosen and sworn, including a record of such choice and qualification.

Organization by election of officers, adoption of by-laws, etc.

SECTION 5. The corporation may prescribe by its by-laws the manner in which and the officers and agents by whom the purposes of its corporation may be carried out, and instead of the directors and other officers named in section four, it may have trustees or managers and financial and recording officers with similar powers and duties.

By-laws to prescribe manner in which, and the officers, etc., by whom purposes may be carried out.

SECTION 6. Officers chosen as required in section four shall hold office until the next succeeding meeting of the corporation for the election of officers, the date for which, within two years of the time of organization, shall be prescribed by the by-laws, at which, and thereafter at least biennially, the before mentioned officers shall be

Tenure of office.

chosen and shall hold office until their successors are elected and qualified.

Copy of agreement and declaration of purpose, etc., to be sworn to and submitted to the insurance commissioner.

SECTION 7. The presiding officer, treasurer, and a majority of the directors, or other officers, shall forthwith make, sign and swear to a certificate setting forth a true copy of the agreement and declaration of purpose of the association, with the names of the subscribers thereto, the date of the first meeting, and the successive adjournments thereof, if any, and shall submit such certificate and the records of the corporation to the insurance commissioner, who shall make such examination and require such evidence as he deems necessary; and if it appears that the purposes and proceedings of the corporation conform to law, he shall certify his approval thereof, and the certificate shall then be filed by said officers in the office of the secretary of the Commonwealth, who, upon payment of a fee of five dollars, shall cause the same, with the endorsements, to be recorded, and shall thereupon issue a certificate in the following form: —

Fee of five dollars to be paid.

#### COMMONWEALTH OF MASSACHUSETTS.

Form of certificate to be issued by the secretary of the Commonwealth.

Be it known that whereas [here the names of the subscribers to the agreement of association shall be inserted] have associated themselves with the intention of forming a corporation under the name of [here the name of the corporation shall be inserted], for the purpose [here the purpose declared in the agreement of association shall be inserted], and have complied with the provisions of the statutes of this Commonwealth in such case made and provided, as appears from the certificate of the officers of said corporation, duly approved by the insurance commissioner and recorded in this office: now, therefore, I [here the name of the secretary shall be inserted], secretary of the Commonwealth of Massachusetts, do hereby certify that said [here the names of the subscribers to the agreement of association shall be inserted], their associates and successors, are legally organized and established as and are hereby made an existing corporation under the name of [here the name of the corporation shall be inserted], with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto. Witness my official signature hereunto subscribed, and the seal of the Commonwealth of Massachu-

setts hereunto affixed, this                    day of                    in  
the year                    . [In these blanks the day, month  
and year of execution of the certificate shall be inserted.]

The secretary shall sign the same and cause the seal of  
the Commonwealth to be thereto affixed, and such certifi-  
cate shall be conclusive evidence of the existence of such  
corporation at the date of such certificate. He shall also  
cause a record of such certificate to be made, and a certi-  
fied copy of such record may be given in evidence with  
like effect as the original certificate.

Such certificate  
to be recorded.

SECTION 8. Any corporation duly organized as afore-  
said, and which does not employ paid agents in soliciting or  
procuring business, other than in the preliminary organi-  
zation of local branches, and which conducts its business  
as a fraternal society on the lodge system, or limits its  
certificate holders to a particular order, class or fraternity,  
or to the employees of a particular town or city, desig-  
nated firm, business house or corporation, may provide in  
its by-laws for the payment, from time to time, of a fixed  
sum by each member, and from this income may make  
weekly or other payments to any member during a period  
of disability of such member, or pay a benefit to the  
member or his family at the end of such period of time  
as shall be fixed by said by-laws and written in the bene-  
fit certificate issued to said member: *provided*, that the  
sum paid as sick benefits to a member may be deducted  
from the total amount to become due at the maturity of  
the certificate. Such corporation may also provide in its  
by-laws for the payment, from time to time, of a fixed  
sum by each member to be paid to the beneficiaries of  
deceased members, in such amount and manner as shall  
be fixed by said by-laws and written in the benefit certi-  
ficate issued to said member, and payable to the husband,  
wife, children, relatives of, or persons dependent upon  
such member; but no contract under this act shall be  
valid or legal which shall be conditioned upon an agree-  
ment or understanding that the beneficiary shall pay the  
dues and assessments, or either of them, for said mem-  
ber.

Payment of  
sick benefits.

Proviso.

Payment to  
beneficiaries of  
deceased  
members.

SECTION 9. Any such corporation may hold at any one  
time, as a death fund belonging to the beneficiaries of  
anticipated deceased members, an amount not exceeding  
one assessment from a general or unlimited membership,  
or an amount not exceeding in the aggregate one assess-

May hold  
death fund.

ment from each limited class or division of its members : *provided*, that nothing in this section shall be held to restrict such fund to less than twenty-five thousand dollars ; and provided that corporations which pay benefits to members or their families at the end of fixed periods of time may hold, as a reserve fund, an amount not exceeding twenty per cent. of the amount received on assessments. Such fund while held in trust shall be invested in securities in which insurance companies are allowed by law to invest their capital, or deposited in safe banking institutions subject to sight drafts for distribution to the beneficiaries aforesaid.

Proviso.

Investment of fund.

Not to re-insure, etc., with organization not authorized to do business in this state.

SECTION 10. No such corporation shall re-insure with or transfer its membership certificates or funds to any organization not authorized to do business in this Commonwealth.

Existing associations under laws of another state, etc., may continue, etc.

SECTION 11. Fraternal beneficiary corporations, associations or societies organized under the laws of another state, now transacting in this Commonwealth business as herein defined, and which now report or which shall report when requested to the insurance department, may continue such business without incorporating under this act, by conforming in other respects to the foregoing provisions and to the requirements of section thirteen of this act.

To report] annually to insurance commissioner the location of office, names of officers, etc.

SECTION 12. Every corporation doing business under the foregoing provisions shall annually, on or before the first day of March in each year, report to the insurance commissioner the location of its principal office in this Commonwealth, and the names and addresses of its president, secretary and treasurer, or other officers answering thereto, and shall make such further statements of its membership and financial transactions for the year ending on the preceding thirty-first day of December, with other information relating thereto, as said commissioner may deem necessary to a proper exhibit of its business and standing ; and the commissioner may at other times require any further statement he may deem necessary to be made relating to any such corporation.

Other statements may be required by commissioner.

Foreign corporation to appoint insurance commissioner its attorney upon whom process may be served.

SECTION 13. Every foreign corporation shall, before doing business in this Commonwealth, appoint in writing the insurance commissioner or his successor in office to be its true and lawful attorney, upon whom all lawful processes in any action or proceeding against it may be

served; and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served on the corporation, and that the authority shall continue in force so long as any liability remains outstanding against the corporation in this Commonwealth. A copy of the writing, duly certified and authenticated, shall be filed in the office of the commissioner, and copies certified by him shall be deemed sufficient evidence thereof. Service upon such attorney shall be deemed sufficient service upon the principal. When legal process against any such corporation is served upon the commissioner, he shall immediately notify the corporation of such service by letter prepaid and directed to its secretary, or, in the case of a corporation of a foreign country, to the resident manager, if any, in this country; and shall, within two days after such service, forward in the same manner a copy of the process served on him to such secretary or manager, or to any person previously designated by the corporation in writing. The plaintiff in each process so served shall pay to the commissioner at the time of such service a fee of two dollars, which shall be recovered by him as part of the taxable costs if he prevails in the suit. The commissioner shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

Corporation to be notified by commissioner when process has been served.

Plaintiff to pay fee to commissioner when service is made.

SECTION 14. Any person who shall solicit membership for, or in any manner assist in procuring membership in any corporation or organization not authorized to do business in this Commonwealth shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section eighteen of this act.

Membership not to be solicited, unless authorized, under penalty.

SECTION 15. The money or other benefit, charity, relief or aid to be paid, provided or rendered by any corporation authorized to do business under this act, shall not be liable to attachment by trustee or other process, and shall not be seized, taken, appropriated or applied by any legal or equitable process, nor by operation of law, to pay any debt or liability of a certificate holder, or any beneficiary named therein.

Benefit, etc., not liable to attachment.

SECTION 16. Any solicitor, agent or examining physician, who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of

Penalty on agent, solicitor or examining physician wilfully making false statement, etc.

obtaining any money or benefit, in any corporation transacting business under this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the discretion of the court; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury.

Existing corporations may re-incorporate under this act.

Proviso.

SECTION 17. Any fraternal beneficiary corporation existing under the laws of this Commonwealth and now engaged in transacting business as herein defined, may re-incorporate under the provisions of this act: *provided*, that nothing in this act contained shall be construed as requiring or making it obligatory upon any such corporation to re-incorporate, and any such corporation may continue to exercise all rights, powers and privileges conferred by this act or its articles of incorporation not inconsistent herewith, and shall be subject to the requirements and penalties of this act the same as if re-incorporated hereunder. No charter granted under the provisions of this act shall continue valid after one year from its date unless the organization has been completed and business begun thereunder.

Penalty on corporation, agent or officer for neglecting to comply, etc.

SECTION 18. Any such corporation, association or society transacting business in this Commonwealth, and any agent or officer of such corporation, association or society, neglecting to comply with, or violating any provision of this act shall be punished by fine of not less than fifty nor more than two hundred dollars.

Provisions of 1857, 214, not to apply.

SECTION 19. The provisions of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven, shall not apply to corporations organized under or transacting business in conformity to this act.

Provisions as are the same as of existing laws are to be construed as a continuation.

SECTION 20. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability incurred, or any right

accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted to enforce any right or penalty or punish any offence under the authority of the repealed laws; and any person who at the time when said repeal takes effect holds office under any of the laws repealed, shall continue to hold such office according to the tenure thereof, unless such office is abolished or a different provision is herein made.

SECTION 21. Sections eight, nine, ten, eleven and twelve of chapter one hundred and fifteen of the Public Statutes, and section one of chapter one hundred and ninety-five of the acts of the year one thousand eight hundred and eighty-two are hereby repealed. Repeal.

SECTION 22. This act shall take effect upon its passage.

*Approved May 29, 1888.*

AN ACT TO AMEND THE CERTIFICATE OF INCORPORATION OF THE  
ORDER OF THE IRON HALL.

*Chap. 430*

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

SECTION 1. The certificate of incorporation of the Order of the Iron Hall, dated the sixteenth day of January eighteen hundred and eighty-two, is hereby amended so that the purpose therein expressed shall read as follows:— For the purpose of benevolence and charity, and to unite in bonds of union, protection and forbearance all acceptable persons of good character, steady habits, sound bodily health and reputable calling who believe in a supreme intelligent being, the creator and preserver of the universe; to improve the condition of its membership morally, socially and materially, by instructive lessons, judicious counsel and timely aid, by encouragement in business and by assistance to obtain employment when in need; to establish a relief fund of personal property from which members of the said order who have complied with all its rules and regulations, or the legal heirs of such members, may receive benefits in a sum not exceeding one thousand dollars, which shall be paid in such sums, and at such times as may be provided by the laws governing such payments, or in the certificate of membership and when all the conditions regulating such payment have been complied with.

Certificate of  
incorporation  
amended.

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

*Approved May 29, 1888.*

*Chap.*431 AN ACT TO AID SMALL TOWNS TO PROVIDE THEMSELVES WITH  
SCHOOL SUPERINTENDENTS.

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

Certain small towns may unite for employment of a superintendent of schools.

SECTION 1. Any two or more towns the valuation of each of which does not exceed two million five hundred thousand dollars, and the aggregate number of schools in all of which is not more than fifty nor less than thirty, may, by vote of the several towns, unite for the purpose of the employment of a superintendent of schools under the provisions of this act.

When union is made the several school committees shall form a joint committee.

SECTION 2. When such a union has been effected, the school committees of the towns comprising the union shall form a joint committee, and for the purposes of this act said joint committee shall be held to be the agents of each town comprising the union. Said committee shall meet annually in joint convention in the month of April at a day and place agreed upon by the chairman of the committees of the several towns comprising the union, and shall organize by the choice of a chairman and secretary. They shall choose, by ballot, a superintendent of schools; determine the relative amount of service to be performed by him in each town; fix his salary, and apportion the amount thereof to be paid by the several towns, and certify such amount to the treasurer of each town.

To choose a superintendent, fix his salary, etc.

Joint committee to certify under oath to the state auditor.

SECTION 3. Whenever the chairman and secretary of such joint committee shall certify to the state auditor, under oath, that a union has been effected as herein provided, that the towns, in addition to an amount equal to the average of the total sum paid by the several towns for schools during the three years next preceding, unitedly have raised by taxation and appropriated a sum not less than seven hundred and fifty dollars for the support of a superintendent of schools, and that under the provisions of this act a superintendent of schools has been employed for one year, a warrant shall be drawn upon the treasurer of the Commonwealth for the payment of one thousand dollars, one-half of which amount shall be paid for the salary of such superintendent and the remaining one-half shall be apportioned and distributed on the basis of the average public school attendance of the towns forming such district for the year next preceding, which amount shall be paid for the salaries of teachers employed in the public schools within such district.

Warrant to be drawn upon state treasurer for \$1,000.



SECTION 4. A sum not exceeding twelve thousand five hundred dollars shall be annually appropriated for the purposes of this act.

Not exceeding \$12,500 to be annually appropriated.

SECTION 5. The provisions of section forty-three of chapter forty-four of the Public Statutes respecting the service of school committees without pay in towns wherein a superintendent is appointed, shall not apply to towns uniting in the employment of a superintendent under the provisions of this act.

Certain provisions of P. S. 44, § 43, not to apply.

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

*Approved May 29, 1888.*

AN ACT AUTHORIZING THE AUDITOR OF THE COMMONWEALTH TO EMPLOY AN ADDITIONAL CLERK.

*Chap. 432*

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

SECTION 1. The auditor of the Commonwealth may employ in his office an extra clerk, in addition to the clerks whom he is now authorized to employ, at an annual salary of twelve hundred dollars.

May employ an extra clerk.

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

*Approved May 29, 1888.*

AN ACT TO AMEND SECTION TWENTY-SEVEN OF CHAPTER ONE HUNDRED AND EIGHTY-ONE OF THE PUBLIC STATUTES RELATING TO SUITS FOR REDEMPTION OF MORTGAGED PREMISES.

*Chap. 433*

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

Section twenty-seven of chapter one hundred and eighty-one of the Public Statutes is hereby amended by adding at the end thereof the following: — provided that notwithstanding the bringing of such suit, the mortgagee may proceed with any sale of which an advertisement has been published before the bringing of such suit unless the amount due is paid into court or unless for cause shown such sale is enjoined by the court upon such terms as the court shall direct.

Suits for redemption of mortgaged premises. P. S. 181, § 27.

*Approved May 29, 1888.*

AN ACT TO PROVIDE FOR TAKING THE VOTE UPON THE QUESTION OF GRANTING LIQUOR LICENSES IN TOWNS AND FOR TAKING SUCH VOTE IN CITIES IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-EIGHT.

*Chap. 434*

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

SECTION 1. The secretary of the Commonwealth shall send to the town clerk of each town, seven days at least previous to taking therein the vote upon the question of

Ballots to be furnished by the secretary of the Commonwealth.

granting licenses for the sale of intoxicating liquors, ballots both affirmative and negative, in number twice at least the number of registered voters in such town, and prepared in accordance with the requirements of chapter forty-nine of the acts of the year eighteen hundred and eighty-six. Such ballots shall be distributed to the voters at the polling place under the direction of the clerk.

To be distributed under direction of the clerk. Ballot-boxes to be used.

SECTION 2. In taking the vote in any town upon the question of granting licenses for the sale of intoxicating liquors, there shall be used in such town the ballot-box provided in accordance with the requirements of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four. All ballots upon said question shall be deposited in such boxes, and no ballots shall be counted, in ascertaining the result of such vote, unless so deposited and therein registered, or deposited in accordance with the following section. The provisions of said chapter two hundred and ninety-nine shall, so far as applicable, apply to the use of such ballot-boxes in voting upon said question.

Balloting to proceed as presiding officer may direct, if ballot-box cannot be used.

SECTION 3. If for any cause it shall become impossible in any town, in taking the vote upon said question, to make use of the ballot-box herein required, the balloting shall proceed as the presiding officer shall direct, and the clerk shall make a record of the facts pertaining to such balloting.

Ballots to be used in cities in the year eighteen hundred and eighty-eight.

SECTION 4. All ballots which shall be printed in accordance with section twenty-seven of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, for use in cities at the municipal elections which shall be held in the year eighteen hundred and eighty-eight, shall, in addition to the names of candidates for municipal offices, contain in clear and distinct type the words, " Shall licenses be granted for the sale of intoxicating liquors in this city? Yes—No "; and the ballots so printed shall be used for taking the vote in the year eighteen hundred and eighty-eight in the several cities upon the question of granting such licenses, as well as for the choice of municipal officers. In order to ascertain the result of the vote upon said question every such ballot from which the word, " No," is crossed out or erased shall be counted as a vote in the affirmative, and every such ballot from which the word, " Yes," is so crossed out or erased shall be counted as a vote in the

negative; but no ballot shall be counted as a vote upon the question unless one of the said words has been so crossed out or erased therefrom and the other remains thereon.

SECTION 5. All existing provisions of law to prevent fraudulent voting, and the penalties therefor, shall apply to the taking of the vote upon the license question. Provisions against fraudulent voting to apply.

SECTION 6. Chapter four hundred and forty-three of the acts of the year eighteen hundred and eighty-seven, and all other acts and parts of acts inconsistent herewith are repealed. Repeal.

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

*Approved May 29, 1888.*

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO LAY OUT A STREET OVER LAND OF THE COMMONWEALTH AT WORCESTER. *Chap. 435*

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

SECTION 1. The city council of the city of Worcester may lay out and construct a public street of a width not exceeding one hundred feet, extending northerly from Shrewsbury street over land of the Worcester lunatic hospital situated on the westerly shore of Lake Quinsigamond in said city, notwithstanding the provisions of section fifteen of chapter fifty-four of the Public Statutes. The location of said new street shall be within five hundred feet of said lake, and the location and construction thereof shall be subject to the approval of the governor and council. Claims for damages for the location and construction thereof shall exist as in case of laying out of highways over lands of individuals, and the same shall be settled in the manner now provided by law in such cases. May lay out a street over land of the Commonwealth at Worcester.

SECTION 2. Whenever the governor and council shall so require, the city of Worcester shall construct at its own expense suitable fences separating said road from the lands belonging to the Worcester lunatic hospital, and when so required by the governor and council shall construct at its own expense such passages as shall be deemed necessary by the governor and council to connect the lands of the hospital which may lie on opposite sides of said road. Location.

SECTION 3. Chapter four hundred and forty-four of the acts of the year eighteen hundred and eighty-seven is hereby repealed. Suitable fences to be constructed, when required by the governor and council.

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

*Approved May 29, 1888.*

*Chap. 436* AN ACT TO PROVIDE FOR PRINTING AND DISTRIBUTING BALLOTS  
AT THE PUBLIC EXPENSE, AND TO REGULATE VOTING AT STATE  
AND CITY ELECTIONS.

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

Ballots for national, state, district, county and city officers to be printed and distributed at public expense.

SECTION 1. All ballots cast in elections for national, state, district and county officers in cities and towns after the first day of November in the year eighteen hundred and eighty-nine, and all ballots cast in municipal elections in cities after that date, shall be printed and distributed at public expense, as hereinafter provided. The printing of the ballots and cards of instructions to voters shall in municipal elections in cities be paid for by the several cities respectively, and in all other elections the printing of the ballots and cards of instruction, and the delivery of them to the several cities and towns, shall be paid for by the Commonwealth. The distribution of the ballots to the voters shall be paid for by the cities and towns respectively. The term "state election", as used in this act, shall apply to any election held for the choice of a national, state, district or county officer, whether for a full term or for the filling of a vacancy, and the term "state officer" shall apply to any person to be chosen by the qualified voters at such an election. The term "city election" shall apply to any municipal election so held in a city, and the term "city officer" shall apply to any person to be chosen by the qualified voters at such an election.

Certain terms defined.

NOMINATIONS OF CANDIDATES.

Names of candidates nominated by convention, etc., to be placed upon ballots.

SECTION 2. Any convention of delegates, and any caucus or meeting of qualified voters, as hereinafter defined, and individual voters to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be placed upon the ballots to be furnished as herein provided.

One candidate for each office may be nominated by convention, etc.

SECTION 3. Any convention of delegates representing a political party which, at the election next preceding, polled at least three per cent. of the entire vote cast in the state, or in the electoral district or division thereof for which the nomination is made, or any convention of delegates who have been selected in caucuses called and held in accordance with a special statute providing therefor, and any caucus so called and held in any such electoral

district or division, may for the state or for the district or division for which the convention or caucus is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as may be required as above for its acceptance, and as are required in section five of this act; shall be signed by the presiding officer and by the secretary of the convention or caucus, who shall add thereto their places of residence; and shall be sworn by them to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

Certificate of nomination.

SECTION 4. Nominations of candidates for any offices to be filled by the voters of the state at large may be made by nomination papers signed in the aggregate for each candidate by not less than one thousand qualified voters of the state. Nominations of candidates for electoral districts or divisions of the state may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district or division, not less in number than one for every one hundred persons who voted at the next preceding annual election in such district or division, but in no case less than fifty. In the case of a first election to be held in a town or ward newly established, the number of fifty shall be sufficient for the nomination of a candidate who is to be voted for only in such town or ward; and in the case of a first election in a district or division newly established, other than a town or ward, the number of fifty shall be so sufficient. Each voter signing a nomination paper shall add to his signature his place of residence, and each voter may subscribe to one nomination for each office to be filled, and no more. Women qualified to vote for members of the school committee may sign nomination papers for candidates for the school committee. The nomination papers shall before being filed be respectively submitted to the registrars of voters of the cities or towns in which the signers purport to be qualified voters, and each registrar to whom the same is submitted shall forthwith certify thereon what number of the signatures are names of qualified voters both in the city or town for which he is a registrar and in the district or division for which the nomination is made; one of the signers to each such separate paper shall swear that the statements there-

Nominations of candidates for state at large.

Nominations for electoral districts or divisions of the state.

Nominations at first election in town, etc.

Women may sign nomination papers for school committee.

Certificate of registrars.

One signer to swear that statements are true.

in are true, to the best of his knowledge and belief, and the certificate of such oath shall be annexed.

Certificates of nomination to specify office, etc.

SECTION 5. All certificates of nomination and nomination papers shall, besides containing the names of candidates, specify as to each, (1) the office for which he is nominated; (2) the party or political principle which he represents, expressed in not more than three words; (3) his place of residence, with street and number thereon, if any. In the case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political appellation.

Nominations for state offices to be filed with secretary of the Commonwealth.

SECTION 6. Certificates of nomination and nomination papers for the nomination of candidates for state offices shall be filed with the secretary of the Commonwealth at least fourteen days previous to the day of the election for which the candidates are nominated. Such certificates and papers for the nomination of candidates for the offices of mayor and of aldermen in cities shall be filed with the city clerks of the respective cities at least ten days previous to the day of such election, and for the nomination of candidates for all other city offices at least six days previous to the day of such election.

Nominations for city offices to be filed with city clerk.

Objections to nominations to be considered, etc.

SECTION 7. The certificates of nomination and nomination papers being so filed, and being in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing. Such objections or other questions arising in relation thereto in the case of nominations of state officers shall be considered by the secretary of the Commonwealth and the auditor and attorney-general, and the decision of the majority of these officers shall be final. Such objections or questions arising in the case of nominations of city officers shall be considered by the board of registrars of voters together with the city clerk, if not a member of such board, and the city solicitor, and the decision of a majority of these officers shall be final. In case such objection is made notice shall forthwith be mailed to the candidates affected thereby, addressed to their residences as given in the certificates of nomination or nomination papers.

Any person presented as a candidate may withdraw his name.

SECTION 8. Any person whose name has been presented as a candidate may cause his name to be withdrawn from nomination, by request in writing signed by him

and acknowledged before an officer qualified to take acknowledgments of deeds, and filed with the secretary of the Commonwealth ten days or with the proper city clerk five days, as the case may be, previous to the day of election, and no name so withdrawn shall be printed upon the ballots. No nomination published and posted as herein provided shall be subsequently omitted as invalid.

SECTION 9. All certificates of nomination and nomination papers when filed shall be open under proper regulations to public inspection, and the secretary of the Commonwealth and the several city clerks shall preserve the same in their respective offices not less than five years.

*Certificates of nomination, etc., to be open to public inspection.*

#### FORM OF BALLOTS.

SECTION 10. Every general ballot, or ballot intended for the use of all male voters, which shall be printed in accordance with the provisions of this act, shall contain the names, residences, together with street and number, if any, and the party or political designation of all candidates whose nominations for any offices specified in the ballot have been duly made and not withdrawn in accordance herewith, and shall contain no other names. Except that in the case of electors of president and vice-president of the United States the names of the candidates for president and vice-president may be added to the party or political designation. The names of candidates for each office shall be arranged under the designation of the office in alphabetical order, according to surnames, except that the names of candidates for the offices of electors of president and vice-president shall be arranged in groups, as presented in the several certificates of nomination or nomination papers. There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person, not printed on the ballot, for whom he desires to vote as candidate for such office. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such questions shall be printed upon the ballot after the list of candidates. Special ballots in cities, containing only the names of candidates for the school committee, shall also be prepared in like manner and printed for the use of women qualified according to law to vote for

*Form of ballots.*

Form of ballots.

members of the school committee. The ballots shall be so printed as to give to each voter a clear opportunity to designate by a cross mark [X] in a sufficient margin at the right of the name of each candidate, his choice of candidates and his answer to the questions submitted, and on the ballot may be printed such words as will aid the voter to do this, as "vote for one", "vote for three", "yes", "no", and the like. The ballot shall be of the length now required by law and two or more times such width. Before distribution the ballots shall be so folded in marked creases that their width and length when folded shall be those of the ballot now required by law. On the back and outside, when folded, shall be printed "Official Ballot for", followed by the designation of the polling place for which the ballot is prepared, the date of the election, and a fac simile of the signature of the secretary of the Commonwealth or city clerk who has caused the ballot to be printed. The special ballots printed in cities for the use of women qualified to vote for school committee shall contain the additional endorsement that they are for such use only. Except as otherwise herein provided, ballots shall be printed in accordance with the existing provisions of law.

Ballots to be fastened together in books or blocks.

SECTION 11. All ballots when printed shall be folded as hereinbefore provided and fastened together in convenient numbers in books or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished to each polling place shall be kept and preserved by the secretary of the Commonwealth and the several city clerks.

Record to be kept of number furnished.

Two sets of ballots to be furnished at each voting place.

SECTION 12. There shall be provided for each voting place, at which an election is to be held, two sets of such general ballots, each of not less than one hundred for every fifty and fraction of fifty registered male voters therein, and likewise two sets of such special ballots, each of not less than one hundred, for every fifty and fraction of fifty women qualified to vote for school committee therein; and it shall be the duty of the registrars of voters in each city or town in which an election for state officers is to be held, to certify to the secretary of the Commonwealth fourteen days previous to any such election, the number of male registered voters in each voting precinct or in each town which is not divided into voting precincts, and in cities the number of women so registered as voters.

Number of voters to be certified to the secretary.



## INFORMATION TO VOTERS.

SECTION 13. The secretary of the Commonwealth, in case of a state election, and the several city clerks, in case of city elections, shall prepare full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and they shall respectively cause the same, together with copies of sections twenty-seven, twenty-eight, twenty-nine and thirty of this act to be printed in large, clear type, on separate cards, to be called cards of instructions; and they shall respectively furnish the same and the ballots for use in each such election. They shall also cause to be printed on tinted paper, and without the fac simile endorsements, ten or more copies of the form of the ballot provided for each voting place at each election therein, which shall be called specimen ballots, and shall be furnished with the other ballots provided for each such voting place.

Full instructions for guidance of voters to be prepared and furnished.

SECTION 14. The secretary of the Commonwealth shall, six days at least previous to the day of any election of state officers, transmit to the registrars of voters in each city and town in which such election is to be held, printed lists containing the names, residences, and party or political appellations of all candidates nominated as herein provided for such election and to be voted for at each polling place in each such city and town respectively, substantially in the form of the general ballot to be so used therein; and the registrars of voters shall immediately cause the lists for each town or voting precinct, as the case may be, to be conspicuously posted in one or more public places in such town or voting precinct. The secretary of the Commonwealth shall likewise cause to be published prior to the day of any such election, in at least two newspapers, if there be so many, published in each county, representing, so far as practicable, the political parties which, at the preceding election, cast the largest and next largest number of votes, a list of all the nominations made as herein provided and to be voted for in such county, so far as may be, in the form in which they shall appear upon the general ballots.

Secretary of the Commonwealth to transmit to registrars of voters printed list of names, etc., of candidates.

List of nominations to be published in newspapers representing certain political parties

SECTION 15. The city clerk of each city shall four days at least prior to the day of any city election therein,

City clerk to post printed list of candidates, etc.

cause to be conspicuously posted in one or more public places in each voting precinct of such city a printed list containing the names, residences, and party or political appellations of all candidates nominated, as herein provided, and to be voted for in such precinct, substantially in the form of the general ballot to be so used therein; and he shall likewise cause to be published, prior to the day of such election, in at least two newspapers, if there be so many, published in such city, representing the political parties which cast at the preceding election the largest and next largest number of votes, a list of all the nominations made, as herein provided, and to be voted for in such city, so far as may be, in the form in which they shall appear upon the general ballots.

List of nominations to be published, etc.

#### DELIVERY OF BALLOTS TO CITIES AND TOWNS.

Two sets of general and special ballots, with cards of instruction, to be furnished to city and town clerks.

SECTION 16. The secretary of the Commonwealth shall send, separately and at different times or by different methods, the two sets of general and special ballots, together with the specimen ballots and cards of instruction printed by him, as herein provided, to the several city and town clerks, so as to be received by them, one set forty-eight hours at least previous to the day of election, and the other set twenty-four hours at least previous thereto. The same shall be sent in sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots of each kind enclosed; and the respective city and town clerks shall on delivery to them of such packages return receipts therefor to the secretary. The secretary shall keep a record of the time when, and the manner in which the several packages are sent, and shall preserve for the period of one year the receipts of the city and town clerks.

To be sent in sealed packages.

Record to be kept.

Ballots and cards of instruction printed by city clerks.

SECTION 17. The two sets of ballots together with the specimen ballots and cards of instruction printed by the city clerks, as herein provided, shall be packed by them in separate sealed packages, with marks on the outside clearly designating the polling precincts for which they are intended, and the number of ballots of each kind enclosed.

City and town clerks to send to officers of

SECTION 18. The several city and town clerks shall send to the election officers of each voting place before

the opening of the polls on the day of election one set of the ballots so prepared, sealed and marked for such voting place, and a receipt of such delivery shall be returned to them from the presiding or senior election officer present, which receipt, with a record of the number of ballots sent, shall be kept in the clerks' office. At the opening of the polls in each polling place the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding election officer, and the books or blocks of ballots shall be delivered to the ballot officers hereinafter provided for. The cards of instruction shall be immediately posted at or in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards and not less than five specimen ballots shall be immediately posted in or about the polling room, outside the guard rails. The second set of ballots shall be retained by the respective clerks until they are called for or needed for the purposes of voting, and, upon the requisition in writing of the presiding election officer of any voting place, the second set of ballots shall be furnished to such voting place in the manner above provided as to the first set.

each voting place before opening of polls one set of ballots prepared and sealed.

Seals to be publicly broken at opening of polls.

Specimen ballots and cards of instruction to be posted.

Second set of ballots to be retained by clerks until called for.

SECTION 19. In case the ballots to be furnished to any city or town or voting place therein, in accordance with the provisions of this act, shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed or stolen, it shall be the duty of the clerk of such city or town to cause other ballots to be prepared substantially in the form of the ballots so wanting and to be furnished; and upon receipt of such other ballots from him, accompanied by a statement under oath that the same have been so prepared and furnished by him, and that the original ballots have so failed to be received or have been so destroyed or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots wanting, as above.

Upon failure of delivery of ballots to be prepared and furnished.

#### ADDITIONAL ELECTION OFFICERS.

SECTION 20. Two inspectors, with two deputy inspectors, additional to those now provided for, shall be appointed in each voting precinct in cities and in towns divided into voting precincts, and the provisions of law

Additional inspectors to be appointed.

relative to inspectors and deputy inspectors shall be applicable to such additional officers. Two of the inspectors acting in each voting precinct shall be detailed to act as ballot clerks. In towns not divided into voting precincts, two inspectors, with deputy inspectors, shall be appointed, in accordance with the provisions of law applicable to such officers in towns so divided, and the two inspectors thus serving shall act as ballot clerks. The two ballot clerks detailed and appointed as above in each voting precinct and town shall have the charge of the ballots therein, and shall furnish them to the voters in the manner hereinafter set forth. A duplicate list of the qualified voters in each precinct and each town not divided into precincts shall be prepared for the use of the ballot clerks, and all the provisions of law relative to the preparation, furnishing and preservation of check-lists shall apply to such duplicate lists.

Ballot clerks.

Duplicate check-list to be prepared for ballot clerks.

#### VOTING SHELVES OR COMPARTMENTS.

Voting shelves or compartments to be provided.

SECTION 21. The officers in each city or town whose duty it is to designate and appoint polling places therein shall cause the same to be suitably provided with a sufficient number of voting shelves or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes and of such voting shelves or compartments. The arrangement shall be such that neither the ballot-boxes nor the voting shelves or compartments shall be hidden from view of those just outside the said guard rail. The number of such voting shelves or compartments shall not be less than one for every seventy-five voters qualified to vote at such polling place, and not less than three in any town or precinct thereof, and not less than ten in any voting precinct of a city. No persons other than the election officers and voters admitted as hereinafter provided, shall be permitted within said rail, except by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

Not to be less than one for every seventy-five voters.

Admission within the rail.

## PREPARATION OF BALLOTS.

SECTION 22. Any person desiring to vote shall give his name, and, if requested so to do, his residence, to one of the ballot clerks, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found upon the check-list by the ballot officer having charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail as above provided. The ballot clerk shall give him one, and only one, ballot, and his name shall be immediately checked on said list. If the voter is a woman, she shall receive a special ballot containing the names of candidates for school committee only. Besides the election officers, not more than four voters in excess of the number of voting shelves or compartments provided shall be allowed in said enclosed space at one time.

Manner of receiving ballot.

Number of voters allowed within the guard rail.

SECTION 23. On receipt of his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting shelves or compartments so provided and shall prepare his ballot by marking in the appropriate margin or place, a cross [X] opposite the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking a cross [X] opposite thereto; and, in case of a question submitted to the vote of the people, by marking in the appropriate margin or place, a cross [X] against the answer which he desires to give. Before leaving the voting shelf or compartment the voter shall fold his ballot, without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall vote in the manner now provided by law before leaving the enclosed space, and shall deposit his ballot in the box with the official endorsement uppermost. He shall mark and deposit his ballot without undue delay and shall quit said enclosed space as soon as he has voted. No such voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes in case all of such shelves or compartments are in use, and other

Preparation of ballot.

Manner of depositing ballot.

Time allowed within the rail.

voters are waiting to occupy the same. No voter not an election officer whose name has been checked on the list of the ballot officers, shall be allowed to re-enter said enclosed space during said election. It shall be the duty of the presiding election officer for the time being to secure the observance of the provisions of this section.

Presiding election officer to secure observance of provisions.

Ballot not to be removed before close of polls.

If ballots are spoiled others to be furnished.

SECTION 24. No person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot he may successively obtain others one at a time, not exceeding three in all, upon returning each spoiled one. The ballots thus returned shall be immediately cancelled, and together with those not distributed to the voters, shall be preserved and with the check-list used by the ballot clerks, which shall be certified by them to be such, shall be secured in an envelope, sealed, and sent to the several city and town clerks, as required by law in the case of the ballots cast, and the other check-list used.

Voter who is blind, etc., can receive assistance in marking ballot.

SECTION 25. Any voter who declares to the presiding election officer that he was a voter prior to the first day of May in the year eighteen hundred and fifty-seven, and cannot read, or that by blindness or other physical disability he is unable to mark his ballot, shall, upon request, receive the assistance of one or two of the election officers in the marking thereof, and such officer or officers shall certify on the outside thereof that it was so marked with his or their assistance, and shall thereafter give no information regarding the same. The presiding officer may in his discretion require such declaration of disability to be made by the voter under oath before him, and he is hereby qualified to administer the same.

When ballots shall not be counted.

SECTION 26. If a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not counted shall be marked "defective" on the back thereof, and shall be preserved.

Ballots not counted to be marked "defective" and be preserved.

## PENALTIES.

SECTION 27. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere, or attempt to interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by fine of not less than five dollars nor more than one hundred dollars; and election officers shall report any person so doing to the police officer in charge of the polls, whose duty it shall be to see that the offender is duly brought before the proper court.

Penalty for allowing ballot to be seen, etc., or attempting to interfere with voter marking his ballot, etc.

SECTION 28. Any person who shall, prior to an election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who, during an election, shall wilfully deface, tear down, remove or destroy any card of instruction or specimen ballot printed or posted for the instruction of voters, or who shall during an election wilfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully hinder the voting of others, shall be punished by fine of not less than five dollars nor more than one hundred dollars.

Penalty for defacing list of candidates, etc., or wilfully hindering the voting of others.

SECTION 29. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination or nomination paper, or any part thereof or any letter of withdrawal; or file any certificate of nomination or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination or nomination paper, or any part thereof which has been duly filed; or forge or falsely make the official endorsement on any ballot; or wilfully destroy or deface any ballot, or wilfully delay the delivery of any ballots, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the jail not more than one year, or by both such fine and imprisonment.

Penalty for defacing certificate of nomination, etc.

SECTION 30. Any public officer upon whom a duty is imposed by this act, who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way

Penalty on officer for neglect.

as to hinder the objects of this act, shall be punished by fine of not less than five nor more than one thousand dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment.

*Approved May 29, 1888.*

**Chap.437** AN ACT TO PROVIDE FOR A NEW DIVISION OF WARDS IN CITIES.

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

New division of wards in cities.

SECTION 1. A city may, in the year eighteen hundred and ninety-five, and in every tenth year thereafter, before the first day of May in such year, by vote of its city council, make a new division of its territory into such number of wards as may be allowed by its charter; and the boundaries of such wards shall be so arranged that the wards shall contain, as nearly as can be ascertained, and as nearly as may be consistent with well-defined limits to each ward, equal numbers of legal voters.

Division into voting precincts.

SECTION 2. The board of aldermen of any city, whose territory has thus been divided into new wards, shall, prior to the first Monday of July in the year in which such new division has been made, divide such city into voting precincts in the manner prescribed by and in accordance with the provisions of sections three and four of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four.

List of voters to be furnished to city council, etc., by registrars of voters.

SECTION 3. For the purpose of furnishing to the city council and board of aldermen the information necessary to make a new division into wards and voting precincts, in accordance with the preceding sections, the registrars of voters in each city shall, immediately after the municipal election in the year eighteen hundred and ninety-four, and in each tenth year thereafter, prepare, and, prior to the tenth day of February next ensuing, deliver to the city clerk of such city, a list of all the male voters therein who were registered for such municipal election, which list shall be so made and arranged as to show the numbers of such registered voters who reside in each lot or block surrounded by streets within the limits of such city, and in any other subdivisions of the city which the city council or board of aldermen may prior to the first day of February designate.

At election of national, etc., officers in year

SECTION 4. For the purpose of the annual meeting for the election of national, state, district and county



officers in the year of any such new division or for the purpose of any election held prior to the annual meeting in the next succeeding year for filling a vacancy among such officers, and for the purpose of any election which may be held prior to the municipal election next succeeding such new division, for the filling of a vacancy among officers elected at the previous municipal election, the wards and voting precincts as existing previous to such new division shall continue, and for such purposes election officers shall be appointed and hold office, and assessment and voting lists shall be prepared for each such voting precinct, and all other things required by law shall be done, as if no such division had been made. Election officers shall, notwithstanding, be appointed according to law for the new wards and voting precincts, who shall serve at the municipal election in the year of such new division and likewise in all respects other than as above provided. Such new division shall take effect when so established in accordance with the preceding sections of this act.

of new division, or at any election the succeeding year for filling vacancy, etc., old wards and precincts to continue.

Election officers for new wards and precincts to be appointed.

SECTION 5. The board of aldermen of a city may in any year divide any ward in such city into voting precincts in the manner prescribed by and in accordance with the provisions of sections three and four of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, and for such purpose the board of aldermen may require the registrars of voters to furnish it with a list of the voters of any ward in such city as required by section three of this act and with such other information as it may deem necessary.

Division into voting precincts.

Aldermen may require list of voters to be furnished by registrars.

SECTION 6. Sections fourteen, fifteen and sixteen of chapter twenty-eight of the Public Statutes, section one of chapter two hundred and forty-three of the acts of the year eighteen hundred and seventy-eight, chapter one hundred and twenty-five and section nine of chapter one hundred and eighty-one of the acts of the year eighteen hundred and eighty-four, chapter one hundred and fifty-six of the acts of the year eighteen hundred and eighty-five, and all other acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

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

*Approved May 29, 1888.*

**Chap.438** AN ACT FOR THE RELIEF, IN CASES OF NECESSITY, OF PERSONS WHO SERVED IN THE ARMY OR NAVY OF THE UNITED STATES, DURING THE REBELLION, AND THEIR DEPENDENT FAMILIES.

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

Soldier or sailor in war of the rebellion, honorably discharged and having a legal settlement, shall receive support, etc., under direction of overseers of the poor.

Widows and minor children.

Soldier or sailor honorably discharged and having no legal settlement, but if a resident for three years, to receive support.

Widows and minor children.

Town to be reimbursed by the state.

SECTION 1. Whenever a person who served in the army or navy of the United States in the war of the rebellion, and received an honorable discharge therefrom, and who has a legal settlement in a city or town in this Commonwealth, becomes from any cause, except his own criminal or wilful misconduct, poor, and entirely, or in part, unable to provide maintenance for himself and dependent family, or whenever such a person has died and left a widow or minor children without proper means of support, such person or his widow and his minor children shall be supported, wholly or in part, as may be necessary, by the city or town in which he or they have a legal settlement, and at his or their own homes, or at such other place in the Commonwealth, other than an almshouse, as the overseers of the poor of such city or town may deem right and proper.

SECTION 2. Whenever a person who served in the army or navy of the United States in the war of the rebellion to the credit of this Commonwealth or of any city or town thereof, and received an honorable discharge from such service, but who has no legal settlement in any city or town of the Commonwealth, becomes from any cause, except his own criminal or wilful misconduct, poor, and entirely, or in part, unable to provide maintenance for himself and dependent family, or whenever such a person has died and left a widow or minor children without proper means of support, such person or his widow and his minor children shall be supported, wholly or in part, as may be necessary, by the city or town in which he or they are then resident, provided such residence has continued for a period of three years ; and such support shall be rendered at his or their own homes or at such other place in the Commonwealth, other than an almshouse, as the overseers of the poor of such city or town may deem right and proper ; and such city or town shall be entitled to receive from the treasury of the Commonwealth all necessary sums which have been actually expended for such support and which shall be certified under oath to the state board of lunacy and charity by the overseers of the

poor of any such city or town within the first ten days of the month next following that in which the expenditure is incurred.

SECTION 3. Cities and towns may raise and appropriate money for the purpose of carrying out the provisions of this act.

Cities and towns may appropriate money for the purpose.

SECTION 4. The state board of lunacy and charity shall examine and audit all claims of cities and towns for reimbursement for payments made under section two of this act. Only such sums shall be allowed and paid from the treasury as the said board shall in each case determine and certify to be just and proper in accordance with the requirements of section two.

Claims of cities and towns to be audited by board of lunacy and charity.

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

*Approved May 29, 1888.*

AN ACT TO REVISE THE CHARTER OF THE CITY OF LAWRENCE. *Chap.439*  
*Be it enacted, etc., as follows:*

SECTION 1. The city of Lawrence shall continue to be a body politic and corporate under the name of the city of Lawrence, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said city as a municipal corporation.

Charter revised.

SECTION 2. The administration of all fiscal, prudential and municipal affairs of the city, with the government thereof, shall be vested in one municipal officer, to be styled the mayor, and in one council of eighteen members, to be styled the city council, the members whereof shall be styled councilmen. The mayor shall be elected annually by the qualified voters of the city at large, and shall hold office for the municipal year beginning with the first Monday in January following his election, and until his successor is elected and qualified. At the first municipal election under this act three councilmen shall be elected by and from the qualified voters of the city at large, for a term of two years, and three for a term of one year, beginning with the first Monday in January following; and thereafter at each municipal election three councilmen shall be elected by and from the qualified voters of the city at large for a term of two years, beginning with the first Monday in January following their election. At the first municipal election under this act

Administration, etc., vested in a mayor and one council of eighteen members.

Election of mayor.

Election and terms of office of councilmen.

there shall be elected by and from the qualified voters of each ward, one councilman to hold office for a term of two years and one councilman for a term of one year, beginning with the first Monday in January following; and thereafter at each municipal election there shall be elected by and from the qualified voters of each ward, one councilman for a term of two years beginning with the first Monday in January following their election. If, however, in any year there shall be a new division of said city into wards, the terms of office of all the councilmen elected by wards shall expire at the end of the municipal year in which such division is made; and at the municipal election occurring in such year, there shall be elected by and from the qualified voters of each ward, one councilman to hold office for the term of two years and one for the term of one year, beginning with the first Monday in January following; and thereafter one councilman shall be elected by and from the qualified voters in each ward, to hold office for the term of two years, beginning with the first Monday in January following his election. A majority of the city council shall constitute a quorum for the transaction of business. No member of the city council shall receive any compensation for his services.

Terms of office of councilmen if there is a new division of wards.

Quorum.

Members of city council to receive no compensation.

Wards to remain until new division.

Annual election for choice of officers.

Meetings of citizens for municipal purposes to be called by warrants.

General meetings of citizens.

Meetings for election of national, state, etc., officers.

SECTION 3. The six wards of the city as at present constituted shall remain the wards of said city until a new division is made in accordance with the provisions of law.

SECTION 4. The annual election for the choice of municipal officers shall be held on the Tuesday next after the first Monday of December in each year, and the municipal year shall begin on the first Monday of January following. All meetings of citizens for municipal purposes, to be held either in wards or in general meetings, shall be called by warrants issued by order of the city council, which shall be in such form, and be served, executed and returned in such manner and at such times, as the city council may by ordinance direct.

SECTION 5. General meetings of the citizens qualified to vote may, from time to time, be held, according to the right secured to the people by the constitution of this Commonwealth. Such meetings may, and, upon the request in writing of fifty qualified voters setting forth the purposes thereof, shall be duly warned by the mayor.

SECTION 6. All meetings for the election of national, state, county and district officers shall be called by the

city council in the same manner as meetings for municipal elections are called.

SECTION 7. The mayor elect and the councilmen elect shall, annually, on the first Monday in January, at ten o'clock in the forenoon, meet and be sworn to the faithful discharge of their duties. The oath shall be administered by the city clerk, or, in case of his absence, by any justice of the peace, and shall be duly certified on the journal of the city council. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall not then have been elected, the oath of office may at any time thereafter be administered to him in the presence of the council; and at any time thereafter in like manner the oath of office may be administered to any member of the council who has been previously absent, or has been subsequently elected; and every such oath shall be duly certified as aforesaid.

Organization of the government.

SECTION 8. If it shall appear that no mayor has been elected previous to the said first Monday in January, or if the person elected mayor shall refuse to accept the office, or shall die before qualifying, or if a vacancy in said office shall occur subsequently and more than three months previous to the expiration of the municipal year, the city council shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor, and shall be repeated until the election of a mayor is completed. If the full number of members of the city council has not been elected, or if a vacancy in the office of councilman shall occur subsequently and more than three months previous to the expiration of the municipal year, the council shall forthwith cause a new election to be held to fill the vacancy or vacancies. In the absence of the mayor elect on the first Monday of January, the city government shall organize itself in the manner herein provided, and may proceed to business in the same manner as if the mayor were present.

If no election or upon death, etc., of mayor, or vacancy occurs more than three months before expiration of year, warrants to be issued for new election.

Vacancies in city council.

SECTION 9. The mayor shall be the chief executive officer of the city. He shall preside at meetings of the city council. He shall cause the laws, ordinances, orders and regulations of the city to be executed and enforced, and shall exercise supervisory and directory powers over every department of the city administration. He may suspend any officer, and may suspend any work or pay-

Mayor to be chief executive officer of city.

Powers.

May suspend any officer, etc.,

but shall report his doings to city council.

To sign all contracts in behalf of the city.

To have control of the police.

Salary to be fixed by city council.

Mayor and city council to appoint police officers and constables.

Police, except marshal and assistants, to hold office during good behavior.

Marshal, constables, etc., may be required to give bond.

Powers vested in the city council.

ment, whether under contract or otherwise, for a period not exceeding ten days; but in such case he shall report his doings, with his reasons therefor, to the city council, which shall take immediate action thereon. In case of a vacancy in any office to which appointment is made by the mayor, he may personally perform the duties of such office but he shall not be entitled to receive any salary or pay attached thereto. He shall from time to time communicate to the city council such information and recommend such measures as the interests of the city may in his opinion require. All contracts shall be signed by him in behalf of the city. He may call special meetings of the city council by causing notices thereof stating the subjects to be considered thereat to be left at the usual place of residence of each member of the council at least twenty-four hours before the time appointed for such meeting. He shall at all times have the control and direction of the police force subject only to the ordinances of the city. His salary shall be fixed by the city council. It shall be payable at stated periods, and shall not be increased or diminished during the year for which he is elected. He shall receive no other compensation.

SECTION 10. The mayor and city council shall have full and exclusive power to appoint constables, a city marshal and two assistant marshals, with the powers and duties of constables, who shall be exempt from civil service examination, one of whom shall act as captain of the night watch, and all police officers. All members of the regular police force, except the city marshal and the two assistant marshals, shall hold office during good behavior, but such regular police officers may be removed by the mayor and city council, after due hearing, for such cause as they may deem sufficient and shall express in the order of removal. And the city council may require any person who may be appointed marshal, or constable, of the city, to give a bond for the faithful discharge of the duties of the office, with such security, and to such amount, as may be deemed reasonable and proper; upon which bonds such proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns.

SECTION 11. All other municipal powers, and all powers conferred by law, upon mayors and aldermen, and upon city councils, shall be vested in the city council.

SECTION 12. The city council shall, in the month of January or February of each year, choose by ballot a city clerk, a city treasurer who shall be collector of taxes, and an auditor, and two councilmen to be overseers of the poor; and shall, in such manner as the city council shall determine, by ordinance made for the purpose, appoint or elect all subordinate officers not herein otherwise provided for, define their duties and fix their compensation, in cases where such duties and compensation shall not be defined and fixed by the statutes of the Commonwealth. The city clerk shall enter upon the duties of his office as soon as chosen and qualified, and shall hold office during the remainder of the municipal year and until his successor is chosen and qualified. The city treasurer and collector and the auditor shall enter upon the duties of their respective offices on the first Monday of March in each year, and shall hold office for terms of one year and until their respective successors are chosen and qualified.

City council to elect city clerk, city treasurer, who shall be collector, auditor and overseers of the poor. Election or appointment of subordinate officers to be prescribed by ordinance.

SECTION 13. No member of the city council shall, during the term for which he is elected, hold any other municipal office, or be employed in any department or otherwise for the city, make any contract with the city, or furnish to the city or any department thereof any goods or merchandise, have the expenditure of any money appropriated by the city council, or act as counsel in any matter before the city council or any committee thereof, or any department of the city, and no person shall be eligible for appointment or election to any municipal office by the mayor or city council during the time for which he was chosen a member of the city council, except the office of overseer of the poor.

Members of the city council not to hold any other municipal office or be employed by the city, etc.

SECTION 14. The city council shall keep a record of its own proceedings, shall judge of the election of its own members, and shall, at its first meeting, elect a chairman who shall preside in the absence of the mayor, and a clerk who may also be elected auditor. It shall have power to establish rules for the transaction of its business, and such rules shall be binding on the city council, and shall have the force of law. All sittings of the city council shall be public except when action is taken upon appointments and removals. Whenever there shall be a vacancy in the office of mayor, or whenever by reason of sickness, absence from the city or other cause, the mayor may be disabled from attending to the duties of his office, the

City council to keep record of its proceedings, shall judge of the election of its members, etc.

Sittings to be public except when acting upon appointments. When mayor is absent or vacancy exists, chairman of council to act.

chairman of the city council shall act as mayor, and possess all the rights and powers of mayor during such vacancy or disability.

City council to take care that money shall not be paid out unless granted or appropriated.

SECTION 15. The city council shall take care that money shall not be paid from the treasury unless granted or appropriated, shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties, from all persons entrusted with the receipt, custody or disbursement of money, shall have the care and superintendence of city buildings and the custody and management and disposal of all city property. It shall as often as once in each year cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures of the city and a schedule of the city property and of the city debt.

Account of receipts and expenditures to be annually published.

Money not to be paid from treasury, except, etc., until vote authorizing has been passed by city council.

SECTION 16. No officer or department shall contract any bill, nor shall any money be paid from the treasury, except where such payment is required by law, until a vote shall have been passed by the city council authorizing such payment, except that at the beginning of the financial year departments may continue to contract bills and money may continue to be paid from the treasury therefor at the same rate per month directed and authorized for the previous year until the new government shall act upon the matter; but no bills shall be contracted or money paid exceeding in amount one-third of the entire amount so directed and authorized in the previous year. All sums received by any officer or department shall be paid into the city treasury.

All sums received to be paid into city treasury. City council to determine what sum shall be raised by taxation for expenditures.

SECTION 17. The city council shall, as early as may be after the beginning of the municipal year, by resolution determine what sum shall be raised by taxation for the expenditures of the year. The city council shall also determine by resolution what sum shall be appropriated and expended for each municipal purpose, after considering what sum will be available for the expenditures of the city, whether from taxes, receipts in the departments, or any other source.

Appropriations.

Ordinances, etc., to be read twice before passage.

SECTION 18. Every ordinance, order or resolution shall, except by unanimous consent, be read in the city council at least twice before its final passage, and two readings shall not be had on the same day.

City council may establish ordinances and affix penalties.

SECTION 19. The city council shall have power to make and establish ordinances and by-laws, and to affix



thereto penalties, as herein and by general law provided, without the sanction of any court or justice thereof: *provided, however*, that all laws and regulations now in force in the city of Lawrence shall, until they expire by their limitation or be revised or repealed by the city council, remain in force.

SECTION 20. Every ordinance, order, resolution or vote of the city council, except such as relate to the internal affairs of the council, to the election or removal of city officers whose election is vested in the city council, or to the declaration of a vacancy in the office of mayor, shall be presented to the mayor. If he approves thereof he shall signify his approval by signing the same. If he does not approve thereof he may return the ordinance, order, resolution or vote with his objections in writing to the city council, which shall proceed to reconsider the same, and if, after such reconsideration, two-thirds of the whole board shall, by a yea and nay vote, favor the passage of the ordinance, order, resolution or vote, notwithstanding such objections, then the same shall be in force; and if the ordinance, order, resolution or vote is not returned by the mayor within ten days after it has been presented to him the same shall be in force: *provided*, that if any such ordinance, order, resolution or vote embraces distinct subjects or distinct items of appropriation or expenditure, the mayor may approve the provisions relating to one or more subjects or items and disapprove the other provisions; in case of such disapproval the provisions of the ordinance, order, resolution or vote so approved, shall be in force in like manner as if the provisions disapproved had never been a part thereof, and the mayor shall return a statement of the provisions disapproved with his objections in writing to the city council, which shall proceed to reconsider the same, and the provisions disapproved shall not be in force unless passed after reconsideration as above provided.

SECTION 21. The city council may make by ordinance such rules and regulations as to entering and using main drains and sewers as it may deem proper.

SECTION 22. The city council shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew, or discontinuing of or making specific repairs in all streets and ways, and all highways within the limits of said city, and to assess the

Ordinances, etc., except, etc., to be presented to the mayor for approval.

If not returned by mayor within ten days, the same to be in force.  
Proviso.

Ordinances as to rules for entering, etc., main drains.

City council, with approval of mayor, may lay out streets, etc.

damages sustained by any person thereby. Any person aggrieved by any proceedings of the city council under this provision shall have all the rights and privileges now allowed by law in appeals from the decisions of selectmen or the road commissioners of towns.

City clerk to perform duties as prescribed by city council.

SECTION 23. The city clerk shall perform such duties as shall be prescribed by the city council, and shall have and exercise all the duties and powers by law incumbent upon or vested in the clerks of town and city. He shall hold his office until his successor is elected and qualified.

Board of assessors.

SECTION 24. The board of assessors shall consist of three persons who shall be chosen by ballot by the city council. The members of the board of assessors holding office at the time when this act shall go into effect shall continue to hold their respective offices until the expiration of the terms for which they were elected; and for the further continuance of said board the city council shall, annually, in the month of January or February, choose one person to be an assessor, who shall hold his office for the term of three years beginning with the first Monday of March then next ensuing and until his successor is chosen and qualified. The city council may hereafter by ordinance provide for the election of a larger number of assessors, and fix their terms of office. The board of assessors so constituted shall exercise the powers and be subject to the duties imposed upon assessors by the statutes of the Commonwealth. They shall, annually, in the month of March or April, or whenever a vacancy shall occur, appoint, subject to confirmation by the city council, one person from each ward, who shall be a resident therein, to be an assistant assessor. It shall be the duty of the persons so appointed to furnish to the assessors all needful information relative to the persons and property taxable in their respective wards, and to render to the assessors such further assistance as may be required of them.

Assistant assessors.

Overseers of the poor.

SECTION 25. At each municipal election there shall be elected, by and from the qualified voters of each ward, by ballot, one person to be an overseer of the poor; and the persons thus chosen, together with the mayor and the two councilmen hereinbefore provided, shall constitute the board of overseers of the poor, of which the mayor shall be ex officio chairman, and shall have all the powers, and be subject to all the duties, by law appertaining to

overseers of the poor. The persons so elected overseers of the poor shall hold office for terms of one year beginning with the first Monday in March following their election as aforesaid, and until their respective successors are elected and qualified. No overseer of the poor shall make any contract with the city, or furnish to the city, or to any department thereof, any goods or merchandise.

SECTION 26. The school committee shall consist of the mayor ex officio and twelve members elected two from each ward. The members holding office at the time when this act shall go into effect shall continue to hold their respective offices until the expiration of the terms for which they were elected, and for the further continuance of said board there shall be chosen at each annual municipal election, by the qualified voters of each ward in which the members are chosen whose terms of office expire on the first Monday of January following, and from the inhabitants of such ward, two persons to hold office for three years beginning with said first Monday of January. If in any year there shall be a new division of said city into wards, the terms of office of all the members of the school committee so elected shall expire at the end of the municipal year in which such division is made; and at the municipal election occurring in such year two of the new wards, to be selected by lot by the city council, shall each choose two members of the committee to serve for terms of one year, two of the wards so to be selected shall each choose two members to serve for terms of two years, and the remaining two wards shall each choose two members to serve for terms of three years; and thereafter the successors of such members shall at the expiration of said respective terms of service be elected, as above provided, for terms of three years. The mayor shall be chairman of the board, and said board shall have the care and superintendence of the public schools. The school committee shall appoint, but not from their own number, a secretary, who shall be, under the direction and control of said committee, superintendent of schools. The compensation of such secretary shall be determined by a majority vote of the whole board. Vacancies occurring in the committee may be filled at any time by the joint ballot of the city council and the school committee in convention. The member so chosen shall hold office until

School committee.

Mayor to be chairman of the board.

Secretary.

Vacancies in committee.

the end of the municipal year in which the warrant for the next ensuing municipal election is issued.

Fire department.

SECTION 27. The fire department already established for said city shall continue. It shall consist of a chief engineer and of as many assistant engineers, enginemen, hosemen, hook and ladder men and assistants as the city council by ordinance shall from time to time prescribe. The chief engineer and assistant engineers shall be appointed by the mayor and city council in the month of January or February, and shall hold office for the term of one year beginning with the first Monday of March next ensuing. The other members of the department shall be elected by the members of their respective companies, subject to confirmation or rejection by the board of engineers, and shall hold office during good behavior, being removable, after hearing, by the engineers for cause in their opinion deemed sufficient and expressed in their order of removal. The city council shall have authority to define the office and duties of the members of the department, and in general to make such regulations concerning the pay, conduct and government of such department as they may deem expedient, and may affix such penalties for any violation of such regulations or any of them as are provided for the breach of the ordinances of said city. The engineers so appointed shall be the firewards of the city, but the mayor and city council may appoint additional firewards. The compensation of the members of the department shall be fixed by vote of the city council.

Engineers to be firewards.

Mayor to call together, as often as once a month, heads of departments for consultation, &c.

SECTION 28. The mayor shall, once a month or oftener, call together the heads of the departments for consultation and advice upon the affairs of the city, and at such meetings and at all times they shall furnish such information as to matters under their control as the mayor may request.

Mayor to appoint, subject to confirmation, commissioner of streets, clerk of overseers of poor, superintendent of water works, superintendent of poor farm, &c.

SECTION 29. A commissioner of streets, an agent of the board of health, a clerk of the overseers of the poor, a superintendent of the fire alarm, a superintendent of the water works, a superintendent of the poor farm, a superintendent of public property, and any other officers performing the duties of said offices or substituted therefor, shall be appointed by the mayor, subject to confirmation by the city council. The mayor may remove any of the officers so appointed for such

cause as he shall deem sufficient and shall assign in his order for removal, which order he shall transmit to the city council before nominating a successor to such officer.

SECTION 30. In all cases in which appointments are directed to be made by the mayor and the city council, the mayor shall have the exclusive right to nomination, subject to confirmation or rejection by the city council. If a person so nominated is rejected by the city council, or if any officer is removed by the mayor, the mayor shall nominate another person to the office, and such nomination shall be presented at the next regular meeting of the council, unless such rejection shall be reconsidered by the city council. A failure to act upon a nomination by the city council for two regular meetings after the same is submitted to them by the mayor shall operate as a confirmation. No appointment made by the mayor shall be acted upon by the city council until the expiration of one week after such appointment is transmitted to the council.

Mayor to have right of nomination subject to confirmation, etc., by city council.

Appointment not to be acted upon until expiration of one week.

SECTION 31. All officers elected or appointed under this charter shall be sworn to the faithful performance of their duties, and vacancies occurring in the offices mentioned in the preceding sections may be filled at any time for the unexpired term in the same manner as the original election or appointment.

Officers to be sworn.

Vacancies may be filled at any time.

SECTION 32. Nothing herein contained shall affect the enforcement of the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being "An act to improve the civil service of the Commonwealth and the cities thereof", or of the rules made by the commissioners appointed thereunder; and the city council shall make sufficient and proper appropriations for the carrying out and enforcement of said act and such rules in said city.

Civil service rules.

SECTION 33. All acts and parts of acts relating to the city of Lawrence as are inconsistent herewith are hereby repealed, but such repeal shall not affect any right accruing or accrued, any penalty or forfeiture incurred, or any suit pending at the time when this repeal takes effect.

Inconsistent acts repealed.

SECTION 34. This act shall be submitted to the qualified voters of the city of Lawrence for its acceptance, and shall be void unless such voters, voting in their respective wards at a legal meeting, shall, within two years from its passage, determine by a majority of ballots to adopt the same. If so adopted, this act shall take effect for the

Subject to acceptance by a majority vote within two years.

election of municipal officers at the next annual municipal election, and for all other purposes at the beginning of the municipal year in the following January. If at any meeting so called this act shall fail to be so adopted, it may again, after the expiration of two months, be thus submitted for adoption.

Not to take full effect until accepted.

SECTION 35. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of the said city shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said city as herein prescribed.

*Approved May 29, 1888.*

*Chap. 440* AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN RELATIVE TO THE ERECTION OF A COURT HOUSE IN THE CITY OF FALL RIVER.

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

Erection of a court house in Fall River.

SECTION 1. Section two of chapter two hundred and eighty-five of the acts of the year eighteen hundred and eighty-seven is hereby amended in the third line thereof by striking out the word "seventy-five", and inserting in place thereof the following:— one hundred and fifty, — and in the fourth line thereof by striking out the words "one hundred", and inserting in place thereof the following:— one hundred and seventy-five.

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

*Approved May 29, 1888.*

*Chap. 441* AN ACT TO REGULATE THE HOLDING OF CAUCUSES OR PUBLIC MEETINGS OF THE QUALIFIED VOTERS OF CITIES AND TOWNS FOR POLITICAL PURPOSES.

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

Regulations for holding caucuses or public meetings of voters of cities and towns for political purposes.

SECTION 1. Any caucus or public meeting of the qualified voters of a town or city or ward of a city or of any specified party or portion of such voters for the nomination of candidates to be supported at any state, municipal or town election, or for the selection of delegates to any political convention, or for the appointment of any political committee, may be called by written or printed notice specifying that the same is to be held in accordance with the provisions of this chapter, and the provisions thereof shall then apply to the conduct and proceedings of such meeting.

SECTION 2. The call for the meeting shall designate by name or office the person who shall call such meeting to order; and the person so designated shall call the meeting to order and preside until a chairman shall be chosen. In case, however, the person so designated shall be absent at the time appointed, the meeting may choose a temporary chairman to act in place of such person. The organization of the meeting by the choice of a chairman, clerk and such other officers as the meeting may require, shall be the first business in order.

Call for the meeting.

Organization.

SECTION 3. A ballot shall be taken for the choice of any candidate, delegate or member of a political committee to be selected by such meeting, in case ten or more of the persons present and entitled to vote therein shall in any case so request in writing; and in case of such written request a ballot shall be taken for the choice of the chairman of such meeting unless the meeting shall vote to dispense with such ballot. Such written request may be presented to the presiding officer for the time being, by motion or otherwise at any time before a choice of the officers to which it relates is effected. In balloting, the voting-lists last published according to law, with such subsequent written additions thereto as may be certified by the registrars of voters, shall be used as check-lists.

Vote to be by ballot if ten persons so request in writing, unless, etc.

Voting-list to be used.

SECTION 4. Whoever shall vote at any such meeting, or at any caucus or public meeting of the qualified voters of a town or city or ward of a city or of any specified party or portion of such voters, at which a check-list is used, for the nomination of candidates to be supported at any state, municipal or town election, or for the selection of delegates to any political convention, or for the appointment of any political committee, not being a legal voter in the town or city, or ward of a city, as the case may be, in and for which such meeting is held; whoever shall so vote, being such legal voter, but not being included in the terms of the call under which such meeting is held; whoever shall vote or attempt to vote upon any name not his own; whoever shall vote or attempt to vote more than once at one balloting; whoever knowingly shall cast or attempt to cast more than one ballot at one time of balloting, or more than the number of separate ballots allowed to each voter, if more than one ballot is allowed to be cast, shall be punished by fine not exceed-

Penalty for illegal voting.

ing fifty dollars, or by imprisonment in the jail not exceeding three months or by both fine and imprisonment.

Penalty on officer for making a false count or false statement, etc.

SECTION 5. Whoever, being an officer appointed and acting at any such meeting, shall knowingly make any false count of ballots or votes, or make a false statement or declaration of the result of a ballot or vote, or knowingly refuse to receive any ballot cast by a person qualified to vote at such meeting, or shall wilfully alter, deface or destroy any ballots cast or check-lists used thereat, before the requirements of this act have been accomplished, or shall decline or fail to receive any written request made as herein required, or shall decline or fail to perform any duty or obligation imposed by this act, shall be punished by fine not exceeding fifty dollars or by imprisonment in the jail not exceeding three months, or by both fine and imprisonment.

Clerk, at request in writing of ten voters, to safely keep ballots cast, etc., for three months.

SECTION 6. The clerk chosen at such meeting shall, at the request in writing of ten voters entitled to act therein, safely keep all ballots cast and check-lists used therein for the period of three months, and shall produce the same if called for by any court or justice.

Further regulations may be made by meeting.

SECTION 7. Nothing herein shall prevent the enforcement at such meeting of further regulations not inconsistent with the provisions of this chapter.

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

*Approved May 29, 1888.*

*Chap. 442*

AN ACT TO AMEND AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO LAY OUT A STREET OVER LAND OF THE COMMONWEALTH AT WORCESTER.

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

City of Worcester may lay out street over land of the Commonwealth. 1888, 435.

SECTION 1. Chapter four hundred and thirty-five of the acts of the year eighteen hundred and eighty-eight is hereby amended to read as follows:— *Section 1.* The city council of the city of Worcester may lay out and construct a public street of a width not exceeding one hundred feet, extending northerly from Belmont street over land of the Worcester lunatic hospital situated on the westerly shore of Lake Quinsigamond in said city notwithstanding the provisions of section fifteen of chapter fifty-four of the Public Statutes. The location of said new street shall be within five hundred feet of said lake, and the location and construction thereof shall be subject to the approval of the governor and council. Claims for



damages for the location and construction thereof shall exist as in case of laying out of highways over lands of individuals, and the same shall be settled in the manner now provided by law in such cases. *Section 2.* Whenever the governor and council shall so require, the city of Worcester shall construct at its own expense suitable fences separating said road from the lands belonging to the Worcester lunatic hospital; and when so required by the governor and council shall construct at its own expense such passages as shall be deemed necessary by the governor and council to connect the lands of the hospital which may lie on opposite sides of said road. And whenever the trustees of said Worcester lunatic hospital shall so petition the city of Worcester, said city of Worcester shall extend its sewer system to the main entrance to the grounds of said hospital, and said hospital shall have the right to enter and to connect with said sewer system upon the same conditions and subject to the same liabilities as if the estate of said hospital were the estate of an individual. *Section 3.* Chapter four hundred and forty-four of the acts of the year eighteen hundred and eighty-seven is hereby repealed. *Section 4.* This act shall take effect upon its passage.

City to construct fences, when so required by the governor and council.

Repeal.

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

*Approved May 29, 1888.*

AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Chap. 413*

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

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and to meet certain other expenses authorized by law, to wit:—

Appropriations.

For the payment of salaries at the reformatory prison for women, a sum not exceeding one thousand dollars, as authorized by chapter three hundred and twenty-seven of the acts of the present year, being in addition to the twenty-four thousand dollars appropriated by chapter twenty-one of the acts of the present year.

Reformatory prison for women.

For clerical assistance in the office of the commissioners of prisons, a sum not exceeding eight hundred dollars, as

Commissioners of prisons, for clerical assistance.

authorized by chapter three hundred and twenty-eight of the acts of the present year, being in addition to the seventeen hundred dollars appropriated by chapter two of the acts of the present year.

Agent for aiding discharged female prisoners.

For the salary of the agent for aiding discharged female prisoners, a sum not exceeding seventy-five dollars, as authorized by chapter three hundred and thirty of the acts of the present year, being in addition to the seven hundred dollars appropriated by chapter twenty-one of the acts of the present year.

Massachusetts reformatory, for salaries.

For the payment of salaries at the Massachusetts reformatory, a sum not exceeding eighteen hundred dollars, as authorized by chapter three hundred and thirty-five of the acts of the present year, being in addition to the fifty-eight thousand dollars appropriated by chapter twenty-one of the acts of the present year.

Supplements to the statutes.

For the preparation and publication of supplements to the statutes, as provided for in chapter three hundred and eighty-three of the acts of the present year, a sum not exceeding eight thousand dollars.

Armory commissioners.

For the compensation of the commissioners known as armory commissioners, as provided for in chapter three hundred and eighty-four of the acts of the present year, a sum not exceeding five thousand dollars.

Secretary of the Commonwealth.

For the salary of the secretary of the Commonwealth, the sum of five hundred dollars, as authorized by chapter three hundred and eighty-five of the acts of the present year, being in addition to the three thousand dollars appropriated by chapter two of the acts of the present year.

Massachusetts agricultural college.

For certain apparatus, buildings, insurance, repairs and furnishing at the Massachusetts agricultural college, a sum not exceeding nineteen thousand dollars, as authorized by chapter sixty-six of the resolves of the present year.

Printing materials for state prison.

For the purchase of printing materials and presses for the state prison, a sum not exceeding two thousand dollars, as authorized by chapter sixty-seven of the resolves of the present year.

Statutes relating to public schools.

For the publication of a new edition of the statutes relating to public schools, a sum not exceeding six hundred dollars, as authorized by chapter sixty-eight of the resolves of the present year.

National prison association.

For certain expenses attending the meeting of the national prison association, a sum not exceeding one

thousand dollars, as authorized by chapter seventy of the resolves of the present year.

For a new building and for certain repairs at the Lyman school for boys at Westborough, a sum not exceeding eight thousand dollars, as authorized by chapter seventy-one of the resolves of the present year.

Lyman school for boys.

For printing extra copies of the report of the state board of health relative to the manufacture and sale of oleomargarine and butterine, a sum not exceeding fifty dollars, as authorized by chapter seventy-two of the resolves of the present year.

Report relative to oleomargarine and butterine.

For the purchase of horses and cows and for certain repairs at the Massachusetts reformatory, a sum not exceeding ten thousand one hundred dollars, as authorized by chapter seventy-three of the resolves of the present year.

Repairs, etc., at Massachusetts reformatory.

For certain repairs and improvements at the state house and Commonwealth building, a sum not exceeding twenty thousand nine hundred dollars, as authorized by chapter seventy-four of the resolves of the present year.

Repairs at state house, etc.

For the New England industrial school for deaf mutes, the sum of two thousand dollars, as authorized by chapter seventy-five of the resolves of the present year.

New England industrial school for deaf mutes.

For firing a salute in honor of the two hundred and fiftieth anniversary of the organization of the Ancient and Honorable Artillery Company, the sum of four hundred dollars, as authorized by chapter seventy-seven of the resolves of the present year.

Salute in honor of Ancient and Honorable Artillery Company.

For certain improvements at the state normal school at Worcester, a sum not exceeding five thousand dollars, as authorized by chapter seventy-eight of the resolves of the present year.

Normal school at Worcester.

For Ellen C. Johnson, the sum of two hundred dollars, as authorized by chapter seventy-nine of the resolves of the present year.

Ellen C. Johnson.

For the town of Florida, the sum of twenty-five hundred dollars, as authorized by chapter eighty of the resolves of the present year.

Town of Florida.

For expenses in relation to public records of parishes, towns and counties, a sum not exceeding twenty-five hundred dollars, as authorized by chapter eighty-one of the resolves of the present year.

Records of parishes, towns and counties.

For the erection of buildings in the city of Waltham for the use of the Massachusetts school for the feeble-

Massachusetts school for the feeble-minded.

minded, as authorized by chapter eighty-two of the resolves of the present year, a sum not exceeding fifty thousand dollars.

Investigation of pollution of streams, etc., from which ice is taken. For expenses in connection with the investigation of the pollution of ponds and streams from which ice is cut for domestic use, as provided for in chapter eighty-four of the resolves of the present year, a sum not exceeding two thousand dollars.

Centennial celebration of settlement of Ohio. For expenses in connection with the centennial celebration of the settlement of Ohio and the establishment of civil government in the northwest territory, as authorized by chapter eighty-five of the resolves of the present year, a sum not exceeding five thousand dollars.

Statue of Josiah Bartlett. For expenses in connection with the acceptance and dedication of a statue of Josiah Bartlett by the Commonwealth, as authorized by chapter eighty-seven of the resolves of the present year, a sum not exceeding five thousand dollars.

State farm at Bridgewater. For the erection of new buildings at the state farm at Bridgewater, as authorized by chapter eighty-nine of the resolves of the present year, a sum not exceeding thirty thousand dollars.

District police. For the salary of the additional officer on the district police force, provided for by chapter three hundred and eighty-nine of the acts of the present year, a sum not exceeding nine hundred and sixteen dollars; and for the expenses of said office, a sum not exceeding two hundred and fifty dollars.

Reformatory prison for women. For the better protection of the reformatory prison for women against fire, as authorized by chapter ninety of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Publication of list of officers, sailors and marines. For the publication of a list of Massachusetts officers, sailors and marines who served in the navy in the late civil war, as provided for in chapter fifteen of the resolves of the year eighteen hundred and seventy-five, a sum not exceeding eight thousand dollars.

Funds received from public administrators. To carry out the provisions of the act relative to the payment from the treasury of the Commonwealth of funds received from public administrators, a sum not exceeding five thousand dollars, being in addition to the four thousand dollars appropriated by chapter fifteen of the acts of the present year.

Town boundaries. For expenses in connection with the act to provide for

the definition and preservation of town boundary lines, a sum not exceeding five hundred dollars.

For compensation of assistant doorkeepers, postmaster, messengers and pages to the senate and house of representatives, a sum not exceeding fifteen hundred dollars, being in addition to the twenty-three thousand one hundred dollars appropriated by chapter three of the acts of the present year.

Doorkeepers, messengers, etc.

For compensation and expenses of the commissioners authorized by chapter three hundred and sixty-nine of the acts of the year eighteen hundred and eighty-seven, in relation to improving the sewerage of the state normal school at Westfield, the sum of five hundred twenty-two dollars and seventy-two cents.

Commissioners on sewerage at normal school at Westfield.

For the salary of the agent to expedite the settlement of claims for pensions, bounty and back pay of citizens of this Commonwealth against the federal government, as provided for in chapter three hundred and ninety-six of the acts of the present year, a sum not exceeding twelve hundred and twenty-five dollars; and for clerical assistance, travelling and other expenses of said agent, a sum not exceeding twelve hundred and twenty-five dollars.

Agent to expedite claims for pensions, etc.

For the council of administration of the grand army of the republic in the department of Massachusetts, the sum of three thousand dollars, as authorized by chapter three hundred and ninety-six of the acts of the present year.

Council of administration of G. A. R. in Massachusetts.

For building hospital cottages for children at Baldwinville, as authorized by chapter ninety-one of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Hospital cottages for children.

To enable the governor and council to devise and report a plan for the better accommodation for the state government in the city of Boston, as provided for by chapter ninety-two of the resolves of the present year, a sum not exceeding five thousand dollars.

Plan for better accommodation of state government.

For new steam boilers, for repairs to heating apparatus, and for making connections with the main supply pipes at the state normal school at Bridgewater, as authorized by chapter ninety-three of the resolves of the present year, a sum not exceeding two thousand dollars.

State normal school at Bridgewater.

For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding

Expenses of committees.

twenty-five hundred dollars, being in addition to the amounts heretofore appropriated for the same purpose.

Protection of town of Hadley against encroachments of Connecticut river.

For the protection of the town of Hadley against the further encroachments of the Connecticut river upon said town, as provided for in chapter ninety-five of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Aid for discharged female prisoners.

For aiding discharged female prisoners, as provided for by chapter four hundred and seventeen of the acts of the present year, a sum not exceeding seven hundred dollars, being in addition to the twenty-three hundred dollars appropriated by chapter twenty-one of the acts of the present year.

Postage and expressage on documents.

For the payment of postage and expressage on documents forwarded to the members and officers of the general court under the direction of the sergeant-at-arms, as authorized by an order of the house of representatives adopted May twenty-eight of the present year, a sum not exceeding one thousand dollars.

Department of in-door poor.

For salaries and expenses in the department of in-door poor, a sum not exceeding five hundred dollars, to enable said department to employ an additional inspector of immigration, made necessary by the great increase of immigration at this port, being in addition to the twenty-eight thousand dollars appropriated by chapter twenty-eight of the acts of the present year.

Centennial celebration of the settlement of Ohio.

For expenses in connection with the centennial celebration of the settlement of Ohio and the establishment of civil government in the northwest territory, as provided for in chapter ninety-seven of the resolves of the present year, a sum not exceeding twenty-five hundred dollars, being in addition to the five thousand dollars provided for in chapter eighty-five of the resolves of the present year.

Ten additional members of the district police.

For the compensation of the ten additional members of the inspection department of the district police force, as provided for in section thirteen of chapter four hundred and twenty-six of the acts of the present year, a sum not exceeding eight thousand seven hundred and fifty dollars; and for travelling and other expenses of said inspectors, a sum not exceeding three thousand dollars.

Expenses of gas commissioners.

For expenses in connection with the act authorizing the gas commissioners to license certain gas companies to make and sell water gas for illuminating purposes, as authorized by chapter four hundred and twenty-eight of

the acts of the present year, a sum not exceeding two thousand dollars.

For expenses in connection with an investigation into the subject of the abolition of grade crossings on railroads, as provided for by chapter ninety-nine of the resolves of the present year, a sum not exceeding ten thousand dollars.

Abolition of grade crossings.

For the purpose of aiding small towns to provide themselves with school superintendents, as authorized by chapter four hundred and thirty-one of the acts of the present year, a sum not exceeding six thousand dollars.

School superintendents for small towns.

For the salary of an additional clerk in the office of the auditor of the Commonwealth, as authorized by chapter four hundred and thirty-two of the acts of the present year, a sum not exceeding seven hundred dollars.

Additional clerk in auditor's office.

For the purpose of aiding the smaller towns in the Commonwealth in supporting their public schools, as provided for in chapter one hundred and one of the resolves of the present year, the sum of forty thousand dollars.

Public schools in small towns.

For a new school building and for repairing and enlarging Crocker hall at the state normal school at Framingham, as provided for in chapter one hundred and two of the resolves of the present year, a sum not exceeding fifty thousand dollars.

State normal school at Framingham.

For furnishing ballots to be sent to the town clerks by the secretary of the Commonwealth, provided for by chapter four hundred and thirty-four of the acts of the present year, being an act to provide for taking the vote upon the question of granting liquor licenses in towns and for taking such vote in cities in the year eighteen hundred and eighty-eight, a sum not exceeding five hundred dollars.

Ballots to be sent to town clerks.

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

*Approved May 29, 1888.*

AN ACT TO SUPPLY THE TOWN OF WINCHENDON WITH WATER.

*Chap. 444*

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

SECTION 1. The town of Winchendon may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate and discontinue the same; may regulate the use of such water, and fix and collect rates to be paid for the use of the same.

Town of Winchendon may supply itself with water.

May take water from Upper Naukeag pond in Ashburnham.

SECTION 2. The said town for the purposes aforesaid, and for the purpose of obtaining a supply of water, may draw and convey directly from Upper Naukeag pond, so called, situated in the town of Ashburnham, so much of the waters thereof and the waters that flow into and form the same, as it may require; and it may take by purchase or otherwise and hold any water rights connected with said pond, and any springs and streams tributary thereto, and the water of any other ponds or water sources within the limits of said town of Winchendon, and the water rights connected with any of said sources, and also all lands, rights of way and easements necessary for holding and preserving such water, and for conveying the same to any part of said town of Winchendon; and may erect upon the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways, and along any such way in such manner as when completed shall not unnecessarily obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act, said town may dig up, raise and embank any such lands or ways under the direction of the board of selectmen of the town in which any such ways are situated, in such manner as to cause the least hindrance to public travel on such ways.

May take water of ponds, etc., in Winchendon.

May take lands, etc.

May construct and lay down conduits.

To cause to be recorded in the registry of deeds a description of the land taken.

SECTION 3. The said town shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which such lands or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Town to pay damages.

SECTION 4. The said town shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by



said town under the authority of this act. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within the period of three years from the taking of such land or other property, or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water right or for any injury thereto until the water is actually withdrawn or diverted by said town under the authority of this act. In case said town shall take from any owner of mills or other works, the water which would otherwise have been used for the running of such mills or works, and cannot agree with such owners as to the amount of damages to be paid therefor, then said town shall build, wherever it is feasible and practicable to do so, compensating reservoirs, to furnish such owners with other water, the value of which shall be in full or in part payment of any legal claim said owners may make for damages received from the acts of said town, and shall be taken into consideration in any assessment of damages to such owners, and for that purpose said town may take and hold lands, water, water sources, rights and easements in the manner herein provided for taking other lands.

SECTION 5. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and twenty-five thousand dollars; such bonds, notes and scrip shall bear on their face the words Winchendon Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act; but the same shall not be sold or pledged for less than the par value thereof. The said

May have damages assessed as when land is taken for highways.

Damages to mill owners, etc.

Winchendon Water Loan not to exceed in the aggregate \$125,000.

May sell securities or pledge the same for money borrowed.

To establish  
sinking fund.

town, unless it avails itself of the provisions of section six, shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

May make  
annual propor-  
tionate pay-  
ments in lieu of  
sinking fund.

SECTION 6. The said town, instead of establishing a sinking fund, may at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required shall, without further vote, be assessed by the assessors of said town, in each year thereafter, until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed, under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Return required  
to state amount  
of sinking fund,  
etc.

SECTION 7. The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amount raised and applied thereunder for the current year.

Town to raise  
annually by  
taxation suffi-  
cient for current  
expenses and  
interest.

SECTION 8. The said town shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works, and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for wil-  
fully corrupting  
or diverting  
water.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town, under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts, shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

SECTION 10. The said town shall, after its acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners: and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act, and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the unexpired term by said town at any legal town meeting called for the purpose.

Board of water commissioners to be elected.

To be trustees of sinking fund.

SECTION 11. Nothing in this act shall be construed to prevent the said town of Ashburnham from supplying itself with water from said Upper Naukeag pond for fire and domestic purposes and for generating steam.

Ashburnham not prevented from taking water from Upper Naukeag pond.

SECTION 12. This act shall take effect upon its acceptance by a two-thirds vote of the voters of said town of Winchendon present and voting thereon, at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three. *Approved May 29, 1888.*

Subject to acceptance by a two-thirds vote.

## RESOLVES.

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*Chap.* 1 RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF REVENUE.

Treasurer may borrow money in anticipation of revenue.

*Resolved*, That the treasurer and receiver-general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve as soon as money sufficient for the purpose and not otherwise appropriated shall be received into the treasury.

*Approved January 17, 1888.*

*Chap.* 2 RESOLVE RELATING TO THE DAMAGE OCCASIONED BY THE BURNING OF ONE OF THE BUILDINGS OF THE STATE NORMAL SCHOOL AT FRAMINGHAM, AND PROVIDING FOR THE TEMPORARY ACCOMMODATION OF THE PUPILS OF SAID SCHOOL.

Allowance for protection of building of normal school at Framingham.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of three thousand dollars, to provide for the payment of the liabilities incurred in order to secure the necessary protection from further injury and waste to the building of the state normal school at Framingham, injured by fire December twenty-fourth, eighteen hundred and eighty-seven, and to provide for the necessary accommodation of the pupils of said school.

*Approved January 26, 1888.*

*Chap.* 3 RESOLVE IN FAVOR OF THE WIDOW OF THE LATE WILLIAM H. GRIFFITH.

Allowance to widow of William H. Griffith.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late William H. Griffith, for seven years clerk to the secretary

of the state board of agriculture, and who died July the nineteenth in the year eighteen hundred and eighty-seven, the sum of five hundred and thirty-five dollars and forty-eight cents, being the amount of salary said Griffith would have received had he lived to perform service as clerk as aforesaid to the end of the year eighteen hundred and eighty-seven.

*Approved January 30, 1888.*

RESOLVE RELATIVE TO FURNISHING MEMBERS OF THE LEGISLATURE WITH COPIES OF THE MASSACHUSETTS RED BOOK. *Chap. 4*

*Resolved*, That the clerks of the two branches of the legislature procure for the use of members six hundred copies of the Massachusetts red book, at an expense not exceeding twenty-five cents per copy, to be distributed as follows: two copies to each member of the senate and house of representatives, the balance at the discretion of the clerks.

Members of legislature to be supplied with the Massachusetts red book.

*Approved February 1, 1888.*

RESOLVE IN FAVOR OF THE MASSACHUSETTS GENERAL HOSPITAL. *Chap. 5*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, the sum of eight hundred and one dollars and fifty cents to the Massachusetts general hospital, in payment for the care and maintenance of certain typhoid fever immigrants arriving at the port of Boston on the steamship Prussian, May tenth, eighteen hundred and eighty-seven.

*Approved February 2, 1888.*

Allowance to Massachusetts general hospital.

RESOLVE CONCERNING THE COMMONWEALTH'S FLATS AT SOUTH BOSTON. *Chap. 6*

*Resolved*, That the unexpended balance of the appropriation made from the Commonwealth's flats improvement fund by chapter three hundred and fourteen of the acts of the year eighteen hundred and eighty-four is hereby appropriated for the same purposes as specified in said act.

*Approved February 2, 1888.*

Commonwealth's flats at South Boston.

RESOLVE PROVIDING FOR RE-PRINTING PARTS OF THE ANNUAL REPORTS OF THE BUREAU OF STATISTICS OF LABOR. *Chap. 7*

*Resolved*, That the chief of the bureau of statistics of labor is hereby authorized to publish in pamphlet form, not exceeding in all twenty pamphlets, various parts or chapters from the eighteen annual reports of said bureau already issued; such chapters or parts to be abridged or condensed as much as possible, and to be those the most

Parts of annual reports of bureau of statistics of labor to be published in pamphlet form.

valuable in the judgment of said chief. The edition of each pamphlet shall not exceed one thousand copies, and the total cost for all shall not exceed twenty-five hundred dollars.

*Approved February 8, 1888.*

**Chap. 8** RESOLVE TO CONFIRM THE ACTS OF HENRY LE B. WILLS AS A COMMISSIONER FOR MASSACHUSETTS IN THE STATE OF COLORADO.

Henry Le B. Wills, commissioner for Massachusetts in Colorado, acts confirmed.

*Resolved,* That all acts done by Henry Le B. Wills as a commissioner for Massachusetts in the State of Colorado, between the sixteenth day of April and the sixteenth day of November in the year eighteen hundred and eighty-seven, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

*Approved February 8, 1888.*

**Chap. 9** RESOLVE IN RELATION TO PUBLIC RECORDS OF PARISHES, TOWNS AND COUNTIES.

Public records of parishes, towns and counties.

*Resolved,* That the commissioner appointed under the provisions of chapter sixty-five of the resolves of the year eighteen hundred and eighty-four, relating to public records of parishes, towns and counties, is hereby authorized to expend a sum not exceeding fifteen hundred dollars, for the purpose of compiling and tabulating the information relating to such records collected in accordance with the provisions of chapter nineteen of the resolves of the year eighteen hundred and eighty-five, and to make the report in print called for by said resolves.

*Approved February 9, 1888.*

**Chap. 10** RESOLVE IN FAVOR OF ANNIE FITZGERALD OF NORTH ADAMS.

Allowance to Annie Fitzgerald.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, from the first day of January, eighteen hundred and eighty-eight, to Annie Fitzgerald of North Adams, an annuity of one hundred dollars for the term of five years, to be used by her in supporting James Haggerty, the minor son of the late Patrick Haggerty who was killed in the Hoosac Tunnel on the eleventh day of January, eighteen hundred and eighty-five, while in the employ of the Commonwealth, to be paid in equal quarterly instalments; said annuity shall cease should the said James Haggerty die before the expiration of the time provided in this resolve.

*Approved February 13, 1888.*

RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS. *Chap. 11*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the soldiers' home in Massachusetts, the sum of twenty thousand dollars, the same to be used towards the maintenance of a home for deserving soldiers and sailors.

Allowance to trustees of the soldiers' home in Massachusetts.

*Approved February 16, 1888.*

RESOLVE CONFIRMING THE ACTS OF JAMES B. CARROLL AS A JUSTICE OF THE PEACE. *Chap. 12*

*Resolved*, That all acts done by James B. Carroll of Springfield as a justice of the peace, between the fourteenth day of September in the year eighteen hundred and eighty-seven and the nineteenth day of January in the year eighteen hundred and eighty-eight, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

James B. Carroll, justice of the peace, acts confirmed.

*Approved February 17, 1888.*

RESOLVE PROVIDING FOR PRINTING THREE THOUSAND EXTRA COPIES OF THE THIRTY-FIFTH ANNUAL REPORT OF THE SECRETARY OF THE STATE BOARD OF AGRICULTURE. *Chap. 13*

*Resolved*, That there be printed three thousand extra copies of the thirty-fifth annual report of the secretary of the state board of agriculture, to be placed in the hands of the secretary of said board for distribution.

Report of secretary of board of agriculture, extra copies to be printed.

*Approved February 21, 1888.*

RESOLVE IN FAVOR OF THE SOLDIERS MESSENGER CORPS. *Chap. 14*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the disabled soldiers employment bureau, a sum not exceeding eight hundred dollars: the same to be expended under the direction of the adjutant-general. Three hundred dollars of said sum shall be allowed for superintendence of said bureau.

In favor of the soldiers messenger corps.

*Approved February 21, 1888.*

**Chap. 15** RESOLVE PROVIDING FOR PRINTING FIFTEEN THOUSAND EXTRA COPIES OF THE REPORT OF THE MASSACHUSETTS AGRICULTURAL EXPERIMENT STATION.

Report of the Massachusetts agricultural experiment station, extra copies to be printed.

*Resolved*, That there be printed fifteen thousand extra copies of the report of the Massachusetts agricultural experiment station, the same to be bound with the report of the secretary of the board of agriculture.

*Approved February 21, 1888.*

**Chap. 16** RESOLVE CONCERNING THE ERECTION OF A MEMORIAL TO CRISPUS ATTUCKS AND OTHERS.

Memorial to Crispus Attucks and others.

*Resolved*, That chapter fifty-three of the resolves of the year eighteen hundred and eighty-seven, be and hereby is amended by striking out the word "Jonas" and inserting in place thereof the word:— James,— so that it shall read James Caldwell instead of Jonas Caldwell.

*Approved February 21, 1888.*

**Chap. 17** RESOLVE PROVIDING FOR PRINTING ADDITIONAL COPIES OF THE REPORT OF THE GENERAL SUPERINTENDENT OF PRISONS.

Report of general superintendent of prisons, extra copies to be printed.

*Resolved*, That there be printed five hundred additional copies of the report of the general superintendent of prisons, to be distributed by that officer.

*Approved February 21, 1888.*

**Chap. 18** RESOLVE PROVIDING FOR PRINTING ONE THOUSAND ADDITIONAL COPIES OF THE REPORT OF THE TRUSTEES OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Massachusetts agricultural college, extra copies of report of trustees to be printed.

*Resolved*, That one thousand additional copies of the report of the trustees of the Massachusetts agricultural college be printed and placed in the hands of said trustees for distribution.

*Approved February 23, 1888.*

**Chap. 19** RESOLVE IN FAVOR OF WILLIAM JOHNSON.

In favor of William Johnson.

*Resolved*, That William Johnson of Nantucket, who enlisted at New Bedford in the United States navy on the twenty-first day of August in the year eighteen hundred and sixty-two, and was honorably discharged therefrom on the second day of June, eighteen hundred and sixty-three, shall, from and after the first day of January, eighteen hundred and eighty-eight, be eligible to receive military aid, under the provisions, rules and limitations of chapter thirty of the Public Statutes, in the same manner



and to the same extent that he would have been if he had been credited to some city or town of this Commonwealth.

*Approved February 27, 1888.*

RESOLVE IN FAVOR OF HENRY TREDO.

*Chap. 20*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to Henry Tredo, the sum of two hundred dollars in full compensation for injuries received while assisting in saving from loss by fire the building known as Crocker hall, belonging to the Commonwealth, at the state normal school at Framingham, on the twenty-fourth day of December in the year eighteen hundred and eighty-seven.

Allowance to Henry Tredo.

*Approved February 27, 1888.*

RESOLVE IN FAVOR OF TIMOTHY MURPHY.

*Chap. 21*

*Resolved,* That during the period of five years from the first day of January in the year eighteen hundred and eighty-eight, an annuity of two hundred dollars be allowed and paid to Timothy Murphy, in equal quarterly payments, for injuries sustained at the Hoosac tunnel while in the employ of the Commonwealth. This annuity shall cease in the event of the death of said Timothy Murphy prior to the expiration of said period of five years.

Annuity to Timothy Murphy.

*Approved February 27, 1888.*

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

*Chap. 22*

*Resolved,* That the sum of fifteen thousand dollars be allowed and paid from the treasury of the Commonwealth to the Massachusetts charitable eye and ear infirmary, to be expended under the direction of the managers thereof, for the charitable purposes of said infirmary for the present year; and the said managers shall make report of such expenditure to the state board of lunacy and charity.

Allowance to Massachusetts charitable eye and ear infirmary.

*Approved February 29, 1888.*

RESOLVE PROVIDING FOR PRINTING FIVE HUNDRED EXTRA COPIES OF THE REPORT OF THE STATE BOARD OF HEALTH ON THE PROTECTION OF THE PURITY OF INLAND WATERS.

*Chap. 23*

*Resolved,* That there be printed five hundred extra copies of the report of the state board of health on the protection of the purity of inland waters, for the use of said board.

Report on protection of purity of inland waters, extra copies to be printed.

*Approved March 6, 1888.*

**Chap. 24** RESOLVE PROVIDING FOR THE PRINTING OF TWELVE HUNDRED EXTRA COPIES OF THE REPORT OF THE BOARD OF REGISTRATION IN DENTISTRY.

Board of registration in dentistry, extra copies of report to be printed.

*Resolved*, That there be printed twelve hundred extra copies of the report of the board of registration in dentistry, for the use of said board.

*Approved March 6, 1888.*

**Chap. 25** RESOLVE PROVIDING FOR THE PRINTING OF THE LAWS RELATING TO ELECTIONS.

Laws relating to elections to be printed and distributed.

*Resolved*, That the secretary of the Commonwealth shall cause to be prepared and printed five thousand copies of a pamphlet containing the acts passed at the present session, relating to elections, together with the provisions of the Public Statutes and other laws now in force relating to elections, with proper notes and references and a complete index in such form as may be convenient for preservation and use in the several cities and towns of the Commonwealth; one copy to be furnished to each member of the present legislature, and as many copies to each city and town clerk as shall be necessary to enable him to retain one copy for his own use, one copy in his office for the use of the public, and to furnish two copies for the use of the board of registrars of voters and two copies for the use of the election officers in each voting precinct.

*Approved March 8, 1888.*

**Chap. 26** RESOLVES PROVIDING FOR THE PUBLICATION OF CERTAIN SPECIAL LAWS.

Volume of special laws to be printed.

*Resolved*, That the special acts of this Commonwealth, passed from the year one thousand eight hundred and eighty-two to the year one thousand eight hundred and eighty-eight, inclusive, be collated and published under the direction of the secretary of the Commonwealth, in a volume as nearly as may be in conformity with the manner and size of the volume of special laws last printed.

Distribution.

*Resolved*, That fifteen hundred copies of the volume aforesaid shall be printed and shall be distributed as follows: one hundred copies for the use of the various state offices and committee rooms, and for the two houses of the legislature; one copy to each member of the present general court; one copy to each of the judges of the supreme judicial and superior courts and each judge of

probate and insolvency; two hundred copies for the state library, six copies of which shall be preserved upon the shelves, and the residue shall be used in exchanges; one copy to each city and town in the Commonwealth, to be placed in the city or town library, when such library exists therein; one copy to each public and incorporated library in the Commonwealth, other than a city or town library; one copy to each registry of deeds; one copy to the clerk of the courts in each county; fifty copies to be retained in the office of the secretary of the Commonwealth; and the remaining copies to be disposed of by the secretary of the Commonwealth to individual purchasers at cost, the money received therefor to be paid into the treasury of the Commonwealth: *provided*, that no copies shall be sold for the purposes of re-sale. The secretary shall cause to be pasted on the inside of the cover of each copy delivered by him to any public officer for the use of his office, a paper describing said fact, and that such copy is to be transmitted by the present incumbent, at the expiration of his term of office, to his successor in such office.

Remaining  
copies to be sold  
at cost.

Proviso.

*Approved March 8, 1888.*

RESOLVE IN FAVOR OF FANNY ROSS.

*Chap. 27*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Fanny Ross of Cambridge, widow of the late Michael Ross who was a member of company B, forty-seventh regiment of Massachusetts volunteers, and re-enlisted in the fifty-ninth regiment and died in camp before being mustered in on said re-enlistment, an annuity of two hundred dollars for the term of three years from the first day of January in the year eighteen hundred and eighty-eight, payable in equal quarterly instalments.

Allowance to  
Fanny Ross.

*Approved March 8, 1888.*

RESOLVE IN FAVOR OF MELANIE DEMASENER.

*Chap. 28*

*Resolved*, That Melanie Demasener of Cambridge, Massachusetts, widow of Franz J. Demasener who served in company H, thirtieth regiment, Massachusetts volunteers, in the war of the rebellion, shall, from and after the first day of February, eighteen hundred and eighty-eight, be eligible to receive military aid under the provisions, rules and limitations of chapter thirty of the Public Statutes and amendments thereto, in the same manner and to the same extent that she would have been had she resided

In favor of  
Melanie  
Demasener.

in Massachusetts on and prior to April twenty-third, eighteen hundred and sixty-six. *Approved March 14, 1888.*

**Chap. 29** RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Allowance to state industrial school for girls.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding four thousand dollars, to be expended at the state industrial school for girls at Lancaster, under the direction of the superintendent and trustees, for the purpose of completing the plumbing and the laying of suitable drain pipes at said institution.

*Approved March 14, 1888.*

**Chap. 30** RESOLVE IN FAVOR OF THE CITY OF SPRINGFIELD.

Allowance to city of Springfield.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the city of Springfield, the sum of seventy-two dollars and forty-four cents, as reimbursement to said city for money expended for the support of the family of Adam Defuer, insane state pauper.

*Approved March 14, 1888.*

**Chap. 31** RESOLVE IN FAVOR OF ORESTES M. PRATT, GEORGE E. WORTHEN, CHARLES WILSON, CHARLES H. RICHARDSON, MARTIN H. LEIGHTON AND FRANK E. CLEVELAND.

In favor of Orestes M. Pratt, George E. Worthen, Charles Wilson, Charles H. Richardson, Martin H. Leighton and Frank E. Cleveland.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, to Orestes M. Pratt, George E. Worthen and Charles Wilson, officers of company C, sixth regiment, Massachusetts militia, the sum of one hundred dollars each; to Charles H. Richardson and Martin H. Leighton, officers of company G, of said regiment, the sum of seventy-five dollars each, and to Frank E. Cleveland an officer of said company G, the sum of fifty dollars, to compensate them for uniforms and equipments destroyed by fire in their armories at Lowell on the night of January eleventh of the present year.

*Approved March 14, 1888.*

**Chap. 32** RESOLVE AUTHORIZING THE STATE BOARD OF EDUCATION TO CONSIDER THE EXPEDIENCY OF PROVIDING FOR THE TENURE OF OFFICE OF SUPERINTENDENTS OF SCHOOLS IN CITIES, AND TOWNS OF TEN THOUSAND AND MORE INHABITANTS.

Board of education to consider expediency of providing for tenure of office

*Resolved*, That the state board of education be and they are hereby requested to consider the expediency of providing by law for the tenure of office of superintendents

of schools in cities, and towns of ten thousand and more inhabitants, and to report in print, separate from their general report, to the next general court at the beginning of the session, with such recommendations concerning the matter as they may deem wise.

of superintendents of schools.

*Approved March 16, 1888.*

RESOLVE PROVIDING FOR PRINTING FIFTEEN HUNDRED EXTRA COPIES OF THE ANNUAL REPORT OF THE STATE BOARD OF ARBITRATION. **Chap. 33**

*Resolved,* That fifteen hundred extra copies of the annual report of the state board of arbitration for the year eighteen hundred and eighty-seven be printed, to be distributed under the direction of said board, and five hundred of said copies to be bound in muslin.

State board of arbitration, extra copies of report to be printed.

*Approved March 16, 1888.*

RESOLVE PROVIDING FOR THE ERECTION OF ADDITIONAL HOUSES FOR THE USE OF THE OFFICERS AT THE STATE PRISON AT BOSTON. **Chap. 34**

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding twenty-five thousand dollars, to be expended under the direction of the warden with the approval of the commissioners of prisons, for the construction of not less than six houses for the use of the officers at the state prison at Boston.

Allowance for houses for use of officers at state prison.

*Approved March 19, 1888.*

RESOLVE IN RELATION TO THE TOPOGRAPHICAL SURVEY AND MAP OF MASSACHUSETTS. **Chap. 35**

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding nine thousand dollars, which sum may be expended by the commissioners on the topographical survey and map of Massachusetts, for the determination by triangulation of the boundary lines of the cities and towns of this Commonwealth. Of said sum, not exceeding eight thousand dollars is for continuing the work during the present year, and one thousand dollars to meet a deficiency in the expenses of the year eighteen hundred and eighty-seven.

Topographical survey and map of the state.

Boundary lines of towns.

*Approved March 19, 1888.*

**Chap. 36** RESOLVE CONFIRMING THE ACTS OF FRANCIS C. WELCH AS A JUSTICE OF THE PEACE.

Francis C. Welch, justice of the peace, acts confirmed.

*Resolved*, That all acts done by Francis C. Welch as a justice of the peace, between the twenty-first day of January in the year eighteen hundred and eighty-seven and the eleventh day of February in the year eighteen hundred and eighty-eight, are hereby confirmed and made valid to the same extent as though he had been qualified during that time to discharge the duties of a justice of the peace.

*Approved March 19, 1888.*

**Chap. 37** RESOLVE PROVIDING FOR EXTRA CLERICAL ASSISTANCE IN THE OFFICE OF THE INSURANCE COMMISSIONER.

Clerical assistance in office of insurance commissioner.

*Resolved*, That the insurance commissioner be and he is hereby authorized to expend for clerical assistance in his department during the present year a sum not exceeding thirteen hundred dollars in addition to the amount now provided for by law.

*Approved March 20, 1888.*

**Chap. 38** RESOLVE TO CONFIRM THE ACTS OF GEORGE W. ESTABROOK AS A NOTARY PUBLIC.

George W. Estabrook, notary public, acts confirmed.

*Resolved*, That all acts done by George W. Estabrook as a notary public within and for the county of Suffolk, between the thirtieth day of July in the year eighteen hundred and eighty-two and the eighth day of August in the year eighteen hundred and eighty-seven, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

*Approved March 20, 1888.*

**Chap. 39** RESOLVE RELATIVE TO PROSECUTING CERTAIN CLAIMS OF THE COMMONWEALTH AGAINST THE UNITED STATES.

Prosecution of war claims against the United States.

*Resolved*, That the governor and council are hereby authorized to employ the agent of the Commonwealth for the prosecution of war claims against the United States, to prosecute also the claim of the Commonwealth for a refund of the direct tax paid under act of congress approved August fifth in the year eighteen hundred and sixty-one, and of the interest paid upon war loans during the period from eighteen hundred and sixty-one to eighteen hundred and sixty-five, also to fix his compensation which shall be paid out of any amount received therefrom.

*Approved March 20, 1888.*

RESOLVE PROVIDING FOR THE PAYMENT OF CURRENT EXPENSES AT  
THE WESTBOROUGH INSANE HOSPITAL AT WESTBOROUGH.

Chap. 40

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixteen thousand dollars, for the purpose of meeting current expenses at the Westborough insane hospital at Westborough, for the year eighteen hundred and eighty-eight; the same to be expended under the direction of the trustees of said institution.

Allowance for current expenses at Westborough insane hospital.

*Approved March 21, 1888.*

RESOLVE IN FAVOR OF THE STANDISH MONUMENT ASSOCIATION.

Chap. 41

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, the sum of six thousand dollars to the Standish monument association, a corporation established under the laws of this Commonwealth, to complete the Standish monument, including the statue of Miles Standish, in the town of Duxbury: *provided*, that no part of the said six thousand dollars shall be paid to the association until satisfactory evidence has been furnished to the State auditor of the completion of said monument and statue; and, *provided, further*, that the said monument and statue shall be completed prior to January first in the year eighteen hundred and ninety.

In favor of the Standish monument.

*Approved March 22, 1888.*

RESOLVE IN ADDITION TO A RESOLVE RELATING TO SEWAGE DISPOSAL IN THE MYSTIC AND CHARLES RIVER VALLEYS.

Chap. 42

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding fifteen thousand dollars, to be expended under the direction of the state board of health in continuing the investigations relating to sewage disposal in the Mystic and Charles river valleys as authorized by chapter ninety-five of the resolves of the year eighteen hundred and eighty-seven; said amount being in addition to the ten thousand dollars provided for in said resolve.

Investigation relating to sewage disposal in Mystic and Charles river valleys.

*Approved March 22, 1888.*

RESOLVE IN FAVOR OF LOUIS A. KENT.

Chap. 43

*Resolved*, That Louis A. Kent of Boston, and at date of enlistment a citizen of Massachusetts, who served in the United States navy in eighteen hundred and sixty-four and eighteen hundred and sixty-five, is hereby made

In favor of Louis A. Kent.

eligible to receive military aid under the provisions, rules and limitations of chapter thirty of the Public Statutes, in the same manner and to the same extent that he would have been had he served to the credit of Massachusetts.

*Approved March 23, 1888.*

**Chap. 44**

Stephen F. Sullivan to receive a soldier's bounty.

RESOLVE IN FAVOR OF STEPHEN F. SULLIVAN.

*Resolved*, That Stephen F. Sullivan of Lynn, who enlisted on the nineteenth day of November in the year eighteen hundred and sixty-three, in company H, second regiment heavy artillery, Massachusetts volunteers, and served to the credit of said Lynn until the date of his discharge, on the twelfth day of July in the year eighteen hundred and sixty-five, and who has furnished satisfactory evidence that he was suffering under a disability contracted in the service at the time of his discharge, although the fact of said disability is not shown by his discharge papers, is entitled to the bounty provided for under the provisions of chapter eighty-four of the acts of the year eighteen hundred and sixty-six and the acts to which it is in addition, being at the rate of twenty dollars per month for six months after the date of his discharge, and interest on the same, amounting to, in all, the sum of two hundred and fifty-three dollars; and said sum is hereby allowed to be paid out of the bounty loan sinking fund as provided for in chapter one hundred and twelve of the acts of the year eighteen hundred and eighty-two.

*Approved March 23, 1888.*

**Chap. 45**

Allowance to George White.

RESOLVE IN FAVOR OF GEORGE WHITE.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to George White, the sum of one hundred and eighty-one dollars, the same being for his services rendered as acting judge of probate and insolvency for the county of Plymouth from August eighteenth to September twenty-first inclusive, in the year eighteen hundred and eighty-seven, there being during said time a vacancy in the office of judge of probate and insolvency for said county of Plymouth caused by the death of Jesse E. Keith, judge for said county.

*Approved March 27, 1888.*



RESOLVE PROVIDING FOR THE PUBLICATION OF A DIGEST OF THE DECISIONS OF THE BOARD OF RAILROAD COMMISSIONERS. *Chap. 46*

*Resolved*, That the board of railroad commissioners be authorized, if they deem it expedient, to secure for publication a digest of the decisions of said board and to have one thousand copies thereof printed: *provided*, that the expense of the preparation of said digest shall not exceed two hundred and fifty dollars, which expense together with the cost of printing shall be borne by the several corporations owning or operating railroads or street railways, as provided in section twelve of chapter one hundred and twelve of the Public Statutes.

Digest of decisions of the board of railroad commissioners to be secured for publication.

*Approved March 27, 1888.*

RESOLVE TO CONFIRM THE ACTS OF HENRY WALKER AS JUSTICE OF THE PEACE. *Chap. 47*

*Resolved*, That all acts done by Henry Walker as a justice of the peace, between the seventh day of January in the year eighteen hundred and eighty-five and the third day of February in the year eighteen hundred and eighty-eight, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Henry Walker, justice of the peace, acts confirmed.

*Approved March 28, 1888.*

RESOLVE IN FAVOR OF WILLIAM AND MARY REARDON. *Chap. 48*

*Resolved*, That William and Mary Reardon, residents of Boston, Massachusetts, father and mother of Patrick, John J. and Dennis H. Reardon who severally served in the United States navy, to the credit of Massachusetts in the late war of the rebellion, shall, on and after the first day of March, eighteen hundred and eighty-eight, be eligible to receive military aid under the provisions, rules and regulations of chapter thirty of the Public Statutes and the amendments thereto, in the same manner and to the same extent they would have been had they drawn aid prior to the eleventh day of April, eighteen hundred and sixty-seven, and had been precluded therefrom by the provisions of the act of that date.

In favor of William and Mary Reardon.

*Approved March 29, 1888.*

**Chap. 49**

In favor of  
Thomas Fitz-  
maurice.

## RESOLVE IN FAVOR OF THOMAS FITZMAURICE.

*Resolved*, That Thomas Fitzmaurice, a resident of Cambridge, Massachusetts, and father of Thomas F. Fitzmaurice who served in the United States navy to the credit of Massachusetts during the war of the rebellion, and who died in said service, shall, on and after the first day of March, eighteen hundred and eighty-eight, be eligible to receive military aid, under the provisions, rules and regulations of chapter thirty of the Public Statutes and the amendments thereto, in the same manner and to the same extent that he would have been had he drawn state aid prior to the eleventh day of April, eighteen hundred and sixty-seven, and had been precluded therefrom by the provisions of the act of that date.

*Approved April 3, 1888.*

**Chap. 50**

Allowance for  
improvements,  
etc., at the  
Taunton lunatic  
hospital.

RESOLVE PROVIDING FOR CERTAIN CHANGES AND IMPROVEMENTS  
AT THE TAUNTON LUNATIC HOSPITAL.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding ten thousand five hundred dollars, to be expended at the Taunton lunatic hospital at Taunton, under the direction of the trustees, for the following purposes, to wit: — For the purpose of building a new pump house, a sum not exceeding two thousand five hundred dollars; for changes of water closets and bath rooms, a sum not exceeding five thousand five hundred dollars; for new floors, a sum not exceeding one thousand dollars; and for building certain partitions that a part of two wards may be set apart on the male and female sides for hospital purposes, and to provide suitable and adequate heating and ventilating apparatus for the same, a sum not exceeding one thousand five hundred dollars.

*Approved April 3, 1888.*

**Chap. 51**

In favor of  
Rosanna  
Gaffney.

## RESOLVE IN FAVOR OF ROSANNA GAFFNEY.

*Resolved*, That Rosanna Gaffney, widow of Patrick Gaffney who served in company E, ninth Massachusetts infantry, during the war of the rebellion, and who died in Boston February eight, eighteen hundred and eighty-eight, in receipt of a United States pension and the state aid of this state, shall from and after the first day of March, eighteen hundred and eighty-eight, be eligible to receive state aid, under the provisions, rules and regula-

tions of chapter thirty of the Public Statutes, in the same manner and to the same extent that she would have been had she resided in Massachusetts on and prior to April twenty-third, eighteen hundred and sixty-six.

*Approved April 3, 1888.*

RESOLVE PROVIDING FOR PRINTING ADDITIONAL COPIES OF THE REPORT OF THE COMMISSIONERS OF THE STATE TOPOGRAPHICAL SURVEY FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN. *Chap. 52*

*Resolved,* That there be printed one thousand additional copies of the report of the commissioners of the state topographical survey for the year eighteen hundred and eighty-seven, for the use of that commission.

State topographical survey, extra copies of report of commissioners.

*Approved April 4, 1888.*

RESOLVE IN FAVOR OF OWEN McDONALD.

*Chap. 53*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to Owen McDonald of Lexington, the sum of two hundred dollars, and that from and after the first day of January in the year eighteen hundred and eighty-eight there be allowed and paid to said McDonald an annuity of one hundred dollars for the term of ten years, should he so long survive, in equal quarterly payments, in consideration of injuries received at the Hoosac tunnel while in the employ of the Commonwealth.

Allowance and annuity to Owen McDonald.

*Approved April 4, 1888.*

RESOLVE IN FAVOR OF MONROE MORRIS.

*Chap. 54*

*Resolved,* That Monroe Morris of Billerica, Massachusetts, father of George H. Morris who served in company K, second regiment of Massachusetts volunteer infantry in the war of the rebellion and who died of disease incurred during such service, shall, from and after February first, eighteen hundred and eighty-eight, be eligible to receive military aid under the provisions, rules and limitations of chapter thirty of the Public Statutes and of all acts in addition thereto, in the same manner and to the same extent he would have been had he received state aid prior to the eleventh day of April in the year eighteen hundred and sixty-seven, and had he not been precluded therefrom by the act of that date.

Monroe Morris.

*Approved April 11, 1888.*

*Chap. 55* RESOLVE PROVIDING FOR THE PRINTING AND DISTRIBUTION OF  
THE NEW INDEX TO THE PUBLIC STATUTES.

Printing and  
distribution of  
the new index  
to the Public  
Statutes.

*Resolved*, That the secretary of the Commonwealth cause to be electrotyped, printed and bound for distribution, seventeen hundred and eighty copies of the new index to the Public Statutes for the use of the Commonwealth and distribute the copies as follows: to his excellency the governor, five copies; to the maker of the index, two copies; to the clerk of the senate, for the use of the senate, twelve copies; to the clerk of the house, for the use of the house, twenty-four copies; to each member of the present senate and house of representatives, one copy; to the state library, twenty-five copies; to the library of congress, three copies; to the secretary of state of the United States, four copies; to the following officers, boards and persons, one copy each: the lieutenant-governor, the secretary, treasurer and receiver-general, auditor, attorney-general, adjutant-general, chief of district police, insurance commissioner, board of agriculture, board of lunacy and charity, board of education, harbor and land commissioners, commissioners of prisons, railroad commissioners, savings banks commissioners, bureau of statistics of labor, controller of county accounts, civil service commission, state board of health, gas commissioners, each judge, clerk and register of the judicial courts, each trial justice, each district attorney, each board of county commissioners, each county treasurer, each sheriff and keeper of jails, each register of deeds, each master of a house of correction, each city and town of the Commonwealth for the use of the city or town, each free public library in the Commonwealth which is open to use of the inhabitants of the city or town where it is situated, the warden of the state prison, the superintendent of each of the state institutions, the law and general library of Harvard university, the library of Williams college, Amherst college, Tufts college, Boston university, institute of technology, the college of the holy cross, at Worcester, the agricultural college, at Amherst, Wellesley college, Smith college, Boston college, Boston dental college, the Worcester county free institute, the state normal schools, to such high schools in the Commonwealth as may apply to the secretary of the Commonwealth for the same, the Mount Holyoke female seminary and college, the Bradford

academy, to each incorporated academy, and to one common school in each town having no high school, such school to be designated by the school committee of said town, the American academy of arts and sciences, the Massachusetts historical society, the historic genealogical society, the museum of comparative zoölogy, the Old Colony historical society, the Boston athenæum, the American antiquarian society, and the society of antiquity, at Worcester, the Essex institute at Salem, Williston seminary, Pilgrim society, Plymouth, the county law libraries, each judge of the United States supreme court, the judges of the United States circuit and district courts in Massachusetts, the clerks of the United States courts in the district of Massachusetts, the secretary of state of each state and territory for the use of the state or territory. And the remaining copies shall be retained in the office of the secretary of the Commonwealth for such additional distribution as may from time to time be required.

Index to the  
Public Statutes.

*Approved April 12, 1888.*

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE JOHN WILLIAM BACON.

*Chap. 56*

*Resolved,* There be allowed and paid out of the treasury of the Commonwealth to the widow of the late John William Bacon, late justice of the superior court of this Commonwealth, who died on the twenty-first day of March of the present year, the sum of forty-three hundred and eighty-four dollars and forty-two cents, being the amount of salary said Bacon would have received had he lived to perform service as justice, as aforesaid, to the end of the present year.

Allowance to  
widow of John  
William Bacon.

*Approved April 17, 1888.*

RESOLVE IN FAVOR OF CHARLES E. FOGERTY.

*Chap. 57*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to Charles E. Fogerty of Worcester, a private of battery B, Massachusetts volunteer militia, the sum of two hundred and eighteen dollars, in full compensation for injuries received, and for medical attendance rendered necessary by said injury, while returning from the camp ground in South Framingham to the armory of said battery in the city of Worcester on or about the eleventh day of June in the year eighteen hundred and eighty-seven.

Allowance to  
Charles E.  
Fogerty.

*Approved April 19, 1888.*

*Chap. 58* RESOLVE GRANTING AN ALLOWANCE FOR THE ERECTION OF FLANK STONES AND THE MOUNTING OF CANNON TO MARK THE POSITIONS OF CERTAIN REGIMENTS AND BATTERIES OF MASSACHUSETTS VOLUNTEERS ON THE BATTLEFIELD OF GETTYSBURG, PENNSYLVANIA.

Allowance for erection of flank stones, etc., to mark positions of Massachusetts troops on battlefield at Gettysburg.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding twelve hundred dollars, for the purpose of procuring and erecting flank stones to mark the several positions in line of battle on the battlefield at Gettysburg, Pennsylvania, of the second, seventh, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, eighteenth, nineteenth, twentieth, twenty-second, twenty-eighth, thirty-second, thirty-third and thirty-seventh regiments of infantry, Massachusetts volunteers; also for the transportation of guns to Gettysburg and for the purchase of gun carriages, mounting and placing the said guns in the positions occupied by the first, third, fifth and ninth batteries of light artillery, Massachusetts volunteers, on said battlefield; the said amount to be paid, upon the approval of the governor and council, to a duly authorized officer or agent of the Gettysburg battlefield memorial association.

*Approved April 19, 1888.*

*Chap. 59* RESOLVE PROVIDING FOR A STABLE, CARRIAGE HOUSE, COAL SHED AND CERTAIN OTHER IMPROVEMENTS AT THE WESTBOROUGH INSANE HOSPITAL.

Allowance for improvements at Westborough insane hospital.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding twelve thousand dollars, to be expended at the Westborough insane hospital at Westborough, under the direction of the trustees for the following purposes, to wit: — For building a stable, carriage house and vegetable cellar, a sum not exceeding five thousand dollars; for building an ice house and coal shed, a sum not exceeding one thousand dollars; for construction of a fire line and hydrants to barn and out buildings, a sum not exceeding two thousand dollars; for a carriage for patients, a sum not exceeding four hundred dollars; for the purchase of cows and oxen, a sum not exceeding six hundred dollars, and for reconstructing roof, for catches on roof for snow and ice, a sum not exceeding three thousand dollars.

*Approved April 24, 1888.*

RESOLVE PROVIDING FOR PAINTING AND FOR CERTAIN OTHER IMPROVEMENTS AT THE STATE ALMSHOUSE AT TEWKSBURY. *Chap. 60*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding eight thousand dollars, to be expended at the state almshouse at Tewksbury, under the direction of the trustees and superintendent of said institution, for the following purposes, to wit: — For the purpose of painting the outside of the main buildings at said institution, a sum not exceeding three thousand dollars; for increasing the height of the water tower for fire purposes, a sum not exceeding two thousand dollars; for connecting the insane asylum building with the new boilers and for the erection of a building for the storage of ice, a sum not exceeding three thousand dollars.

Allowance for improvements at state almshouse at Tewksbury.

*Approved April 24, 1888.*

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE ROWSE R. CLARKE. *Chap. 61*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late Rowse R. Clarke, a member of the house of representatives from the tenth Worcester district, the amount said Clarke would have been entitled to had he served as a member to the end of the present session.

Allowance to widow of Rowse R. Clarke.

*Approved April 24, 1888.*

RESOLVE TO PROVIDE FOR ELECTRIC LIGHTING MACHINERY, SOLITARY CELLS, AND PAINTING AT THE REFORMATORY PRISON FOR WOMEN. *Chap. 62*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding six thousand three hundred dollars, to be expended at the reformatory prison for women under the direction of the commissioners of prisons, for the following purposes and in the following proportions: — For providing electric lighting machinery, a sum not exceeding twenty-five hundred dollars; for providing solitary cells, a sum not exceeding eighteen hundred dollars; for painting, a sum not exceeding two thousand dollars.

Allowance for electric lighting machinery, etc., at reformatory prison for women.

*Approved April 24, 1888.*

**Chap. 63** RESOLVE PROVIDING FOR FURTHER INVESTIGATIONS, RELATIVE TO SEWAGE DISPOSAL IN THE MYSTIC AND CHARLES RIVER VALLEYS.

State board of health to designate a method of sewage disposal in Mystic and Charles river valleys.

*Resolved*, That the state board of health be requested to designate some method for the disposal of the sewage of such cities and towns as are embraced within the lower valley of the Charles river, in the report of the commissioners appointed under chapter sixty-three of the resolves of the year eighteen hundred and eighty-four, as they may not include in their report under chapter ninety-five of the resolves of the year eighteen hundred and eighty-seven, and so much of said report as relates thereto is hereby referred to said board for its further consideration. Such designation shall be made as a part of the report required by chapter ninety-five of the resolves of the year eighteen hundred and eighty-seven, and the expense thereof charged to the appropriation provided for in chapter forty-two of the resolves of the year eighteen hundred and eighty-eight. *Approved April 24, 1888.*

**Chap. 64**

County taxes granted.

RESOLVE GRANTING COUNTY TAXES.

*Resolved*, That the sums placed against the names of the several counties in the following schedule are granted as a tax for each county named, respectively, to be collected and applied according to law:—Barnstable, thirteen thousand dollars; Berkshire, seventy thousand dollars; Bristol, one hundred and forty-eight thousand dollars; Dukes County, six thousand four hundred dollars; Essex, two hundred and five thousand dollars; Franklin, thirty thousand dollars; Hampden, ninety-five thousand dollars; Hampshire, forty-two thousand dollars; Middlesex, two hundred and ten thousand dollars; Norfolk, sixty-eight thousand dollars; Plymouth, sixty thousand dollars; Worcester, one hundred and fifteen thousand dollars. *Approved April 30, 1888.*

**Chap. 65** RESOLVE IN FAVOR OF THE WIDOW OF THE LATE JOSEPH W. WHITE.

Allowance to widow of Joseph W. White.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the widow of the late Joseph W. White, late clerk in the office of the commissioners on state aid, and who died on the nineteenth of April in the year eighteen hundred and eighty-eight, the sum of six hundred and ninety-seven dollars and twenty-



two cents, being the amount of salary said White would have received had he lived to perform service as clerk as aforesaid to the end of the year eighteen hundred and eighty-eight.

*Approved May 3, 1888.*

RESOLVE PROVIDING FOR CERTAIN APPARATUS, BUILDINGS, INSURANCE, REPAIRS AND FURNISHING AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

*Chap. 66*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding nineteen thousand dollars, to be expended under the direction of the trustees of the Massachusetts agricultural college, for the following purposes: — Five thousand dollars for painting, alteration and repairs of the buildings known as the boarding-house, the dwelling-houses occupied by professors Walker and Maynard, the laboratory building, north college, the drill hall, the propagating house and the large greenhouse; one thousand two hundred and seventy-five dollars to renew the insurance on seventeen buildings and the furniture, apparatus, collections, tools, hay, grain and animals contained therein; one thousand five hundred dollars for chemical apparatus for the purpose of instruction in said college; two hundred and twenty-five dollars for replacing military equipments; five hundred dollars for providing fire escapes in the dormitory buildings; one thousand five hundred dollars for re-roofing the main barn, repair of cellar and construction of silo; three thousand dollars for moving, renovating and enlarging sheds and horse stables; six hundred dollars for new fencing for farm yards, bull pens and paddocks; four hundred dollars for repairs to dairy room, fittings and plumbing; six hundred dollars for painting all the farm buildings; eight hundred dollars for power and machinery in farm buildings for grinding and cutting; seven hundred and fifty dollars for five hundred rods of fencing; one thousand dollars for five hundred rods of tile draining, labor and materials; one thousand dollars for extra labor for other farm improvement; eight hundred and fifty dollars for new wagons and improved tools and implements: *provided*, that no money shall be expended under this resolve until a contract or contracts have been made, according to plans and specifications to be furnished by said trustees, for the completion of the work at a cost not to exceed the sums above specified.

Allowance for buildings, repairs and apparatus at the Massachusetts agricultural college.

*Proviso.*

*Approved May 4, 1888.*

**Chap. 67** RESOLVE TO PROVIDE FOR THE PURCHASE OF PRINTING MATERIALS AND PRESSES FOR THE STATE PRISON.

Allowance for printing materials for use at the state prison.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding two thousand dollars, to be expended under the direction of the commissioners of prisons, for the purchase of printing materials and presses for use at the state prison at Boston; but no printing shall be done for the several departments of the government of the Commonwealth.

*Approved May 7, 1888.*

**Chap. 68** RESOLVE PROVIDING FOR THE PUBLICATION OF A NEW EDITION OF THE STATUTES RELATING TO PUBLIC SCHOOLS.

Edition of the statutes relating to the public schools to be prepared and printed.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding six hundred dollars, to be expended under the direction of the state board of education, for the purpose of preparing and printing for the use of the cities and towns three thousand copies of an edition of all the statutes relating to the public schools, together with the decisions of the supreme judicial court relating thereto, including also such laws as may be enacted at the present session of the legislature.

*Approved May 7, 1888.*

**Chap. 69** RESOLVE TO CONFIRM THE ACTS OF SHEPARD THAYER AS A NOTARY PUBLIC.

Shepard Thayer, justice of the peace, acts confirmed.

*Resolved*, That all acts done by Shepard Thayer of North Adams as a notary public within and for the county of Berkshire, between the ninth day of October in the year eighteen hundred eighty-four and the eighteenth day of April in the year eighteen hundred eighty-eight, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

*Approved May 7, 1888.*

**Chap. 70** RESOLVES PROVIDING FOR CERTAIN EXPENSES ATTENDING THE MEETING OF THE NATIONAL PRISON ASSOCIATION AND FOR THE USE OF THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE MEETINGS OF SAID ASSOCIATION.

Allowance for expenses of meeting of National prison association.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding one thousand dollars, to be expended under the direction of the governor, for the payment of such bills as he shall

approve for expenses attending the meeting of the National prison association to be held in Boston during the current year.

*Resolved*, That the sergeant-at-arms be and he is hereby authorized to allow said association to occupy the hall of the house of representatives, and such committee rooms as it shall need, for its said meeting.

Association to occupy hall of house of representatives.

*Approved May 10, 1888.*

RESOLVE PROVIDING FOR A NEW BUILDING AND FOR CERTAIN REPAIRS AT THE LYMAN SCHOOL FOR BOYS AT WESTBOROUGH. *Chap. 71*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding eight thousand dollars, to be expended at the Lyman school for boys at Westborough under the direction of the trustees of the state primary and reform schools, to provide additional accommodations for the increased number of boys and for the erection of a building for the use of the superintendent and officers of said school.

Allowance for repairs at Lyman school for boys at Westborough.

*Approved May 15, 1888.*

RESOLVE PROVIDING FOR THE PRINTING OF FIFTEEN HUNDRED EXTRA COPIES OF THE REPORT OF THE STATE BOARD OF HEALTH RELATIVE TO THE MANUFACTURE AND SALE OF OLEO-MARGARINE AND BUTTERINE. *Chap. 72*

*Resolved*, That there be printed fifteen hundred extra copies of the report of the state board of health, made in compliance with the order of the legislature of the year eighteen hundred and eighty-seven, relative to the manufacture and sale of oleomargarine and butterine, to be distributed as follows: three copies to each member of the present legislature, and the remainder to be distributed by the state board of health.

Manufacture and sale of oleomargarine, etc., additional copies of report on, to be printed.

*Approved May 15, 1888.*

RESOLVE TO PROVIDE FOR THE PURCHASE OF HORSES AND COWS FOR THE MASSACHUSETTS REFORMATORY, AND FOR CERTAIN REPAIRS AT SAID INSTITUTION. *Chap. 73*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to be expended at the Massachusetts reformatory under the direction of the commissioners of prisons, a sum not exceeding ten thousand one hundred dollars, for the following purposes, namely: — For repairing floors and stairs of the workshops, a sum not exceeding twenty-five hundred dollars; for the con-

Allowance for purchase of horses and cows, and for repairs, etc., at Massachusetts reformatory.

struction of an addition to the barn, a sum not exceeding eighteen hundred dollars; for the construction of a silo, a sum not exceeding three hundred dollars; for the purchase of cows, a sum not exceeding twelve hundred dollars; for the construction of a shop in the new coal house, a sum not exceeding five hundred dollars; for rebuilding the south gate and cage, a sum not exceeding one thousand dollars; for hose and hose carriages, a sum not exceeding one thousand dollars; for repairing and remodelling the elevator, a sum not exceeding twelve hundred dollars; for the purchase of horses, a sum not exceeding six hundred dollars.

*Approved May 15, 1888.*

**Chap. 74** RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE HOUSE AND AT THE COMMONWEALTH BUILDING.

Repairs at state house and Commonwealth building.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding twenty thousand and nine hundred dollars, to be expended under the direction of the commissioners on the state house, for repairs and improvements in and the painting of the outside of the state house, to include the re-gilding of the dome, and for repairs, improvements and a fire escape for the Commonwealth building.

*Approved May 17, 1888.*

**Chap. 75** RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES.

New England industrial school for deaf mutes at Beverly.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to the New England industrial school for deaf mutes, of Beverly, the sum of two thousand dollars, to be expended under the direction of the trustees thereof; one-half of said sum to be applied toward the payment of the mortgage on the property of said institution, and the balance to be used for the educational purposes of the school for the present year; and the trustees shall report to the state board of education.

*Approved May 17, 1888.*

**Chap. 76** RESOLVE AUTHORIZING THE SALE OF LAND BY THE TRUSTEES OF THE STATE ALMSHOUSE AT TEWKSBURY.

Trustees of the state almshouse at Tewksbury may sell certain land.

*Resolved,* That the trustees of the state almshouse at Tewksbury be, and they hereby are, authorized to sell to Lawrence Lynch of Tewksbury a certain piece of land in

the town of Tewksbury belonging to the Commonwealth. Said land is triangular in shape and is bounded on its southwestern side by "the main road to Lowell"; the other two sides are described in the deed to the state almshouse as follows: beginning at the southeastern corner on road above mentioned, running by the land of Abiel Brown to land of Jonathan Clark six rods and twenty-four twenty-fifths, thence by land of said Clark to the road eight rods and twenty-one one-hundredths; and said trustees are directed to pay the proceeds of the sale into the treasury of the Commonwealth. *Approved May 17, 1888.*

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RESOLVE PROVIDING FOR A SALUTE IN HONOR OF THE TWO HUNDRED AND FIFTIETH ANNIVERSARY OF THE ORGANIZATION OF THE ANCIENT AND HONORABLE ARTILLERY COMPANY.

*Chap. 77*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to the treasurer of the Ancient and Honorable Artillery Company, the sum of four hundred dollars, for the purpose of firing a salute on the occasion of the two hundred and fiftieth anniversary of said organization. *Approved May 17, 1888.*

Allowance to the Ancient and Honorable Artillery Company.

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RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT WORCESTER.

*Chap. 78*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding five thousand dollars, for the purpose of grading and improving the grounds and for completing a wall around said grounds, and providing for connecting drainage with the sewer, and repairing the building at the state normal school at Worcester; to be expended under the direction of the state board of education. *Approved May 17, 1888.*

Allowance for improvements at the state normal school at Worcester.

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RESOLVE IN FAVOR OF ELLEN C. JOHNSON.

*Chap. 79*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to Ellen C. Johnson of Sherborn, the sum of two hundred dollars, the same being in addition to the two thousand dollars authorized by chapter two hundred and seventy-two of the acts of the present year, which provided for the purchase of additional land for the use of the reformatory prison for women at Sherborn. *Approved May 18, 1888.*

Allowance to Ellen C. Johnson.

**Chap. 80**

RESOLVE IN FAVOR OF THE TOWN OF FLORIDA.

Town of Florida.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the town of Florida, the sum of two thousand five hundred dollars, being in response to their petition for relief from the burden of the cost of the road on the easterly side of said town near the Deerfield river, made by said town, with little benefit to itself, under the requirements of the county commissioners in the year eighteen hundred and seventy-two, but inuring to the benefit of the state by contributing to the business of the Troy and Greenfield railroad and Hoosac tunnel: *provided*, nothing herein contained shall be construed to relieve the said town of Florida of the obligation to maintain said road.

*Approved May 18, 1888.*

**Chap. 81**

RESOLVE IN ADDITION TO A RESOLVE IN RELATION TO PUBLIC RECORDS OF PARISHES, TOWNS AND COUNTIES.

Public records of parishes, towns and counties.

*Resolved*, That the commissioner appointed under the provisions of chapter sixty-five of the resolves of eighteen hundred and eighty-four, relating to public records of parishes, towns and counties, is hereby authorized to expend a sum not exceeding twenty-five hundred dollars, being in addition to the sum authorized by chapter nine, resolves of the present year, for completing the collection, compilation and tabulation of the information relating to such records; and from the amount hereby authorized the said commissioner shall be allowed on the completion of his report, and in full compensation for his services in connection therewith, the sum of one thousand dollars.

*Approved May 18, 1888.*

**Chap. 82**

RESOLVE PROVIDING FOR THE ERECTION OF BUILDINGS IN THE CITY OF WALTHAM FOR THE USE OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Erection of buildings in Waltham for use of the Massachusetts school for the feeble-minded.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding two hundred thousand dollars, to be expended under the direction of the trustees of the Massachusetts school for the feeble-minded, for the purpose of erecting suitable buildings for the use of said school to provide for not less than two hundred and fifty patients: *provided*, that a sum not exceeding fifty thousand dollars may be expended

during the year eighteen hundred and eighty-eight, and seventy-five thousand dollars during the year eighteen hundred and eighty-nine, and seventy-five thousand dollars during the year eighteen hundred and ninety; *provided, further*, that no portion of the sums mentioned in this resolve shall be expended until plans for said buildings shall have been approved by the governor and council, and until the land recently purchased in the city of Waltham for the use of said school shall have been conveyed to the Commonwealth by a good and sufficient deed and free from all encumbrances.

*Approved May 22, 1888.*

RESOLVE IN FAVOR OF THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

*Chap. 83*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, the sum of one hundred thousand dollars, to the corporation of the Massachusetts institute of technology, in addition to the sum authorized to be paid by chapter one hundred and three of the resolves of the year eighteen hundred and eighty-seven, to be applied to the purposes of said institute: *provide*, *however*, that this grant is made subject to and conditional upon the establishment and maintenance of the scholarships provided for by chapter one hundred and three of the resolves of the year eighteen hundred and eighty-seven; and *provided, further*, that fifty thousand dollars of the aforesaid sum shall be paid during the year eighteen hundred and eighty-nine, and fifty thousand dollars during the year eighteen hundred and ninety.

Massachusetts  
institute of  
technology.

Proviso.

Proviso.

*Approved May 23, 1888.*

RESOLVE PROVIDING FOR AN INVESTIGATION OF THE POLLUTION OF PONDS AND STREAMS FROM WHICH ICE IS CUT FOR DOMESTIC USE.

*Chap. 84*

*Resolved*, That the state board of health be directed to make a special investigation with reference to the pollution of ponds, lakes, streams or other bodies of water used as ice supplies in this state, especially with reference to the effect of such pollution upon the healthfulness of such ice for domestic use, and to refer the results of their inquiry to the next general court.

Pollution of  
ponds from  
which ice is  
cut to be inves-  
tigated by the  
state board of  
health.

*Approved May 23, 1888.*

*Chap. 85* RESOLVE RELATIVE TO THE CENTENNIAL CELEBRATION OF THE SETTLEMENT OF OHIO, AND THE ESTABLISHMENT OF CIVIL GOVERNMENT IN THE NORTHWEST TERRITORY.

Allowance for expenses relative to the centennial celebration of the settlement of Ohio, etc.

*Resolved*, In view of the approaching celebration of the centennial of the anniversary of the settlement of Ohio, and the establishment of civil government in the northwest territory, in which citizens of Massachusetts were prominent, and in order to accept the invitation of the legislature of Ohio to have the Commonwealth of Massachusetts represented at such celebration, which has been fixed for September fourth in the year eighteen hundred and eighty-eight, at Columbus, Ohio, that there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended under the direction of the governor and council, to enable the Commonwealth to be properly represented through the following officials of the state government: — The governor and staff and a committee of three members of the executive council, the president of the senate and speaker of the house, the joint committee on federal relations, a special committee of five senators and fifteen representatives to be appointed by the presiding officers of the two branches, the clerk of the senate and clerk of the house, and the sergeant-at-arms.

*Approved May 23, 1888.*

*Chap. 86*

RESOLVE IN FAVOR OF PATIENCE E. SMITH.

Patience E. Smith.

*Resolved*, That Patience E. Smith, widow of George T. Smith formerly a member of Co. F, thirteenth regiment Massachusetts volunteers, shall from and after the first day of May in the year eighteen hundred and eighty-eight, be eligible to receive state aid under the provisions, rules and regulations of chapter thirty of the Public Statutes and chapter thirty-four of the acts of the year eighteen hundred and eighty-four, in the same manner and to the same extent that she would have been entitled had she resided in Massachusetts on the twenty-third day of April in the year eighteen hundred and sixty-six.

*Approved May 23, 1888.*



RESOLVES PROVIDING FOR THE ACCEPTANCE AND THE DEDICATION  
OF A STATUE OF JOSIAH BARTLETT BY THE COMMONWEALTH AT  
AMESBURY. Chap. 87

*Resolved*, That the Commonwealth accepts the statue of Josiah Bartlett, the first signer of the declaration of independence, tendered by J. R. Huntington, esquire, and the town of Amesbury. Acceptance and dedication of a statue of Josiah Bartlett.

*Resolved*, That the governor be and hereby is authorized to invite the president of the United States with his cabinet, and the governors and staffs of the other New England states to be present at the dedication of said statue in the town of Amesbury in this Commonwealth on the fourth day of July in the year eighteen hundred and eighty-eight; and that he also be and hereby is authorized and requested to detail suitable organizations of the volunteer militia of the Commonwealth to do escort duty at the dedication aforesaid. Governor authorized to invite certain guests and to detail a suitable military escort.

*Resolved*, That the sum of five thousand dollars be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the governor and council, to properly carry out the purposes herein indicated. Allowance for expenses.

*Approved May 23, 1888.*

RESOLVE IN FAVOR OF WILLIAM C. NYE.

*Resolved*, That William C. Nye, who served in the United States navy during the war of the rebellion, being at the time a citizen of Massachusetts, shall, after the fifteenth day of May in the year eighteen hundred and eighty-eight, be eligible to receive state aid under the provisions, rules and limitations of chapter thirty of the Public Statutes, in the same manner and to the same extent that he would have been had he served to the credit of Massachusetts. Chap. 88  
In favor of William C. Nye.

*Approved May 23, 1888.*

RESOLVE PROVIDING FOR THE ERECTION OF NEW BUILDINGS AT  
THE STATE FARM AT BRIDGEWATER. Chap. 89

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding sixty thousand dollars, to be expended at the state farm at Bridgewater, under the direction of the superintendent and trustees, for the purpose of erecting and furnishing strong buildings for insane male criminals, providing for not less than one hundred patients, physician and attend- Allowance for new buildings at the state farm at Bridgewater.

ants, and to be a part of the present asylum; also for building an addition to the hospital for the medical treatment of the sick insane: *provided*, that no larger sum than thirty thousand dollars be expended during the year eighteen hundred and eighty-eight.

*Approved May 23, 1888.*

**Chap. 90** RESOLVES TO PROVIDE FOR THE BETTER PROTECTION AGAINST FIRE OF THE REFORMATORY PRISON FOR WOMEN AND TO REPEAL CHAPTER NINETY-TWO OF THE RESOLVES OF THE YEAR EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

Protection against fire at the reformatory prison for women.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding fifteen thousand dollars, to be expended under the direction of the commissioners of prisons, for the better protection against fire of the reformatory prison for women.

*Resolved*, That chapter ninety-two of the resolves of the year eighteen hundred and eighty-seven entitled a "Resolve to provide for the protection against fire of the stairs and stairways at the reformatory prison for women" is hereby repealed.

*Approved May 24, 1888.*

**Chap. 91** RESOLVE IN FAVOR OF THE HOSPITAL COTTAGES FOR CHILDREN.

Hospital cottages for children.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the hospital cottages for children, located in Baldwinsville, Massachusetts, the sum of fifteen thousand dollars, for the purpose of erecting buildings suitable for the accommodation of not less than fifty inmates: *provided*, that no portion of this sum shall be expended until plans and estimates for said buildings shall have been approved by the governor and council.

*Approved May 25, 1888.*

**Chap. 92** RESOLVE AUTHORIZING THE GOVERNOR AND COUNCIL TO DEVISE AND REPORT A PLAN FOR THE BETTER ACCOMMODATION FOR THE STATE GOVERNMENT IN THE CITY OF BOSTON.

Governor and council to devise and report plan for better accommodation of the state government.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding five thousand dollars, to be expended under the direction of the governor and council, to enable them to devise and report to the general court in the month of January in the year eighteen hundred and eighty-nine, a general plan for the use, occupation and improvement of any lands acquired

or taken for state purposes, including therein the present state house grounds, and for the alteration or enlargement of any existing buildings, or the erection of any new buildings thereon.

*Approved May 25, 1888.*

RESOLVE PROVIDING FOR NEW STEAM BOILERS AT THE STATE  
NORMAL SCHOOL AT BRIDGEWATER.

*Chap. 93*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding two thousand dollars, to be expended at the state normal school at Bridgewater, under the direction of the state board of education, for new steam boilers, for repairs to the heating apparatus and for making connections with the main supply pipes.

*Approved May 25, 1888.*

Allowance for steam boilers at normal school at Bridgewater.

RESOLVE TO CONFIRM THE ACTS DONE BY JOSEPH BENNETT AS A  
JUSTICE OF THE PEACE.

*Chap. 94*

*Resolved*, That all acts done by Joseph Bennett as a justice of the peace, between the twelfth day of November, eighteen hundred and eighty-five and the eighteenth day of May, eighteen hundred and eighty-eight, are made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

*Approved May 28, 1888.*

Joseph Bennett, justice of the peace, acts confirmed.

RESOLVE FOR THE PROTECTION OF THE TOWN OF HADLEY AGAINST  
THE FURTHER ENCROACHMENTS OF THE CONNECTICUT RIVER  
UPON SAID TOWN.

*Chap. 95*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to be expended under the direction of the board of harbor and land commissioners in pursuance of the provisions of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five, a sum not exceeding fifteen thousand dollars, for such surveys and examinations and for such protective works as may be found necessary and practicable to prevent the further inroads of the Connecticut river upon the northerly side of the town of Hadley and the destruction of the principal streets in said town.

*Approved May 28, 1888.*

Protection of the town of Hadley from encroachments of Connecticut river.

RESOLVE IN FAVOR OF JOHN TURK.

*Chap. 96*

*Resolved*, That there be allowed and paid to John Turk, late of company K, third regiment Massachusetts heavy

Allowance to John Turk.

artillery, the sum of three hundred and ninety dollars, being for interest at five per cent. per annum, equitably due to him on a bounty of three hundred and twenty-five dollars, to which said bounty he was entitled at the date of his said enlistment, but which through no fault or neglect of said Turk was not allowed to him till the second day of May, eighteen hundred and eighty-eight; said sum to be paid out of the bounty loan sinking fund, as provided for in chapter one hundred and twelve of the acts of the year eighteen hundred and eighty-two.

*Approved May 28, 1888.*

*Chap. 97* RESOLVE IN ADDITION TO A RESOLVE RELATIVE TO THE CENTENNIAL CELEBRATION OF THE SETTLEMENT OF OHIO, AND THE ESTABLISHMENT OF CIVIL GOVERNMENT IN THE NORTHWEST TERRITORY.

Allowance for expenses at the centennial celebration of the state of Ohio.

*Resolved,* In view of the approaching celebration of the centennial of the anniversary of the settlement of Ohio, and the establishment of civil government in the northwest territory, in which citizens of Massachusetts were prominent, and in order to accept the invitation of the legislature of Ohio to have the Commonwealth of Massachusetts represented at such celebration, which has been fixed for September fourth in the year eighteen hundred and eighty-eight, at Columbus, Ohio, that there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, in addition to the five thousand dollars authorized by chapter eighty-five of the resolves of the present year, to be expended under the direction of the governor and council to enable the Commonwealth to be properly represented through the following officials of the state government:— The governor and staff, a committee of three members of the executive council, the president of the senate and speaker of the house, the joint committee on federal relations, a special committee of five senators and fifteen representatives, to be appointed by the presiding officers of the two branches, the clerk of the senate and clerk of the house, and the sergent-at-arms.

*Approved May 29, 1888.*

*Chap. 98* RESOLVE RELATIVE TO THE SAFETY OF RAILROAD EMPLOYEES.

Safety of railroad employees.

*Resolved,* That the board of railroad commissioners is hereby instructed to investigate whether any legislation is required to promote the safety of trackmen or other employees of railroads when at work upon the roadbed,

and to report to the next general court the results of their investigation with such recommendations and suggestions as may seem to them expedient.

*Approved May 29, 1888.*

RESOLVE PROVIDING FOR AN INVESTIGATION INTO THE SUBJECT OF  
THE ABOLITION OF GRADE CROSSINGS ON RAILROADS.

*Chap. 99*

*Resolved*, That the governor, with the advice and consent of the council, be authorized to appoint three competent and experienced civil engineers, who shall investigate and report in print to the next general court, on or before the first day of February, eighteen hundred and eighty-nine, upon the subject of the gradual abolition of the crossing of highways by railroads at grade, with such suggestions and recommendations as to the best method of accomplishing such abolition as shall seem to them expedient. Such engineers shall include in their report recommendations as to the methods of apportioning costs and the payment of damages occasioned when such crossings are abolished. Said engineers shall have power to employ such clerical and other assistance as may be necessary for carrying out the objects of this resolve, and the engineers shall receive such compensation for their services as the governor and council may determine: *provided, however*, that the whole amount expended under the provisions of this resolve shall not exceed ten thousand dollars, and the term of office of said engineers shall not extend beyond the first day of February, eighteen hundred eighty-nine.

Grade crossings  
on railroads.

*Approved May 29, 1888.*

RESOLVE RELATING TO THE INFLECTION OF THE DEATH PENALTY.

*Chap. 100*

*Resolved*, That the commissioners of prisons be instructed to investigate the various methods of inflicting the death penalty, and report the result of their investigations to the next general court. *Approved May 29, 1888.*

Infliction of the  
death penalty.

RESOLVE CONCERNING THE INCOME OF THE MASSACHUSETTS SCHOOL  
FUND AND TO AID THE SUPPORT OF COMMON SCHOOLS IN THE  
SMALLER TOWNS OF THE COMMONWEALTH.

*Chap. 101*

*Resolved*, That the state board of education be requested to prepare a plan for a more equitable distribution of the moiety of the income of the Massachusetts school fund, with reference to the needs of the smaller and poorer towns of the Commonwealth, and to report the

Board of education  
requested  
to prepare a  
plan for the  
more equitable  
distribution of  
the school fund.

same to the next general court, and that there be appropriated and paid from the treasury of the Commonwealth at the time of the next distribution of the income of the school fund, the sum of forty thousand dollars for the purpose of aiding in the support of common schools in the smaller towns of the state; said amount to be paid to towns having a valuation, in the year eighteen hundred and eighty-seven, of three million dollars or less, in proportion to the number of children between five and fifteen years of age, in said towns, as shown in the last returns to the board of education: *provided*, that no part of said amount shall be paid to any town having a tax rate for school support during the year eighteen hundred and eighty-seven less than the average tax rate for said purpose in the Commonwealth for said year.

*Approved May 29, 1888.*

**Chap. 102** RESOLVE PROVIDING FOR A NEW SCHOOL BUILDING AND FOR REPAIRING AND ENLARGING CROCKER HALL AT THE STATE NORMAL SCHOOL AT FRAMINGHAM.

Allowance for a new school building, etc., at the normal school at Framingham.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding one hundred thousand dollars, to be expended at the state normal school at Framingham, under the direction of the state board of education, for the following purposes:— For building a new schoolhouse, for removing the old schoolhouse and fitting up the same for use while rebuilding, for repairing and enlarging the building known as Crocker hall, for heating, plumbing and ventilation, for electric lighting, for changes in water works and drains, and for architects' commissions and expenses. The unexpended balance of the sum authorized for repairs at said school by chapter eighty-eight of the resolves of eighteen hundred and eighty-seven, amounting to the sum of forty-seven hundred and fifty-three dollars and fifty-seven cents, may be used for the purposes expressed in this resolve in addition to the amount herein provided for: *provided*, that no larger sum than fifty thousand dollars shall be expended during the year eighteen hundred and eighty-eight.

*Approved May 29, 1888.*

RESOLVE PROVIDING FOR A FURTHER INVESTIGATION OF THE SUBJECT OF HEATING AND LIGHTING PASSENGER, MAIL AND BAGGAGE CARS. Chap.103

*Resolved*, That the board of railroad commissioners is hereby instructed to further investigate the subject of heating and lighting passenger, mail and baggage cars, and, after giving a hearing to the railroad corporations interested, to make further report thereon to the next general court; and that until said report has been made, the said board shall continue in force approvals of methods of heating already granted. *Approved May 29, 1888.*

Railroad commissioners to investigate subject of heating and lighting passenger, etc., cars.

RESOLVE TO PROVIDE FOR SUPPLYING THE MASSACHUSETTS REFORMATORY AT CONCORD WITH PURE WATER. Chap.104

*Resolved*, That the commissioners of prisons are hereby authorized to contract with the town of Concord to supply the Massachusetts reformatory at Concord with pure water, for such compensation and for such term of time as said commissioners shall deem to be for the interest of the Commonwealth. *Approved May 29, 1888.*

Commissioners of prisons may contract for water supply for the Massachusetts reformatory.

## PROPOSED AMENDMENT TO THE CON- STITUTION.

Amendment to  
the constitution  
proposed.

The following proposed Article of Amendment to the Constitution of this Commonwealth has been officially certified and deposited in the Secretary's Department, as required by chapter 2, section 32, of the Public Statutes, and if agreed to by the General Court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection :—

RESOLVE PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION  
FORBIDDING THE MANUFACTURE AND SALE OF INTOXICATING  
LIQUORS AS A BEVERAGE.

*Resolved*, by both Houses, That it is expedient to amend the Constitution of the Commonwealth by the adoption of the subjoined article of amendment, and that the said article, being agreed to by a majority of the Senators and two-thirds of the members of the House of Representatives present and voting thereon, be entered on the journals of both Houses, with the yeas and nays taken thereon, and referred to the General Court next to be chosen ; and that said article be published, to the end that if agreed to by the General Court next to be chosen, in the manner provided by the Constitution of the Commonwealth, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

### ARTICLE OF AMENDMENT.

Prohibition of  
manufacture  
and sale of  
intoxicating  
liquors as a  
beverage.

The manufacture and sale of intoxicating liquors to be used as a beverage are prohibited. The General Court shall enact suitable legislation to enforce the provisions of this article.



SENATE, January 19, 1888.

The foregoing Article of Amendment is agreed to, a majority of the Senators present and voting thereon having voted in the affirmative; and the same is referred to the General Court next to be chosen.

HALSEY J. BOARDMAN, *President*.

HOUSE OF REPRESENTATIVES, January 25, 1888.

The foregoing Article of Amendment is agreed to, two-thirds of the members of the House of Representatives present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the General Court next to be chosen.

CHAS. J. NOYES, *Speaker*.

## RESOLUTIONS.

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International court of arbitration.

### RESOLUTION CONCERNING AN INTERNATIONAL COURT OF ARBITRATION.

*Resolved*, That the Senate and House of Representatives in General Court assembled, approve of the efforts being made relating to the ultimate ratification of treaties which shall provide for the settlement by arbitration of any difference or disputes arising between the governments of Great Britain or other civilized nations and the United States, which cannot be adjusted by diplomatic agency, and thereby providing for the settlement of all international difficulties which may arise without resorting to cruel methods of war and bloodshed.

*In Senate, adopted February 23, 1888.*

*In House of Representatives, adopted in concurrence, February 28, 1888.*

Freight car and steam couplers and freight train brakes.

### RESOLUTIONS RELATING TO FREIGHT CAR AND STEAM COUPLERS AND TO FREIGHT-TRAIN BRAKES.

*Resolved*, By the Senate and House of Representatives in General Court assembled :

*Whereas*, Thousands of railroad employees every year are killed or injured in coupling or uncoupling and in handling the brakes on freight cars used in interstate traffic, and most of these accidents can be avoided by the use of uniform automatic couplers and train brakes ; and

*Whereas*, The success and growth of the system of heating cars by steam from the locomotive or other single source largely depends on the adoption in interstate traffic of an uniform steam coupler ; and

*Whereas*, These subjects are believed to be of pressing importance and within the proper scope of the powers of the Congress of the United States, while attempts on the part of the individual States to deal with them have re-

sulted, and must continue to result in conflicting regulations, —

*Resolved*, That the Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled, do most respectfully and earnestly urge upon Congress a consideration of the foregoing subjects with a view to the passage of a resolution instructing the interstate commerce commission to consider what can be done to prevent the loss of life and limb in coupling and uncoupling freight cars used in interstate commerce, and in handling the brakes of such cars, and in what way the growth of the system of heating passenger cars from the locomotive, or other single source, can be promoted, to the end that said commission may make recommendations in the premises to the various railroads within its jurisdiction, and report its doings to Congress, at an early date, with such suggestions as to legislation on said subjects as may seem to it necessary or expedient.

*Resolved*, That a copy of these resolutions be transmitted to the Congress of the United States and to each of our senators and representatives therein.

*In Senate, adopted March 22, 1888.*

*In House of Representatives, adopted in concurrence, March 27, 1888.*

RESOLUTION REQUESTING THE STATE BOARD OF HEALTH TO MAKE AN INVESTIGATION CONCERNING THE SALE AND USE OF OPIUM.

State board of health requested to make investigation concerning sale and use of opium.

*Resolved*, That the State Board of Health be requested to make an investigation concerning the sale and use of opium, in various forms and preparations, with a view to ascertain the extent of the evils arising therefrom, whether such use and evils are increasing, and, if so, the manner and cause thereof, and what remedies for such evils may be proposed, and to report the result of such investigation to the General Court.

*In Senate, adopted March 29, 1888.*

*In House of Representatives, adopted in concurrence, April 4, 1888.*

RESOLUTION RELATIVE TO THE IMMIGRATION AND IMPORTATION INTO THE UNITED STATES OF CONVICTS, LUNATICS, IDIOTS AND OTHER PERSONS LIABLE TO BECOME A PUBLIC CHARGE.

Immigration and importation into United States of convicts, lunatics, paupers, etc., liable to become a public charge

*Whereas*, His Excellency the Governor, in a message to the Senate and House of Representatives, for good and

sufficient reasons has requested that Congress be memorialized for a modification of existing laws, which will more effectually prevent the immigration and importation into the United States of convicts, lunatics, idiots and other persons liable to become a public charge ;

*Resolved*, That the accompanying memorial, addressed to the Honorable Senate and House of Representatives in Congress assembled, be signed by the President of the Senate and Speaker of the House of Representatives, and that the Secretary of the Commonwealth is hereby instructed to transmit copies to the presiding officers of both houses of Congress, to the senators and members of Congress from this Commonwealth, and to the governors of the several States of the Republic.

*In Senate, adopted April 20, 1888.*

*In House of Representatives, adopted in concurrence, April 26, 1888.*

Memorial.

MEMORIAL.

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES  
IN CONGRESS ASSEMBLED :—

The Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled, present this memorial :

The act of Congress, regulating immigration, passed 1882 and amended 1884, forbids the landing of convicts, lunatics, idiots or any other person liable to become a public charge, and provides for the return of all convicts arriving at any port of the United States, except those convicted of political offences, to the countries from which they came.

From testimony submitted to a committee of this Legislature it is evident that, notwithstanding these enactments, convicts are released from penal institutions in Great Britain and Germany, before the expiration of their terms of sentence, upon the condition of their accepting a passage ticket to this country or to Canada ; that persons who have received relief from public charity, or who are likely to ask for such relief, are also sent to this country ; that a few, through the vigilance of the immigration officers, are detected and returned ; but that by falsehood, subterfuge, assistance of interested parties, and by being in possession of prepaid tickets to some interior town or large city, numbers succeed in evading

the law, especially when the immigrant is accompanied by a relative or volunteer friend who has once been in the United States, and who is ready to vouch for the good character and the ability of the immigrant to earn a livelihood. Memorial.

It is plain that any examination, conducted with the utmost vigilance on the part of the immigration officer, of one thousand or more passengers at the gangway of a steamship, at the best can only be superficial, and that convicts, who by their vocation of crime have habituated themselves to evade the law and deceive detectives, in many instances are able to effect a landing.

It is an indisputable and well-established fact that convicts are not only released from prison, but that they are transported to this country either at the expense of foreign governments or by associations acting in concert with the officials, who, in disregard of international comity, violate the laws of the United States, thus imposing their burdens upon the people of this country—a procedure which should awaken the just indignation of every American citizen, and which calls for remedial legislation.

The reports of the public institutions of this Commonwealth show a marked disproportion between the native and foreign born inmates, — the foreign born receiving public charity being 60 per cent., a very large proportion of whom have arrived in this country at a comparatively recent date. In other States, especially those that have received large accessions from Great Britain, the increase of foreign born in the charitable institutions is equally disproportionate to the native born.

In one of the reputable literary reviews for the month of March, 1888, it is stated that nearly every pauper from Great Britain was assisted to this country either by governmental aid or by so-called philanthropic associations.

The transportation of the improvident and thriftless classes to other countries is openly advocated as a measure of philanthropy in an article published in a reputable literary review in London, January, 1888 :

“ There is no wider field of work for the philanthropist than this : let each benevolent person take up one thriftless family as a special charge, and assist emigration. Care must be taken to provide a friend on the other side, for the thriftless do not lose their thriftlessness on the voyage, and a good start in the new home is invaluable.”

Memorial.

In 1882, and again in 1883, by acts of Parliament, one million dollars was appropriated to assist emigration from Great Britain; coincident with that legislation, and with assistance by philanthropic effort in that country, is a marked increase in the disproportion between those of native and foreign birth in the prisons, almshouses and asylums for the insane throughout the United States.

Of paupers in the almshouses of the United States in 1880, there was one in 986 of the native born inhabitants to one in 291 of the foreign born. Of the criminals in prisons and workhouses, there was one in 938 of the native born inhabitants of the country to one in 518 of foreign birth. Of the inmates of insane asylums there was one in 662 of the native born population to one in 254 of the foreign born.

From an examination of the reports of the public institutions in several of the States, the evidence seems to be conclusive that the disproportion between the native and foreign born inmates of those institutions is much greater than that reported by the Census of 1880.

To the end, therefore, that the people of this Republic may be protected from the evils and burdens resulting from the importation of convicts, paupers, idiots, insane, and the thriftless of other countries, the Commonwealth of Massachusetts, with this memorial, asks for such amendment of existing laws as shall effectually exclude these classes of immigrants.

HALSEY J. BOARDMAN,

*President of the Senate.*

CHAS. J. NOYES,

*Speaker of the House of Representatives.*

The General Court of 1888, during its annual session, passed four hundred and forty-four Acts and one hundred and four Resolves, which received the approval of his Excellency the Governor

“An Act appropriating ten thousand dollars annually for the Massachusetts State Firemen’s Association” was laid before the Governor for his approval, and was returned by him to the Senate, in which it originated, with his objections thereto; was reconsidered, agreeably to the provisions of the Constitution, and the vote being taken on passing the same, the objections of the Governor to the contrary notwithstanding, it was rejected, two-thirds of the members present and voting thereon not having voted in the affirmative.

The General Court was prorogued on Tuesday, the twenty-ninth day of May, the session having occupied one hundred and forty-seven days.

## INAUGURAL ADDRESS

OF

## HIS EXCELLENCY OLIVER AMES.

At twelve o'clock on Thursday, the fifth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two Houses, met the Senate and House of Representatives in Convention, and delivered the following

## ADDRESS.

*Gentlemen of the Senate  
and House of Representatives.*

In conformity to custom I first call your attention to a statement of the financial condition of the Commonwealth, as shown by the reports of the several departments.

## FINANCIAL STATEMENT.

Funded debt Jan. 1, 1888, . . . . . \$31,429,680 90

## SINKING FUNDS.

Amount of Sinking Funds Jan. 1, 1887, . . . . . \$18,964,412 62

Amount of Sinking Funds Jan. 1, 1888, . . . . . 25,151,516 78

Increase, . . . . . \$6,187,104 16

Actual expenses, 1886, . . . . . \$5,275,502 91

Actual expenses, 1887, so far as can be ascertained, . . . . . 5,105,393 85

## ESTIMATES FOR 1888.

Payments for all purposes, . . . . .	\$5,784,485 78
Receipts, including cash on hand, but exclusive of direct State tax, . . . . .	4,065,865 89
Deficit, . . . . .	\$1,718,619 89

The large increase in the Sinking Funds is due to the sale of the Troy and Greenfield Railroad and Hoosac Tunnel, five million dollars of Fitchburg Railroad bonds being put into the Troy and Greenfield Railroad Loan Sinking Fund. The Commonwealth also holds fifty thousand shares common stock Fitchburg Railroad Company, par value five million dollars, which belongs to the Troy and Greenfield Railroad Loan Sinking Fund, but is not included in the above figures.

Of the estimated deficit, \$464,922.88 is represented by the taxes of the years 1885, 1886 and 1887, which were levied upon the stock of national banks and which were paid under protest. This money is held in trust, awaiting the decision of the United States Supreme Court as to the constitutionality of the law under which it was paid.

In view of this showing I advise that you exercise the strictest economy in the matter of appropriation. It is expected of us, as the law-making power, to do all that we can to provide for a diminution of the Commonwealth's financial responsibilities. If we cannot lessen them let us keep them within their present bounds.

During the year the Commonwealth will pay \$3,078,-061.25 of its debt, for which its sinking funds make ample provision.

## SAVINGS BANKS.

In the savings banks and institutions for savings were deposited at the end of their fiscal year \$302,948,483.01, an increase in deposits for the year of \$11,750,582.05. The number of depositors is more than 945,000, or nearly half the number of the people in the Commonwealth.

I suggest that in the interests of all who are concerned in the savings banks and institutions for savings there be enacted a law which will require a calling in of the books of all depositors for examination at stated periods. If this were done there could be a comparison of the books of the depositors with those of the banks, and thus one



means of fraud — by entering one amount on the book of a depositor and crediting that depositor with a smaller amount on the books of the bank — would be rendered difficult, if not impracticable. It would be well, also, where national banks and savings banks are in any way connected, to require that the examination of both institutions should be made simultaneously, so far as it is possible and practicable.

I think it would be well if to the securities in which savings banks and institutions for savings may make investments were added the bonds of corporations in other States, which have paid dividends on their stocks without interruption for a term of years.

#### SCHOOLS.

For the education of the children in the public schools — more than 350,000 in number — there was expended during the year that has just ended a little more than \$7,000,000. From the private schools the returns made are too inadequate and uncertain to be of much value.

The schools in the cities and large towns are steadily improving, but in many of the smaller towns they are poor, and the attendance upon them neglected and irregular. This state of things will continue until the schools of these towns are supplied with special and efficient superintendence. Experience has abundantly proved that wherever the superintendence of the schools is good, the schools are also good. The Legislature should devise some way of aiding the small towns in providing for their schools an adequate supervision.

Within the past few years many children of school age have been withdrawn from the public schools and placed in private schools. This has been done to such an extent as to cause some alarm. And there is reason for this alarm, for the perpetuity of our Republican institutions depends largely upon the education of all the children together in schools whose instruction is controlled by the State itself. The relations of the State to private educational institutions are not well defined, and little direct control over them is possible. It seems, therefore, best to deal with them : —

1. By making the public schools so good that all parents will insist on sending their children to them.

2. By leaving the private schools to be supported in all cases by private means.

3. By a thorough execution of all laws now existing concerning these schools.

4. Either by the amendment of statutes now in force, or by the enactment of new statutes, if, in your judgment, such action is demanded.

#### RAILROADS.

The Commonwealth has at last relieved itself from liabilities and responsibilities growing out of the management of railroad lines, and I congratulate you that to this extent you are free from complicated and embarrassing questions which for many years have agitated the Legislature and prolonged its sessions.

The prosperity of the Commonwealth is largely dependent upon the wise and economical management of our railroads. That such management has been equitable is strongly substantiated by the fact that no question of contested rates has come before the Board of Railroad Commissioners during the past year. I cannot too strongly recommend to you to give careful consideration and liberal support to any measures which are calculated to promote the safety, not only of the travelling public, but of the railroad employees. I commend to your special consideration the enactment of such laws as may be needed to further insure the safety of bridges and the absolute protection of the public from danger from fire in cases of accident.

#### STATE PRISON.

No extraordinary expenditures will be required at the State Prison, unless it should be deemed advisable to build additional officers' houses upon the corner of Chapman Street and Rutherford Avenue. There are but twelve houses for officers owned by the State at Charlestown, and many of the officers of the prison live long distances from that institution; in case of sudden outbreak this might be exceedingly hazardous. At the point mentioned there is unoccupied land which is the property of the Commonwealth, and houses erected upon it and rented at a lower rate than the officers are now required to pay would seem to be a good investment for the State.

## MASSACHUSETTS REFORMATORY.

During the three years which ended on the twentieth day of last month, the Massachusetts Reformatory received 2,234 persons, of whom 837 remained within its walls on the date mentioned. The work thus far accomplished by the Reformatory has been of a high order, and its results are encouraging; but the design of the institution has been seriously interfered with by the fact that to it have been sent men who are wholly unfit to be subjected to its influences. The presence therein of habitual criminals, who have been guilty of many petty offences, and of men who are fifty years of age or more, is very objectionable. It is obvious that upon such men reformatory endeavor can have but little effect, while by their committal to this prison, young men, whom it is intended to help, are debarred from receiving its full benefits. Beyond this, in committal of hardened or habitual offenders to the Reformatory, there is the danger that in the desire to reform we may lose sight of the necessity to punish.

I recommend the careful consideration of the laws relating to this prison, to the end that they may be so amended that neither those who are unfitted, either by character or by age, can be committed to it.

## PRISON LABOR.

The law abolishing contract labor in the prisons of the Commonwealth, passed during the closing hours of the session of the last Legislature, went into effect on the first day of last November. Under its provisions I have appointed a general superintendent, who is in conference with the various prison officials, to the end that idle men shall be employed, and that, if it be thought proper, immediate notice be given to terminate the contracts in force.

This subject is of such vital importance to the discipline of the prisons and to the prisoners, that I hope that the law will be so amended that labor within the prisons can be carried on by the methods usually employed elsewhere, and that the products of prison labor can be disposed of in the open market without unnecessary restrictions.

It seems to me that this law is also defective in that it multiplies controlling authorities, and thus weakens the administration of an institution. Other than executive

authority, there should be only supervision, and supervision is provided for in the Board of Commissioners for Prisons.

In its relation to the reformatories, the operation of the law promises to be seriously harmful. The object of these institutions is not merely the punishment of crime, but the reformation of the criminal, and to accomplish the latter, labor is essential. And this labor should be just that by which the criminal stands the best chance of earning an honest living upon being released. The use of machinery is so much a part of wage-earning to-day, that to deny all knowledge of it excepting the primitive forms of hand and foot power to young inmates of the reformatories, is to lessen their chances of living honest lives on their return to the outside world. To prisoners under sentence for life or for long terms these things would apply with less mischief, but upon men who are soon to resume the ordinary relations of business and industrial life they would be especially severe.

It does not seem likely that that requirement of the law which provides that instructors shall have the same powers as officers is practicable, nor is it likely that hand-made goods can be so put upon the market as to compete with those that are machine made. The law was designed to prevent the competition of convict labor with free labor, but it should be borne in mind that if the convicts in the various State institutions earn nothing toward their support, free labor has ultimately to pay all their expenses, and if the convicts use up material which after it has been manipulated by them becomes unsaleable, free labor must pay for that also. The superintendent of prisons estimates that to start the operation of the law will require an outlay of \$336,000.

I invoke the early attention of the Legislature to this important matter.

#### DISTRICT POLICE.

While the district police force has authority to require that buildings of a public character and factories shall be provided with proper means of exit, it has no power to pass upon the general safety of a structure. It would be well, I think, to so enlarge the powers of the inspectors of this force, that when the authorities of a city or town in which there is no inspector of buildings call upon them to

perform the functions of such an officer, they will have authority to do so.

I desire to call your attention to the operation of the so-called "Illiterate Minors" Act of the year 1887, which prohibits the employment of minors between the ages of fourteen and twenty-one years who cannot read and write the English language. The enforcement of this law is placed in the hands of the district police, and it has vastly increased the amount of their work. In fact, if they did all that ought to be done under its provisions, there would be but little time left them for any other duties. I presume that this suggestion will be sufficient to lead to whatever action may be necessary on this subject.

#### THE COURTS.

I again call the attention of the Legislature to the condition of the Superior Court. That body was established in 1859 with ten justices, and it now has but twelve. Since its establishment the population of the Commonwealth has increased by over forty per cent., the valued wealth of the State has been added to by over one thousand millions of dollars, and business of every kind has been greatly developed. If these were all the changes, the work of the Superior Court would be materially increased, but since its formation its jurisdiction has been greatly enlarged by the addition to it of equity, divorce, and other causes. These changes relieve the Supreme Court, but they still further crowd the docket of the other court.

Another reason for an increase in the working force of the Superior Court is, in order that a judge of that court may always be in attendance in Boston for jury-waived and equity cases. Under the present system, the jury-waived sessions, in which the equity business also is done, are variable and uncertain; and, taking all seasons of the year together, it is, in fact, easier as a rule to reach a justice of the Supreme Court than a judge of the Superior Court with equity business in Boston. This, undoubtedly, operates to keep down the amount of equity business done in the Superior Court, and thus to defeat to a certain extent the purposes of the act of 1883, conferring equity jurisdiction upon that court. For these reasons I recommend such addition to the number of its judges as may be needed to meet, promptly and efficiently, all the demands of its enlarged jurisdiction and increasing business.

I renew my recommendation for an additional sitting of the Supreme Judicial Court for the decisions of questions of law. I am informed that in some of the counties, other than Suffolk, notably in Essex, a case disposed of by verdict at the December term of the Superior Court cannot be argued even in the Supreme Judicial Court until the following November, thus delaying the final settlement of the case for more than twelve months. An additional sitting of the Supreme Judicial Court at Boston to dispose of questions of law, arising in counties outside of Suffolk, would seem to provide a remedy for this defect.

#### CLAIMS AGAINST THE COMMONWEALTH.

Your attention is called to the provisions of chapter 246 of the Acts of the year 1887, under which the Superior Court is given jurisdiction of all personal claims, either in law or in equity, against the Commonwealth. If this legislation is borne in mind, the Legislature will find much relief, as under it some of the most vexatious of matters that have formerly come before the Legislature will go to another tribunal for settlement. Moreover, this will tend to shorten the duration of the legislative sessions.

To secure this most desirable result, it will be necessary for the Legislature to adhere firmly to the rule that all cases within the jurisdiction of the court must go there for determination, and that the Legislature will not hereafter take cognizance of them.

#### ARBITRATION.

Arbitration of labor questions in the name of the State has been successfully practised during the year, proving its efficacy as a means of preventing and allaying friction and quelling strife between the great co-operating agencies of industrial production, — capital and labor.

That the State has such a board as that of Arbitration and Conciliation, is in itself a potent influence for good, while its action has been such that it has commanded the respect of all whom it concerned. In all cases passed upon by the Board during the year, its recommendations have been accepted and acted upon by both parties without substantial variation, — a striking testimony to the fairness of its decisions.

## THE MILITIA.

The military force of the Commonwealth has steadily improved in efficiency, the attendance at tours of duty during the past year having been the largest ever known under its present organization. A spirit of interest animates both officers and men, and they are rendering good service.

Appropriations already made will thoroughly equip the active force with clothing during the year ensuing, and further appropriations for uniforms will not be needed for at least five years.

The matter of armories is an important one, and it should receive the attention of the Legislature, after a hearing by committee of those interested, upon a plan submitted.

The military representation at the Constitutional Centennial Celebration at Philadelphia reflected great credit on our citizen-soldiers.

## PUBLIC HEALTH.

No serious epidemic disease has prevailed among the people of this Commonwealth during the past year, and the carefully framed laws for the protection of the public health appear to have been efficiently administered.

One of the results of the report of the Massachusetts Drainage Commission, made in December, 1885, was the passage of an act by the Legislature of 1886 for the protection of the water supplies of the Commonwealth. The general oversight of the rivers and ponds of the State was bestowed on the Board of Health, with authority to make all necessary investigations and to give advice when called upon to give it. The Legislature of 1887 made a generous appropriation of money for the purpose of carrying out the provisions of this act.

The results already obtained by the State Board of Health appear to justify this expenditure, and though a thorough investigation of the various methods employed in the disposal of sewage necessarily occupies a number of years, enough has been done to enable the Board to give valuable advice to a number of towns and cities which have consulted it with reference to plans of water supply and drainage.

It is evident that no plan for a water supply or for a

system of sewers can be proposed which will not affect, more or less directly, the interests of several municipalities: and it is equally evident that there is no other power than that of the State sufficient to protect one community anxious to be relieved from the nuisance of an ill-contrived or insufficient drainage system against the ignorance or indifference of a neighbor.

The fact that the proper answers to these troublesome questions of water supply and sewage disposal can only be given by experts, makes it almost necessary that this advice should be furnished by the State, under conditions of complete impartiality.

#### PREVENTION OF WASTE BY FIRE.

Carefully prepared statistics show that the average annual fire waste in Massachusetts amounts to four and one-third millions of dollars, and that fully one-half of this destruction of property is due to causes that are preventable. Under the insurance system the individual loss from fire may be reduced to small proportions, but the aggregate of such loss imposes an enormous burden upon the community.

There should be adequate protection from this loss, and that there may be, it is necessary to ascertain more definitely its causes. The law should be so changed that, instead of the inquest now required in special cases only, under chapter 216 of the Public Statutes, there will be a simple and inexpensive means of investigating every case of fire within the Commonwealth, the ascertained results to be reported at once to the insurance department.

#### WOMAN SUFFRAGE.

I again earnestly recommend, as an act of simple justice, the enactment of a law securing municipal suffrage to women.

#### LIQUOR TRAFFIC.

Recognizing the fact that the laws of the Commonwealth authorize cities and towns so voting to permit the sale of intoxicating liquors under certain restrictions, I last year urged the advisability of a law fixing within narrow limits the number of places to be so authorized, and suggested that the tax placed upon such places be greatly increased in amount. I now renew that recommendation, and



would further advise that the sums thus received be paid into the State Treasury, so as to remove the temptation to permit the sale of intoxicating liquors for the purpose of increasing the city or town revenue.

The fact that in some of the cities there is a saloon to nearly every hundred of the population, shows the imperative necessity for further restrictive legislation.

It would be well, also, if only those who are legal voters in the city or town in which their business is to be pursued were authorized to sell intoxicating liquors. In certain places, and especially in those along the coast during the summer months, there are many non-resident liquor sellers, who, having no permanent interest in their surroundings, conduct their business without the restraints which residence might naturally impose.

#### CONSTITUTIONAL AMENDMENTS.

In view of the existing public sentiment concerning biennial elections and the constitutional prohibition of the manufacture and sale of intoxicants to be used as a beverage, it will be your duty to inquire earnestly into the probable bearing of these measures upon the public welfare, with a view, if approved, to give them the legislative sanction which is a necessary preliminary to the direct expression of the people thereupon.

#### STATE HOUSE.

The accommodations afforded by the State House have long been insufficient. Notwithstanding that all the space within its walls is utilized, important departments of the State government are colonized at No. 13 Beacon Street, at No. 5 Pemberton Square, in the Claffin Building, in the Ticknor Building, and in the Commonwealth Building. This dispersion of State offices is not only expensive but inconvenient.

The State House is a source of large and constant expenditure. During the ten years ending Dec. 31, 1886, the sum of \$76,440 was expended on it for ordinary repairs, and \$184,404.27 for extraordinary repairs, alterations and improvements. In 1887 the appropriation for ordinary repairs was \$10,100, and that for extraordinary repairs, etc., \$11,300. In addition, I find that \$174,848.63 have been appropriated for the purchase and

repair of the Commonwealth Building, and \$17,011.69 on account of the house No. 13 Beacon Street. Moreover, within the same ten years the State has also paid for rentals, for commissions and boards, the sum of \$70,-316.81, and the appropriation for the year 1887 for the same purposes was the sum of \$7,400. These sums raise the total expenditure for eleven years to \$552,121.83, — an average disbursement for the State House, and because of its lack of sufficient room, of more than \$50,000 per annum. For this we have but little to show except the Commonwealth Building.

I advise that substantial additions be made to the present structure, and that its interior be thoroughly reconstructed, so that every department of the State government can be accommodated within its walls.

I urge you also to secure such lands as may be desirable for the extension of the State House. The buildings on the land in the rear of the State House, which would be needed for such extension, are old and of but little value. The land on either side should be secured to protect the State House from the dangers to which it is exposed of being surrounded by lofty structures, such as are now built on lands in desirable localities. The present buildings on these side lands could be used for State purposes during the reconstruction of the State House, or they could be let at remunerative rents, so that their purchase would not be a burden on the Commonwealth.

*Senators and Representatives :*

Without further suggestion I leave to you the work of enacting such laws as will subserve the common interest and promote the general welfare. We are charged with the power and responsibility of the government of the Commonwealth for the ensuing year. We can discharge the responsibility only by exercising the power for the benefit of the whole people. We enter upon our work inspired by the memory and example of good and wise men who have filled these places before us. The standard of legislation in Massachusetts, with hardly an exception, has been high : let us strive to maintain it.

## SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS EXCELLENCY THE GOVERNOR TO THE LEGISLATURE DURING THE ANNUAL SESSION.

[To the Senate and House of Representatives, January 9, 1888.]

I have the honor to present herewith, in compliance <sup>Pardons.</sup> with chapter 50 of the Resolves of 1860, a report of the pardons issued by the Governor, with the advice of the Executive Council, during the year of my administration just closed. The number of prisoners thus released is forty-six, of whom twenty-one were in the State Prison, twenty in Houses of Correction, two in the Massachusetts Reformatory, and three in the Reformatory Prison for Women. Sickness was the controlling reason for the discharge of nine, three of whom have died.

No. 1. S. ANGIER CHASE. Convicted of embezzlement, Superior Court, Bristol County, June 24, 1878. Sentenced to State Prison for twelve years. Pardoned Jan. 19, 1887, for the following reasons: First — The applicant had but little more than a year to serve, and the purposes of justice seemed already to have been satisfied. Second — His advanced age and delicate health. Third — The exemplary conduct of the applicant since his sentence. Fourth — Because public sentiment seemed to recommend a pardon. Fifth — Because the judge who sentenced him, Hon. F. H. Dewey of Worcester, and the District Attorney who convicted him, recommended a pardon.

No. 2. CHARLES LEAVITT. Convicted of being a common drunkard, Police Court, Lowell, Aug. 25, 1886. Sentenced to two years in Massachusetts Reformatory. Pardoned Feb. 9, 1887, solely on the ground that the prisoner was not of sound mind, and, therefore, an unsuitable inmate of the Reformatory. His mother could provide him a home, and desired to do so.

## Pardons.

No. 3. HENRY W. COLSON. Convicted of conspiracy to defraud, Superior Court, Middlesex County, Nov. 27, 1885. Sentenced to three years in House of Correction. Pardoned March 4, 1887. The committee recommended that a pardon be granted because it appeared from the certificate of J. B. Taylor, M. D., the physician at the House of Correction, that the prisoner was suffering from tubercular consumption, which would probably end fatally within a few months.

No. 4. FRANK FINN. Convicted of rape, Superior Court, Hampden County, Dec. 19, 1878. Sentenced to State Prison for life. Pardoned March 24, 1887. The alleged crime was committed about two o'clock in the morning in the open air and in the dark, and the identification rested mainly upon the woman who was assaulted, who, before the trial, at the house of Mr. Bodurtha, the town clerk, did not recognize Finn as the assailant. It appeared that his case was not carefully and fully presented to the jury. It was doubtful whether the prisoner committed the crime. Pardon was recommended by S. H. Bodurtha, the town clerk of Agawam, where the offence was committed; by Charles C. Spellman, Esq., a member of the Legislature from Springfield, who was at the trial of Finn and heard all the evidence; by ex-senator Edward H. Lathrop, also of Springfield; by Hon. Hugh O'Brien and many prominent citizens of East Boston, who had known Finn for a long time, and who testified to his sober, industrious habits and his previous good record. In view mainly of the doubt as to the guilt of the prisoner, aided by his previous good record and his exemplary conduct while in prison, a pardon was granted.

No. 5. JOHN SLATTERY. Convicted of assaulting an officer, Superior Court, Suffolk County. Sentenced to State Prison for three years from April 1, 1886. Pardoned March 24, 1887. The prisoner had served his original sentence and about two-thirds of the sentence of three years for assaulting an instructor in one of the prison shops. Ex-warden Chamberlain said that "the sentence of three years was required, not so much as a punishment for the offence committed, as a warning to others." The instructor assaulted said that he "looked upon it as an outbreak of passion rather than an assault

with malicious intent to do harm," and that he had "no wish that the sentence should be enforced." Slattery had been a brave soldier, and had an aged mother who was in needy circumstances and whose declining years he seemed sincerely desirous of making comfortable and happy. In view of the circumstances of the case, and the fact that the sentence was very severe, and perhaps excessive, and that punishment had accomplished all that was possible for the prisoner, the pardon was granted.

No. 6. THOMAS BAGLEY. Convicted of attempting to break jail, Superior Court, Berkshire County. Sentenced to House of Correction for six years, from Jan. 19, 1885. Pardoned March 30, 1887. The prisoner had served his original sentence, and was confined for the further crime of attempting to break jail and assaulting an officer. The petition for his release was signed by the leading citizens of Pittsfield familiar with the case, and urged strongly by ex-Sheriff Wellington, the jailer, prison physician, chairman of the board of selectmen of Pittsfield, and others. It appeared that the prisoner was twenty-two years of age, of a respectable family living in Waterbury, Conn., where he was born and where his parents still reside; that his health was alarmingly poor,—confinement and chronic pleurisy undermining his constitution, as certified by the prison physician. The District Attorney recommended his pardon, considering his feeble health, his evident determination to lead a better life, and the strong belief entertained by the committee that he could be reclaimed if released and sent home to his parents.

No. 7. GEORGE R. WATERMAN. Convicted of embezzlement, Superior Court, Essex County, May 29, 1878. Sentenced to State Prison for twelve years. Pardoned March 30, 1887. The prisoner made no attempt to escape punishment, though he had opportunity to do so after his crime became public and before his arrest. He made restitution so far as he was able, and plead guilty in court. Attorney-General Sherman, who was District Attorney at the time of the conviction, and Hon. Daniel Saunders, counsel for the Pacific Mills from which the embezzlement was made, were present at the hearing and made no objection to the pardon being granted. The pardon was urged by State Auditor Ladd, Elizabeth

Pardons.

Stuart Phelps, and by a large number of the leading citizens of Melrose where Waterman formerly resided, and also by prominent citizens of Boston, Andover and Lawrence, who had signed petitions and were present at the hearing. It appeared that the aged mother of the prisoner, who alone of his family had stood by him, was in feeble health and likely to die in an attack of heart trouble to which she was subject. She urged that she might see her son before she died. The prisoner had served nine years, a longer term than the court now imposes for similar offences. A pardon was granted in view of these facts, and believing that justice had been satisfied and that the community would suffer no injury, while the prisoner might receive great benefit therefrom.

No. 8. GEO. M. BROWN, *alias* HENRY F. BROWN. Convicted of burglary. Superior Court, Worcester County, May 27, 1878. Sentenced to twenty years in State Prison. Pardoned April 6, 1887, upon the certificate of the prison physician, that the prisoner was incurably sick with heart disease, and liable to die at any moment. He died on the cars on the following day, while being taken to his friends in Lenox.

No. 9. ROBERT M. WHITFORD. Convicted of rape. Superior Court, Berkshire County, July Term, 1880. Sentenced to State Prison for life. Pardon recommended April 6, 1887, to take effect Dec. 31, 1887. The town officers and many of the leading citizens of Stockbridge who knew the prisoner signed the petition and recommended the pardon. It appeared that the prisoner at the time the offence was committed was a very young man, and, in the language of the District Attorney, was "wild with liquor," and under the influence of an older and more vicious companion who took the lead. He had never been convicted of an offence before, and had always been a quiet, good-natured boy without vicious tendencies. Hon. H. J. Dunham, the justice of the district court before whom Whitford, without counsel, pleaded guilty, urged the pardon, and said that he would see to it that the prisoner was put into some good position where he could earn an honest living. It appeared that the conduct of the prisoner had been good while in prison. In view of all the circumstances of the case and of the strong

evidence that the punishment had worked a complete reformation of the prisoner, and that he would in future be a useful member of society, a pardon was granted. Pardons.

No. 10. CHARLES H. WEST. Convicted of breaking and entering, Superior Court, Suffolk County, February Term, 1886. Sentenced to State Prison for five years. Transferred to the Reformatory Sept. 2, 1886. Pardoned April 20, 1887. It appeared that the wife and child of the prisoner were wholly dependent upon him for support, and that his aged father and mother needed his assistance; that he had always been a dutiful son and a faithful husband and father, but had become distracted by the death of one of his children, and by his inability to save enough out of his small salary of six hundred dollars a year to pay the undertaker's bill; that the crime was wholly unpremeditated, and the property was not taken from the premises but was found there the day following the crime. The officers of the corporation by which he was employed at the time the crime was committed urged the granting of the pardon, and testified that they had the fullest confidence in the honesty of the prisoner, and were ready to trust him freely and recommend him as a suitable person for employment. His brother promised him constant employment. The judge who sentenced the prisoner intimated that this was a suitable case for a pardon.

No. 11. THOMAS MURPHY. Convicted of being accessory to the crime of larceny, Superior Court, Plymouth County, Feb. 18, 1886. Sentenced to the House of Correction for eighteen months. Pardoned April 27, 1887. It appeared that the principal in the crime was put on probation. That Murphy had never been complained of for any offence before the commission of this crime; that he was a sickly, deformed young man, whose health, in the opinion of Dr. E. D. Hill of Plymouth, would be greatly impaired by longer confinement. His release was recommended by Hon. Henry B. Peirce, Secretary of the Commonwealth, and Henry A. Noyes, chairman of the selectmen of Abington. Immediate employment was promised him.

No. 12. REBECCA LEMAN. Convicted of burning buildings, Superior Court, Berkshire County, Jan. 21,

## Pardons.

1879. Sentenced to the Reformatory Prison for twelve years. Pardoned May 3, 1887. The pardon was urged by Prison Commissioner Fay, Secretary Spalding and Mrs. Ellen C. Johnson, Superintendent of the Reformatory Prison. It appeared from Mrs. Johnson's statement that the old companions of the prisoner were either dead or out of the country; that the prisoner had proved herself thoroughly trustworthy during the nine years of her incarceration, and that if pardoned Mrs. Johnson would provide a place for her in which she could immediately find employment and a home. It further appeared that the prisoner was influenced to commit the crime by an accomplice who has since fled the country, and that she was convicted upon her own confession. As it was felt that the ends of justice had been satisfied, and that the prisoner if released would become an honest member of society, a pardon was granted.

No. 13. ROBERT F. JONES. Convicted of larceny, Superior Court, Suffolk County, Feb. 12, 1887. Sentenced to Massachusetts Reformatory on an indeterminate sentence. Pardoned May 4, 1887, upon the recommendation of the prison physician, as he was hopelessly ill with diabetes, and confined to his bed in the hospital. He died May 5.

No. 14. MARK W. FRISBEE. Convicted of larceny and embezzlement in the Superior Court for Suffolk County and in the Municipal Court for East Boston, Oct. 16, 1886. Sentenced to eight months (four months on each indictment) in House of Correction. Pardoned May 11, 1887, on the ground that the prisoner was in the last stages of consumption, and could live but a short time.

No. 15. ELMER PHELPS. Convicted of adultery, Superior Court, Berkshire County, July 21, 1886. Sentenced to House of Correction for fifteen months. Pardoned May 11, 1887, for the reason that, according to the statements of numerous petitioners and of the District Attorney, there were mitigating circumstances attending the crime which made it appear that the imprisonment already suffered was sufficient punishment for the offence committed, and that the good of the prisoner and the



interest of the public would be furthered by the exercise of executive clemency. Pardons.

No. 16. JOHN J. BOHAN. Convicted of over-driving a horse, District Court, Eastern Norfolk, April 13, 1887. Sentenced to two months in the House of Correction. Pardoned May 11, 1887. Pardon was asked for by the justice who sentenced the prisoner, the complainant, and the selectmen of Randolph, on the ground of the youth of the prisoner, his previous good character and the belief that the well-being of society would not be injured by his pardon.

No. 17. JOHN J. GLEASON. Convicted of arson, Superior Court, Franklin County, Aug. 23, 1886. Sentenced to the House of Correction for five years. Pardoned May 18, 1887, upon the recommendation of the District Attorney, sheriff and physician of the House of Correction, because of the serious illness of the prisoner, which, at his advanced age, eighty-one years, was likely to prove fatal within a few months.

No. 18. EUGENE J. SULLIVAN. Convicted of assault, Superior Court, Middlesex County, Nov. 24, 1885. Sentenced to three years in House of Correction. Pardoned May 25, 1887. Pardon was recommended by all the jurors who convicted the prisoner, by ex-Governors Rice and Claflin, the Hon. A. W. Beard, Hon. H. C. Lodge, Hon. Hugh O'Brien, mayor of Boston; Hon. James A. Fox, ex-mayor of Cambridge, and many other prominent gentlemen, including clergymen. It appeared that the prisoner was under great provocation, his premises having been forcibly invaded. There was grave doubt in the minds of the committee as to just how Driscoll met his death, and they were greatly influenced by the testimony of Surgeon-General Holt, that it could not have happened from a blow of the fist. There was much conflicting testimony as to what happened to Driscoll when he reached home after the affray, and it appeared that he received little or no care for nearly twenty-four hours afterwards. Upon a very careful consideration of all the circumstances connected with the case, and the evidence of a large number of witnesses who testified before the committee, both as to the assault and the previous

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good character of the prisoner, who appeared to be a good-natured, easy-tempered man, the committee were of the opinion that the ends of justice had been subserved, and that a pardon should be granted.

No. 19. THOMAS F. KENNEY. Convicted of embezzlement, Superior Court, Middlesex County, Nov. 12, 1886. Sentenced to the House of Correction for ten months. Pardoned June 1, 1887, upon the recommendation of the prison physician, Dr. Taylor, who appeared before the committee and asked for a pardon, as the prisoner was in feeble health which would probably develop into incurable consumption if he was not speedily released. The District Attorney joined in recommending a pardon.

No. 20. FRANKLIN J. MOSES. Convicted of obtaining money by false pretences, Superior Court, Suffolk County, Sept. Term, 1885. Sentenced to State Prison for three years. Pardoned June 2, 1887. It appeared from the statement of the prison physician that the prisoner had been in the hospital most of the time since his incarceration; that he was in very feeble health, and that if his life were prolonged he must receive careful attention outside prison walls. Considering that the prisoner had served almost two years of a sentence that seemed entirely disproportionate to the offence, and was in failing health, it seemed that a pardon should be granted.

No. 21. JOHN D. N. R. POWELL. Convicted of subornation of perjury, Superior Court, Suffolk County, March Term, 1884. Sentenced to State Prison for five years. Pardoned June 16, 1887. It appeared from the testimony of many reputable witnesses that the prisoner, who was an old soldier, was in poor health; that his family needed his assistance, and that he could secure immediate employment if released. Assistant District Attorney Adams, who tried Powell, testified that he was not properly defended, and that there were other parties, not tried, who were interested in preventing a full disclosure by the prisoner, which, had it been made, would doubtless have implicated them and in part relieved him. In consideration of the above statement of Mr. Adams,

and the belief entertained by the committee that the prisoner was a tool of more designing men, that the punishment suffered had been ample, and that the public would not be injured by the restoration of this man to an honest life, they unanimously recommended his release. Pardons.

No. 22. ADELBERT H. HINKLEY. Convicted of assault with intent to ravish, Superior Court, Worcester County, Feb. 15, 1884. Sentenced to eight years in State Prison. Pardoned conditionally, on the ground of innocence, April 29, 1885. On the fourth day of August, 1886, he was sentenced for assault and battery to six months in the House of Correction, Worcester County. This constituting a breach of the condition of said pardon, on the twenty-ninth day of January, 1887, he was remanded to the State Prison to serve the unexpired term of his former sentence. Pardoned June 28, 1887, solely because, if the Governor and Council of 1885 were satisfied that Hinkley was not guilty of the crime charged, even a breach of the conditions of the pardon they granted did not justify the present executive in punishing him for that of which a former tribunal has found him not guilty.

No. 23. NATHAN P. PRATT. Convicted of embezzlement, Superior Court, Middlesex County, March 10, 1884. Sentenced to State Prison for four years. Pardoned July 7, 1887. The prisoner was for many years secretary and treasurer of the Reading Savings Bank, which ended in a disastrous failure March 22, 1879. A son of the prisoner, employed as a clerk in the bank, through outside speculations, squandered a large amount of the funds of the bank; afterwards, not being able to get more without its being known by the father, he put before him the facts, and said in substance, "Father, you must carry me through or send me to State Prison." Tempted by paternal love, the father yielded and negotiated the securities of the bank to assist his son. The speculation proved a failure, the bank failed, the son fled and has never been heard of since; the father was arrested and had been in prison, either awaiting trial for want of bail or serving sentence, for a period of eight years. The receivers of the bank strongly urged a pardon, certifying "that they were satisfied that the subsequent transactions with the funds and securities of the bank, in which it was found that the treasurer had

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participated, were supposed by him to be in aid of a scheme which he thought would certainly restore to the bank all that had been taken therefrom. We are convinced that none of the property of the bank was used for the benefit of the treasurer personally, and that his own fortune was lost and that he is now a poor man." The District Attorney said "that had it not been for his son, I believe he never would have proved false to his trust, and that he would have lived and died honored and respected by the community in which he was born." In view of these facts, the feeble health and advanced age (seventy-three years) of the prisoner, the committee recommended his release.

No. 24. FRANK ALLEN. Convicted of an attempt to break jail and of assault on an officer, Superior Court, Berkshire County, Jan. 26, 1883. Sentenced to five years in the House of Correction. Pardoned July 8, 1887, upon the recommendation of the prison physician and prominent physicians of Pittsfield, who certified that the petitioner was suffering from chronic rheumatism of the heart, and was liable to die at any moment.

No. 25. PERLEY H. BLOOD. Convicted of burning a building, Superior Court, Middlesex County, July 2, 1885. Sentenced to House of Correction for two years and a half. Pardoned July 14, 1887. Pardon was recommended by the foreman and all the jurymen that convicted Blood, by the complainant, the county commissioners of Middlesex County, the master, physician and officers of the House of Correction, and many of the prominent citizens of Shirley where the crime was committed. The prisoner was convicted entirely upon circumstantial evidence, and there were grave doubts in the minds of the petitioners as to his guilt. The District Attorney certified that "Blood has always protested his innocence with the greatest apparent sincerity, and, while I believe him to be guilty, there is the possibility of a doubt about it, so that I should not be sorry to see him released." No one opposed his pardon.

No. 26. LOUIS G. HOLLIS. Convicted of perjury, Superior Court, Essex County, Feb. 5, 1886. Sentenced to State Prison for three years. Pardoned July 21, 1887.

It appeared that Hollis came of a very respectable family, and his conviction was a severe blow to his parents; that the prisoner, who was a special police officer, had not lived with his wife for some time prior to the alleged crime, as he believed her unfaithful to him, and, according to the statement of the officers who appeared before the committee, and the written statement of the District Attorney on file, he had good reason for such belief. The clerk of courts for Essex County, who heard the evidence, stated in writing that it did not fully satisfy him of the prisoner's guilt. It further appeared that a severe illness, together with his domestic troubles, had so affected his mind and warped his judgment, that, in the opinion of the committee, he was not fully responsible at the time of his alleged offence. The pardon was recommended by eight of the jury who tried him, by the district police officer who prosecuted him, and by many reputable citizens of Lynn who knew the prisoner and his family. Pardons.

No. 27. PHILIP RYAN. Convicted of breaking and entering, four indictments, Superior Court, Middlesex County, June 13, 1879. Sentenced to State Prison for twelve years. Pardoned July 27, 1887. The value of all the property taken was less than ninety dollars. Ryan was but nineteen years old at the time he committed the crime, and had no counsel at the trial. He had served more than eight years of his sentence. Permanent employment was promised him if released. The trial justice who committed him, and many of the first citizens of Waltham, petitioned for his pardon on the ground that the sentence of twelve years was unusually disproportionate to the crime committed, and that if he had had counsel his sentence would have been much less severe.

No. 28. JOHN T. BRENNAN. Convicted of larceny, Superior Court, Suffolk County, September Term, 1885. Sentenced to House of Correction for three years. Pardoned July 28, 1887. The pardon was petitioned for by Oliver Ditson & Co., John C. Haynes & Co., C. D. Cobb & Bros., Hosmer, Codding & Co., and others, who certified that Brennan, for a long time prior to the commission of the crime for which he was sentenced, was a sober, industrious, hard-working, honest man, able to provide for and providing for the support of his wife and children;

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but, falling into bad company, he contracted bad habits from which this offence resulted. The prison physician certified that he "had been under treatment in the hospital for nervous prostration, and if he continues getting worse, as he probably will, he will be in no condition to support his family when he is released, about ten months from now." Considering all these circumstances, a pardon was granted.

No. 29. MRS. ANNIE C. ARNOLD. Convicted of larceny, Superior Court, Essex County, May 26, 1887. Sentenced to the Reformatory Prison for one year. Pardoned Aug. 3, 1887. The pardon was urged by the mayor and many prominent citizens of Rockland, Me., where Mrs. Arnold formerly resided, and who bore testimony to her excellence of character and reputation in Rockland. The District Attorney who tried her recommended a pardon, saying: "I have not been able to ascertain that there has ever been a suspicion against her character and standing in the community. I do not believe that she belonged to the criminal class or that she would ever commit any crime against the Commonwealth." The party from whom the goods were taken also urged a pardon. The officers making the arrest appeared and testified that in their opinion the crime was entirely unpremeditated by the prisoner, who restored to them the articles received by her from others. A pardon was granted in view of these facts, and with the belief that the applicant had been taught a lesson which she would never forget.

No. 30. THOMAS SWIFT. Convicted of assault and battery, Third District Court, Bristol County, New Bedford, July 26, 1887. Sentenced to House of Correction for three months. Pardoned Aug. 18, 1887, upon the petition of the judge who sentenced him, who stated that he "sentenced Swift without knowing the situation of his family, and so far as *he* is concerned the penalty was no more than he deserved. But there are five children, the oldest only eight years of age and the youngest seven months, and all are entirely dependent upon charity while the husband and father remains in confinement. Under the circumstances, therefore, I am inclined to recommend a pardon."

No. 31. PATRICK FLAHERTY. Convicted of larceny, Superior Court, Suffolk County, November Term, 1885. Sentenced to House of Correction for two years. Pardoned Aug. 12, 1887, upon the certificate of the prison physician that the prisoner was dangerously ill with diabetes, and could live but a short time. He died about one week after his release.

No. 32. NATHANIEL JONES. Convicted of larceny, breaking and entering, and escape from prison. Originally sentenced to State Prison Feb. 23, 1886, for ten years. Re-committed Aug. 26, 1886. Pardoned Sept. 14, 1887, upon the certificate of the prison physician that he was suffering from heart disease of a dangerous character, and would probably live but a few days. He died in a New York hospital Sept. 21.

No. 33. MARY DELANEY. Convicted of assault and battery, Third District Court, Bristol County, at New Bedford, Aug. 25, 1887. Sentenced to pay a fine of \$5 and costs. Pardoned Sept. 14, 1887. The prisoner was committed for non-payment of fine and costs amounting to \$10.83, and had about thirty days to serve. She was about to give birth to a child, and to the end that the child might not be born in prison, and that she might receive better care than could there be given her, the District Attorney and master of the House of Correction recommended that a pardon be granted.

No. 34. JOHANNA HURLEY. Convicted of adultery, Superior Court, Worcester County, Jan. 26, 1887. Sentenced to House of Correction for one year. Pardoned Sept. 28, 1887, for the following reasons: First—That the husband of the petitioner had condoned the offence, and was extremely solicitous that his wife should return to his home. Second—That this, taken in connection with the fact that the punishment was disproportionate to the offence, seemed to make a clear case for executive clemency.

No. 35. JOHN ARTHUR. Convicted of larceny, Superior Court, Hampden County, Jan. 5, 1883. Sentenced to State Prison for seven years. Pardoned Oct. 15, 1887. Prominent citizens of Springfield appeared in his behalf.

## Pardons.

It appeared the sentence was passed at a time when much excitement existed in the community in regard to acts of violence committed by the hoodlum element, and that he received what seemed to be an excessive sentence. It appeared that the young man had changed in character during his incarceration, and that if released he would lead a very different life. A letter was received from the District Attorney sustaining these views of the case and recommending a conditional pardon.

No. 36. THOMAS J. BOWER. Convicted of rape, Superior Court, Middlesex County, April 1, 1878. Sentenced to State Prison for twelve years. Pardoned Oct. 26, 1887, on account of serious illness — Bright's disease — and the probable danger of his return to his home in Indiana during the cold weather of December, when his time would expire.

No. 37. JOSEPH W. THOMPSON. Convicted of rape, Superior Court, Franklin County, Aug. 26, 1876. Sentenced to State Prison for fifteen years. Pardoned Nov. 17, 1887. The prisoner had suffered over eleven years imprisonment, had less than a year remaining to serve, and had an opportunity to obtain steady employment. The pardon was recommended by a large number of prominent citizens of Conway, in which town the prisoner had always lived, and where the offence was committed.

No. 38. MERRICK A. BURBANK. Convicted of adultery, Superior Court, Berkshire County, July 28, 1887. Sentenced to nine months in House of Correction. Pardoned Nov. 21, 1887, upon the recommendation of the selectmen and many prominent citizens of Pittsfield, and by the ex-District Attorney who tried the case, and who personally appeared and urged a pardon for the following reasons: "The prisoner was the son of one of Pittsfield's most worthy inhabitants and now lying upon a sick bed and very much affected on account of the imprisonment of his favorite boy, whose present condition was caused by excessive use of intoxicating liquor; in every other respect he is a good citizen. Considering that his wife is willing to forgive him and live with him as before, and considering all the circumstances, — including the condition



of his father, — if a conditional pardon should be granted him I think it would be as effectual as to keep him in prison till his term expired.” Pardons.

No. 39. PATRICK DALEY. Convicted of breaking and entering, Superior Court, Essex County, Feb. 6, 1871. Sentenced to State Prison for life. Pardoned Nov. 24, 1887, as an act of executive clemency for Thanksgiving day. The General Statutes under which he was arrested provided as the only penalty for his offence a sentence for life. Within a single month of his sentence, the Legislature modified the statute by allowing the sentence to be for any term of years. It is not probable that the same offence under similar circumstances would be punished in the discretion of the court by a longer term than ten years. Daley had served nearly seventeen years, and during the whole of this period his conduct had been of the most exemplary and irreproachable character, so exceptionally so as to elicit frequent comment and praise from the officers and others connected with the prison. Daley served faithfully in the army of the Union, and was noted for his bravery and endurance. He seemed to have earned his release by long-continued good conduct. His pardon on this ground will, it is believed, have an excellent effect on the discipline of the prison. The public interests cannot suffer by mitigating the severity of what at the present time would be deemed an excessive sentence, and the prisoner restored to his wife and family may have one more chance to take a position as a good citizen and a useful member of the community.

No. 40. LOUIS PEABODY. Convicted of robbery, Superior Court, Hampden County, December Term, 1879. Sentenced to State Prison for life. Pardoned Nov. 24, 1887, as an act of executive clemency for Thanksgiving day, for the following reasons: Peabody was engaged with two older brothers, Frank and Eddie Peabody, in an assault and robbery of one George L. Brewster in 1874, when Louis was but fourteen years old. Frank, the eldest, was of ill-regulated mind and of an impulsive, violent character, and completely dominated his younger brothers. He has been three times committed to insane asylums and is now in the insane hospital at Worcester. Eddie, the next younger, died in the State Prison. The

Pardons.

brothers were arrested in Connecticut for a similar offence committed a few days previous, and sentenced to four years in the State Prison at Weathersfield. After serving out this sentence they were arraigned in Springfield for the robbery of Brewster. Following the lead of his brothers, and without counsel, Louis pleaded guilty. In his petition he says that Brewster appeared against them at the examination, "and said he thought I had nothing to do with the robbery, but that I was standing a little distance away when he was robbed." Louis states very positively in his petition that he was not engaged in the crime. Brewster has recently written a letter to the chaplain of the State Prison to the effect that Louis was not concerned in the attack on him, and he thinks it was owing to the protestations of Louis in his favor that he suffered no more serious injury. The extreme youth of Louis at the time of the alleged offence, and the long imprisonment (nearly twelve years) he has suffered, seemed to make a case of imperative necessity for the exercise of mercy, while the grave doubts cast upon the guilt of the accused seemed to create a claim of nearly equal strength in the name of justice.

No. 41. ALONZO FREEMAN. Convicted of rape, Superior Court, Worcester County, May 23, 1879. Sentenced to State Prison for twenty years. Pardoned Dec. 1, 1887. A pardon was granted for the reason that evidence was given to the committee which it appeared had not been presented to the jury, and which cast a doubt upon the guilt of the prisoner of the crime for which he was convicted; he had served ten and one-half years, his prison record had been good, and all things indicated that his release would be better for himself and the community.

No. 42. HOBART W. CUMMINGS. Convicted of adultery, Superior Court, Essex County, May 13, 1887. Sentenced to eighteen months in House of Correction. Pardoned Dec. 7, 1887. It appeared that the husband of the woman with whom the adultery was committed connived at and encouraged the adultery, and that the young man up to the time when he first met the woman had borne an irreproachable character, and had been the support and stay of the father and mother. Rev. Mr. Stewart and Rev.

Mr. Thurston of Lynn testified to the character and standing of the family, and to the previous good character of the young man, whose prison record was good, and who seemed to have thoroughly repented of his crime. He had no counsel at the trial, and in view of the fact that the woman was sentenced to one year in the Reformatory, his sentence, under all the circumstances, seemed to be excessive, and the ends of justice satisfied and his reformation secured. Pardons.

No. 43. FREDERICK BROWN. Convicted of assault, Municipal Court, Dorchester District, Boston, Aug. 25, 1887. Sentenced to one year in the House of Correction. Pardoned Dec. 14, 1887, for the reason that the applicant, an orphan boy, had never before been guilty of any offence; that he had the confidence of the community; that he was not represented by counsel or friends at the trial, his uncle arriving just after the boy had been sentenced and removed to the House of Correction, and too late to save him; that no actual assault was made upon anybody; and, what weighed most strongly with the committee, that the judge who sentenced him recommended his pardon upon a further and full consideration of the case.

No. 44. LOUISA H. BUTTERMAN. Convicted of being a stubborn child. Municipal Court, So. Boston, Dec. 24, 1886. Sentenced to the Reformatory Prison for two years. Pardoned Dec. 22, 1887. The prisoner at the trial pleaded guilty. The complaint was made by her parents. No charges were made against her of either lewdness or dishonesty. It appeared from the testimony of the probation officer, who was requested to appear before the committee on pardons, by the judge who heard the case, that the sentence imposed (the extreme sentence provided by the statute) was passed under a misapprehension of the terms upon which the prisoner could be released from the Reformatory; at the time of the commitment it being supposed that, if deserving, she could be discharged within six months on probation. She had served nearly one year, had been with one exception well behaved, and, furthermore, the place of her imprisonment seemed unsuitable to the character of the girl.

Pardons.

No. 45. ALFRED C. SMITH. Convicted of assault and battery, Superior Court, Norfolk County, Sept. 14, 1886. Sentenced to House of Correction for two years. Pardoned Jan. 2, 1888, for the reason that, in the language of the selectmen of Canton and the district attorney who tried the case, — Hon. E. C. Bumpus, — “the ends of justice have already been attained.” It appeared that there was no trial, and the prisoner was not represented by counsel, and pleaded guilty.

No. 46. JOHN LOFTUS. Convicted of highway robbery, Superior Court, Berkshire County, Jan. 27, 1886. Sentenced to State Prison for five years. Pardoned Jan. 4, 1888, upon a petition of a large number of the citizens of Great Barrington, where the crime was committed, upon the ground of the probable innocence of the prisoner. The evidence against him at the trial was purely circumstantial, no witnesses testifying to having seen the act committed. Subsequently, a witness who had testified that he did not know who committed the robbery, voluntarily went before a magistrate and made an affidavit that he had sworn falsely, and that the offence was committed by another party in his presence: that he shared in the proceeds of the robbery, and that Loftus had nothing to do with it. He afterwards repeated this testimony in substance before the grand jury. Another person testified before the pardon committee to having seen this witness with the other party named in the affidavit in company with the person robbed just before the time at which the robbery was committed, and that Loftus was not with them. This affidavit is on file with the papers in the case, together with a statement of the victim of the robbery, who at the trial was unable to identify his assailants, that he “is now entirely satisfied that other parties, and not Loftus, committed the crime.”

[To the Senate and House of Representatives, Jan. 11.]

Damage by fire  
at the State  
Normal School  
at Framingham.

On the night of the 24th of December, 1887, one of the dormitories of the State Normal School, situated at Framingham, was seriously damaged by fire. In order to prevent further loss to the Commonwealth, which would be caused by leaving the remainder of the structure exposed to the storms of winter, I have directed the State Board of Education, which has charge of the school, to proceed to secure the protection of the damaged property.

I call the attention of the Legislature to these facts, that it may, without further delay than is absolutely necessary, make provision for the payment of the liabilities incurred in order to secure the necessary protection from further injury and waste, and also for the reconstruction of the building.

[To the Senate and House of Representatives, Feb. 21.]

My attention has been called by the State Board of Lunacy and Charity to a practice that threatens, if it is permitted to be continued, not only to be very expensive to the Commonwealth, but a source of serious harm to the morals of the community. It is that of sending criminals to this country from Great Britain. There seems to be abundant evidence that prisoners are released from the penal and reformatory institutions of that country on the condition that they go at once to the United States or to Canada, and it is believed that many of those of this class who go to Canada soon cross the line to this land.

Criminals sent  
to this country  
from Great  
Britain.

It is almost inevitable that these people drift into our penal, reformatory and charitable institutions, and statistics show that from 50 to 60 per cent. of the inmates of our charitable institutions are of foreign birth. To permit the immigration of those who have been convicted of crime, and who are sent hither to relieve the community in which they have lived of their presence and influence, is bad policy, in whatever way the question may be considered. I am aware that the Commonwealth is powerless to put a stop to such immigration, Congress alone having the ability to do so. But the Commonwealth can and should protest against being made the refuge of criminals, no matter whence they come, and it can protest effectually in only one way; that is, by memorializing Congress for such a modification of existing laws that immigrants who have been convicted of crime may be forbidden access to this country. I advise that you memorialize Congress for such action on its part.

For your information and use I send you herewith the documents which have been transmitted to me by State Board of Lunacy and Charity.

[To the Senate, May 29.]

The bill entitled "An Act appropriating \$10,000 annually for the Massachusetts State Firemen's Association," which originated in your honorable body, having been laid before

Appropriation  
for the Mass.  
State Firemen's  
Association.

me for my revisal, I return it to you with my objections to its becoming a portion of the statutes of the Commonwealth. It is essentially a measure of class legislation, and is, therefore, contrary to the spirit of our Constitution and laws. It proposes to do for a certain body of men, whose worth is beyond question, what should be done for them by the cities and towns for the benefit of which they take the risks incidental to their special calling.

There seems to be no necessity that anything should be given by the State to the association at the present time. If such necessity were evident, the gift should be in the usual form, not in that of an annuity. Upon the statute book is legislation that is not entirely dissimilar, but if this measure becomes law it establishes a dangerous precedent, in that it will make an association a trustee, which is to expend the money of the Commonwealth in accordance with the discretion of its board of management. These reasons, together with the facts that the State tax is very large, and that there seems to be a tendency to add yearly to the burdens which the people are called upon to bear, lead me to request you to revise your action upon this matter.

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CHANGE OF NAMES.

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## CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Public Statutes, Chap. 118, Sect. 14, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts in their respective Counties:—

### SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1887.</b>			
Jan.	3, Charles Reisner,* . . . .	Harry Carlton Isaac, . . .	Boston.
	3, Maud Turner,* . . . .	Alice Maria Drake, . . .	Boston.
	3, George A. Dexter,* . . . .	George Dexter Hammond, . .	Boston.
	3, George Peter Dupris,* . . . .	George Peter White, . . .	Boston.
	17, Fannie May Newell,* . . . .	Fannie May Noble, . . .	Boston.
	17, Carrie McDavitt,* . . . .	Carrie Nadine Foster, . . .	Boston.
	17, Roger Crandall,* . . . .	Howard Lancaster Hayford, . .	Boston.
	24, Harry Pearl Townes,* . . . .	Chilson Francis Doane, Jr., . .	Boston.
	24, Catherine Bates,* . . . .	Catherine Bates Carlton, . .	Boston.
	Feb.	7, Guy Bunker Price,* . . . .	Guy Bunker, . . . .
14, Neil Kearney,* . . . .		Joseph William Lang, . . .	Boston.
14, Vanessa Madden,* . . . .		Gertrude Vanessa Coffin, . . .	Boston.
14, Pascal Lynch,* . . . .		William Roy Green, . . .	Boston.
14, Stella Lancy,* . . . .		Stella Elizabeth Bowen, . . .	Boston.
21, Catherine Gerry, <i>alias</i> Donahoe, <i>alias</i> Dodge,* . . . .		Katherina Elizabeth Dodge, . .	Boston.
Mar.	7, Frederick William Stroinski, . .	Frederick William Stroinski Pepper, . . . .	Boston. Boston.
	7, Edna Braman,* . . . .	Edna May Crosby, . . .	Boston.
	14, Richard Ford Scott,* . . . .	George Twombly Hughes, . . .	Boston.
	14, Joseph McLeod,* . . . .	Albert Carlton Perry, . . .	Boston.
	14, Elizabeth Genevieve Johnson,* . .	Elizabeth Genevieve Wad- leigh, . . . .	Boston.
	14, Fred Woodill,* . . . .	Frederick Carrier, . . .	Boston.
	14, Annie Murphy,* . . . .	Bessa May Jones, . . .	Boston.
	14, Mary Reed,* . . . .	Mary Ann Clark, . . .	Bellingham.
	21, William Bourne Peabody, . . . .	William Oliver Bourne Pea- body, . . . .	Boston.
	21, Elizabeth Ann Hickey, . . . .	Elizabeth Ann Hunkley, . . .	Boston.
April	21, Lottie Louisa Doyle, <sup>2</sup> . . . .	Lottie Alberta Trecartin, . . .	Boston.
	4, John Edward Hanson, . . . .	John Edward Eldridge, . . .	Boston.
	4, Frederick William Oakes, . . . .	Frederick William Holbrook, . .	Boston.
	4, Olive Maria Hanson, . . . .	Olive Maria Eldridge, . . .	Boston.
	4, Lucy Holbrook Oakes, . . . .	Lucy Holbrook, . . . .	Boston.
	18, Louisa Stein,* . . . .	Lauria Louisa Kimball, . . .	Boston.
	18, Grace Flaglor,* . . . .	Mabel Edith Anderson, . . .	Boston.
	18, Elsie Jeanette McLean,* . . . .	Ethel May Swift, . . . .	Boston.
	25, Alfred Edwards,* . . . .	Alfred Crawford Trenear, . . .	Boston.

\* Changed by reason of adoption.

## SUFFOLK COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1887.</b>			
May 2,	Lucretia Almira Taylor Hanson,*	Eleanor Gladys Sawyer,	Boston.
2,	Julia A. Wells Swift,*	Demareise Swift,	Boston.
2,	Henrietta Stevens,*	Mabel Hibbard,	Boston.
2,	Mary Sullivan,*	Angusta Garifelia Morrison,	Boston.
9,	Susan McManus,*	Lulu Marion Godfrey,	Boston.
16,	Nellie Frances King,*	Nellie Frances Gloyd,	Chelsea.
23,	Ammie Eliza Murphy,	Ammie Eliza Douglass,	Boston.
23,	Margaret Chase,*	Caroline Eunice Goodwin,	Boston.
23,	John A.— Underwood,*	John Underwood Fowler,	Boston.
June 6,	Ross Millmore,*	Arthur Ross Nnte,	Boston.
6,	Edith Milton,*	Edith Rachel Ellis,	Boston.
13,	Samuel Weiss,	Samuel White,	Boston.
13,	Nellie Devlin,	Nellie Peabody,	Chelsea.
20,	John Aloysius Sullivan,	John Aloysius Gilmore,	Boston.
20,	Harriet Kimball,*	Harriet Kimball de la Vergne,	Boston.
27,	Kate Sullivan,*	Edith Louise Bonner,	Tewksbury.
27,	Mary Elizabeth Gorman,	Mary Elizabeth Fleming,	Boston.
July 5,	Freddie Stewart Colburn,*	Thomas Irving Young,	Boston.
5,	Carrie Ella Ladora Fickett,*	Clara Ella Ladora Litefield,	Boston.
18,	Maria Gratiata Clontier,*	Maria Gratiata Morin,	Quebec, P. Q.
Aug. 15,	Jesse Jennison,*	George Burnside Maynard,	Boston.
15,	Amie Louise Barcklett,*	Isabel Clara Roel,	Boston.
15,	Amie Frances McFarland,*	Amie Frances Bird,	Boston.
15,	Grace Nourse,*	Grace McCarthy,	Boston.
Sept. 6,	Charles Temple Ward,	Prescott Temple Ward,	Boston.
12,	Alfred Bryant,*	Frederick Chamberlain Richards,	Boston.
Oct. 3,	George Herman Coleman,*	George Herman Bath,	Boston.
3,	Jennie Elizabeth Watkins,*	Jennie Elizabeth Morrill,	Boston.
3,	Elizabeth Wahlers,*	Elizabeth Goodsell,	Utica, N. Y.
10,	Martha Trask,*	Martha Ryan,	Boston.
17,	George Carlton James Cheney,*	George Carlton Cheney James,	Boston.
17,	— Cook,*	Henry Arthur Buttrick,	Chelsea.
24,	John Thomas Keliher,	John Thomas Kaler,	Boston.
24,	Alice Louise Wetherbee,*	Alice Louise Meserve,	Boston.
31,	William Henry Loomis,*	Walter Willie Morse,	Boston.
31,	Marian Bruce,*	Mabel Viola Cook,	Boston.
31,	Daisy Aldridge Farling,*	Lillian Beatrice Messer,	Boston.
Nov. 7,	Mabel Lind,*	Lottie Olena Taylor,	Taunton.
7,	Prudence May Harris,*	Ettie Cushing Matteson,	Boston.
7,	Mary Ann Agnes Martin,	Marion Agnes Martin,	Boston.
14,	Mary Coffee,*	Mary Frances Morgan,	Wyoming.
14,	Harry Clifford Brown,*	Harry Clifford Luff,	Webster.
14,	Luella Hunt,*	Agnes Swain,	Weymouth.
28,	Nathaniel Thayer,	Nathaniel Francis Thayer,	Boston.
Dec. 12,	Solomon Russell Braley,	Russell Stanton Braley,	Boston.
12,	Mamie Canby,*	Dora Gabel Jewell,	Boston.
19,	Lottie True Austin,*	Lottie Alice Hall,	Boston.
19,	John Frances Munroe,*	William Francis Merrill,	Boston.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

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## ESSEX COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1887.</b>			
Jan. 3,	Emma T. McCarty,*	Maud Gardner Favor,	Lynn.
10,	Amie B. Carpenter,*	Annie Belle Dunean,	Haverhill.
10,	Zita Welch,*	Eva Isabelle Curtis,	Boston.
Feb. 7,	Helen Grey Questrom,	Helen Gray Hartshorn,	Lynn.
Mar. 7,	Mabel R. Sawyer,*	Mabel Runnels Porter,	Newburyport.
14,	Lucille Pervier,*	Lucille Pervier English,	Salem.
April 4,	George H. Matthews,*	George Henry Robinson,	Boston.
11,	Grace B. Johnson,*	Grace Belle Lurvey,	Haverhill.
18,	Harriet B. Poole,*	Harriet Belle Wheeler,	Gloucester.
26,	Alexander R. Porter,	Alexander S. Porter,	Beverly.
May 2,	Lizzie S. Hypson,*	Maud Dolphine Gault,	Manchester.
9,	Warren R. Buckbee,*	Howard Edward Winslow,	Egremont.
16,	Blanche E. Tucker,*	Blanche Ethel Roberts,	Merrimac.
June 6,	Margaret E. O'Brien,	Margaret Ellen Bessom,	Swampscott.
July 11,	Joseph N. Mailhot,*	Joseph Napoleon Vallee,	Haverhill.
18,	Harriet E. Fellows,*	Harriet Estella Roche,	Haverhill.
Sept. 6,	Honora Gorman,*	Caroline Gorman Odlin,	Salem.
6,	Helen McCoffin Jones,*	Helen Eliza Poole,	Gloucester.
6,	Walter Smith,*	Lawrence Vinton Bartlett,	Lynn.
26,	Catherine A. Farrell,*	Agnes Stanwood Orcutt,	Lynn.
26,	Clara Murray,*	Clara Upham,	Boston.
Oct. 3,	Emmie Marshall,*	Sarah Louise Preston,	Salem.
10,	Ida Perkins,*	Amie Fletcher Davis,	Haverhill.
17,	Frederick Cook,*	Frederick Cook Batchelder,	Newbury.
Nov. 7,	Grace I. Russell,*	Grace Irene Hadley,	Lynn.
7,	Ray Wells,*	Carrie Lydia Murdock,	Haverhill.
28,	William H. Lewis,	William Endicott Lewis,	Lynn.
Dec. 19,	William Flynn,*	William Albert Goodwin,	Boston.

## MIDDLESEX COUNTY.

Jan. 4,	Abby Barker,*	Abby Lane,	Medford.
4,	Isabelle Allida Howard,*	Isabelle Howard Bent,	Hillsboro', N. H.
11,	Edwin Earl Stackpole,*	Edwin Earl Smith,	Everett.
11,	Cora Maud Mayo,*	Cora Maud Howard,	Melrose.
11,	Michael J. Kelley,*	Michael Joseph Romrke,	Boston.
11,	Maria L. Tweedia,*	Maria Louisa Atkinson,	Nantucket.
Feb. 23,	Amie Small,*	Maud Peterson,	Boston.
23,	Elida J. Kosman,*	Mabel Anna Heyl,	Boston.
Mar. 1,	Eva Bryan,*	Besse Lee Spaulding,	Tewksbury.
1,	George Bryan,*	William Martin Spaulding,	Tewksbury.
8,	Grace Bell Taylor,*	Grace Bell Brown,	Malden.
15,	Edith May Carpenter,*	Edith May Gay,	Concord, N. H.
22,	Abbie Maud Nason,*	Abbie Maud Dennis,	Woburn.
April 5,	Elizabeth Jane McMeeken,*	Aphia Prentiss Eastman,	Melrose.
5,	Frederick Joseph Fowler,	Frederick Joseph Edes,	Newton.
26,	Wallace Bloomfield Flint,	Wallace Bloomfield Burdett,	North Reading.
May 3,	Louis Albert Smith,*	Louis Albert Souther,	Somerville.
3,	Eva May Smith,*	Eva May Souther,	Somerville.
3,	Maud Watermyer,*	Mary Roberts,	Cambridge.
10,	William Newell Osgood,	William Parkman Osgood,	Cambridge.
17,	Lizzie Ellen Morris,*	Lizzie Ellen Sherwood,	Maynard.
24,	Austin Mann,*	Elmer Allen Bursley,	Methuen.
24,	Mira Gillam,*	Mira Eliza Gillam,	Lowell.
24,	Amie Tass,*	Girtrude Malinda Ward,	Cambridge.

\* Changed by reason of adoption.

## MIDDLESEX COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1887.</b>			
June 7,	Henry Austin Lull,* . . . .	Frank Edwin Pidgeon, . . . .	Cambridge.
7,	Mollie Mutzenhauer,* . . . .	Mollie Garfield Hood, . . . .	Dracut.
7,	Harrie Darling Abbott, . . . .	Harrie Smith Abbott, . . . .	Malden.
7,	Charles Ralph Abbott, . . . .	Ralph Kinsman Abbott, . . . .	Malden.
14,	Mary P. Carr,* . . . .	Mary Carr Plummer, . . . .	Everett.
14,	Caroline Augusta Richmond Tuttle, . . . .	Carrie Augusta Houghton, . . . .	Littleton.
July 5,	Otto Henrikson,* . . . .	Otto Henrikson Geers, . . . .	Maynard.
5,	May Louise Carver,* . . . .	Mabel Louise Woodward, . . . .	Melrose.
5,	Julia Thorndike,* . . . .	Julia Thorndike Dennis, . . . .	Rockland, Me.
12,	Florence May Snow,* . . . .	Florence May Paulkner, . . . .	Cambridge.
12,	Lottie Sherwood,* . . . .	Susan May Roberts, . . . .	Littleton.
26,	Jennie Hall Harback,* . . . .	Jennie Hall Nichols, . . . .	Sutton.
Sept. 6,	James Smith,* . . . .	William Frederick Jagerstan, . . . .	Boston.
6,	Rena Simonds,* . . . .	Mabel Alice Garvey, . . . .	Medford.
Oct. 4,	George Butler,* . . . .	George Butler Smith, . . . .	Boston.
4,	— Thompson,* . . . .	William Francis Smith, . . . .	Portland.
11,	Ida Springfield,* . . . .	Grace Florence Polley, . . . .	Waltham.
25,	Georgianna Lafard,* . . . .	Daisy Whitcomb Robbins, . . . .	Littleton.
25,	Julia Brown,* . . . .	Benita Anna Miller, . . . .	Somerville.
25,	Mercy K. Pickering, . . . .	Mercy Knight Sauborn, . . . .	Somerville.
25,	Nancy E. Lee, . . . .	Nancy Elizabeth Brigham, . . . .	Maynard.
Nov. 9,	Abbie Emma Thompson, . . . .	Gertrude Emily Thompson, . . . .	Billerica.
9,	Florence Adelia Pickard, . . . .	Florence Adelia Williams, . . . .	Waltham.
15,	Hannibal Wellington Carty, . . . .	Hannibal Wellington, . . . .	Arlington.
15,	Rubie Gillis,* . . . .	Ethel Armenia Wells, . . . .	Boston.
22,	Alonzo T. Nickerson,* . . . .	Walter Harris, . . . .	Cambridge.
Dec. 6,	Rose E. Shedd,* . . . .	Henriette Morris Pinkham, . . . .	Cambridge.
6,	Katie Hayden,* . . . .	Katie Perry, . . . .	Chebmsford.
6,	Ella Louisa Lord, . . . .	Eleanor Louisa Lord, . . . .	Malden.
6,	John Francis Swett, . . . .	John Francis Robbins, . . . .	Melrose.
13,	Pearl Wingate,* . . . .	Ettynge Pearl Walbridge, . . . .	Medford.

## WORCESTER COUNTY.

Feb. 15,	Frederick Herbert Worcester,* . . . .	Frederick Herbert Rice, . . . .	Worcester.
23,	Ellie Frances Munroe,* . . . .	Ellie Frances Stone, . . . .	Leominster.
Mar. 1,	Ida Fenno,* . . . .	Ida Pelican, . . . .	Worcester.
1,	Fred Fenno,* . . . .	Fred Pelican, . . . .	Worcester.
April 5,	—,* . . . .	Philip Sheridan Perkins, . . . .	Worcester.
5,	Leonora Howard,* . . . .	Jennie Leonora Mason, . . . .	Southbridge.
19,	Rosana Lamoureux,* . . . .	Rosana Pinsonnant, . . . .	Spencer.
19,	Anna E. Casaubon, . . . .	Anna E. C. Purdy, . . . .	Worcester.
26,	James Harney,* . . . .	James Harney Brennan, . . . .	Webster.
May 3,	Elvira Augusta Dean,* . . . .	Elvira Augusta Rich, . . . .	Brookfield.
3,	Alice Maude Bartlett,* . . . .	Alice Estelle Palmer, . . . .	Lancaster.
3,	Jane K. Norross, . . . .	Jane K. Sawyer, . . . .	Gardner.
3,	Kittie Mabel Desilets,* . . . .	Kittie Mabel Chapin, . . . .	Worcester.
17,	Margaret Elizabeth Brown, . . . .	Margaret Elizabeth Graham, . . . .	Northbridge.
July 19,	Josephine Bernard,* . . . .	Josephine Lamoureux, . . . .	Worcester.
Sept. 6,	Philip Sidney Harvey,* . . . .	Philip Sidney Harvey Winslow, . . . .	Agawam.
6,	Mary Arabella Eddy, . . . .	Mary Arabella Austin, . . . .	Worcester.
13,	Kate Thayer,* . . . .	Lillia Josephine Davis, . . . .	Milford.

\* Changed by reason of adoption.

# CHANGE OF NAMES.

## WORCESTER COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Deceased.	Residence.
<b>1887.</b>			
Sept. 20,	Bertha Goldthwaite Adams, .	Esther Louise Goldthwaite Adams, . . . . .	Worcester.
Oct. 4,	Emma Ellen Loughton,* . . . .	Edith Louise Ford, . . . . .	Boston.
4,	Charles Washington Oaks, . . .	Charles Washington Holbrook, . . . . .	Berlin.
Nov. 1,	Roman Kilby,* . . . . .	Frank Wendall Chase, . . . . .	Boston.
15,	Bertha Prynne,* . . . . .	Alice May Taylor, . . . . .	Templeton.
15,	Arthur H. Sanborn,* . . . . .	Ernest Thompson Stone, . . . .	Westborough.
15,	Mabel Malinda Clark,* . . . . .	Mabel Malinda Stone, . . . . .	Cambridgeport.
Dec. 20,	Delor Martin,* . . . . .	Albert McNair, . . . . .	Southbridge.

## HAMPSHIRE COUNTY.

Jan. 4,	Nellie McQuade,* . . . . .	Nellie Voigt, . . . . .	Easthampton.
11,	Fred Douglass Jackson,* . . . .	George Frederick Jennings, . . .	Amherst.
Mar. 1,	Wilbur Hamilton,* . . . . .	Wilfred Harold Bosworth, . . . .	Southampton.
Sept. 6,	Lillian E. Shepard,* . . . . .	Lillian E. Dunklee, . . . . .	South Hadley.

## HAMPDEN COUNTY.

Jan. 5,	Florence Chessman,* . . . . .	Florence Hughes, . . . . .	Cambridge.
11,	Emma Cooper,* . . . . .	Emma Cooper Holcomb, . . . . .	Boston.
Feb. 2,	Frank Elmer Holt,* . . . . .	Frank Elmer Anderson, . . . . .	Providence, R. I.
7,	Watson Gibbons,* . . . . .	Ellis Watson Cowdry, . . . . .	Granville.
May 4,	Fannie Burbank Rice,* . . . . .	Fannie Burbank Bliss, . . . . .	Granville.
July 6,	Infant unnamed,* . . . . .	Winifred Emmons Smith, . . . . .	Springfield.
6,	Harriet Flanagan,* . . . . .	Harriet McDonald, . . . . .	Ludlow.
6,	Dora Lucinda Rhodes,* . . . . .	Dora Lucinda Green, . . . . .	Wales.
27,	Helen May Thompson,* . . . . .	Helen May Thayer, . . . . .	Springfield.
27,	Francis Holyoke,* . . . . .	Francis Alvin Chapin, . . . . .	Holyoke.
Sept. 7,	Florence Opal Mulvey,* . . . . .	Edith Opal Childs, . . . . .	Worcester.
7,	Angenett Petersen,* . . . . .	Sarah Annie Lewis, . . . . .	Denmark.
7,	Leon Alva Tibbetts,* . . . . .	Leon Alva Aldrich, . . . . .	Springfield.
7,	Moses Kovensky, . . . . .	Moses Rivers, . . . . .	Springfield.
Oct. 5,	Walter Alonzo West,* . . . . .	Walter Alonzo West Miner, . . . .	Hampden.
19,	William Hoffman,* . . . . .	William Thiele, . . . . .	Easthampton.
Nov. 2,	James Edward Baker,* . . . . .	Edward James McIntire, . . . . .	Springfield.
Dec. 14,	Louise Fowler,* . . . . .	Louise Fowler Hitchcock, . . . . .	Westfield.

## FRANKLIN COUNTY.

Mar. 8,	James Van Dusen, . . . . .	Frederic James Harris, . . . . .	Greentfield.
April 5,	Lizzie Louisa Baker, . . . . .	Lizzie Louisa Pennington, . . . . .	Heath.
5,	Pierre Joseph Adclard St. Germaine, . . . . .	Pierre Joseph Adclard St. Germaine, . . . . .	Montagne.
June 21,	Wallace Tibbetts, . . . . .	Harold Arthur Sullivan, . . . . .	Orange.
Aug. 2,	John Day, . . . . .	Chester Herbert Guilford, . . . .	Ashfield.
Oct. 10,	Charles Roscoe Bancroft, . . . .	Charles Roscoe Coady, . . . . .	Rowe.
Dec. 13,	Adolph Ranlet, . . . . .	Harold Eugene Humphrey, . . . .	Orange.

\* Changed by reason of adoption.

## BERKSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1887.</b>			
Jan. 6,	Isabella Mande Winton,* . . .	Mande Winton Cady, . . .	North Adams.
Feb. 1,	Hiram M. Wing, . . . . .	Hiram W. Martin, . . . . .	North Adams.
1,	William A. Van Lone,* . . . . .	William A. West, . . . . .	Stockbridge.
Mar. 1,	Walter Nicholas,* . . . . .	Walter Nicholas Evans, . . . . .	Pittsfield.
1,	Stelia G. Tanner,* . . . . .	Stella Grace Stevens, . . . . .	North Adams.
July 21,	Napoleon Eli Alexander Bernor,* . . . . .	Napoleon Beauregard, . . . . .	Adams.
Oct. 4,	Edward Hickey,* . . . . .	Edward Madell, . . . . .	Pittsfield.
4,	Maud Sarah Yeates,* . . . . .	Maud Sarah Bowen, . . . . .	North Adams.

## NORFOLK COUNTY.

Jan. 19,	Lizzie Mabel Thayer,* . . . . .	Lizzie Mabel Ellis, . . . . .	Boston.
Feb. 16,	Ignatius Jay,* . . . . .	Ignatius Jay Allen, . . . . .	Boston.
16,	Laura Tupper,* . . . . .	Ethel Fuller, . . . . .	Dedham.
Mar. 9,	Eugene Newell Hawks,* . . . . .	Eugene Newell Gardner, . . . . .	Clinton.
April 6,	Urna Carlton,* . . . . .	Urner Carlton Alden, . . . . .	Richmond, Va.
20,	Celia Tower Ringham,* . . . . .	Celia Tower Porter, . . . . .	Boston.
20,	John Lowe,* . . . . .	Fred Everett Bisbee, . . . . .	Unknown.
Sept. 21,	William Everett Wortman, . . . . .	William Everett Morton, . . . . .	Walpole.
Oct. 5,	Wallace Burns Taynton,* . . . . .	Wallace Taynton Morley, . . . . .	Elmira, N. Y.
Nov. 16,	Agnes Hawkins,* . . . . .	Emice Etta Haggett, . . . . .	Boston.

## PLYMOUTH COUNTY.

Mar. 14,	Cortezze Elgin Hurd,* . . . . .	Cortezze Elgin Lombard, . . . . .	Brockton.
May 23,	Howard Loud Helffenstein,* . . . . .	Paul Owen Wade, . . . . .	Hull.
June 13,	Ella Maud Thomas,* . . . . .	Ella Maud Johnson, . . . . .	Whitman.
13,	Ellen Maria Callahan,* . . . . .	Ellen Maria Giles, . . . . .	Whitman.
July 11,	Idella Cushing Pratt,* . . . . .	Idella Cushing Arnold, . . . . .	Hanson.
Sept. 26,	Ethel May Leach,* . . . . .	Ethel May Ellis, . . . . .	Bridgewater.
26,	Florence Trafton Leach,* . . . . .	Florence Trafton Woodman, . . . . .	Bridgewater.
Oct. 10,	Margaret Hurley,* . . . . .	Theodora Clare White, . . . . .	Middleborough.
Nov. 14,	James W. Niles,* . . . . .	Warren Alford Allen, . . . . .	Brockton.
14,	George Caton, Jr.,* . . . . .	George Edward Orcutt, . . . . .	Hanson.
28,	Louisa West,* . . . . .	Lula Irene Fletcher, . . . . .	Brockton.
Dec. 12,	Mary McLauthlin,* . . . . .	Edith Mae Robinson, . . . . .	Brockton.
27,	Lilian J. Reed,* . . . . .	Lilian Turk, . . . . .	Pembroke.

## BRISTOL COUNTY.

Jan. 7,	Peter Doane,* . . . . .	Alexander Kerr, . . . . .	Fall River.
7,	— Kelley,* . . . . .	Benjamin O. Nickerson, . . . . .	Fall River.
Feb. 4,	Margaret C. Barlow,* . . . . .	Margaret C. Donnelley, . . . . .	Fall River.
4,	Robert Pollard,* . . . . .	Robert Buckley, . . . . .	Fall River.
18,	Lillian Kelley,* . . . . .	Lillian Darcy, . . . . .	Fall River.
Mar. 4,	Henry E. Booth, Jr., . . . . .	George H. Grier, . . . . .	New Bedford.
April 1,	Agnes Adelaide Hampson,* . . . . .	Agnes Adelaide Fay, . . . . .	Fall River.
1,	Nellie M. Towle,* . . . . .	Nellie M. Fuller, . . . . .	New Bedford.
1,	Johanna Jarvis,* . . . . .	Johanna McCormick, . . . . .	Fall River.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

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## BRISTOL COUNTY — CONCLUDED.

Date of Decree.	Original Name.	Name Deceed.	Residence.
<b>1887.</b>			
June 3,	Amy L. Wilson,* . . . .	Amy L. Morse, . . . .	Taunton.
July 1,	Blanche White,* . . . .	Millicent White, . . . .	Gardner.
Aug. 5,	Minnie A. Gould,* . . . .	Minnie Alice Lincoln, . . . .	Taunton.
5,	Mary Alice McCarthy,* . . . .	Mary Alice Devine, . . . .	New Bedford.
5,	Florence W. Webber,* . . . .	Florence W. Perkins, . . . .	Taunton.
Sept. 2,	Anna H. Luce,* . . . .	Anna H. Thornton, . . . .	Taunton.
2,	Ida Bell Chisnell,* . . . .	Ida Belle Wilde, . . . .	Fall River.
Oct. 7,	Ida L. Williams,* . . . .	Ida Luella Bradshaw, . . . .	Taunton.
7,	Mabel Vincent,* . . . .	Mabel Vincent Robillard, . . . .	Fall River.
Nov. 18,	Rita P. Noonung,* . . . .	Rita P. Tripp, . . . .	Fall River.
Dec. 2,	Lina Norton,* . . . .	Clara Elizabeth Sweet, . . . .	Norton.

## BARNSTABLE COUNTY.

May 18,	Julia Victory,* . . . .	Lucy Ann Smith, . . . .	Provincetown.
Sept. 13,	Helen May Harlow,* . . . .	Helen May Harlow Jones, . . . .	Barnstable.
Oct. 26,	Albert Godfrey Allingham,* . . . .	Edward Payson Shiverick, . . . .	Falmouth.

## NANTUCKET COUNTY.

Mar. 10,	Lizzie C. Coffin, . . . .	Lizzie Coffin Fitzgerald, . . . .	Nantucket.
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\* Changed by reason of adoption.





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THE  
**CIVIL GOVERNMENT**

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH  
FOR THE POLITICAL YEAR

1888.

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# EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

OLIVER AMES,

GOVERNOR.

GEORGE H. CAMPBELL . . . . . *Private Secretary.*  
EDWARD F. HAMLIN . . . . . *Executive Clerk.*

HIS HONOR

JOHN Q. A. BRACKETT,

LIEUTENANT-GOVERNOR.

COUNCIL—(By Districts).

I.—JONATHAN BOURNE . . . . . New Bedford.  
II.—ELIJAH A. MORSE . . . . . Canton.  
III.—EBENEZER M. McPIERSON . . . . . Boston.  
IV.—MICHAEL M. CUNNIFF . . . . . Boston.  
V.—FRANK D. ALLEN . . . . . Lynn.  
VI.—FRANCIS JEWETT . . . . . Lowell.  
VII.—GEORGE W. JOHNSON . . . . . Brookfield.  
VIII.—LEVI J. GUNN . . . . . Greenfield.

HENRY B. PEIRCE,

SECRETARY OF THE COMMONWEALTH.

HENRY J. COOLIDGE, *1st Clerk.* ISAAC H. EDGETT, *2d Clerk.*  
GEORGE G. SPEAR, *3d Clerk.*

ALANSON W. BEARD,

TREASURER AND RECEIVER-GENERAL.

JOHN Q. ADAMS, *1st Clerk.* GEORGE S. HALL, *2d Clerk.*  
JOSHUA PHIPPEN, *Cashier.*

CHARLES R. LADD,

AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* JAMES POPE, *2d Clerk.*

ANDREW J. WATERMAN,

ATTORNEY GENERAL.

HENRY C. BLISS . . . . . *Assistant Attorney-General.*  
HENRY A. WYMAN . . . . . *Second Assistant Attorney-General.*

# LEGISLATIVE DEPARTMENT.

## GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1886.

## SENATE.

*President*—HALSEY J. BOARDMAN.

District.	Name of Senator.	Residence.
First Suffolk, . . .	D. Frank Kimball, . . .	Chelsea.
Second " . . .	Robert A. Southworth, . . .	Boston.
Third " . . .	Patrick D. Dwyer, . . .	Boston.
Fourth " . . .	John H. Sullivan, . . .	Boston.
Fifth " . . .	Henry H. Sprague, . . .	Boston.
Sixth " . . .	John A. Collins, . . .	Boston.
Seventh " . . .	Edward J. Hathorne, . . .	Boston.
Eighth " . . .	John F. Shea, . . .	Boston.
Ninth " . . .	Halsey J. Boardman, . . .	Boston.
First Essex, . . .	William A. Clark, Jr., . . .	Lynn.
Second " . . .	Samuel Roads, Jr., . . .	Marblehead.
Third " . . .	Benjamin F. Cook, . . .	Gloucester.
Fourth " . . .	James D. Pike, . . .	Merrimac.
Fifth " . . .	David Walker, . . .	Lynn.
Sixth " . . .	William T. McAlpine, . . .	Lawrence.
First Middlesex, . . .	Edward Glines, . . .	Somerville.
Second " . . .	J. Varnum Fletcher, . . .	Belmont.
Third " . . .	Chester W. Kingsley, . . .	Cambridge.

District.	Name of Senator.	Residence.
Fourth Middlesex, . . .	Edward J. Slattery, . . .	Framingham.
Fifth " . . .	Moses P. Palmer, . . .	Groton.
Sixth " . . .	John K. C. Sleeper, . . .	Malden.
Seventh " . . .	Frank W. Howe, . . .	Lowell.
First Worcester, . . .	Edwin T. Marble, . . .	Worcester.
Second " . . .	Silas M. Wheelock, . . .	Uxbridge.
Third " . . .	George P. Ladd, . . .	Spencer.
Fourth " . . .	Harris C. Hartwell, . . .	Fitchburg.
Worcester and Hamp- shire, . . .	Charles A. Gleason, . . .	New Braintree.
First Hampden, . . .	Charles C. Spellman, . . .	Springfield.
Second " . . .	Levi Perkins, . . .	Holyoke.
Franklin, . . .	Charles A. Towne, . . .	Orange.
Berkshire, . . .	John C. Crosby, . . .	Pittsfield.
Berkshire and Hamp- shire, . . .	Charles N. Clark, . . .	Northampton.
First Norfolk, . . .	James T. Stevens, . . .	Braintree.
Second " . . .	Enos H. Tucker, . . .	Needham.
First Plymouth, . . .	Jubal C. Gleason, . . .	Rockland.
Second " . . .	Ziba C. Keith, . . .	Brookton.
First Bristol, . . .	Austin Messinger, . . .	Norton.
Second " . . .	Robert Howard, . . .	Fall River.
Third " . . .	Franklyn Howland, . . .	Acushnet.
Cape, . . .	Isaac N. Keith, . . .	Bourne.

E. HERBERT CLAPP, . . . . . *Clerk.*

EDMUND DOWSE, . . . . . *Chaplain.*

JOHN G. B. ADAMS, . . . . . *Serjeant-at-Arms.*

## HOUSE OF REPRESENTATIVES.

*Speaker* — CHARLES J. NOYES.

## COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Charles T. Witt, . Clarence P. Lovell,	Boston. Boston.
2d,	Boston, Ward 2,	{ Patrick J. Kennedy, Thos. O. McEnaney,	Boston. Boston.
3d,	Boston, Ward 3,	{ John E. Hayes, . John W. O'Neil, .	Boston. Boston.
4th,	Boston, Ward 4,	{ William H. Preble, Joseph H. Gleason,	Boston. Boston.
5th,	Boston, Ward 5,	{ Patrick J. Calnan, . Edward Gagan, .	Boston. Boston.
6th,	Boston, Ward 6,	{ Harvey N. Collison, Edward J. Flynn, .	Boston. Boston.
7th,	Boston, Ward 7,	{ Thomas G. Farren, John Doherty, .	Boston. Boston.
8th,	Boston, Ward 8,	{ Edward J. Donovan, Harrison H. Atwood.	Boston. Boston.
9th,	Boston, Ward 9,	{ Wm. O. Armstrong, Henry Parkman, .	Boston. Boston.
10th,	Boston, Ward 10,	{ Jacob Fottler, . Edward P. Fisk, .	Boston. Boston.
11th,	Boston, Ward 11,	{ William F. Wharton, Andreas Blume, .	Boston. Boston.
12th,	Boston, Ward 12,	{ Dennis J. Quinn, . Philip H. Quinn, .	Boston. Boston.
13th,	Boston, Ward 13,	{ Thomas F. Sullivan, Edward J. Leary, .	Boston. Boston.
14th,	Boston, Ward 14,	{ David J. Hagerty, . Charles J. Noyes, .	Boston. Boston.

HOUSE OF REPRESENTATIVES.

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COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Same of Representative.	Residence.
15th,	Boston, Ward 15,	{ Michael Garity, . Frank F. Woods, .	Boston. Boston.
16th,	Boston, Ward 16,	{ Jeremiah Desmond, James Donovan, .	Boston. Boston.
17th,	Boston, Ward 17,	{ Alpheus Sanford, . John W. O'Mealey,	Boston. Boston.
18th,	Boston, Ward 18,	{ John F. Colby, . Henry Frost, . .	Boston. Boston.
19th,	Boston, Ward 19,	{ Thomas L. Noonan, Wm. H. Monahan, .	Boston. Boston.
20th,	Boston, Ward 20,	{ Michael J. McEtrick, John H. McDonough,	Boston. Boston.
21st,	Boston, Ward 21,	{ Moses E. Ware, . John Backup, . .	Boston. Boston.
22d,	Boston, Ward 25,	. James J. Dunlea, .	Boston.
23d,	Boston, Ward 23,	{ Daniel Gunn, . . Edward W. Brewer,	Boston. Boston.
24th,	Boston, Ward 24,	{ John F. Brown, . William T. Leach, .	Boston. Boston.
25th,	Boston, Ward 25,	. James A. Hathaway,	Boston.
26th,	Chelsea, Wards 1, 2, 3,	{ Arthur B. Champlin, William S. Hixon, .	Chelsea. Chelsea.
27th,	{ Chelsea, Ward 4, . Revere, . . . Winthrop, . . . }	{ Lyman M. Miller, . David Floyd, 2d, .	Chelsea. Winthrop.

COUNTY OF ESSEX.

1st,	{ Salisbury, . . . Amesbury, . . . Merrimac, . . . West Newbury, . }	{ Charles Goss, . . John C. Risteen, .	Amesbury. Amesbury.
2d,	{ Haverhill, Wards 1, } 2, 4, 6, . . . }	{ Alden P. Jaques, . J. Otis Wardwell, .	Haverhill. Haverhill.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Haverhill, Wards 3, } 5, . . . . } { Methuen, . . . . } Bradford, . . . . }	William H. Poore, . Albert L. Dame, .	Bradford. Methuen.
4th,	{ Lawrence, Wards 1, } 2, 3, . . . . }	Michael F. Sullivan, Michael Carney, .	Lawrence. Lawrence.
5th,	{ Lawrence, Wards 4, } 5, 6, . . . . }	Wm. J. Hinchcliffe, Harry M. Eames, .	Lawrence. Lawrence.
6th,	{ Andover, . . . . } North Andover, . }	Albert S. Manning,	Andover.
7th,	{ Groveland, . . . . } Georgetown, . . . } Boxford, . . . . } Topsfield, . . . . }	William A. Butler,	Georgetown.
8th,	{ Newburyport, W'ds } 1, 2, 3, 4, 5, 6, . } Newbury, . . . . }	Edward P. Shaw, . Luther Dame, .	Newburyport. Newbury.
9th,	{ Rowley, . . . . } Ipswich, . . . . } Hamilton, . . . . } Wenham, . . . . }	Caleb J. Norwood, .	Hamilton.
10th,	{ Gloucester, Wards 1, } 3, 4, 5, 6, 7, 8, . } Essex, . . . . } Manchester, . . . . }	George Dennis, . Cyrus Story, . . Wm. Howe Burnham,	Gloucester. Gloucester. Essex.
11th,	{ Gloucester, Ward 2, } Rockport, . . . . }	Henry Friend, .	Gloucester.
12th,	Beverly, . . . .	William D. Sohler,	Beverly.
13th,	Salem, Wards 1, 2,	Francis T. Berry, .	Salem.
14th,	Salem, Wards 3, 5,	Samuel L. Gracey, .	Salem.
15th,	Salem, Wards 4, 6,	Charles H. Symonds,	Salem.
16th,	Marblehead, . . .	Francis Boardman, .	Marblehead.
17th,	{ Swampscott, . . . . } Lynn, Wards 2, 3, . }	James H. Richards, Daniel P. Stimpson,	Lynn. Swampscott.



HOUSE OF REPRESENTATIVES.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	{ Lynn, Ward 4, . . } { Nahant, . . . }	James P. Martin, .	Lynn.
		Elihu B. Hayes, .	Lynn.
19th,	{ Lynn, Wards 1, 5, . } { Lynnfield, . . . }	Joseph L. Towne, .	Lynn.
		Arthur B. Breed, .	Lynn.
20th,	{ Lynn, Wards 6, 7, . } { Saugus, . . . }	John Driscoll, .	Lynn.
		Horace H. Atherton,	Saugus.
21st,	Peabody, . . .	B. Frank Southwick,	Peabody.
22d,	{ Danvers, . . . } { Middleton, . . . }	Ansel P. Tyler, .	Middleton.

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards } { 1, 5, . . . }	John Read, . . .	Cambridge.
		Chester F. Sanger, .	Cambridge.
2d,	{ Cambridge, Ward 2, }	John W. Wilkinson,	Cambridge.
		George Close, .	Cambridge.
3d,	Cambridge, Ward 3,	John W. Coveney, .	Cambridge.
4th,	{ Cambridge, Ward 4, }	Isaac S. Pear, . . .	Cambridge.
		Moses D. Church, .	Cambridge.
5th,	Somerville, Ward 1,	Samuel Cutler, .	Somerville.
6th,	Somerville, Ward 2,	Francis H. Raymond,	Somerville.
7th,	{ Somerville, Wards } { 3, 4, . . . }	Irving L. Russell, .	Somerville.
8th,	Medford, . . .	Theodore P. Dresser,	Medford.
9th,	{ Malden, Wards 1, 2, } { 3, 4, 5, 6, . . . }	William A. Wilde, .	Malden.
		Daniel L. Milliken, .	Malden.
10th,	Everett, . . .	Joseph H. Cannell,	Everett.
11th,	Melrose, . . .	William E. Barrett,	Melrose.
12th,	Stoneham, . . .	James E. Whiteher,	Stoneham.
13th,	Wakefield, . . .	Chas. F. Woodward,	Wakefield.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	{ Woburn, . . . } { Reading, . . . }	Montessor T. Allen, Horace G. Wadlin, .	Woburn. Reading.
15th,	{ Arlington, . . . } { Winchester, . . . }	Samuel W. McCall,	Winchester.
16th,	{ Watertown, . . . } { Belmont, . . . }	Charles Q. Pierce, .	Watertown.
17th,	{ Newton, Wards 1, 2, } { 3, 4, 5, 6, 7, . . . }	Arthur C. Walworth, Winfield S. Slocum,	Newton. Newton.
18th,	{ Waltham, Wards 1, } { 2, 3, 4, 5, 6, 7, . . . } { Weston, . . . }	Erskine Warden, . . Samuel O. Upham, .	Waltham. Waltham.
19th,	{ Lexington, . . . } { Lincoln, . . . } { Concord, . . . } { Bedford, . . . } { Burlington, . . . }	Edwin H. Blake, . .	Bedford.
20th,	{ Chelmsford, . . . } { Billerica, . . . } { Tewksbury, . . . } { Wilmington, . . . } { North Reading, . . . }	George W. Trull, . .	Tewksbury.
21st,	Lowell, Ward 1, . .	Thomas J. Flynn, . .	Lowell.
22d,	Lowell, Ward 2, . .	Francis W. Qua, . .	Lowell.
23d,	Lowell, Ward 3, . .	Peter J. Brady, . .	Lowell.
24th,	{ Lowell, Wards 4, 5, } { Draent, . . . } { Tyngsborough, . . . }	Charles E. Adams, . . George F. Morey, . . Solomon K. Dexter,	Lowell. Lowell. Lowell.
25th,	Lowell, Ward 6, . .	Albert G. Thompson,	Lowell.
26th,	Natick, . . . .	David H. Clark, . .	Natick.
27th,	{ Hopkinton, . . . } { Ashland, . . . }	Dennis J. O'Brien, .	Hopkinton.
28th,	{ Holliston, . . . } { Sherborn, . . . } { Framingham, . . . } { Wayland, . . . }	William H. Hastings, Charles E. Spring, .	Framingham. Holliston.

HOUSE OF REPRESENTATIVES.

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COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
29th,	{ Marlborough, . . . } { Hudson, . . . } { Sudbury, . . . }	Arthur A. Brigham, Thomas F. O'Neill.	Marlborough, Sudbury.
30th,	{ Maynard, . . . } { Stow, . . . } { Boxborough, . . . } { Littleton, . . . } { Acton, . . . } { Carlisle, . . . }	Alvin D. Russell, . .	Maynard.
31st,	{ Westford, . . . } { Groton, . . . } { Pepperell, . . . } { Dunstable, . . . }	Arthur Wright, . .	Westford.
32d.	{ Ayer, . . . } { Shirley, . . . } { Townsend, . . . } { Ashby, . . . }	Benjn H. Hartwell,	Ayer.

COUNTY OF WORCESTER.

1st,	{ Athol, . . . } { Royalston, . . . } { Phillipston, . . . }	Sidney P. Smith,* . .	Athol.
2d,	{ Gardner, . . . } { Winchendon, . . . } { Templeton, . . . } { Ashburnham, . . . }	Charles W. Conant, Nath'l R. Perkins, . .	Gardner, Winchendon.
3d,	{ Barre, . . . } { Dana, . . . } { Petersham, . . . } { Hardwick, . . . } { Rutland, . . . }	Albert L. Wiley, . .	Hardwick.
4th,	{ Westminster, . . . } { Hubbardston, . . . } { Princeton, . . . } { Holden, . . . } { Paxton, . . . }	S. Dwight Simonds,	Westminster.
5th,	{ Brookfield, . . . } { North Brookfield, . . . } { West Brookfield, . . . } { New Braintree, . . . } { Oakham, . . . } { Sturbridge, . . . } { Warren, . . . }	Geo. H. Coolidge, . . Henry D. Haynes, . .	W. Brookfield, Sturbridge.

\* Resigned May 29.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th.	{ Spencer, . . . } { Leicester, . . . }	Luther Hill, . . .	Spencer.
7th.	{ Charlton, . . . } { Dudley, . . . } { Southbridge, . . . }	Charles Haggerty, . .	Southbridge.
8th.	{ Webster, . . . } { Oxford, . . . } { Auburn, . . . }	John J. Allen, . . .	Auburn.
9th.	{ Douglas, . . . } { Millbury, . . . } { Sutton, . . . }	Samuel N. Rogers, . .	Millbury.
10th.	{ Uxbridge, . . . } { Northbridge, . . . } { Upton, . . . }	Davis P. Gray,* . . .	Northbridge.
11th.	{ Blackstone, . . . } { Mendon, . . . } { Milford, . . . } { Hopedale, . . . }	James Lally, Jr., . . Thomas McCooey, . .	Milford. Blackstone.
12th.	{ Westborough, . . . } { Northborough, . . . } { Southborough, . . . } { Berlin, . . . } { Shrewsbury, . . . } { Grafton, . . . }	J. Henry Robinson, Albert L. Fisher, . .	Southborough, Grafton.
13th.	{ Boylston, . . . } { Bolton, . . . } { West Boylston, . . . } { Clinton, . . . } { Harvard, . . . } { Lancaster, . . . } { Sterling, . . . }	Frank E. Holman, . . Harrison E. Morton,	Clinton. W. Boylston.
14th.	{ Leominster, . . . } { Lunenburg, . . . }	Morrill A. Greenwood, . . .	Leominster.
15th.	{ Fitchburg, Wards 1, } { 2, 3, 4, 5, 6, . . . }	John W. Kimball, . . Horace M. Kendall.	Fitchburg. Fitchburg.
16th.	Worcester, Ward 1,	Jos. P. Cheney, Jr.,	Worcester.
17th.	Worcester, Ward 2,	Alfred S. Pinkerton,	Worcester.

\* Elected February 27th; qualified March 9, in place of ROWSE R. CLARKE of Northbridge, deceased February 4.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
18th,	Worcester, Ward 3,	Peter T. Carroll, .	Worcester.
19th,	Worcester, Ward 4,	James H. Mellen, .	Worcester.
20th,	Worcester, Ward 5,	James M. Cronin, .	Worcester.
21st,	Worcester, Ward 6,	John W. Plaisted, .	Worcester.
22d,	Worcester, Ward 7,	David Manning, Jr.,	Worcester.
23d,	Worcester, Ward 8,	William A. Gile, .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Northampton, W' ds 1, 2, 3, 4, 5, 6, 7, . Easthampton, . . . Southampton, . . }	John B. Bottum, . Henry A. Kimball, .	Northampton. Northampton.
2d,	{ Chesterfield, . . . Cummington, . . . Goshen, . . . . . Huntington, . . . . Middlefield, . . . . Plainfield, . . . . Westhampton, . . . Worthington, . . . }	Schuyler Clark, . .	Huntington.
3d,	{ Hatfield, . . . . . Hadley, . . . . . South Hadley, . . . Williamsburg, . . . }	Wilson Dewey, . .	Williamsburg.
4th,	{ Amherst, . . . . . Belchertown, . . . . Granby, . . . . . }	Payson W. Lyman, .	Belchertown.
5th,	{ Enfield, . . . . . Greenwich, . . . . . Pelham, . . . . . Prescott, . . . . . Ware, . . . . . }	Calvin Hitchcock, .	Ware.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st.	{ Chester, . . . } { Blandford, . . . } { Tolland, . . . } { Granville, . . . } { Southwick, . . . } { Agawam, . . . }	Charles H. Knox, . .	Chester.
2d.	{ Montgomery, . . . } { Russell, . . . } { Westfield, . . . } { West Springfield, . . }	William Provin, . . Chas. Fay Shepard,	Westfield. Westfield.
3d.	{ Holyoke, Wards 6, } { 7, . . . }	Reuben Winchester,	Holyoke.
4th.	{ Holyoke, Wards 1, } { 2, 3, 4, 5, . . }	Jeremiah J. Keane,	Holyoke.
5th.	Chicopee, . . .	George W. Gibson, .	Chicopee.
6th.	{ Springfield, Wards } { 1, 4, 8, . . . }	William F. Ferry, . . Ethan C. Robinson,	Springfield. Springfield.
7th.	Springfield, Ward 5,	A. Olin Brooks, . .	Springfield.
8th.	{ Springfield, Wards } { 2, 3, 6, 7, . . }	Charles A. Call, . . Charles H. Bennett,	Springfield. Springfield.
9th.	{ Longmeadow, . . . } { Hampden, . . . } { Wilbraham, . . . } { Monson, . . . } { Wales, . . . }	Henry Clark, . . .	Wilbraham.
10th.	{ Ludlow, . . . } { Palmer, . . . } { Brimfield, . . . } { Holland, . . . }	Chas. F. Grosvenor,	Ludlow.

## COUNTY OF FRANKLIN.

1st.	{ Greenfield, . . . } { Shelburne, . . . } { Bernardston, . . . }	Freeman C. Griswold, . . .	Greenfield.
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HOUSE OF REPRESENTATIVES.

COUNTY OF FRANKLIN — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . } { Erving, . . . } { Shutesbury, . . . }	Franklin L. Waters,	Orange.
3d,	{ Northfield, . . . } { Gill, . . . } { Montague, . . . } { Wendell, . . . }	Joseph F. Bartlett, .	Montague.
4th,	{ Leverett, . . . } { Sunderland, . . . } { Whately, . . . } { Deerfield, . . . } { Conway, . . . }	Henry C. Haskell, .	Deerfield.
5th,	{ Ashfield, . . . } { Buckland, . . . } { Charlemont, . . . } { Colrain, . . . } { Hawley, . . . } { Heath, . . . } { Leyden, . . . } { Rowe, . . . } { Monroe, . . . }	Albert H. Temple, .	Colrain.

COUNTY OF BERKSHIRE.

1st,	{ New Ashford, . . . } { Williamstown, . . . } { North Adams, . . . } { Florida, . . . } { Clarksburg, . . . }	George H. Kearns, . Henry S. Lyons, .	North Adams. North Adams
2d,	{ Adams, . . . } { Cheshire, . . . } { Savoy, . . . }	John M. Morin, .	Adams.
3d,	{ Hancock, . . . } { Lanesborough, . . . } { Lenox, . . . } { Windsor, . . . } { Peru, . . . } { Hinsdale, . . . } { Washington, . . . } { Richmond, . . . }	Samuel M. Raymond,	Hinsdale.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Pittsfield, . . . } { Dalton, . . . }	Henry M. Peirson, . William H. Carey, .	Pittsfield. Dalton.
5th,	{ Stockbridge, . . . } { Lee, . . . } { Becket, . . . }	John Winthrop, .	Stockbridge.
6th,	{ West Stockbridge, . . } { Alford, . . . } { Egremont, . . . } { Great Barrington, . }	Robert H. McDonald,	Gt. Barrington.
7th,	{ Monterey, . . . } { Otis, . . . } { Sandisfield, . . . } { New Marlborough, } { Sheffield, . . . } { Mt. Washington, . }	Robert L. Taft, .	New Marlboro'.
	{ Tyringham, . . . }		

## COUNTY OF NORFOLK.

1st,	{ Dedham, . . . } { Norwood, . . . }	Frank A. Fales, .	Norwood.
2d,	Brookline, . . .	Geo. N. Carpenter, .	Brookline.
3d,	Hyde Park, . . .	Ferdinand A. Wyman,	Hyde Park.
4th,	{ Milton, . . . } { Canton, . . . }	Albert A. Brackett,	Milton.
5th,	{ Quincy, . . . } { Weymouth, . . . }	Josiah Quincy, . John F. Merrill, . John A. Holbrook, .	Quincy. Quincy. Weymouth.
6th,	{ Braintree, . . . } { Holbrook, . . . }	Willard F. Gleason,	Holbrook.
7th,	{ Randolph, . . . } { Stoughton, . . . } { Sharon, . . . } { Walpole, . . . }	Bernard Dolan, . Rufus A. Thayer, .	Stoughton. Randolph.
8th,	{ Franklin, . . . } { Foxborough, . . . } { Wrentham, . . . } { Bellingham, . . . } { Medway, . . . } { Norfolk, . . . }	Charles W. Seavey, Elijah B. Stowe, .	Medway. Bellingham.



HOUSE OF REPRESENTATIVES.

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COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Needham, . . . } { Dover, . . . } { Medfield, . . . } { Wellesley, . . . } { Millis, . . . }	Albert E. Miller, .	Needham.

COUNTY OF PLYMOUTH.

1st,	{ Plymouth, . . . }	Elkanah Finney, .	Plymouth.
2d,	{ Marshfield, . . . } { Plympton, . . . } { Kingston, . . . } { Duxbury, . . . }	Franklin W. Hatch,	Marshfield.
3d,	{ Scituate, . . . } { South Scituate,* . . . } { Hanson, . . . } { Pembroke, . . . }	Henry A. Turner, .	South Scituate.*
4th,	{ Cohasset, . . . } { Hingham, . . . } { Hull, . . . }	John Q. A. Lothrop,	Cohasset.
5th,	{ Rockland, . . . } { Hanover, . . . }	George H. Hunt, .	Rockland.
6th,	{ Whitman, . . . } { Abington, . . . }	Harvey H. Pratt, .	Abington.
7th,	{ Mattapoisett, . . . } { Marion, . . . } { Wareham, . . . } { Rochester, . . . } { Carver, . . . }	John W. Delano, .	Marion.
8th,	{ Middleborough, . . . } { Lakeville, . . . } { Halifax, . . . }	Sidney T. Nelson, .	Lakeville.
9th,	{ Bridgewater, . . . } { East Bridgewater, . . . } { West Bridgewater, . . . }	George M. Hooper,	Bridgewater.
10th,	{ Brockton, Wards 4, } { 5, 6, . . . }	Patrick McCarthy, .	Brockton.
11th,	{ Brockton, Wards 2, } { 3, . . . }	A. Cranston Thomp- son, . . .	Brockton.
12th,	{ Brockton, Wards 1, } { 7, . . . }	Charles C. Bixby, .	Brockton.

\* Name changed to Norwell, March 7, 1888.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BRISTOL.

District.	Town or Ward.	Name of Representative.	Residence.
1st.	{ Attleborough, . . . }	George R. Perry, . . . Abijah T. Wales, . . .	Norton. Attleborough.
	{ N. Attleborough, . . . }		
	{ Norton, . . . . . }		
2d.	{ Mansfield, . . . . }	Wm. B. Rogerson, . . .	Mansfield.
	{ Easton, . . . . . }		
	{ Raynham, . . . . . }		
3d.	{ Taunton, Wards 1, . . }	Rollin H. Babbutt, . . . Wm. L. White, Jr., . . . Frederick S. Hall, . . .	Berkley. Taunton. Taunton.
	{ 2, 3, 4, 5, 6, 7, 8, . . }		
	{ Berkley, . . . . . }		
4th.	{ Fairhaven, . . . . }	Arthur G. Rounsevell,	Freetown.
	{ Acushnet, . . . . . }		
	{ Freetown, . . . . . }		
5th.	{ New Bedford, W'ds } . . .	Isaac B. Tompkins, . . . Rufus H. Willis, . . .	New Bedford. New Bedford.
	{ 1, 2, 3, . . . . . }		
6th.	{ New Bedford, W'ds } . . .	Charles P. Rugg, . . . Wm. Gordon, Jr., . . .	New Bedford. New Bedford.
	{ 4, 5, 6, . . . . . }		
7th.	{ Westport, . . . . }	George W. Slocum,	Dartmouth.
	{ Dartmouth, . . . . }		
8th.	{ Fall River, Wards 1, . }	James Conroy, . . . William A. Carman, . . . Andrew Quinn, . . .	Fall River. Fall River. Fall River.
	{ 2, 3, 4, 6, . . . . }		
	{ . . . . . }		
9th.	{ Fall River, Wards 5, . }	Robert Henry, . . . John C. Milne, . . .	Fall River. Fall River.
	{ 7, 8, 9, . . . . . }		
10th.	{ Dighton, . . . . }	Edmund A. Davis, . . .	Somerset.
	{ Somerset, . . . . }		
	{ Swanzey, . . . . . }		
	{ Rehoboth, . . . . }		

## COUNTY OF BARNSTABLE.

1st.	{ Falmouth, . . . . }	Albert R. Eldridge, . . . Joshua Crowell, . . .	Bourne. Dennis.
	{ Bourne, . . . . . }		
	{ Sandwich, . . . . }		
	{ Mashpee, . . . . . }		
	{ Barnstable, . . . . }		
	{ Yarmouth, . . . . }		
{ Dennis, . . . . . }			

HOUSE OF REPRESENTATIVES.

COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d.	{ Harwich, . . . } { Chatham, . . . } { Brewster, . . . } { Orleans, . . . }	Joseph W. Rogers, .	Orleans.
3d.	{ Eastham, . . . } { Wellfleet, . . . } { Truro, . . . } { Provincetown, . . }	David Conwell, . .	Provincetown.

COUNTY OF DUKES COUNTY.

1st,	{ Chilmark, . . . } { Cottage City, . . . } { Edgartown, . . . } { Gay Head, . . . } { Gosnold, . . . } { Tisbury, . . . }	Edwin D. Vanderhoop,	Gay Head.
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COUNTY OF NANTUCKET.

1st,	Nantucket, . . .	Henry Riddell, . .	Nantucket.
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EDWARD A. McLAUGHLIN, . . . . . *Clerk.*  
 DANIEL W. WALDRON, : . . . . . *Chaplain.*  
 JOHN G. B. ADAMS, . . . . . *Sergeant-at-Arms.*

## JUDICIAL DEPARTMENT.

### SUPREME JUDICIAL COURT.

#### CHIEF JUSTICE.

MARCUS MORTON, . . . . . *of Andover.*

#### ASSOCIATE JUSTICES.

WALBRIDGE A. FIELD, . . . . . *of Boston.*  
 CHARLES DEVENS, . . . . . *of Boston.*  
 WILLIAM ALLEN, . . . . . *of Northampton.*  
 CHARLES ALLEN, . . . . . *of Boston.*  
 OLIVER WENDELL HOLMES, JR., . . . . . *of Boston.*  
 MARCUS P. KNOWLTON, . . . . . *of Springfield.*

### SUPERIOR COURT.

#### CHIEF JUSTICE.

LINCOLN F. BRIGHAM, . . . . . *of Salem.*

#### ASSOCIATE JUSTICES.

ROBERT C. PITMAN, . . . . . *of Newton.*  
 P. EMORY ALDRICH, . . . . . *of Worcester.*  
 HAMILTON B. STAPLES, . . . . . *of Worcester.*  
 CALEB BLODGETT, . . . . . *of Boston.*  
 ALBERT MASON, . . . . . *of Brookline.*  
 JAMES M. BARKER, . . . . . *of Pittsfield.*  
 CHARLES P. THOMPSON, . . . . . *of Gloucester.*  
 JOHN W. HAMMOND, . . . . . *of Cambridge.*  
 JUSTIN DEWEY, . . . . . *of Springfield.*  
 EDGAR J. SHERMAN, . . . . . *of Lawrence.*  
 JOHN LATHROP, . . . . . *of Boston.*  
 JAMES R. DUNBAR, . . . . . *of Westfield.*  
 ROBERT R. BISHOP, . . . . . *of Newton.*

JUDGES OF PROBATE AND INSOLVENCY.

JOHN W. McKIM, Boston, . . . . .	SUFFOLK.
GEORGE F. CHOATE, Salem, . . . . .	ESSEX.
GEORGE M. BROOKS, Concord, . . . . .	MIDDLESEX.
ADIN THAYER, Worcester, . . . . .	WORCESTER.
WILLIAM G. BASSETT, Easthampton, . . . . .	HAMPSHIRE.
WILLIAM S. SHURTLEFF, Springfield, . . . . .	HAMPDEN.
CHESTER C. CONANT, Greenfield, . . . . .	FRANKLIN.
JAMES T. ROBINSON, North Adams, . . . . .	BERKSHIRE.
GEORGE WHITE, Newton, . . . . .	NORFOLK.
BENJAMIN W. HARRIS, East Bridgewater, . . . . .	PLYMOUTH.
WILLIAM E. FULLER, Taunton, . . . . .	BRISTOL.
HIRAM P. HARRIMAN, Wellfleet, . . . . .	BARNSTABLE.
JOSEPH T. PEASE, Edgartown, . . . . .	DUKES.
THADDEUS C. DEFRIEZ, Nantucket, . . . . .	NANTUCKET.

REGISTERS OF PROBATE AND INSOLVENCY.

ELIJAH GEORGE, Boston, . . . . .	SUFFOLK.
JEREMIAH T. MAHONEY, Salem, . . . . .	ESSEX.
JOSEPH H. TYLER, Winchester, . . . . .	MIDDLESEX.
FREDERIC W. SOUTHWICK, Worcester, . . . . .	WORCESTER.
HUBBARD M. ABBOTT, Northampton, . . . . .	HAMPSHIRE.
SAMUEL B. SPOONER, Springfield, . . . . .	HAMPDEN.
FRANCIS M. THOMPSON, Greenfield, . . . . .	FRANKLIN.
EDWARD T. SLOCUM, Pittsfield, . . . . .	BERKSHIRE.
JONATHAN COBB, Dedham, . . . . .	NORFOLK.
EDWARD E. HOBART, Bridgewater, . . . . .	PLYMOUTH.
JOHN H. GALLIGAN, Taunton, . . . . .	BRISTOL.
FREEMAN H. LOTHROP, Barnstable, . . . . .	BARNSTABLE.
HEBRON VINCENT, Edgartown, . . . . .	DUKES.
SAMUEL SWAIN, Nantucket, . . . . .	NANTUCKET.

DISTRICT ATTORNEYS.

OLIVER STEVENS, Boston, . . . . .	SUFFOLK.
WILLIAM B. STEVENS, Stonham, . . . . .	NORTHERN.
HENRY F. HURLBURT, Lynn, . . . . .	EASTERN.
HOSEA KINGMAN, Bridgewater, . . . . .	SOUTH-EASTERN.
HOSEA M. KNOWLTON, New Bedford, . . . . .	SOUTHERN.
FRANCIS A. GASKILL, Worcester, . . . . .	MIDDLE.
CHARLES E. HIBBARD, Pittsfield, . . . . .	WESTERN.
DANIEL W. BOND, Northampton, . . . . .	NORTH-WESTERN.

## SHERIFFS.

JOHN B. O'BRIEN, Boston, . . . . .	SUFFOLK.
HORATIO G. HERRICK, Lawrence, . . . . .	ESSEX.
HENRY G. CUSHING, Lowell, . . . . .	MIDDLESEX.
AUGUSTUS B. R. SPRAGUE, Worcester, . . . . .	WORCESTER.
JAIRUS E. CLARK, Easthampton, . . . . .	HAMPSHIRE.
SIMON BROOKS, Holyoke, . . . . .	HAMPDEN.
GEORGE A. KIMBALL, Greenfield, . . . . .	FRANKLIN.
JOHN CROSBY, Pittsfield, . . . . .	BERKSHIRE.
AUGUSTUS B. ENDICOTT, Dedham, . . . . .	NORFOLK.
ALPHEUS K. HARMON, Plymouth, . . . . .	PLYMOUTH.
ANDREW R. WRIGHT, Taunton, . . . . .	BRISTOL.
LUTHER FISK, Dennis, . . . . .	BARNSTABLE.
JASON L. DEXTER, Edgartown, . . . . .	DUKES.
JOSIAH F. BARRETT, Nantucket, . . . . .	NANTUCKET.

## CLERKS OF COURTS.

GEORGE W. NICHOLS, Boston, Clerk of the Supreme Judicial Court for the Commonwealth.	
JOHN NOBLE, Boston, Supreme Judicial Court. . . . .	SUFFOLK.
JOSEPH A. WILLARD, Boston, Sup. Ct., Civil Term, . . . . .	} SUFFOLK.
JOHN P. MANNING, Boston, Criminal Term, . . . . .	
DEAN PEABODY, Lynn, . . . . .	ESSEX.
THEODORE C. HURD, Cambridge, . . . . .	MIDDLESEX.
THEODORE S. JOHNSON, Worcester, . . . . .	WORCESTER.
WILLIAM H. CLAPP, Northampton, . . . . .	HAMPSHIRE.
ROBERT O. MORRIS, Springfield, . . . . .	HAMPDEN.
EDWARD E. LYMAN, Greenfield, . . . . .	FRANKLIN.
HENRY W. TAFT, Pittsfield, . . . . .	BERKSHIRE.
ERASTUS WORTHINGTON, Dedham, . . . . .	NORFOLK.
WILLIAM H. WHITMAN, Plymouth, . . . . .	PLYMOUTH.
SIMEON BORDEN, Fall River, . . . . .	BRISTOL.
SMITH K. HOPKINS, Barnstable, . . . . .	BARNSTABLE.
SAMUEL KENISTON, Edgartown, . . . . .	DUKES.
LAURISTON BUNKER, Nantucket, . . . . .	NANTUCKET.

MEMBERS OF THE FIFTIETH CONGRESS.

[Congressional Districts established by Chap. 253, Acts of 1882.]

SENATORS.

HENRY L. DAWES, . . . . . *of Pittsfield.*  
 GEORGE F. HOAR, . . . . . *of Worcester.*

REPRESENTATIVES.

DISTRICT I.—ROBERT T. DAVIS, . . . . . *of Fall River.*  
 II.—JOHN D. LONG, . . . . . *of Hingham.*  
 III.—LEOPOLD MORSE, . . . . . *of Boston.*  
 IV.—PATRICK A. COLLINS, . . . . . *of Boston.*  
 V.—EDWARD D. HAYDEN, . . . . . *of Woburn.*  
 VI.—HENRY CABOT LODGE, . . . . . *of Nahant.*  
 VII.—WILLIAM COGSWELL, . . . . . *of Salem.*  
 VIII.—CHARLES H. ALLEN, . . . . . *of Lowell.*  
 IX.—EDWARD BURNETT, . . . . . *of Southborough.*  
 X.—JOHN E. RUSSELL, . . . . . *of Leicester.*  
 XI.—WILLIAM WHITING, . . . . . *of Holyoke.*  
 XII.—FRANCIS W. ROCKWELL, . . . . . *of Pittsfield.*

## Commonwealth of Massachusetts.

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SECRETARY'S DEPARTMENT, BOSTON, July 10, 1888.

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the tables showing the changes made in the general statutes by the legislation of the present year have been prepared and are published as an appendix to this edition of the laws by direction of the Governor, in accordance with the provisions of Chap. 238 of the Acts of 1882.

HENRY B. PEIRCE,

*Secretary of the Commonwealth.*



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APPENDIX.

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The following tables have been prepared by Charles U. Bell, Esq., appointed to that duty under Chapter 238 of the Acts of 1882, which authorizes the Governor to appoint some person to prepare “ tables showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes.”

# A T A B L E

SHOWING

WHAT GENERAL STATUTES OF THE COMMONWEALTH AND  
WHAT CHAPTERS OF THE PUBLIC STATUTES HAVE  
BEEN AFFECTED BY SUBSEQUENT LEGISLATION.

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## PUBLIC STATUTES.

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### CHAPTER 1.

OF THE JURISDICTION OF THE COMMONWEALTH AND PLACES  
CEDED TO THE UNITED STATES.

SECT. 1. Provision is made for defining the boundary line between Massachusetts and Rhode Island. St. 1883, cc. 113, 154. And between Massachusetts and New Hampshire. Res. 1885, c. 73; 1886, c. 58.

SECT. 4. The United States are given concurrent jurisdiction with the Commonwealth over lands of the United States Fish and Fisheries Commission. St. 1882, c. 131

### CHAPTER 1*a*.

OF THE GREAT SEAL.

The form of the Great Seal is established. St. 1885, c. 288.

### CHAPTER 2.

OF THE GENERAL COURT.

SECTS. 5-14. The law as to the notice to be given of petitions to the legislature is revised and amended. St. 1885, c. 24.

SECT. 15. The pay of members of the legislature is increased from \$500 to \$650. St. 1884, c. 319; and to \$750. St. 1886, c. 352.

SECT. 17. The compensation of the doorkeepers of the senate and house of representatives is fixed at \$1,400; that of the messengers at \$750; and that of the assistant doorkeepers and postmaster at \$850. St. 1887, c. 116.

SECT. 18. The compensation of the pages of the senate and house of representatives is fixed at three-fifths of that of the messengers. St. 1887, c. 116.

SECTS. 21, 22. The clerks of the senate and of the house may employ additional clerical assistance. St. 1888, c. 1.

SECT. 21. The salaries of the clerks of the senate and of the house of representatives are increased from \$2,500 to \$3,000. St. 1884, c. 329.

SECT. 22. The salaries of the assistant clerks of the senate and of the house of representatives are increased from \$900 to \$1,500. Sts. 1882, c. 257, § 1; 1884, c. 334.

SECTS. 24, 35. The sections relating to the annual election sermon are repealed. St. 1884, c. 60.

SECT. 27. The limit of the number of doorkeepers, assistant doorkeepers, messengers and pages is increased from twenty-five to thirty-two. St. 1882, c. 257, § 4.

SECT. 34. No session of the legislature is to be held and public offices are to be closed on Monday when Christmas falls on the Sunday preceding. St. 1882, c. 49.

### CHAPTER 3.

#### OF THE STATUTES.

SECT. 1. When an act is required to be accepted by a municipal or other corporation, a return of its action must be made by it to the secretary of the Commonwealth. St. 1883, c. 100.

SECT. 3. "Mayor and aldermen" shall be construed to mean "board of aldermen," unless it is otherwise provided, and except in case of appointments. St. 1882, c. 164.

"Net indebtedness" of towns, cities and districts in the laws regulating the investments of banks, etc., shall be computed omitting water debts and deducting sinking funds. St. 1883, c. 127.

A daily or weekly periodical devoted exclusively to legal news shall be deemed to be a newspaper for the insertion of legal notices. St. 1885, c. 235.

### CHAPTER 4.

#### OF THE PRINTING AND DISTRIBUTION OF THE LAWS AND PUBLIC DOCUMENTS.

Tables of changes in the Public Statutes by subsequent legislation, and indexes, are to be prepared and published with such editions of the laws as the governor directs. St. 1882, c. 238.

The preparation and publication of supplements to the Public Statutes and their distribution, is provided for. St. 1888, c. 383.

SECT. 1. Six thousand copies of the blue book are to be printed, instead of four thousand five hundred, and the members of the general court and clerks of the two branches are to receive ten copies instead of eight copies each. Sts. 1884, c. 166, § 1; 1885, c. 369, § 2.

SECTS. 5 *et seq.* Provision is made for reports of capital trials. St. 1886, c. 214.

SECT. 7. "Of labor" is added after "bureau of statistics." St. 1882, c. 6, § 1.

The number of copies of reports to be printed is changed and in some cases the distribution to be made of them. Sts. 1884, c. 166; 1885, c. 369.

Twenty-five hundred copies of the report of the commissioners of savings banks are to be printed instead of fifteen hundred. St. 1888, c. 191.

Three thousand copies of the gas commissioners' report, instead of fifteen hundred, are to be printed. St. 1888, c. 122.

Fifteen hundred copies of the annual report of the trustees of the Massachusetts School for the Feeble-Minded are to be printed instead of one thousand. St. 1888, c. 186.

Fifteen thousand copies of the report of the secretary of the state board of agriculture are to be printed instead of eight thousand, and twenty-five thousand copies of the report of the board of control of the agricultural experiment station instead of eight thousand. Of the latter, fifteen thousand shall be bound up with the reports of the board of agriculture, and eight thousand shall be for the use of the board of control. St. 1888, c. 256.

One thousand copies of the report of the controller of accounts are to be printed. St. 1888, c. 275, § 2.

Four hundred copies of the report of the general superintendent of prisons are to be printed. St. 1888, c. 403, § 9.

SECT. 9. Provision is made for the annual publication of election cases. Res. 1886, c. 36.

SECT. 10. The assistant clerks are given the same documents which the clerks now receive. St. 1882, c. 158.

By Res. 1887, c. 16, a contract for the state printing for five years is to be made in the mode there provided.

SECTS. 9, 10. The number of legislative manuals to be printed is increased and one copy is to be given to each town and city clerk. St. 1883, c. 55.

The number of copies of the manual for the general court is increased and their distribution provided for. St. 1888, c. 85.

SECT. 12. One copy of the Index-Digest of the Massachusetts reports is to be furnished to each city and town. St. 1887, c. 118.

## CHAPTER 5.

### OF THE STATE HOUSE, THE SERGEANT-AT-ARMS, AND STATE LIBRARY.

The Commonwealth Building is put in charge of the same officers and committee as the State House, and the janitor and fireman at Pemberton Square are transferred to it. St. 1884, c. 14.

The commissioners on the State House no longer have in charge the contingent expenses of the council and the offices in the State House. St. 1887, c. 128.

SECTS. 4, 6, 9, 10. The duties of the sergeant-at-arms are defined and the salaries and designations of certain of his appointees are established. St. 1887, c. 128.

SECT. 10. The salary of the sergeant-at-arms is raised from \$2,500 to \$3,000. St. 1884, c. 333.

SECT. 17. The salary of the assistant librarian and clerk of the board of education is raised from \$2,000 to \$2,500. St. 1887, c. 209.

SECT. 18. The allowance for assistance in the State library is increased from \$1,800 to \$2,500. Sts. 1882, c. 29; 1886, c. 66.

SECT. 20. The amount annually appropriated for books, furniture, etc., is increased from \$2,300 to \$5,000. Sts. 1882, c. 196; 1888, c. 24.

## CHAPTER 6.

### OF THE QUALIFICATION AND REGISTRATION OF VOTERS.

This chapter is repealed and a new chapter is substituted. St. 1884, c. 298.

The section providing that persons naturalized shall not register for thirty days is repealed. St. 1887, c. 329.

Temporary registrars of voters may be appointed when a member of the board is absent or unable to act. St. 1885, c. 246.

Provision is made for the removal of registrars of voters. St. 1887, c. 432.

Further provision is made for the assessment and registration of voters and for hearings on the question of residence. At such hearings false swearing is perjury. St. 1885, c. 271.

Further provision is made for the assessment and registration of women as voters. St. 1886, c. 68.

## CHAPTER 7.

### OF THE MANNER OF CONDUCTING ELECTIONS AND RETURNING VOTES.

This chapter, with the acts amending it, is revised. St. 1884, c. 299.

The provisions of St. 1884, c. 299, shall not apply to town meetings held for the election of town officers, and all acts on that point repealed are revived. St. 1885, cc. 5, 351.

Precinct voting in towns is provided for and regulated. St. 1886, c. 264.

Towns may discontinue voting precincts. St. 1888, c. 146.

The defacing or injury of voting lists is punished. St. 1887, c. 147.

Persons employed in certain manufacturing, mechanical or mercantile establishments must be allowed time to vote. St. 1887, c. 272.

The Australian system, so-called, of printing and distributing ballots and voting is adopted, to take effect November 1, 1889. St. 1888, c. 436.

The holding of caucuses or public meetings of the qualified voters of cities and towns for political purposes is regulated. Fraud at such meetings is made criminal. St. 1888, c. 441.

SECT. 5. The time for designating the polling places in cases of special elections is reduced from thirty to ten days. If no convenient place can be had within the precinct a place in an adjoining precinct may be designated. St. 1885, c. 142.

The supervisors may be sworn before the town clerk or any officer qualified to administer oaths. St. 1885, c. 268.

SECT. 8. Selectmen presiding at town meetings may appoint tellers to aid them in checking names of voters or in assorting and counting votes. They shall be chosen equally from the two chief political parties. Such teller is subject to the same penalties as the officer who appoints him. Sts. 1883, c. 229; 1885, c. 261.

SECT. 14. Ballots with a certificate of their genuineness may be filed with the city clerk seven days before election, and any attempt to counterfeit or imitate such certificate is punished. St. 1885, c. 248.

The material, style, size and form of ballots on the question of license is regulated. St. 1886, c. 49.

Ballots cast by women for members of school committees must have the words "for school committee only" on the back. St. 1884, c. 299, § 27, shall not apply. St. 1888, c. 353.

SECT. 26. Statements relative to the voting at elections in towns prior to the public declaration thereof are prohibited. St. 1888, c. 203.

SECTS. 26, 27. Detached stickers or separate pieces of paper of a surface of less than six square inches are not to be counted, but are to be preserved. St. 1882, c. 260.

SECTS. 36, 52. Where the ballots are recounted, the candidates must be notified and may be present personally or by an agent appointed in writing. St. 1883, c. 42.

Provision is made for the recount of ballots in towns. St. 1886, c. 262.

SECT. 38. The time for declaring the result of the election and issuing the certificates of election is determined. St. 1888, c. 164.

SECT. 45. If the copies of the records of votes are incomplete or erroneous, new copies may be required. Wilful neglect to furnish them is punished. St. 1882, c. 28, §§ 1, 2.

An abstract of the returns, and a statement of all cases where corrected returns have been received, shall be furnished to newspapers applying, and the copies shall be open to inspection by persons interested. St. 1882, c. 28, § 3.

St. 1882, c. 28, which provides for the correction of errors in the returns of votes under this section is extended to all returns of votes required by law. St. 1885, c. 108.

SECTS. 48-50. If the copies of the record of votes for county commissioners, county treasurer or register of deeds appear to be incomplete or erroneous, new copies may be required. A penalty is imposed for any delay in forwarding or filing the new copies. St. 1885, c. 229.

SECT. 55. Whoever, knowing that he is not a qualified voter, votes for any town officer, is punished. St. 1885, c. 351.

SECTS. 1, 2, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 34, 36, 38, 39, 51, 52, 55, 62, are repealed. St. 1884, c. 299, § 44.

## CHAPTER 8.

### OF THE ELECTION OF GOVERNOR AND OTHER STATE OFFICERS.

SECTS. 2, 3. New councillor districts are established. St. 1886, c. 348.

SECTS. 4, 5. New senatorial districts are established. St. 1886, c. 338.

SECT. 6. New representative districts are established. St. 1886, c. 256.

SECT. 10. The meeting of the clerks to examine the returns shall be on the tenth day after the election, instead of on the next day. St. 1886, c. 262, § 5.

SECT. 11 is repealed. St. 1886, c. 262, § 6.

SECT. 13. Both certificates of election are to be transmitted within fifteen days, instead of one in ten days and the other before the first Wednesday of January. St. 1885, c. 107, § 1.

SECT. 14. The certificates are to be transmitted within fifteen days, instead of one within ten days and the other before the first day of January. St. 1885, c. 107, § 2.

#### CHAPTER 9.

#### OF THE ELECTION OF REPRESENTATIVES IN CONGRESS AND ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

SECTS. 1, 2. A new division of the state into congressional districts is made. The provision requiring residence in the district is omitted. St. 1882, c. 253.

SECT. 13. The returns are to be examined within ten days. The result is to be announced by proclamation published in at least one newspaper in each county. Notice of any contest must be given within fourteen days after the date of such proclamation. A certificate of his election shall be transmitted to each person whose election is not contested. St. 1888, c. 382, § 1.

SECT. 15. The time of the meeting of the electors is changed to the Saturday preceding the second Monday in January. St. 1888, c. 382, § 2.

Any person claiming to be elected an elector may contest the matter before the supreme court. The mode of proceeding, the evidence and the costs are provided for. The final hearing and determination shall be by a majority of the justices of the court, but a single justice may exercise the other powers given by this act. St. 1888, c. 382.

#### CHAPTER 11.

#### OF THE ASSESSMENT OF TAXES.

SECT. 4, which defines taxable personal estate, is amended in the line reading "but not including in such debts due any loan on mortgage of real estate," by striking out "due" and inserting in its place "or indebtedness." St. 1882, c. 76.

Corporations formed to construct railroads and telegraphs in foreign countries shall be within the proviso of this section. St. 1887, c. 228.

Bonds of all railroads including street railways are added to the list of kinds of personal property taxable. St. 1888, c. 363.

SECT. 5, Cl. 3. The exemption given to literary, scientific and charitable institutions is lost by a wilful omission to bring in the list required, but this act does not apply to corporations making returns to the insurance commissioner. St. 1882, c. 217, §§ 2, 4.

Temperance societies are also exempt. St. 1886, c. 231.

There is no exemption if any part of the income or profits is divided or



is used for other than literary, educational, benevolent, charitable, scientific or religious purposes. St. 1888, c. 158.

SECT. 5, Cl. 9. The real estate and buildings of unincorporated horticultural societies, so far as used for offices, libraries and exhibitions, is exempt. St. 1884, c. 176.

SECT. 5, Cl. 10. That the property is owned in common with others does not affect the exemption. St. 1885, c. 169.

The property of the Lynn Workingmen's Aid Association is exempt. St. 1884, c. 184.

SECT. 10. The provisions of this section as to the taxable valuation of vessels engaged in the foreign carrying trade are extended for two years. St. 1887, c. 373.

SECT. 14, which provides for the taxation of mortgaged real estate, and prevents double taxation, is amended by changing "taxable real estate," in the first line, to "real estate not exempt from taxation under section five of this chapter." St. 1882, c. 175.

SECT. 20. Two classes are added: 8th, personal property held by an assignee in insolvency, or by an assignee for creditors, is assessed to him at the insolvent's place of business, or if he had none, at his residence: 9th, personal property held by joint owners or tenants in common, not partners, to them according to their respective interests, at the place where they respectively reside. St. 1882, c. 165.

Provision is made for the assessment of taxes on royalty-paying machines. St. 1887, c. 125.

SECTS. 31, 35. The taxes assessed, exclusive of state tax, county tax and sums required to be raised for the city debt, shall not exceed twelve dollars on every thousand of the average valuation of the preceding three years, and any order or appropriation requiring a larger assessment is void. St. 1885, c. 312, § 1.

SECT. 38. A sworn statement of mortgaged real estate, giving the amount of the mortgage, must be filed or the interest of the mortgagee need not be assessed to him. St. 1882, c. 175, § 1.

A list of property held for literary, benevolent, charitable or scientific purposes, and of all receipts and expenditures for said purposes, is required of persons and corporations except such as make returns to the insurance commissioner under Pub. St., c. 11, § 115. St. 1882, c. 217, § 1.

The list and statement may be as of the last day of its financial year next preceding the first day of May. St. 1888, c. 323.

SECTS. 38 *et seq.* Assessors in towns must post lists of persons assessed for poll taxes. St. 1888, c. 206.

SECT. 48. The time within which persons may apply to be assessed is extended from the fifteenth day of September to the first day of October. St. 1888, c. 200, § 1. Evening sessions of the assessors are required. These sections apply to Boston. St. 1888, c. 200.

SECT. 49. The overlay is valid, although it may cause the tax to exceed the legal limit. St. 1887, c. 226.

SECT. 50. It is expressly provided that the residents and non-resident property holders shall at all reasonable times have free access to the list of valuation and assessment, and assessors are punished for refusal or neglect to submit the list to their inspection upon request. St. 1888, c. 307.

SECT. 52. The title of the first column of the valuation book is changed from "Names of Persons Assessed" to "Names and Residences of Persons Assessed." St. 1883, c. 41, § 1.

SECTS. 52, 54. The table of aggregates is to be deposited every year, and new items are included. St. 1887, c. 86.

SECT. 53. In the first column, the street and number of the person's residence are to be added to the name. St. 1883, c. 41, § 2.

SECT. 54. The assessors are required to enumerate and return the number of neat cattle other than cows assessed, and the number of swine assessed. St. 1885, c. 106.

The value of the buildings, the total number of tax payers, the number who pay a tax on property and the number who pay a poll tax only are to be stated. St. 1886, c. 56.

SECTS. 54, 55. Copies of the assessors' books, instead of being deposited with the secretary of the Commonwealth on the fifth and tenth years, are to be deposited every third year, beginning with 1883. The copy of the table of aggregates is to be deposited each year, instead of eight years in ten. St. 1883, c. 91.

SECT. 69. Tenants under obligation to pay taxes assessed on real estate are enabled to apply for an abatement. St. 1888, c. 315.

SECT. 71. On petitions for the abatement of taxes, the county commissioners on appeal may make such order as to costs as justice requires, but taxable costs shall not be given to a party who has failed to file a list of his property. St. 1882, c. 218.

SECT. 77. Dues or taxes for school books may be abated under this section. St. 1885, c. 67.

SECT. 78. The time for assessing omitted taxes is extended so that any estate discovered after the rate of taxation has been declared, instead of after the warrant has been committed to the collector, may be assessed. Such assessment may be made before December 15 instead of before September 15. St. 1886, c. 85.

Where the property taxable is omitted and the error is discovered after the rate of taxation has been declared, it shall be assessed between the fifteenth and twentieth days of December. St. 1888, c. 362.

SECT. 90. The assessors, with the statement of exempt property, must send to the tax commissioner all lists and statements filed by persons or corporations holding property for literary, benevolent, charitable or scientific purposes. St. 1882, c. 217, § 3.

SECT. 91. In addition to the debts and assets, the amount of the sinking funds or annual proportionate payments of debts must be given. St. 1882, c. 133, § 2.

SECT. 92. The return as to steam boilers in Boston shall be made by the inspector of buildings. St. 1882, c. 252, § 5.

## CHAPTER 12.

### OF THE COLLECTION OF TAXES.

This chapter is repealed and the laws as to the collection of taxes are revised and codified. Forms are established. St. 1888, c. 390.

## CHAPTER 13.

## OF THE TAXATION OF CORPORATIONS.

SECT. 1. The salary of the deputy tax commissioner is raised from \$2,750 to \$3,000. St. 1887, c. 342, § 1.

SECT. 2. The salary of the first clerk in the office of the deputy tax commissioner is raised from \$1,800 to \$2,000, and that of the second clerk from \$1,300 to \$1,500. The amount allowed for other assistance is increased from \$12,000 to \$14,000. St. 1887, c. 342, § 2.

SECT. 6. The tax commissioner must furnish blanks for the returns of property held for library, benevolent, charitable or scientific purposes. St. 1882, c. 217, § 3.

It would appear that he should send the blanks for steam boiler returns in Boston to the inspector of buildings and not to the assessors. St. 1882, c. 252, § 5.

SECT. 10. The tax on the shares of stock in banks is made a lien on the shares. Provision is made for the payment of the tax under protest. The governor, with the consent of the council, may employ counsel to prosecute or defend suits in the United States courts brought with reference to such taxation. St. 1887, c. 142.

SECTS. 26, 34, 37. The statutes as to the taxation of insurance companies are revised. St. 1887, c. 283.

SECTS. 17, 40. Title insurance companies are taxed under these sections. St. 1884, c. 180.

SECT. 20. The time is extended during which real estate held by savings banks, by foreclosure or purchase at mortgage sales, is exempt. (See c. 116, § 20, cl. 8.) St. 1883, c. 248.

SECT. 24. In this section the name "co-operative savings fund and loan association" is changed to "co-operative bank." St. 1885, c. 121, § 3.

SECT. 33. When reinsurance is effected otherwise than by their licensed resident agent no deduction is to be made for the sums paid for such reinsurance. St. 1888, c. 154.

SECTS. 38-42. Telephone companies are to be taxed under these sections. St. 1885, c. 238.

Telephone companies formed under the laws of this State and doing business wholly or partly within this State are taxed under these sections; but not on stock held by them which is also taxed. St. 1886, c. 270.

SECTS. 40, 52, 53, 54, 57, 58, 59. The taxation of safe deposit, loan and trust companies is regulated. St. 1888, c. 413.

SECT. 42. Every corporation or association for mining, quarrying, or getting earth oils, or holding lands, organized out of the Commonwealth, which opens an office in the Commonwealth, must pay a tax; and the officers and agents here are liable for it. Sts. 1882, c. 106; 1883, c. 74.

Such corporations need not make returns under St. 1882, c. 106, if they make them under St. 1884, c. 330. St. 1886, c. 230.

SECT. 46. Corporations mentioned in this section are within the proviso of chapter 11, § 4, as to local taxation. St. 1887, c. 228.

CHAPTER 14.  
OF THE MILITIA.

The amount now in the treasury on account of bounties and allotments to soldiers is transferred to the bounty loan sinking fund. Claims against it are to be filed with the auditor and allowed by him. St. 1882, c. 112.

A naval battalion is established to be attached to the volunteer militia. St. 1888, c. 366.

The militia laws are revised. St. 1887, c. 411.

SECT. 91. The Grand Army may be allowed to use the State camp ground. Res. 1882, c. 15.

SECT. 92. Provision is made for the purchase or taking of land and the erection of armories in cities in which two or more companies of militia are located. St. 1888, c. 384.

CHAPTER 15.  
OF THE EXECUTIVE DEPARTMENT AND THE SECRETARY OF THE  
COMMONWEALTH.

SECT. 1. The salary of the governor after 1884 is \$5,000 instead of \$4,000. St. 1884, c. 328.

SECT. 5. The salary of the private secretary of the governor is raised from \$1,500 to \$2,000. St. 1885, c. 77.

SECT. 6. The salary of the executive clerk is raised from \$1,200 to \$1,700. Sts. 1884, c. 8; 1887, c. 83.

The salary of the executive messenger is raised from \$800 to \$1,000. Sts. 1884, c. 38; 1887, c. 221.

SECT. 9. The salary of the secretary of the Commonwealth is raised from \$2,500 to \$3,500. St. 1888, c. 385.

SECT. 10. The salary of the first clerk of the secretary is raised from \$1,800 to \$2,000. St. 1885, c. 87.

Of the second clerk from \$1,500 to \$1,700. St. 1886, c. 238.

And of the third clerk from \$1,200 to \$1,500. Sts. 1883, c. 48; 1887, c. 26.

The allowance of the secretary of the Commonwealth for a messenger and clerk hire is increased from \$10,000 to \$11,000. St. 1884, c. 15.

SECT. 15. The duty of furnishing blank forms for returns of criminal cases pending is transferred from the secretary to the commissioners of prisons. St. 1882, c. 226.

CHAPTER 16.

OF THE AUDITOR, TREASURER, AND MATTERS OF FINANCE.

The par of exchange established by U. S. Rev. St., § 3565, is adopted. St. 1882, c. 110.

The accounts of all State institutions, penal and charitable, and all other public institutions for the support of which appropriations are made annually by the legislature, are to be kept under the direction of the auditor of the Commonwealth. He shall prescribe the number and form of all

analytical or subsidiary accounts. The accounts must show the expenditures, the estimated cash value of the products and the value of the labor of the inmates. St. 1887, c. 87.

A controller to audit the accounts of county officers, officers of inferior courts and trial justices is to be appointed. His duties are defined, and these officers are to make their returns to him. The times when they shall make returns and pay over money in their hands is fixed. St. 1887, c. 438.

The controller of accounts shall in his report give such statements, facts and explanations as will tend to a simple, uniform and economical method of accounting for public funds. His report is made one of the series of public documents. St. 1888, c. 275.

SECT. 2. The salary of the auditor is raised from \$2,500 to \$3,000, and that of his first clerk from \$1,800 to \$2,000. St. 1885, c. 195.

The salary of his second clerk is raised from \$1,500 to \$1,700. St. 1887, c. 30.

The auditor may employ an extra clerk at a salary of \$1,200. St. 1888, c. 432.

SECT. 7. The auditor is required to submit an abstract of his report by January 30, and the full report as soon as may be. St. 1884, c. 207.

SECT. 17. The salary of the treasurer is raised from \$4,000 to \$5,000. St. 1885, c. 263.

He is allowed one more clerk. St. 1882, c. 111. He is also allowed a fund clerk. St. 1883, c. 164. And he may temporarily employ additional clerical assistance at an expense not exceeding one thousand dollars in any one year. St. 1885, c. 15.

The clerks are designated. St. 1886, c. 38. The salaries of his clerks are raised as follows: First clerk from \$2,300 to \$2,500, second clerk from \$1,800 to \$2,000, the cashier from \$1,800 to \$2,000, the third clerk from \$1,200 to \$1,400, the fund clerk from \$1,200 to \$1,400. The salary of the receiving teller is fixed at \$1,400, and of the paying teller at \$1,200. St. 1886, c. 334.

SECT. 26. The annual financial estimates are hereafter to be made to the auditor instead of to the secretary. St. 1885, c. 41.

SECT. 28. Money for small expenses may be advanced to officers authorized to expend money. St. 1884, c. 179.

SECT. 42 is repealed, and the power of committees to cause hearings to be advertised is limited. St. 1885, c. 371.

SECT. 52. Money from sales of public property must be accompanied by a sworn itemized account, approved by the proper officers. St. 1884, c. 326.

SECT. 60. The authorized investments of the state funds are enlarged. St. 1882, c. 130.

SECT. 72. The account which certain officers must make of fees, fines and other moneys received by them and the disposition made of them must be made in detail. St. 1886, c. 169.

SECT. 73 is repealed. St. 1887, c. 438, § 8.

## CHAPTER 17.

## OF THE ATTORNEY-GENERAL AND THE DISTRICT ATTORNEYS.

SECT. 2. He may also appoint a law clerk as an assistant at a salary of \$1,000. St. 1886, c. 216.

The title of the law clerk is changed to that of second assistant attorney-general. St. 1888, c. 425.

SECT. 9. The attorney-general may cause reports of capital trials to be published. St. 1886, c. 214.

SECT. 14. An assistant district attorney may be appointed for the middle district at a salary of \$1,000. St. 1888, c. 157.

SECT. 15. The salary of the district attorney for the eastern district is raised from \$1,800 to \$2,400, and he is given an assistant at \$1,000 per annum. St. 1882, cc. 156, 157.

The salary of the assistant district attorney for the eastern district is raised from \$1,000 to \$1,200. St. 1888, c. 289.

The salary of the district attorney for the middle district is raised from \$1,800 to \$2,100. St. 1885, c. 168.

The salary of the district attorney for the western district is raised from \$1,800 to \$2,100. St. 1887, c. 97.

The salary of the district attorney for the Suffolk district is raised from \$4,500 to \$5,000; that of his first assistant to \$2,800; his second assistant to \$2,500, and his clerk from \$1,000 to \$1,200. Sts. 1887, c. 160; 1882, c. 245, § 2.

The salary of the district attorney for the southeastern district is raised from \$1,800 to \$2,100. St. 1888, c. 267, § 1.

SECT. 16. In the southeastern district also the clerk may be appointed assistant, his compensation being paid by Norfolk and Plymouth equally and not exceeding \$800. St. 1888, c. 267, § 2.

## CHAPTER 18.

## OF NOTARIES PUBLIC AND COMMISSIONERS TO ADMINISTER OATHS OF OFFICE AND TO TAKE ACKNOWLEDGMENTS OF DEEDS, ETC.

Women who are attorneys may be appointed special commissioners to administer oaths and take acknowledgments and depositions. St. 1883, c. 252.

SECT. 14. The commissioner may take his official oath before a minister or consul of the United States. St. 1885, c. 31.

## CHAPTER 19.

## OF THE BOARD OF HARBOR AND LAND COMMISSIONERS.

The commissioners are given the care and custody of the Connecticut river, and are to cause it to be surveyed. St. 1885, c. 344.

All structures and encroachments in great ponds are put under the control of the harbor and land commissioners. Licenses beyond the line of riparian ownership or affecting the level of the water must be approved by the governor and council. St. 1888, c. 318.

SECT. 3. They are given the same charge of all lands of the Commonwealth for which other provision is not made which they now have over lands in tide waters. St. 1886, c. 144.

SECT. 7. Regulations are established for Gloucester harbor. St. 1885, c. 315.

The harbor lines at East Boston are established. St. 1882, c. 48.

At Gloucester. Sts. 1882, c. 103; 1883, c. 109.

At Haverhill. St. 1883, c. 104.

SECTS. 8, 10, 11, 12. These sections shall apply to the Connecticut river. St. 1885, c. 344, §§ 2, 3.

#### CHAPTER 20.

##### OF THE STATE BOARD OF AGRICULTURE.

An agricultural experiment station at the Agricultural College in Amherst is established. St. 1882, c. 212.

The board of control of the station must report annually. St. 1883, c. 105.

The members of the board of control are incorporated. St. 187, c. 31.

The number of the members of the board of control of the agricultural experiment station is increased by adding one member from the Massachusetts state grange, one from the horticultural society, the director of the station and the secretary of the state board of agriculture. No person elected by any of the boards or societies shall continue to be a member after he has ceased to be a member of the board or society. St. 1888, c. 333.

The annual appropriation of money by the United States for the support of agricultural experiments is accepted. St. 1887, c. 212.

An additional sum of \$5,000 annually is allowed for the maintenance of the experiment station. St. 1885, c. 327.

SECT. 4. The salary of the secretary is raised from \$2,000 to \$2,500. St. 1883, c. 184.

The sum allowed to the secretary for clerical services, besides his regular clerk, and for lectures, is increased from \$400 to \$800. St. 1884, c. 66.

The salary of the clerk of the secretary is raised from \$1,100 to \$1,200. St. 1887, c. 245.

#### CHAPTER 21.

##### GENERAL PROVISIONS RELATING TO STATE OFFICERS.

All official bonds which are in the custody of the treasurer or are by law approved by the governor and council must be examined once each year or oftener. St. 1885, c. 32.

SECT. 10. The treasurer may close his office for the receipt or payment of money at two o'clock instead of three. St. 1886, c. 257.

#### CHAPTER 22.

##### OF COUNTIES AND COUNTY COMMISSIONERS.

SECT. 1. Muskeget and Gravelly islands are annexed to Nantucket county. Taxes therein are to be assessed by and paid to the town of Edgartown. St. 1887, c. 88.

SECT. 14. The sum allowed for the pay of the county commissioners is raised in Essex from \$3,200 to \$3,900 ; in Middlesex from \$3,000 to \$4,500 ; in Norfolk from \$1,900 to \$2,700. St. 1885, c. 277. In Worcester from \$3,400 to \$3,900 ; in Bristol from \$2,000 to \$2,500, and in Plymouth from \$1,900 to \$2,300. St. 1886, c. 251. In Hampshire from \$1,200 to \$1,600. St. 1887, c. 211. In Franklin from \$1,100 to \$1,600. St. 1888, c. 65.

SECT. 15. The sessions of the county commissioners in Berkshire are changed from the first Tuesday of April, July and September, and the last Tuesday of December, to the first Tuesday of January, April, July and October. St. 1883, c. 63.

SECT. 26. This section, giving the right to act on certain matters at other times than regular meetings, is limited to the regular commissioners ; and is made expressly applicable to the issuing of orders of notice. St. 1885, c. 91.

#### CHAPTER 23.

##### OF COUNTY TREASURERS AND COUNTY FINANCES.

SECT. 2. The salary of the treasurer of Hampden county is raised from \$1,200 to \$1,500. St. 1884, c. 112. And of Worcester and Essex each from \$1,800 to \$2,200. St. 1886, cc. 132, 133. Of Middlesex from \$1,800 to \$2,500. St. 1887, c. 57. Of Hampshire from \$600 to \$800. St. 1887, c. 159.

SECTS. 36, 37, 38, 39. These sections, which require the savings bank commissioners to examine the accounts of certain county officers, are repealed. St. 1887, c. 438, § 8.

#### CHAPTER 24.

##### OF REGISTERS OF DEEDS.

SECT. 5. Worcester county is divided for registry purposes, and Fitchburg, Lunenburg, Leominster, Westminster and Ashburnham are made the northern district, and provision is made for the appointment of a register and the transfer of papers. St. 1884, c. 40.

SECT. 9. Women may be appointed to the office of assistant register of deeds. St. 1885, c. 7.

SECT. 22. After January 1, 1886, the indexes in registries of deeds, except Suffolk, shall have a new column, in which shall be entered the towns in which the lands lie. St. 1885, c. 29.

#### CHAPTER 25.

##### OF SHERIFFS.

SECT. 20. Writs or processes in favor of as well as against a sheriff are to be so served. St. 1885, c. 75.

SECT. 22. The sheriff of Dukes county is given the fees in addition to his salary. St. 1884, c. 209. And the sheriff of Nantucket. St. 1886, c. 28.

The salary of the sheriff of Berkshire county is raised from \$1,000 to \$1,600. St. 1887, c. 58. Of Essex from \$1,800 to \$2,000. St. 1887,



c. 164. Of Middlesex from \$2,000 to \$2,500. St. 1888, c. 95. Of Suffolk from \$2,500 to \$3,000. St. 1888, c. 228. Of Worcester from \$2,000 to \$2,500. St. 1888, c. 244.

## CHAPTER 26.

## OF MEDICAL EXAMINERS.

SECT. 2. A new district is made in Franklin county, for which a new examiner is to be appointed. St. 1884, c. 321.

In Plymouth the number of medical examiners and districts is increased from four to five. St. 1886, c. 74.

SECT. 9. The fees of medical examiners are raised. St. 1885, c. 379, § 1.

SECT. 11. A report of each autopsy is to be filed with the district attorney, with a certificate that it was necessary. Except in Suffolk, the district attorney must certify that it was, in his opinion, necessary, before the fee can be paid. St. 1885, c. 379, § 7.

SECTS. 13, 14, 15. A verbatim report of the evidence shall be made and sworn to at the expense of such road where the accident occurred on a railroad. St. 1888, c. 365.

SECT. 20. Provision is made for the disposition of the body. St. 1887, c. 310.

SECT. 24. Certificates are no longer to be made to the treasurer of the Commonwealth. St. 1887, c. 310.

SECT. 25. Special justices of police, district or municipal courts who receive compensation only under P. S., c. 154, § 26, are given the same fees at inquests as trial justices. St. 1885, c. 40.

The same fees are allowed to witnesses and officers at inquests as in criminal prosecutions before trial justices. St. 1883, c. 61.

The fees of the witnesses are fixed. St. 1885, c. 379, § 2.

SECT. 26. A yearly report to the secretary of the Commonwealth is required, for which the examiner is given a fee. The secretary reports the tabular results of the returns to the legislature with the return of births, deaths and marriages. St. 1885, c. 379, §§ 3, 4, 5, 6.

## CHAPTER 27.

## OF TOWNS AND TOWN OFFICERS.

Towns and cities may devote a part of their territory to the preservation and culture of forest trees for the wood and timber or the preservation of their water supply. They may take or purchase land. The state board of agriculture is given charge of such lands. The town or city may erect thereon buildings for instruction or recreation and borrow money. St. 1882, c. 255.

Towns and cities may lay out public parks and take lands therefor, assess betterments and borrow money. St. 1882, c. 154.

SECTS. 2-6. Provision is made for the definition and preservation of town boundary lines. Changes may be recommended by the commissioners on the topographical survey. Bounds may be obliterated, removed or cov-

ered up in the legitimate occupation of land with the consent of the county commissioners. St. 1888, c. 336.

SECT. 9. Any town or city may lease public buildings, except school-houses, to the Grand Army for a period not exceeding five years. St. 1885, c. 60.

SECT. 10. Towns may vote money for erecting headstones or other monuments for soldiers or sailors in the national wars, and keeping the same in repair. St. 1884, c. 42.

The monuments which may be kept in repair or decorated need no longer be within the limits of the town. St. 1886, c. 76.

Cities may appropriate money for the enforcement of the civil service law. St. 1887, c. 345.

SECT. 12. A city or town may raise fifty cents instead of twenty-five cents for each poll, to be expended in planting or the encouragement of the planting of shade trees. St. 1885, c. 123, § 1.

SECTS. 44, 45, 46, 47, 48, 49, with reference to telegraph wires, shall also apply to wires for electric light. St. 1883, c. 221.

SECT. 52. The requirement is added that the voter be registered. St. 1887, c. 249.

SECT. 59. If neither the town clerk nor selectmen are present, the justice of the peace calling the meeting shall preside. St. 1887, c. 371.

SECT. 60. Moderators and town clerks may appoint tellers to assist in counting votes or checking names. St. 1883, c. 229.

SECT. 65. A town may elect three, five, seven or nine assessors, the term of office being three years, and part going out each year; or four assessors, the term being two years, and half going out each year. St. 1883, c. 203, § 1.

SECT. 69. It may in the same way choose three, five, seven or nine overseers of the poor. St. 1883, c. 203, § 2.

Women are eligible as overseers of the poor. St. 1886, c. 150.

SECT. 78. The appointment of auditors in towns is made compulsory. They shall have access to the books at least once a month. St. 1888, c. 221.

SECTS. 95 *et seq.* City and town clerks must give bonds to account for money received for dog licenses. St. 1888, c. 320.

SECT. 102. The oath is modified in form and must be taken by assessors, assistant assessors and other persons chosen to aid in assessing. St. 1885, c. 355.

SECT. 104. The penalty is extended to all the persons required to take the oath. St. 1885, c. 355, § 2.

Every assessor who fraudulently fixes the valuation at less or more than its fair cash value is punished. St. 1885, c. 355, § 3.

## CHAPTER 28.

### OF CITIES.

“Mayor and aldermen” shall mean board of aldermen, unless other provision is made, except in case of appointments. St. 1882, c. 164.

In case of death, resignation, absence or inability of the mayor, the office

devolves on the chairman of the board of aldermen, if any, then on the president of the common council. Such officer is styled acting mayor. He can make no permanent appointments. St. 1882, c. 182.

Any person elected mayor, alderman, common-councilman or member of the school committee shall be notified of his election by the board of aldermen within seven days after the result is declared; and if elected at a special election, he shall not act until such notice has been issued. St. 1885, c. 159.

Cities may indemnify a police officer for damages sustained while acting as a police officer, or for expenses incurred in the defence or settlement of any suit brought against him for acts done while so acting. St. 1888, c. 379.

Cities may by ordinance prescribe that all fees, charges and commissions of every description allowed by law to the city clerk, treasurer, collector of taxes or any other official shall be paid into the treasury. St. 1888, c. 308.

SECT. 6. One of several items in an ordinance or vote involving the appropriation of money or the raising of a tax may be separately vetoed. St. 1885, c. 312, § 3.

SECT. 7. Where the mayor presides in the board of aldermen he has no vote there or in joint convention. St. 1882, c. 180.

SECTS. 14, 15, 16. Provision is made for a new division of wards in cities. St. 1888, c. 437.

SECTS. 15, 16 are repealed. St. 1888, c. 437, § 6.

The city clerk must make a return to the secretary of the Commonwealth of such new division, stating the number of wards and giving the designation of each voting precinct. St. 1886, c. 78.

All new divisions of wards and precincts made under this section since May 1, 1885, are abolished. St. 1886, c. 283.

SECT. 23. No member of the city council is eligible during his term of office to any office by appointment or election of the city council or either branch thereof, the salary of which office is paid from the city treasury. St. 1886, c. 117.

SECT. 25. The selectmen of towns may make rules for the regulation of carriages and other vehicles as mayors and aldermen of cities may now do. St. 1885, c. 197.

## CHAPTER 29.

### OF MUNICIPAL INDEBTEDNESS.

SECT. 4. The limit of city debts is reduced from three per cent. to two and one-half per cent., but this does not apply to Worcester, Lynn, Gloucester and Brockton until 1889. St. 1885, c. 312. And also Holyoke. St. 1886, c. 178. And Newburyport in part. St. 1886, c. 254. And Boston in part. St. 1886, c. 304.

SECT. 6. Temporary loans can hereafter be made only in anticipation of the taxes of the current year. St. 1885, c. 312, § 4.

SECTS. 7, 8. Towns and cities which have incurred or shall incur a debt may issue bonds, notes or scrip therefor, with interest at a rate not exceeding six per cent. per annum, and sell the same. St. 1884, c. 129.

SECT. 9. A fixed annual appropriation may be provided as a substitute for a sinking fund. St. 1882, c. 133.

## CHAPTER 30.

## OF AID TO SOLDIERS AND SAILORS AND TO THEIR FAMILIES.

SECT. 1. The limit of salary of the third commissioner of state aid is raised from \$1,500 to \$1,800. St. 1885, c. 214.

An agent is to be appointed for the settlement of pension, bounty and back pay claims. He is furnished an office, clerical assistance and his travelling expenses. His duties are defined. St. 1888, c. 396, §§ 1, 2, 3.

Three thousand dollars shall be paid to the council of administration of the Grand Army of the Republic for expenses incurred by them in securing pensions, bounties or back pay and for temporary relief for soldiers and sailors. St. 1888, c. 396, § 4.

Provision is made for the relief, in cases of necessity, of persons who served in the army or navy of the United States during the rebellion, and their dependent families at their own homes or at some other place than an almshouse. St. 1888, c. 438.

SECTS. 2, 9. State aid is to be paid until January 1st, 1890. St. 1884, c. 34.

SECT. 2. The provisions as to state aid are extended to the three months' troops of 1861 and to the one hundred days' troops of 1864. Sts. 1885, c. 173; 1886, c. 39.

SECTS. 2, 3. State aid may be granted to widows of soldiers, sailors or marines who were married before April 9, 1880. Sts. 1885, c. 204; 1887, c. 122.

Aid for soldiers may be entrusted to Grand Army Posts for distribution. St. 1885, c. 189.

SECT. 18. One or more persons may be appointed to investigate claims for reimbursement of state aid instead of one person. St. 1886, c. 110.

## CHAPTER 31.

## OF THE CENSUS, THE BUREAU OF STATISTICS OF LABOR AND THE BOARD OF SUPERVISORS OF STATISTICS.

Useless records, schedules and papers accumulating in the bureau of statistics of labor may be destroyed. St. 1887, c. 43.

SECTS. 1-12. These sections relating to the state census are revised. St. 1884, c. 181.

Certain statistics as to manufactures are to be collected annually by the bureau of statistics of labor, and abstracts are to be published and distributed. St. 1886, c. 174.

SECTS. 13, 15. The chief of the bureau of statistics of labor is given a second clerk at \$1,300 per year. St. 1884, c. 4.

The salary of the first clerk is increased from \$1,500 to \$1,800 and of the second clerk from \$1,300 to \$1,500. St. 1888, c. 115.

## CHAPTER 32.

## OF THE REGISTRY AND RETURN OF BIRTHS, MARRIAGES AND DEATHS.

SECT. 1. In the records of burials, if the deceased was a married woman, the name of her husband is to be entered. St. 1887, c. 202, § 5.

SECT. 3. The words which require the request for a certificate of the death to be made within fifteen days are stricken out. St. 1888, c. 63.

The certificate must also state to the best of the physician's knowledge and belief, the name of the deceased and his age. The request for it is no longer limited to fifteen days. The penalty for neglect to furnish it is increased. St. 1888, c. 306.

SECT. 4. The returns of sextons and undertakers shall be preserved, filed, arranged and indexed conveniently for examination and reference. St. 1887, c. 202.

SECT. 5. A certificate approved by the board of health, where there is one, is required before the removal of bodies as well as before burial. St. 1883, c. 124, § 1.

No body of a person dying from certain diseases can be transported unless securely encased; and no permit to remove can be given until the board of health or selectmen have given a certificate stating the cause of death and that the body has been so encased. The certificate goes with the body. St. 1883, c. 124, § 2.

A fine is imposed for violations of St. 1883, c. 124, § 2. St. 1887, c. 335.

SECT. 5. This section which provides for permission for the removal or burial of human bodies is revised and changed. St. 1888, c. 306, § 2.

SECT. 7. Physicians and midwives are required to report additional facts and are given a fee of twenty-five cents. St. 1883, c. 158.

## CHAPTER 33.

## OF WORKHOUSES AND ALMSHOUSES.

No person whose insanity has continued less than twelve months can be detained in an almshouse without remedial treatment. St. 1886, c. 319, § 3.

## CHAPTER 35.

## OF FIRES, FIRE DEPARTMENTS AND FIRE DISTRICTS.

SECT. 1. Forest fire-wards are to be appointed. Their duties are defined. St. 1886, c. 296, §§ 2, 3.

SECT. 10. These returns shall include forest fires. St. 1886, c. 296, § 4.

SECTS. 10, 11. These sections requiring returns of fires are repealed. St. 1888, c. 199, § 3.

SECTS. 28 *et seq.* Fire departments must be equipped with certain apparatus for the saving of lives at fires. The proper authorities of the department must see that the apparatus is kept in good condition and ready for immediate use and that firemen are trained in handling it. St. 1888, c. 310.

SECT. 29. The selectmen may remove engineers after notice and hearing. St. 1886, c. 113.

SECT. 35. Violations of rules established by boards of engineers are punished. St. 1888, c. 220.

#### CHAPTER 36.

##### OF FENCES AND FENCE VIEWERS, POUNDS AND FIELD DRIVERS.

SECTS. 1-19. Certain fences and other like structures maliciously erected are declared private nuisances. St. 1887, c. 348.

#### CHAPTER —.

##### OF THE CIVIL SERVICE.

The appointment of officers in the government of the Commonwealth and of the cities is regulated. St. 1884, c. 320.

The salary of the secretary of the civil service commission is increased from \$1,200 to \$1,500. St. 1888, c. 41.

The copy of the rules or changes need be sent only to the mayors of cities to which such rules or changes therein relate and be published in one or more newspapers. St. 1888, c. 253.

The clause of St. 1884, c. 320, § 4, which requires the immediate discharge of any person convicted of the violation of any law of the state, is repealed. St. 1888, c. 334.

Cities may appropriate money for the enforcement of the civil service law. St. 1887, c. 345.

Honorably discharged soldiers and sailors may be preferred for appointment without having passed an examination. St. 1887, c. 437.

The tenure of office of all officers appointed by the governor and council, except when otherwise specially provided by law, continues until their successors are appointed. St. 1887, c. 364.

#### CHAPTER 37.

##### OF THE PUBLIC RECORDS.

Clerks of towns and cities shall keep indexes of instruments recorded, in the form here provided. St. 1885, c. 190.

SECT. 3. The county commissioners must furnish additional accommodations when required by a justice of the supreme court. St. 1886, c. 207.

SECT. 5. Records of births may also be copied. St. 1887, c. 202.

#### CHAPTER 38.

##### OF PARISHES AND RELIGIOUS SOCIETIES.

Religious societies shall not assess taxes except upon their pews. St. 1887, c. 419.

Incorporated religious societies may make by-laws. St. 1888, c. 326.

Provision is made for the incorporation of churches. St. 1887, c. 404.

SECT. 21 is repealed. St. 1887, c. 419.

SECT. 43. This section, defining the powers of officers of the Protestant Episcopal Church, is extended to the Reformed Episcopal Church. St. 1886, c. 239.

## CHAPTER 39.

## OF DONATIONS AND CONVEYANCES FOR PIOUS AND CHARITABLE USES.

SECTS. 1, 2. Churches or religious societies may appoint trustees who, with their successors, shall be a body corporate for the purposes of this section. St. 1884, c. 78.

## CHAPTER 40.

## OF LIBRARY ASSOCIATIONS.

SECT. 6. The amount which may be paid to the county law libraries is increased from \$1,500 to \$2,000. St. 1882, c. 246.

SECTS. 16 *et seq.* The election, powers and duties of trustees of free public libraries or of free public libraries and reading rooms in town is regulated. St. 1888, c. 304.

## CHAPTER 41.

## OF THE BOARD OF EDUCATION.

SECT. 8. The salary of the secretary of the board of education is raised from \$2,500 to \$3,000. St. 1885, c. 227.

SECTS. 16, 17. The board also supervises the pupils in the Perkins institution and Massachusetts school for the blind. St. 1885, c. 118.

SECT. 16. This section, which provides for the instruction of deaf mutes at the public expense, is revised and extended. St. 1888, c. 239.

## CHAPTER 43.

## OF THE SCHOOL FUNDS.

SECT. 3. The distribution of the half of the school fund not specifically appropriated is changed, increasing the amount given to the smaller towns. St. 1884, c. 22.

## CHAPTER 44.

## OF THE PUBLIC SCHOOLS.

SECT. 1. The use of hand tools may be taught, if deemed expedient. The tools are to be furnished by the town and loaned to the scholars. St. 1884, c. 69.

SECT. 2. Towns and cities of over ten thousand inhabitants must maintain evening schools, with certain studies. The terms, hours and regulations are fixed by the school committee. St. 1883, c. 174.

Notice must be given of the opening of the evening schools. St. 1887, c. 433, § 4.

Physiology and hygiene, including special instruction as to the effects of alcoholic drinks, stimulants and narcotics on the human system, must be taught in the public schools. St. 1885, c. 332.

SECTS. 1, 2. Cities of over fifty thousand inhabitants must maintain evening high schools when requested by fifty persons intending to be students. St. 1886, c. 236.

SECT. 28. Teachers after a service of one year may be elected to serve during the pleasure of the committee. St. 1886, c. 313.

SECT. 36. Text-books and school supplies are hereafter to be purchased and loaned to the pupils. St. 1884, c. 103.

SECTS. 37, 38. The sum due to the town for school books may be abated as in the case of taxes. St. 1885, c. 67.

SECTS. 35-40 are repealed and school committees may procure, at the expense of the city or town, an appropriation having been previously made therefor, such apparatus, books of reference and other means of illustration as they deem necessary. St. 1885, c. 161.

SECTS. 43-45. Small towns may unite to employ a superintendent of schools and then receive assistance from the state. Section 43 respecting the service of school committees without pay in towns where a superintendent is appointed shall not apply. St. 1888, c. 431.

#### CHAPTER 45.

##### OF SCHOOL DISTRICTS.

The school district system is abolished on January 1, 1883, and the affairs of the districts are to be closed. St. 1882, c. 219.

SECT. 8. Towns are given the right to sue or defend for abolished school districts. St. 1884, c. 122.

#### CHAPTER 47.

##### OF THE ATTENDANCE OF CHILDREN IN THE SCHOOLS.

SECT. 9. No child can attend school while any person in its family is sick with small-pox, diphtheria or scarlet fever, or until two weeks after his recovery. St. 1884, c. 64.

Nor after recovery without a certificate from the attending physician or board of health. St. 1885, c. 198.

#### CHAPTER 48.

##### OF THE EMPLOYMENT OF CHILDREN AND REGULATIONS RESPECTING THEM.

SECT. 1. No minor shall be employed to sell papers devoted to criminal news. St. 1885, c. 305.

SECTS. 1-6. These sections are repealed. The regulations as to the employment of children are revised and extended and forms established. St. 1888, c. 348.

SECTS. 1 *et seq.* The sanitary provisions in factories, workshops, mercantile or other establishments and offices are regulated. The expense may be recovered of other persons having an interest in the premises in certain cases. St. 1888, c. 305.

It is forbidden to employ children in cleaning machinery in motion. St. 1887, c. 121.

Uniform and proper meal times must be allowed for children, young persons and women employed in certain factories and workshops. St. 1887, cc. 215, 330.



The words used in statutes relating to the employment of labor are defined. St. 1887, c. 103.

SECT. 12. Whoever, after notice, hires, entices or induces any child unlawfully to absent himself from school, or hires, employs or harbors such absentee or truant, is punished. St. 1885, c. 71.

SECT. 14. Three or more cities or towns in each of two, three or four contiguous counties may require the establishment of a union truant school, and the clause with reference to Norfolk, Bristol, Barnstable and Plymouth counties is repealed. St. 1884, c. 155.

SECT. 18. Poor children in need of immediate relief are to be provided for by the board of lunacy and charity, and courts may commit children who are growing up without education or salutary control, or who are dependent on public charity, to such board, if they have no settlement, or to the overseers of the poor if they have a settlement. St. 1882, c. 181.

If the place of settlement of any of such children has not within its control any institution in which they may be lawfully maintained they may be committed to the custody of the state board of lunacy and charity. St. 1888, c. 248.

A complaint, summons to the parents or guardian of the child, a hearing and appeal, and the custody of the child pending the proceedings, are provided for. St. 1886, c. 330.

If any parent abandons a child under two years old, or neglects to support it, or having contracted for its maintenance fails to perform such contract, he is punished. Any person knowingly and with wrongful intent aiding such abandonment, is also punished. Every person receiving a child under one year old, knowing or having cause to believe it to be illegitimate, must at once notify the overseers of the poor. The parents must answer all questions as to its residence, parentage and place of settlement, and must when called upon, give security for its maintenance. St. 1882, c. 270.

Unreasonable neglect to provide for the support of a wife or minor child is punished, and the fine may be paid to the corporation or person actually then supporting them. Sts. 1882, c. 270, § 4; 1884, c. 210; 1885, c. 176.

SECTS. 18, 19. Only persons appointed by the towns and the officers and agents of the society for the prevention of cruelty to children shall carry into effect the judgments under these sections. St. 1883, c. 245.

## CHAPTER 49.

### OF THE LAYING OUT AND DISCONTINUANCE OF WAYS, AND OF DAMAGES OCCASIONED BY THE TAKING OF LAND FOR PUBLIC USE.

Land may be taken for parks. St. 1882, c. 154.

For the cultivation of trees. St. 1882, c. 255.

The improvement of public grounds or open spaces in streets designated as not needed for public travel, may be given to corporations organized for the purpose who shall then have charge thereof, subject to the direction of the selectmen or road commissioners. Any wilful injury is punished by a fine which goes to the corporation. St. 1885, c. 157.

Public landing places already existing may be laid out and defined. St. 1882, c. 109.

SECT. 18. A provision is inserted providing for the payment by the trustee of any rent or charge to the reversioner or remainderman and the language is changed in other respects. St. 1883, c. 253.

SECT. 47. The pay of the officer who attends the sheriff's jury is raised from one dollar and one-half to four dollars per day. St. 1882, c. 96.

SECTS. 84, 85, 86. These sections which define the powers of the street commissioners of Boston are revised. St. 1888, c. 397.

SECT. 105. Damages for land taken by any town in the counties of Nantucket or Dukes county, or by either of those counties, may be assessed by a jury in the superior court in Bristol county. St. 1887, c. 50.

#### CHAPTER 50.

##### OF SEWERS, DRAINS AND SIDEWALKS.

SECT. 5. Land sold for sewer assessments may be redeemed as if sold for taxes. St. 1883, c. 145.

The lien shall continue for two years instead of one year. St. 1886, c. 210.

#### CHAPTER 51.

##### OF BETTERMENTS AND OTHER ASSESSMENTS ON ACCOUNT OF THE COST OF PUBLIC IMPROVEMENTS.

The betterment act is extended to alterations of ways at railroad crossings. St. 1884, c. 280.

The authorities may agree to assume betterments for streets or parks, if the land-owner will release damages. St. 1884, c. 226.

Betterments bear interest after thirty days, and the lien continues for one year after the determination of any suit to test their validity. St. 1884, c. 237.

Notice of an assessment of betterments must be given within three months to persons affected. St. 1885, c. 299.

The county commissioners, in laying out, altering, grading or discontinuing highways, may declare the same to be done under the betterment acts, so far as it is done within a city or town which has accepted those acts. If they have ordered damages for any land or buildings to be paid from the county treasury, the sum shall be included and reimbursed to the county ratably from the betterments collected. St. 1887, c. 124.

#### CHAPTER 52.

##### OF THE REPAIR OF WAYS AND BRIDGES.

SECT. 10. The trimming and removal of trees in ways is regulated. St. 1885, c. 123, § 2.

SECT. 19. The notice of injury shall not be invalid for any unintentional inaccuracy, if the party entitled to notice was not misled. St. 1882, c. 36.

Actions for injuries received on highways are no longer limited to the superior court. St. 1888, c. 114.

CHAPTER 53.

OF THE REGULATIONS AND BY-LAWS RESPECTING WAYS AND BRIDGES.

Canals and waterways adjudged to be dangerous to public travel must be fenced. St. 1887, c. 393.

SECT. 1. Guide posts are required at forks or intersections of such highways and other ways as lead to adjoining towns or cities. St. 1887, c. 162.

SECT. 18. The county commissioners may regulate the speed at which persons may ride or drive horses or other beasts over any bridge which has cost not less than one thousand dollars and to the construction or maintenance of which the county contributes. St. 1888, c. 313.

CHAPTER 54.

OF THE BOUNDARIES OF HIGHWAYS AND OTHER PUBLIC PLACES, AND ENCROACHMENTS THEREON.

No barbed wire fence may be built against a sidewalk. St. 1884, c. 272.

SECTS. 6, 9. The town or city may itself plant such trees. St. 1885, c. 123, § 1.

SECTS. 9, 12. The requirement of acceptance is repealed. St. 1885, c. 123, § 3.

CHAPTER 56.

OF THE INSPECTION AND SALE OF BUTTER, CHEESE, LARD, FISH, HOPS, LEATHER AND POT AND PEARL ASHES.

SECT. 17. In the mark or label, "imitation butter" is substituted for "adulterated butter." St. 1884, c. 310, § 1.

SECTS. 17, 18, 19. The type of the brand required is changed from Roman to Gothic, and other names are allowed. St. 1885, c. 352, §§ 1, 2.

The sale of imitations of butter is further regulated. St. 1886, c. 317.

SECT. 19. The use of false labels, stamps or marks is punished. St. 1885, c. 352, § 3.

SECT. 20. Inspectors may enter places where butter or cheese is stored or kept for sale, and interference with their duties is punished. St. 1884, c. 310, § 2.

Inspectors appointed under St. 1882, c. 263, are given authority under this section. St. 1885, c. 352, § 5.

SECTS. 3-21. The sale of adulterated lard is forbidden unless it is branded as compound lard. St. 1887, c. 449.

SECTS. 22 *et seq.* Public weighers of salt-water fish may be appointed. Their duties and fees are established. St. 1888, c. 163.

CHAPTER 57.

OF THE INSPECTION AND SALE OF MILK.

Municipal, district, police courts and trial justices are given concurrent jurisdiction with the superior court of offences under this chapter. St. 1885, c. 149.

The milk act is not repealed or amended by subsequent legislation as to adulterations. St. 1884, c. 289, § 4.

SECT. 2 is revised. Milk for analysis is to be delivered to the inspector on his written request, instead of his taking it. The clause making the certificate of analysis evidence is omitted. A part of the sample analyzed is to be kept for the defendant. St. 1884, c. 310, §§ 3, 4.

This section is again revised. The assistants as well as the inspectors may enter and take samples. St. 1885, c. 352, § 4.

Inspectors appointed under St. 1882, c. 263, are given authority under this section. St. 1885, c. 352, § 5.

The inspectors may appoint collectors with power to take samples. They may take samples in all cases instead of only when they have reason to believe the milk adulterated. They must on request give a portion of the sample to the person from whom it is taken. The provision that the certificate of analysis shall be evidence is stricken out. St. 1886, c. 318, § 1.

A refusal or neglect to deliver a portion of the sample makes any analysis or test incompetent. St. 1886, c. 318, § 3.

Whoever makes, uses or has a counterfeit of the inspector's seal, or tampers with samples, is punished. St. 1886, c. 318, § 4.

SECT. 5. Milk not of good standard quality is added to the kinds which may not be sold. St. 1886, c. 318, § 2.

SECT. 7. The mark must be in uncondensed Gothic letters. St. 1885, c. 352, § 7.

Such skimmed milk must have at least nine and three-tenths per cent. of milk solids exclusive of fat. St. 1885, c. 352, § 8.

SECT. 8. It is made an offence to obstruct an inspector. St. 1884, c. 310, § 5.

SECT. 9. The milk must also contain not less than nine and three-tenths per cent. of milk solids exclusive of fat. St. 1885, c. 352, § 6.

Milk of good standard quality is defined, and the necessary percentages of solid matter fixed. St. 1886, c. 318, § 2.

SECT. 12, regulating the number of quarts that a milk can shall hold, is repealed. St. 1885, c. 145.

The wilful defacing and misuse of milk cans is punished. St. 1885, c. 133.

#### CHAPTER 58.

#### OF THE INSPECTION AND SALE OF PROVISIONS AND ANIMALS INTENDED FOR SLAUGHTER.

The sale of dressed poultry is regulated. St. 1887, c. 94.

The adulteration of any drug or article of food is punished. Adulteration is defined. St. 1882, c. 263.

“Food” and “drug” are defined. St. 1886, c. 171.

The annual expenditure for the enforcement of the adulteration act may be ten thousand dollars. An annual report by the state board is required. St. 1884, c. 289, §§ 1, 2.

The adulteration act does not apply to mixtures recognized as ordinary articles of food, nor to drugs where the standard has been raised, nor to

cases where an inferior article is ordered or the difference is known to the purchaser. St. 1884, c. 289, §§ 5, 7.

A portion of the sample must be furnished to the defendant. St. 1884, c. 289, § 8.

## CHAPTER 59.

## OF THE INSPECTION AND SALE OF CERTAIN OILS.

The preparation, storage and sale of unsafe oils intended to be used for fuel is forbidden, the person guilty is punished and also made liable for all damages, and the oil is forfeited. A standard test for such oils is established. St. 1885, c. 98.

SECT. 7. A new section is substituted which forbids the selling or keeping for sale of kerosene or petroleum unless inspected by an authorized inspector. St. 1885, c. 122, § 2.

## CHAPTER 60.

## OF THE INSPECTION AND SALE OF VARIOUS ARTICLES.

SECTS. 11-16. These sections as to the inspection and sale of commercial fertilizers are repealed and new provisions are substituted. St. 1888, c. 296.

SECT. 17, which provides the mode of issuing licenses to sell commercial fertilizers, is repealed. St. 1883, c. 29.

SECT. 20. A crate of cranberries containing thirty-two quarts, level measure, is made a legal measure, and all barrels or crates must be branded or marked "Massachusetts standard measure." Whoever so brands or marks any barrel or crate of less capacity is punished. St. 1884, c. 161.

SECT. 21. Cider apples, beans and peas are added to the articles which must be sold either by the bushel or the cental. The weight of a bushel of apples is fixed at fifty pounds, and of beans or peas at sixty-two pounds. St. 1888, c. 414.

SECTS. 69-71. The adulteration of vinegar is forbidden, and the standard of purity fixed. The act is to be enforced by the inspectors of milk. St. 1884, c. 307.

Artificial coloring matter is to be deemed an adulteration, and the per cent. of acetic acid is reduced from five to four and one-half per cent., and that of cider vinegar solids is increased from one and one-half to two per cent. St. 1885, c. 150.

SECT. 69. Vinegar not made exclusively of apple cider, or into which foreign substances have been introduced, may not be sold, held with intent to sell or exposed for sale as cider vinegar. Sts. 1883, c. 257, § 1; 1884, c. 307, § 1.

SECT. 71. Compensation may be provided for the inspector of vinegar, or he may recover a reasonable compensation for his services. St. 1883, c. 257, § 2.

Cities or towns may pay inspectors of vinegar appointed under St. 1880, c. 113. St. 1884, c. 163.

SECT. 82. Coal in amounts less than five hundred pounds must be sold in measures of the dimensions prescribed, and any person who uses, or has

with the intention to use, any other measure, is punished. St. 1883, c. 218.

The baskets and measures provided by St. 1883, c. 218, must be stamped with their capacity by the sealer of weights and measures, and the coal must be delivered in them. St. 1884, c. 70.

## CHAPTER 61.

### OF THE INSPECTION OF GAS AND GAS METERS.

In the construction of this chapter gas company includes any person owning or operating works for the manufacture or sale of gas for heating or illuminating purposes. St. 1886, c. 346, § 7.

A board of gas commissioners is established to whom the gas companies are to report and who have power to hear complaints and make orders with regard to the quality and price of gas. St. 1885, c. 314.

Further provision is made as to regulating the price of gas. All accidents are to be reported and investigated and an abstract included in the annual report. St. 1888, c. 350.

The board of gas commissioners is constituted a board of gas and electric light commissioners, and the laws as to gas are extended to electric light companies. St. 1887, c. 382.

The place where the books of gas companies shall be kept and their form is regulated. They may be compelled to furnish gas. St. 1886, c. 346, §§ 1, 2, 5.

SECTS. 11, 12. The meter must be easily read and not confuse or deceive the consumer, and no rent for it can be charged where the consumer uses gas to the value of seven dollars in any one year. St. 1886, c. 346, § 6.

SECTS. 13, 14. Gas for purposes other than lighting need not be inspected under these sections. St. 1885, c. 240.

SECT. 14. An inspection is to be made for every six million feet of gas instead of every four million. St. 1886, c. 250.

The gas commissioners may license gas companies to make and sell water gas containing any percentage of carbonic oxide that said board may determine. The company must furnish their customers a copy of the license containing a statement of the percentage of carbonic oxide. They may not charge more than other companies in that locality charge when the manufacture and sale is so licensed. St. 1888, c. 428.

## CHAPTER 65.

### OF WEIGHTS AND MEASURES.

SECT. 8. Sealers of weights and measures are to be appointed in cities by the mayor and aldermen, and not by the city council. St. 1882, c. 42.

SECT. 21. Unlawful weights and measures may be seized. Possession is made *prima facie* evidence of unlawful intent, and the person having them is punished. St. 1883, c. 225.

## CHAPTER 67.

## OF AUCTIONEERS.

SECT. 1. Auctioneers must have resided in the city or town for six months before their appointment. St. 1886, c. 289.

SECT. 5. The clause forbidding an auctioneer to sell his own goods before sunrise or after sunset is struck out. St. 1886, c. 289.

CHAPTER 67*a*.

## OF THE REGULATION OF PHARMACY.

A board of registration in pharmacy is established. Every person engaged in the business of retailing or dispensing drugs, medicines, chemicals or poisons, or compounding them for sale, must be registered. The business is regulated. St. 1885, c. 313.

The clause allowing retail dealers in drugs and medicines who were in business at the passage of the law to register is repealed. St. 1887, c. 267.

CHAPTER 67*b*.

## OF THE REGULATION OF THE PRACTICE OF DENTISTRY.

A board of registration in dentistry is established, and the practice of dentistry is regulated. St. 1887, c. 137.

## CHAPTER 68.

## OF HAWKERS AND PEDDLERS.

Any person who employs a child under fifteen in peddling without a license or in begging, or permits him to do so, is punished. St. 1887, c. 422.

SECT. 2. Cities and towns may regulate the sale of any articles permitted to be sold by section 1 by any hawker or peddler, and their authority is not, as now, limited to the regulation of sales by minors. They may impose penalties, but no new fees can be imposed. St. 1883, c. 168.

SECT. 9. The secretary of the Commonwealth may grant licenses to persons recommended by the towns or cities, as stated in section 4, who are over seventy years of age, without any fee. St. 1883, c. 118.

## CHAPTER 69.

## OF SHIPPING AND SEAMEN, HARBORS AND HARBOR-MASTERS.

SECT. 1-13. Transportation for destitute seamen may be furnished at the expense of the state. St. 1886, c. 179.

SECT. 23. The throwing into or depositing in harbors of any injurious materials is forbidden. The harbor commissioners may forbid injurious changes on the shores. St. 1884, c. 269.

SECT. 25. Assistant harbor-masters may be appointed as well as harbor-masters, and shall be subject to their control. St. 1882, c. 216.

SECTS. 26, 29, 33. A harbor-master may require vessels to change their place of anchorage. Masters of tug-boats and pilots must cause vessels in their charge to anchor under his direction. He may recover the expense of moving them, if not anchored as he requires. St. 1884, c. 173.

SECT. 33. The penalty is made to cover any violation of sections 23 to 32. St. 1884, c. 173.

## CHAPTER 70.

### OF PILOTS AND PILOTAGE.

Pilots may be appointed, in addition to those now allowed by law, except for the port of Boston. Where the recommendation of a society is now required, they shall not be appointed without a certificate from the society, unless it neglects for three months to pass upon their qualifications. St. 1882, c. 174.

A pilot may be appointed for the harbor of Coliasset. The rates are the same as for the harbor of Boston. St. 1887, c. 298.

SECT. 15. The fees for the pilotage of vessels in and out of Wood's Holl harbor are established. St. 1888, c. 288.

If a vessel entering Boston harbor passes a line fixed, she is not liable to pilotage. St. 1884, c. 252, § 1.

Exempt vessels may require a pilot and then shall pay him. St. 1884, c. 252, § 5.

The rates of pilotage for the ports of Salem and Beverly shall be the same as for the port of Boston. St. 1887, c. 204.

SECT. 27. Whaling vessels outward-bound from New Bedford are exempt from the pilotage law. St. 1884, c. 213.

SECT. 30. The limit of half fees in Boston harbor is increased from two hundred to three hundred and fifty tons, and such vessels are not held for fees out unless they take a pilot. St. 1884, c. 252, §§ 2, 3.

SECT. 32. In the list of vessels exempt from compulsory pilotage are omitted "all single-decked coasting vessels of not more than three hundred and fifty tons." St. 1884, c. 252, § 4.

SECT. 39. Persons other than pilots may not assume or continue to act as such when pilots can be got. St. 1884, c. 252, § 6.

## CHAPTER 72.

### OF PUBLIC WAREHOUSES.

Provision is made for the sale of goods held by public warehousemen for overdue charges and the disposition of the proceeds is determined. St. 1887, c. 277.

SECT. 2. The amount of the bond and its sureties are to be approved by the governor. St. 1885, c. 167.

SECT. 5. Any person requesting it may have a non-negotiable receipt which can only be assigned on the books of the warehouseman. St. 1886, c. 258.



## CHAPTER 74.

## OF THE EMPLOYMENT OF LABOR.

A state board of arbitration for the settlement of disputes and differences between employers and their employees is created. Sts. 1886, c. 263 ; 1887, c. 269.

The provision in St. 1887, c. 269, § 1, that the board shall choose one of its members as secretary is stricken out and the limit of the salary of the clerk is raised from \$900 to \$1,200. St. 1888, c. 261.

The words used in the statutes relating to labor are defined. St. 1887, c. 103, § 5.

Fines for imperfect weaving are regulated. St. 1887, c. 361.

The proper ventilation of factories and workshops is required. St. 1887, c. 173.

The sanitary provisions in factories and workshops are regulated. Sts. 1887, c. 103 ; 1888, c. 305.

It is required that uniform and proper meal times shall be allowed to children, young persons and women employed in certain factories and workshops. St. 1887, cc. 215, 330.

Employers must furnish seats for females employed. St. 1882, c. 150.

Manufacturers may sound bells, gongs and whistles as signals to their workmen, of such size and at such hours as the town or city authorities may in writing permit. St. 1883, c. 84.

Corporations must pay weekly all wages earned up to six days before such payment. St. 1886, c. 87.

The weekly payment law is modified in its application to municipal corporations, counties, co-operative associations or corporations and railroads. Complaints may be made by the chief of the district police or any state inspector of factories and the defences to such complaint are limited. Assignments to the corporation or any person for it or made to relieve it from the obligation to pay wages weekly are void. St. 1887, c. 399.

All manufacturers must give the chief of the district police written notice of any accident by which an employee loses his life or is kept from work for over four days. The chief of the district police keeps a record of such accidents and includes an abstract in his annual report. St. 1886, c. 260.

It is forbidden to employ children in cleaning machinery in motion. St. 1887, c. 121.

The liability of employers to make compensation for personal injuries suffered by employees in their service is extended and regulated. St. 1887, c. 270.

The notice under the employer's liability act must be in writing and signed. St. 1888, c. 155.

SECT. 4. The ten-hour law is made to apply to manufacturing and mercantile establishments. St. 1883, c. 157.

This section as amended in 1883 shall not apply to mercantile establishments. St. 1884, c. 275, § 4.

The employment of minors under eighteen years of age, for more than sixty hours a week, in mercantile establishments, is forbidden. A certifi

cate of age, sworn to by the minor and his parent or guardian, is made *prima facie* evidence. Printed notices must be posted giving the hours of labor. St. 1884, c. 275, §§ 1, 2, 3.

This section is amended and revised. St. 1887, c. 280.

The notice shall state the time of commencing and stopping work and the time allowed for starting and stopping machinery and for dinner. The form is furnished by the chief of the district police and approved by the attorney-general. St. 1886, c. 90.

#### CHAPTER 75.

##### OF LIMITED PARTNERSHIPS.

SECT. 3. The name of a former firm may be used with the consent of its members. St. 1887, c. 248, § 1.

SECT. 7. In case of a renewal the special capital must equal that originally put in and the certificate must so state. St. 1887, c. 248, § 3.

SECT. 8. A special partner may draw interest at any rate agreed on, not exceeding six per cent., out of the profits. St. 1887, c. 248, § 2.

SECT. 12. The clause making the special partner liable in cases not provided for in this chapter is repealed. St. 1887, c. 248, § 4.

#### CHAPTER 77.

##### OF MONEY, BILLS OF EXCHANGE, PROMISSORY NOTES AND CHECKS.

Checks or demand drafts may be paid within ten days after their date, although the drawer in the meantime dies. St. 1885, c. 210, § 1.

SECT. 1. The par of exchange established by the United States Rev. St. § 3565, is adopted. St. 1882, c. 110.

SECT. 8. All loans for less than one thousand dollars shall be dischargeable by payment or tender of the sum actually loaned with eighteen per cent. interest and not exceeding ten dollars for expenses. St. 1888, c. 388.

The day following Christmas is made a holiday when Christmas falls on Sunday. St. 1882, c. 49. And the first Monday of September, which is to be known as labor's holiday. St. 1887, c. 263.

SECTS. 8 *et seq.* A written promise to pay money is a promissory note and negotiable though the time of payment is uncertain, if it is payable at all events and at some time which must certainly come. St. 1888, c. 329.

#### CHAPTER 77a.

##### OF THE ENCOURAGEMENT OF AGRICULTURE.

A bounty of one dollar a ton is given for sugar made from beets or sorghum, under the regulation stated. St. 1883, c. 189.

The obtaining by false pretences of certificates of registration of cattle, or transfers of such registration, and the giving of false pedigrees of cattle and other animals, is punished. St. 1887, c. 143.

## CHAPTER 78.

## OF THE PREVENTION OF FRAUDS AND PERJURIES.

An agreement to make wills, devises or legacies is not binding unless in writing. St. 1888, c. 372.

## CHAPTER 79.

## OF THE STATE BOARD OF HEALTH, LUNACY AND CHARITY.

The duties of the state board of health, lunacy and charity are divided between a state board of health and a state board of lunacy and charity. St. 1886, c. 101.

The governor may detail an officer of the district police to assist them in cases of deserted and unprotected children and of bastardy. St. 1885, c. 158.

SECT. 9. The classes of inmates who may be removed are specified. St. 1887, c. 367.

## CHAPTER 80.

## OF THE PRESERVATION OF THE PUBLIC HEALTH.

SECT. 3. Vacancies in boards of health in towns, where no provision is made by special statute, shall be filled by the selectmen and board of health acting jointly. St. 1885, c. 307.

SECT. 28. Boards of health cannot abate such nuisances without a previous appropriation by the city or town, if the expense will exceed two thousand dollars. St. 1887, c. 338, § 1.

SECTS. 28, 30. Any person entitled to notice may appeal to the superior court, and pending the appeal all proceedings by the board are stayed. St. 1887, c. 338, § 2.

SECT. 32. Persons aggrieved by such assessments are given a right to a trial by jury. St. 1887, c. 338, § 3.

SECT. 60. Persons boarding an illegitimate child under one year old must give notice to the overseers of the poor. The parent or parents must, when required, give satisfactory security for the maintenance of such child, and make true answers to all questions as to its residence, parentage and place of settlement. St. 1882, c. 270, § 3.

SECT. 79. The local board of health must, within twenty-four hours, notify the state board of cases of small-pox, or it forfeits the claim of the town to reimbursement. St. 1883, c. 138.

SECTS. 78, 79. Householders and physicians must also report cases of diphtheria and scarlet fever, and records of such reports shall be kept on blanks furnished by the state. Rooms and articles are to be disinfected to the approval of the board of health. St. 1884, c. 98.

SECT. 88. The appellant from an order as to offensive trades must apply for a jury to the court in the county where the premises are; not, as now, where the order is made. St. 1883, c. 133.

SECT. 96. Bathing in ponds used for the domestic water supply of cities or towns is forbidden. St. 1884, c. 172.

The supreme judicial or superior court may, upon the application of a city or town, enjoin violations of this section. St. 1884, c. 154, § 1.

SECTS. 98, 99, 100, giving the state board supervision of sources of water supply, and power to make orders concerning them, are repealed. St. 1884, c. 154, § 2.

SECTS. 96 *et seq.* The state board of health is given oversight of all inland waters. It shall make examinations, experiments and recommend measures to prevent pollution, and advise towns and cities as to water supplies, drainage and sewerage. Towns and cities must consult the board. Petitions to the legislature must be accompanied by its recommendation. It must enforce the law, and report cases requiring further legislation. St. 1888, c. 375.

SECTS. 96-105. A town or city may contract with any other town or city to contribute for sewers to protect its water supply. St. 1888, c. 160.

The state board of health may, on complaint after hearing, forbid the sale of impure ice. St. 1886, c. 287.

## CHAPTER 82.

### OF CEMETERIES AND BURIALS.

Corporations for the cremation of the dead are authorized and cremation is regulated. St. 1885, c. 265.

SECT. 3. The present section is repealed and a new section is enacted which more fully defines the rights of the widow and children to the possession, care and control of the burial lot. St. 1885, c. 302.

SECT. 6. Conveyances of burial lots recorded by the corporation owning the cemetery, require no other record. St. 1883, c. 142.

SECT. 17. Towns and cities may receive funds for the care and improvement of public or private burial places, and of lots therein. St. 1884, c. 186.

SECT. 19. Boards of health may close any tomb, burial ground, cemetery or other place of burial. St. 1885, c. 278, § 1.

SECT. 24. On appeal from such order closing a burial place, the jury must find, in addition to the finding now required, that the closing thereof was not necessary for the protection of the public health. St. 1885, c. 278, § 2.

SECTS. 25-28. These sections, providing for the closing of tombs in cities by the city council, are repealed. St. 1885, c. 278, § 3.

## CHAPTER 84.

### OF THE SUPPORT OF PAUPERS BY CITIES AND TOWNS.

SECT. 2. No insane person, where the insanity has continued less than six months, can be detained in an almshouse or elsewhere by the overseers of the poor without remedial treatment. St. 1886, c. 319, § 3.

SECT. 3. If the overseers of the poor in any city, except Boston, fail to place any pauper child in a family for two months, the state board of lunacy and charity may do it. St. 1887, c. 401.

SECT. 6. Not only the kindred of the pauper but the pauper himself is liable for expenses incurred for him. St. 1882, c. 113.

SECT. 17. The overseers also bury unclaimed or unidentified bodies upon which inquests have been held. St. 1887, c. 310, § 3.

SECT. 21. Destitute and deserted children may be placed in St. Mary's infant asylum, as well as in the Massachusetts infant asylum. St. 1883, c. 232.

## CHAPTER 85.

## OF THE MAINTENANCE OF BASTARD CHILDREN.

SECT. 1. The complaint may be made to and the warrant be issued by the clerk of the courts named, as well as by the courts themselves. St. 1885, c. 289.

## CHAPTER 86.

## OF ALIEN PASSENGERS AND STATE PAUPERS.

SECT. 13. The present board is abolished and a new one for both the almshouse and workhouse is established and regulated. It may transfer inmates. St. 1884, c. 297.

SECTS. 16, 19. The same person may be superintendent and resident physician. St. 1883, c. 278.

SECT. 22. The removal of a sick pauper to the state almshouse is forbidden until the certificate of a physician is procured that he can be removed without injury or danger to his health. St. 1887, c. 440.

SECT. 25. The notice in case of persons too sick to be removed must be signed by the overseers of the poor, or some person appointed by them, and they must certify to the facts after personal examination. St. 1885, c. 211.

SECT. 26. The bills must be endorsed with a distinct declaration that the amount charged for has been paid from the town or city treasury. St. 1885, c. 211.

SECT. 28 is repealed, and provision is made that idiots may be sent to the school for the feeble-minded. The trustees there may receive them or send them home, or to the state almshouse, or to the place of their settlement. St. 1883, c. 239, §§ 5, 6, 7.

SECT. 31. The expense is to be paid only when written notice has been given to the state board within sixty days from the time when the aid was first given. St. 1885, c. 211.

SECT. 37. Persons not sentenced inmates who abscond or escape and within one year are found soliciting public charity, are punished. Provision is made for complaints against them and as to what courts shall have jurisdiction. St. 1884, c. 258.

SECT. 39. The state board of lunacy and charity may transfer any pauper lunatic to insane asylum at the state almshouse. St. 1888, c. 69.

SECT. 44. St. Mary's infant asylum must also notify the state board of the reception of infants having no known settlement. St. 1883, c. 232, § 2.

SECT. 46. Children who are state paupers may be placed by the state board in private families until three years old instead of two. St. 1882, c. 181, § 1.

Section 46, as amended, applies to St. Mary's infant asylum, but indigent and neglected infants without settlement are to be committed to the state board of health, which board shall provide for them as they judge best for each child. St. 1883, c. 232, § 3.

The hospital cottages at Baldwinsville are aided. Two trustees are to be appointed by the state. An annual report is to be made to the state board of lunacy and charity. That board may place there ten children. St. 1887, c. 441.

## CHAPTER 87.

### OF LUNACY AND INSTITUTIONS FOR LUNATICS.

Persons subject to dipsomania or habitual drunkenness, but not otherwise of bad character or repute, may be committed to the state lunatic hospitals until recovery, or until their confinement is no longer necessary for the safety of the public or their own welfare. St. 1885, c. 339.

SECT. 2. A new hospital is established at Westborough under homœopathic treatment. St. 1884, c. 322.

SECT. 4. The number of the trustees of the state lunatic hospitals is increased from five to seven, and five shall be men and two women. St. 1884, c. 149.

SECT. 7. An educated female physician is to be appointed for each state lunatic hospital. St. 1884, c. 116.

SECT. 9. The annual meeting of the trustees and the report to the governor and council are to be made after the first day of October and before the first day of November, instead of the fifteenth day of October. St. 1887, c. 170.

SECTS. 11 *et seq.* Commitments to the hospitals for the insane are hereafter to be from districts defined for each hospital, subject to modification by the state board of lunacy and charity. St. 1887, c. 346.

SECTS. 11, 12. Farther provisions are made for the commitment of insane, as to the form of the order of commitment and the custody of insane persons who are discharged uncured. St. 1886, c. 319.

SECTS. 24-46. Provision is made for asylums for the chronic insane in cities of over 50,000 inhabitants. They are subject to the control of the state board, who may send patients there from state asylums or remove them. St. 1884, c. 234.

SECT. 34. The support of insane persons sentenced to the state prison, or accused of felony and committed by order of court, is paid by the state. St. 1883, c. 148.

SECT. 37. The punishment of persons leaving the almshouse and begging is increased. St. 1884, c. 258, § 1.

SECTS. 38-45. Insane persons of the chronic and quiet class may be placed at board in families. Those who are boarded at state expense must be visited at least once in three months, and those boarded at the expense of towns and cities at least once in six months. They may be removed to the hospitals, if not properly treated and cared for. St. 1885, c. 385.

SECT. 40. The trustees of the state hospitals and of the Massachusetts general hospital may confer on their superintendents power to discharge patients after notice to the person who signed the petition for commitment.

The superintendents may allow any inmate to be taken away by his friends for a period of not over sixty days. St. 1883, c. 78.

SECTS. 46 *et seq.* No person whose insanity has continued for less than twelve months can be detained in an almshouse or other place by the overseers of the poor without remedial treatment, but must have the opportunity of treatment at a hospital or asylum. St. 1886, c. 319, § 3.

SECTS. 47, 48, 49. These sections are repealed and the county receptacle for the insane at Ipswich is discontinued. St. 1887, c. 207.

SECTS. 55 *et seq.* The name of the Massachusetts school for idiotic and feeble-minded youth is changed to the Massachusetts school for the feeble-minded. St. 1883, c. 239, § 1.

The mode of committing to the school is regulated. (See c. 86, § 28.) The powers of the trustees are increased and provision is made for the payments for the support of patients and for the recovery of the expense of such support in case of paupers. Scholars may be received from other states or provinces. The trustees may discharge patients or send them home or to the place of their settlement, or to the state almshouse, or allow them to be absent on visits of not over three months. St. 1883, c. 239.

Applicants for the admission of pupils or idiots to the school for the feeble-minded must give notice to the mayor or selectmen, and prove the giving of it to the judge. St. 1884, c. 88.

The Massachusetts school for the feeble-minded is regulated and the laws relating to it are revised. St. 1886, c. 298.

The amount allowed to the school for the feeble-minded is increased to \$25,000. St. 1887, c. 123.

## CHAPTER 88.

### OF THE STATE WORKHOUSE.

The name of the state workhouse at Bridgewater is changed to the state farm at Bridgewater. St. 1887, c. 264.

SECT. 1. The present board is abolished and a new board for both the almshouse and workhouse is established and regulated. It may transfer inmates. St. 1884, c. 297.

SECT. 6. The commissioners of prisons may remove prisoners from the Massachusetts reformatory to the state farm for the remainder of their sentences and the board of lunacy and charity have the same authority over such prisoners which the commissioners would have had. St. 1887, c. 292.

SECT. 8. Persons not sentenced who escape and are within one year found soliciting charity are punished. Special provision is made for their prosecution. St. 1884, c. 258.

## CHAPTER 89.

### OF THE STATE PRIMARY AND REFORM SCHOOLS AND THE VISITATION AND REFORMATION OF JUVENILE OFFENDERS.

SECT. 2. Provision is made for the care and maintenance of pauper children, between the ages of three and sixteen, at the state primary school, when they have no settlement. St. 1882, c. 181, § 2.

SECTS. 8 *et seq.* The state reform school is hereafter to be known as the Lyman school for boys. St. 1884, c. 323, §§ 1, 2.

The trustees are authorized to purchase more land and erect buildings. St. 1885, c. 151.

SECT. 8. A temporary place of detention is provided for a part of the inmates of the Lyman school for boys. St. 1885, c. 86.

SECT. 15. Girls committed by the United States courts are to be confined in the state industrial school for girls. St. 1887, c. 426.

SECT. 18. Before a warrant can issue for the arrest of any child under twelve, a summons to him must issue. If he fails to appear, then a warrant. St. 1882, c. 127.

SECTS. 18, 23, 24. No boy shall be committed to the Lyman school for boys, if over fifteen. If error is made in his age, the sentence may be revised. St. 1884, c. 323, § 3.

SECT. 20. The last clauses of this section, providing for notice to the board of lunacy and charity, are so changed that notice is given only when the judge would send the child to a public institution or to the custody of that board, and notice to the mayor or selectmen is no longer required. St. 1883, c. 110.

SECT. 21. A child under twelve years of age must be committed, in default of bail, to the custody of the state board of lunacy and charity, except in cases of offences punishable by imprisonment for life or of truancy. St. 1882, c. 127.

SECT. 23. No boy over fifteen years of age can be sent to the reform school at Westborough. St. 1884, c. 255, § 11.

SECTS. 26-29. No child under twelve years of age can be punished by confinement in a jail, house of correction, the house of industry in Boston or at the state workhouse, except for crimes punishable by imprisonment for life or for truancy. St. 1882, c. 127.

SECT. 49, which requires notice of committals to the state primary school to be given to the overseers of the poor of the place of the child's settlement, who may remove him or shall pay for his board, is repealed. St. 1888, c. 248, § 2.

SECT. 51, which provides that when a person having a settlement is committed to the industrial or reform school, the overseers of the poor of the place of settlement shall be notified, and the town or city shall pay for his board with the right to recover it back from any parent, kindred or guardian liable by law to maintain such person, is repealed. St. 1888, c. 248, § 2.

## CHAPTER 90.

### OF CONTAGIOUS DISEASES AMONG CATTLE, HORSES AND OTHER DOMESTIC ANIMALS.

This chapter is revised. St. 1887, c. 252.

The governor is authorized to accept the rules prepared by the commissioner of agriculture for the suppression of pleuro-pneumonia and other contagious diseases, and to co-operate in their enforcement. St. 1887, c. 250.

SECT. 90. The cattle commissioners are to investigate the disease among cattle known as abortion. St. 1884, c. 232.



## CHAPTER 91.

## OF INLAND FISHERIES AND KELP.

The provision for leasing great ponds is repealed. St. 1885 c. 109.

A penalty is imposed on persons taking without the owner's consent, fish or lobsters caught in nets, etc., or wilfully interfering with such nets, etc. St. 1882, c. 53.

The catching of bluefish in Vineyard sound is regulated. St. 1885, c. 193.

Fishing with seines or nets is regulated in the waters of Edgartown and Cottage City. St. 1886, c. 234.

Fishing near Brandt island, in Mattapoisett (St. 1884, c. 214, § 2), and in Mashpee and Barnstable, is regulated. St. 1884, c. 264.

The use of nets near the shores of the town of Mattapoisett is regulated. St. 1887, c. 197.

Fisheries in the waters of the town of Westport are regulated. St. 1887, c. 193.

The fisheries in the tributaries of Plum island bay are protected. St. 1887, c. 105.

Pickarel may not be taken in any other manner than by an artificially or naturally baited hook and hand line. St. 1888, c. 331.

A bounty is given for the destruction of seals. St. 1888, c. 287.

SECTS. 10-24. With certain exceptions nets may not be used in ponds. St. 1884, c. 318.

SECT. 16. District attorneys, on the application of the mayor or selectmen or of ten citizens, shall institute proceedings against lessees who fail to comply with the terms of their leases. St. 1886, c. 248.

SECT. 17. The commissioners cannot occupy ponds which have been forfeited by the lessees. St. 1886, c. 248.

SECTS. 32, 33. Taking alewives in the county of Dukes county is regulated, and a penalty is imposed, amending the statute next below. St. 1884, c. 245.

The lessees of Great pond and Job's Neck pond, in Edgartown, are allowed to take smelts and alewives at all seasons, but no other person may take any other fish except eels. St. 1882, c. 102.

SECT. 36 is changed to allow nets or seines to be used in the Merrimack river, below the Essex Merrimaek bridge, after June 20. St. 1882, c. 166.

The size of the mesh in the seine is limited. St. 1884, c. 317.

The commissioners may issue licenses to take the protected fish in the tidal waters of the Merrimack river and its tributaries, but shall charge no fee therefor. St. 1883, c. 121.

SECTS. 36-39. Shiners, for bait, may be caught with seines in the Merrimack river, in November and December, except near fishways, other fish being returned to the water. St. 1883, c. 31.

SECT. 41. The North river, in Plymouth county, is excepted from this section, and fishing there is regulated. St. 1884, c. 199.

SECTS. 51-53. The open time for trout, land-locked salmon and lake trout shall begin on the first day of September instead of on the first day of October. St. 1884, c. 171.

SECTS. 51, 53. The close time for trout, land-locked salmon and lake trout is extended in Berkshire county to include August and April. St. 1888, c. 276.

SECT. 55. Shad are protected in Mill river in Essex. St. 1888, c. 126.

SECT. 70. The fish weirs mentioned in this section are not affected by St. 1886, c. 192, § 4.

SECT. 79. Fisheries in Buzzard's bay are regulated. St. 1886, c. 192.

SECTS. 81, 82, which regulate the catching of lobsters, are amended by reducing the time from "June 20 to September 20," to the month of July, and changing "lobster" to "female lobster bearing eggs." St. 1882, c. 98.

SECT. 84. The possession of a lobster under legal size, is punished, the words "with intent to sell" being stricken out. Mutilation affecting the length is *prima facie* evidence that the lobster is under the legal size. The commissioners of inland fisheries, with the assistance of the district police, have power to enforce the law. St. 1884, c. 212.

The fish commissioners, either personally or by deputy, and the district police, detailed for that purpose, may search suspected places for, seize and remove lobsters taken, held or offered for sale illegally. St. 1885, c. 256.

The mode of measuring lobsters is changed. St. 1887, c. 314.

SECTS. 81, 82, 84. One-half of the fine is paid to the complainant and one-half to the county. St. 1887, c. 314.

St. 1887, c. 96, § 1, does not apply to scallops taken for bait in the waters adjacent to Nantucket. St. 1888, c. 238.

The taking of scallops in the head waters of Buzzard's bay is regulated. St. 1888, c. 223.

The planting of clams around the shores of Winthrop is regulated. St. 1888, c. 202.

The planting of clams around the shores of Essex is regulated. St. 1888, c. 198.

SECTS. 97-101. Oyster licenses may be granted for any waters where there are no natural oyster beds. St. 1884, c. 284.

The granting of licenses to plant, grow and dig oysters is regulated, and their revocation is provided for. St. 1885, c. 220, §§ 1, 2.

Interference with licensed oyster beds is punished. St. 1885, c. 220, § 5.

SECT. 97. Oyster licenses are limited to ten years instead of twenty. St. 1884, c. 284.

Licenses can be held only by inhabitants of the town and are only assignable with the consent of the authorities. St. 1886, c. 299, § 1.

SECT. 100. The hours are extended to an hour after sunset and before sunrise. St. 1886, c. 299, § 2.

SECTS. 97 *et seq.* The forfeiture under section 100 is extended to all violations of the law. St. 1886, c. 299, § 3.

Oyster fisheries in Westport rivers are regulated. St. 1887, c. 119.

SECT. 102. The taking of scallops is regulated. St. 1887, c. 96.

Constables may be designated to enforce the laws relating to shell fisheries, with authority to arrest without warrant, and seize vessels and implements, which shall be forfeited. St. 1885, c. 220, § 6.

## CHAPTER 92.

## OF THE PRESERVATION OF CERTAIN BIRDS AND OTHER ANIMALS.

The owner of land may post notices forbidding shooting and trapping, and it shall then be unlawful to enter it for those purposes. Game artificially propagated on land where shooting or trapping is forbidden belongs to the land-owner. St. 1884, c. 308.

SECT. 2. The close time for woodcocks and ruffed grouse, commonly called partridge, is changed. St. 1888, c. 292.

The shooting of black duck in Plymouth harbor or bay is regulated. St. 1888, c. 269.

SECT. 6. English sparrows are no longer protected. The mayor or selectmen may give certificates allowing the killing of birds for scientific purposes. St. 1883, c. 36.

SECT. 7. The trapping or snaring of ruffed grouse, hares or rabbits is regulated. St. 1887, c. 300.

SECT. 8. The time during which deer may be taken is changed from the month of November to four days in each week in November, and the penalty is modified. St. 1882, c. 199, § 1.

The killing of deer, except tame deer on the owner's grounds, is forbidden in Plymouth and Barnstable counties. St. 1883, c. 169.

SECT. 10 is amended, so that the possession of a deer, except in November is *prima facie* evidence of a violation of the law. St. 1882, c. 199, § 2. Shooting wild fowl from boats in the waters in and around Nantucket is forbidden. St. 1886, c. 246.

CHAP. 92 is repealed and a substitute is passed. St. 1886, c. 276.

## CHAPTER 94.

## OF TIMBER AFLOAT OR CAST ON SHORE.

The Connecticut River Lumber Company is authorized to construct a boom in the river. St. 1882, c. 274.

SECT. 5, which forbids the driving of logs, except in rafts, in the Connecticut river, is limited to the river below the entrance of the Chicopee river; but the Connecticut River Lumber Company must pay damage to owners of ferries and pleasure boats above. St. 1882, c. 274.

St. 1882, c. 274, § 2, is repealed, and section 5 of this chapter is amended. St. 1883, c. 183.

The county commissioners of Franklin, Hampden and Hampshire, within their respective counties may regulate the floating of timber on the Connecticut river above the Chicopee river, and require persons doing it to protect dams, bridges and boats. St. 1883, c. 183, § 2.

## CHAPTER 97.

## OF WRECKS AND SHIPWRECKED GOODS.

Provision is made for the removal of wrecks and unauthorized structures in the navigable waters of the Commonwealth. St. 1883, c. 260.

This chapter is revised. St. 1887, c. 98.

## CHAPTER 98.

## OF THE OBSERVANCE OF THE LORD'S DAY.

The provisions relating to the observance of the Lord's day shall not be a defence to actions for torts or injuries suffered by a person on that day. St. 1884, c. 37.

SECT. 1. This section is limited to the evening of the Lord's day, and no longer forbids games and public diversions on Saturday night. St. 1887, c. 391, § 1.

SECT. 2. Bakers may sell food during certain hours on the Lord's day. St. 1886, c. 82.

Many descriptions of labor are excepted from the prohibition of this section. St. 1887, c. 391, § 2.

SECT. 3 which forbids travelling is repealed. St. 1887, c. 291, § 4.

SECT. 13. The railroad commissioners may license other than through trains and also steamboat lines. St. 1887, c. 391, § 3.

## CHAPTER 99.

## OF GAMING.

Provision is made for the removal of certain obstructions in gambling resorts. St. 1887, c. 448.

SECT. 8 is revised and extended to persons present in any such place engaged in any such business or employment. St. 1885, c. 342.

SECT. 10. The penalty is extended to those present at a gambling house as well as to those playing. St. 1883, c. 120.

The provisions against common gaming houses are revised and extended. St. 1887, c. 448, § 2.

## CHAPTER 100.

## OF INTOXICATING LIQUORS.

No case for the violation of the liquor laws shall be disposed of except by trial and judgment unless the presiding judge on affidavits orders it. St. 1885, c. 359.

The mayor or selectmen may prohibit the sale of liquor in cases of riot or great public excitement. St. 1887, c. 365.

SECTS. 2, 3, 5, 8, 10. The sale of intoxicating liquor by retail druggists and apothecaries is regulated. St. 1887, c. 431.

SECT. 5. Licenses of the first three classes cannot be granted for the sale of liquors in any building or place within four hundred feet of a public school. St. 1882, c. 220.

Applications may be received, investigated and acted upon in March or April and granted in April. St. 1883, c. 93.

The number of places which may be licensed for the sale of intoxicating liquor is limited. St. 1888, c. 340.

A recount of the ballots on the question of license may be had in cities under the provisions of St. 1884, c. 299, §§ 22-26. St. 1885, c. 262.

In Boston licenses are to be signed by the police commissioners. St. 1885, c. 83.

The material, size, style and form of the ballots is regulated. St. 1886, c. 49.

Ballots upon the question of granting licenses are to be furnished in towns by the secretary of state. Registering ballot boxes must be used. In cities the question must be printed upon the regular ballots with the words "yes" or "no," one to be erased by the voter. St. 1888, c. 434.

Self-registering and caucelling ballot-boxes must be used in taking the vote on the question of granting liquor licenses. St. 1887, c. 443.

SECT. 6. The publication of the notice of application for licenses in Charlestown, East Boston, South Boston, Roxbury, West Roxbury, Dorchester and Brighton districts, must be in one weekly paper in the district as well as in the daily papers in Boston. St. 1882, c. 222.

Applications may be advertised in March or April. St. 1883, c. 93.

SECT. 7. The objection may be made by any person owning real estate within twenty feet of the premises. St. 1887, c. 323.

SECT. 9. Common victuallers must close between twelve and five in the morning. St. 1882, c. 242.

The sale of intoxicating liquor is forbidden after eleven o'clock instead of twelve. St. 1885, c. 90.

The fourth condition of the license is extended to forbid sales or deliveries to persons known to have been supported, in whole or in part, by public charity within twelve months before the date of the license. St. 1884, c. 158.

No common victualler or innkeeper having a license to sell intoxicating liquors may sell, give away or deliver such liquors on the day of any national, municipal or annual town election in his town or city. St. 1885, c. 216.

Nor on Fast day, Memorial day, Thanksgiving day, Christmas day or the twenty-sixth day of December when Christmas falls on Sunday. St. 1888, c. 254.

SECT. 10. No license of the first five classes shall be granted to be exercised in a dwelling house or store having an interior connection with a dwelling or tenement, and such connection makes a license void. St. 1888, c. 139.

A condition is added to licenses of the first, second and third classes forbidding the sale or gift of liquor in violation of the law forbidding it on election days. St. 1888, c. 262.

SECT. 11. The minimum fee for liquor licenses is fixed at a larger amount. St. 1888, c. 341.

SECT. 12. To provisions forbidding any screen to prevent a view of the business, is added "or a view of the interior of said premises," and such screen or obstruction makes the license void. St. 1882, c. 259.

SECT. 13. Each surety offered on the bond given to obtain a license must make affidavit that he is worth \$2,000 above all liabilities, and shall designate property sufficient to meet the bond. This affidavit is filed with the bond. St. 1882, c. 259.

The form of bond is changed by substituting the words "incurred by violation of such provisions of law," for the words "which may be recovered from him under and pursuant to such provisions of law." St. 1888, c. 283.

SECT. 16. A conviction for a violation of any of the provisions of this

chapter and the acts in amendment of it, of itself makes the license void. St. 1887, c. 392.

SECT. 18. Common victuallers who keep open during the forbidden hours come within the fines and forfeitures of this section. St. 1882, c. 242.

SECT. 25. This section, which forbids sales after notice, applies to sales by druggists and apothecaries except on prescriptions of physicians. The mayor of a city or any one of the selectmen of a town may give the notice, and then sue in his own name, but for the benefit of husband, wife, child, parent or guardian of the person. St. 1885, c. 282.

SECT. 26. Signs, placards and advertisements, except in drug stores, announcing the keeping of intoxicating liquor, and United States tax receipts as a dealer in liquors other than malt liquors, shall be *prima facie* evidence that such liquors are there kept for sale. St. 1887, c. 414.

Beverages containing more than one per cent. of alcohol shall be deemed intoxicating, instead of those containing more than three per cent. St. 1888, c. 219.

SECT. 29. The assayer of liquors is required to analyze liquors sent to him by officers, and the forms of application and certificate are given. Tampering with the samples is punished. His certificate is evidence. The court may order analysis by other chemists. St. 1882, c. 221.

The salary of the inspector and assayer of liquors is to be paid monthly instead of quarterly. St. 1885, c. 224.

The salary of the inspector and assayer of liquors is raised from \$500 to \$1,200. Sts. 1886, c. 175; 1887, c. 232.

SECT. 30. A search warrant for liquor may be issued by a justice of the peace authorized to issue warrants in criminal cases. St. 1884, c. 191.

The warrant shall require all implements of sale and furniture used in the sale of such liquor to be seized. St. 1887, c. 406.

SECTS. 30, 33. All implements of sale and furniture used or kept and provided to be used in the illegal keeping or sale of the liquor are also to be seized. St. 1888, c. 297.

SECT. 33. The officer shall also seize all implements of sale and furniture used in the sale of such liquor. St. 1887, c. 406.

SECT. 38 is amended to provide for the mode of transportation of the liquor, a receipt for the same and the fees. St. 1887, c. 53.

Implements of sale and furniture may be destroyed or sold as the court may order by any officer qualified to serve criminal process, he making return. St. 1888, c. 297.

SECT. 40. Ten dollars and the fees allowed by law for analysis are added to the costs now allowed in certain cases. St. 1888, c. 277.

SECT. 45. Clubs may be licensed to sell liquors. St. 1887, c. 206.

## CHAPTER 101.

### OF THE SUPPRESSION OF COMMON NUISANCES.

SECT. 6. Common nuisances under this section may be enjoined in equity on information by the district attorney, or on a petition by not less than ten legal voters. St. 1887, c. 380.

Placards, signs and advertisements and United States tax receipts are *prima facie* evidence. St. 1887, c. 414.

## CHAPTER 102.

## OF LICENSES AND MUNICIPAL REGULATIONS OF POLICE.

Cities, except Boston, and towns may provide for the registration and licensing of plumbers and regulate the materials, construction and inspection of their work and make plans for it subject to the approval of the board of health. St. 1888, c. 105.

SECT. 12. The liability of innholders is still further limited. St. 1885, c. 358.

SECT. 13. Any person who fraudulently procures entertainment at a boarding house is punished. A copy of this section must be posted up. St. 1883, c. 187.

The maximum fine for fraudulently procuring entertainment at an inn is reduced from one hundred to fifty dollars. St. 1884, c. 169.

SECT. 33. Articles of personal apparel shall not be deemed to be of a perishable nature for purposes of sale by pawnbrokers. St. 1884, c. 324.

SECTS. 33-36. Persons engaged in the business of loaning money, or its equivalent, in sums of less than one hundred dollars, on household goods, wearing apparel or articles of personal use or ornament, or on pledges or mortgages of such property, it being delivered to them, are subject to these sections. St. 1885, c. 252.

SECT. 35 is amended so that any district police officer may also enter and examine pawnshops. St. 1888, c. 243.

SECT. 54. Cities and towns may regulate the sale or use of toy pistols, toy cannon, and all articles in which explosives are used. St. 1882, c. 272.

Fire-arms or dangerous weapons may not be sold or furnished to minors under fifteen years of age. St. 1884, c. 76.

SECT. 56. Any one storing or keeping for sale, gunpowder over one pound in amount, must at once give notice to the chief engineer, or, in Boston, to the board of fire commissioners, of the amount and place in the building. St. 1882, c. 269.

SECT. 75. Towns and cities may regulate the inspection of kerosene and petroleum. St. 1885, c. 122, § 1.

SECT. 80. A dog which becomes three months old after the thirtieth day of April must be licensed. St. 1885, c. 292.

SECTS. 80, 81, 82, 87. Special licenses for the keeping of dogs for breeding purposes may be granted. St. 1887, c. 307.

The keeping of bloodhounds and other like dogs is forbidden. St. 1886, c. 340.

SECT. 84. The board of police for the city of Boston, and not the chief of police, shall issue dog licenses and receive the money therefor. St. 1887, c. 135.

City and town clerks must give a bond to account for money received for dog licenses. St. 1888, c. 320.

The clerks must pay over the money received from dog licenses on the first days of June and December, instead of the first day of December. St. 1886, c. 259.

SECT. 86. In case of a transfer of a dog license, it must be recorded again if the dog is kept in the city or town thirty days. St. 1884, c. 185.

SECT. 98. The certificate as to damages is to be returned to the county treasurer instead of the county commissioners. The treasurer transmits it to the commissioners. They must act upon it within thirty days instead of during the month of December. The date of payment is changed from the first Wednesday of January to the first day of July. St. 1886, c. 259.

SECTS. 115-127. Provision is made for licensing skating rinks. Persons keeping unlicensed rinks are punished. Officers may enter such rinks to enforce the laws. St. 1885, c. 196.

Children under the age of thirteen years may not be admitted to any licensed show or place of amusement, unless accompanied by some person above the age of twenty-one years. St. 1887, c. 446.

SECTS. 116, 117, 118, 119. Municipal, district and police courts are given concurrent jurisdiction with the superior court of offences under these sections which forbid unlicensed theatrical exhibitions and shows and masked balls. St. 1887, c. 293.

SECT. 124. The fee for licenses of pawnbrokers, etc., is made payable to the board issuing the license, instead of to the clerk, and the fees given are to be the minimum fees only. St. 1882, c. 258.

SECTS. 124, 126, 127. Groves used for picnics and other amusements must be licensed in towns or cities which accept this act. St. 1885, c. 309.

Hawking, peddling, vending provisions and refreshments, gaming, horse racing or the exhibition of plays or shows within one half mile of picnics and other lawful gatherings in licensed groves are forbidden. St. 1887, c. 445.

## CHAPTER 103.

### OF THE DISTRICT AND OTHER POLICE.

The district police is divided into an inspection department and a detective department. St. 1888, c. 113.

SECT. 1. The number of the district police is increased to thirty-three, of whom twenty are in the inspection department. Sts. 1885, c. 131; 1887, c. 256; 1888, cc. 389; 426, § 13.

District police need no longer be examined by a judge. St. 1884, c. 190.

St. 1884, c. 190, is repealed, and candidates for the district police need not be examined by, or under the direction of, a justice of the superior court. St. 1885, c. 186.

SECT. 5. The salary of members of the district police is raised from \$1,200 to \$1,500, and the chief shall receive a sum not exceeding \$2,000, instead of not exceeding \$1,700. St. 1887, c. 127.

SECT. 10. It is made the duty of the inspectors of buildings to enforce sections 16, 17, 18 of chapter 104 of the Public Statutes, as well as sections 13-15 and 19-22, except where there are special officers for the purpose. If they neglect their duty, they are to be discharged. These sections relate to fire escapes. St. 1882, c. 266, §§ 4, 5, 6.

SECT. 10. The duties of the inspectors are extended to include the enforcement of the laws regarding the employment of children, young persons and women in factories or workshops, and the ventilation and sanitary provisions in factories and workshops. St. 1887, c. 218.



SECT. 15. Railroad police shall be sworn and hold office until their appointment is revoked by the mayor and aldermen or selectmen. St. 1883, c. 65.

## CHAPTER 104.

## OF THE INSPECTION OF BUILDINGS.

SECTS. 4-12. Any member of the inspection department of the district police may, when called upon by the authorities, inspect buildings alleged to be unsafe, and order them removed or made safe. St. 1888, c. 399.

SECT. 6. Where there is no city engineer or chief engineer, the mayor and aldermen or the selectmen may appoint some person to sit in their place. St. 1888, c. 399, § 3.

A copy of the plans and such portion of the specifications as he may require of any building designed for certain public purposes, as factories or mercantile establishments, hotels, lodging or tenement houses, above a certain size, shall be submitted to the inspector of factories. He may require proper provisions against fire. His certificate, with the endorsement of the chief of the district police, shall be conclusive evidence that this act has been complied with. St. 1888, c. 316.

Such buildings shall have sufficient ways of egress and other means of escape from fire. The position of hot pipes is regulated and wooden flues and air ducts are forbidden. The erection of a building in violation of this act may be enjoined. St. 1888, c. 316.

SECTS. 13-24. The inspectors may require in a manufacturing establishment run by steam that communication shall be provided between each room and the engineer's room. St. 1886, c. 173.

SECT. 14, relating to hoistways, elevators, etc., in factories, is extended to mercantile and public buildings. Safety appliances to the elevators in event of accident to the hoisting machinery are also required. St. 1882, c. 208.

The inspectors of buildings may forbid the use of passenger or freight elevators which are unsafe, and may post a notice to that effect, which must not be removed. St. 1883, c. 173.

SECTS. 15-20. These sections are repealed. The provisions as to precautions against fires, fire escapes and the egress from buildings in case of fire are revised and extended. The proscenium of all theatres must have a fire-resisting curtain approved by the inspectors. St. 1888, c. 426.

SECTS. 15, 16, 17, 18. Hotels, lodging houses or boarding houses above a fixed size, must have watchmen, lights in the halls, gongs and notices describing the means of escape. The municipal authorities may require further precautions. St. 1883, c. 251.

Certain approved appliances are allowed in the place of one watchman. St. 1884, c. 223, § 1.

These sections apply to family hotels. St. 1884, c. 223, § 2.

The inspector of buildings in Boston may allow any family hotel in said city to dispense with a private watchman. St. 1888, c. 86.

SECTS. 16, 17, 18. The authority of the inspectors to enforce sections 16, 17, 18 is limited. St. 1887, c. 219.

SECTS. 14-22. The authority of the inspectors to enforce sections 14 to 22 does not extend to Boston. St. 1887, c. 276.

SECT. 15, regulating fire escapes, is made to apply to manufacturing establishments as well as to factories; and cities may make it apply to all buildings three stories or more in height. St. 1882, c. 266, § 1.

SECT. 19. No inside or outside door of any building where operatives are employed shall be fastened during working hours, and the inspectors of factories must enforce this law. St. 1884, c. 52.

SECT. 20. Every tenement or lodging house three or more stories in height must have a fire escape approved by the inspectors. St. 1882, c. 266, § 2.

Theatres must have approved fire-resisting curtains. St. 1888, c. 207.

SECT. 22. The penalty is changed from a forfeiture to a fine and made to cover sections 13 to 21 inclusive, instead of 13, 14, 15, 19, 20, 21. The person to whom notice of required changes must be given is defined. St. 1882, c. 266, § 3.

The inspectors of factories must call the attention of the board of health to any nuisances about factories and workshops, and the board of health must enforce the law against them. St. 1887, c. 103.

Public buildings and schoolhouses must be provided with proper sanitary provisions and ventilation. St. 1888, c. 149.

SECT. 23. The authority of inspectors under sections 13 to 21 does not extend to Boston or other cities where there are officers specially appointed. St. 1882, c. 266, § 4.

SECT. 24, which requires the discharge of officers not attending to their duties, is made to apply to sections 16, 17, 18. St. 1882, c. 266, § 5.

## CHAPTER 105.

### OF CERTAIN POWERS, DUTIES AND LIABILITIES OF CORPORATIONS.

Foreign corporations, except insurance companies doing business here, must appoint the commissioner agent to receive service in suits, and must make return of their charters and capital. St. 1884, c. 330.

Corporations mentioned in St. 1882, 106, § 1, upon filing the copy and statement required by St. 1884, c. 330, are relieved from making the returns and certificates as to their condition and capital stock required by St. 1882, c. 106, §§ 1, 2.

Manufacturing corporations established under the laws of other states which have complied with St. 1884, c. 330, may purchase and hold such real estate in this Commonwealth as may be necessary for conducting their business. St. 1888, c. 321.

Safe deposit, loan and trust companies are made subject to all the duties, restrictions and liabilities set forth in this chapter. St. 1888, c. 413.

SECT. 24. No record is necessary to the transfer of stock. St. 1884, c. 229.

SECT. 42. The clause limiting the time within which a receiver of a corporation may be appointed is stricken out. St. 1884, c. 203.

## CHAPTER 106.

## OF MANUFACTURING AND OTHER CORPORATIONS.

Corporations created under this chapter may issue special stock to be held by their employees only. St. 1886, c. 209.

SECTS. 3, 4, 51. Any corporation governed by these sections may alter its business under section 51. St. 1885, c. 310.

SECT. 10. Ten or more persons may form a corporation to examine and guarantee the titles of real estate. Regulations for the business are established. Sts. 1884, c. 180; 1887, c. 214, §§ 62, 63.

The formation of corporations for the purpose of cremating the bodies of the dead is authorized and such cremation is regulated. St. 1885, c. 265.

SECTS. 11, 52, 75. These sections are extended to corporations for the making, selling and distributing gas for heating, cooking, chemical and mechanical purposes. The gas need not be inspected under chapter 61, §§ 13, 14. It must not be used for domestic purposes unless connected with a chimney or flue. St. 1885, c. 240.

SECT. 13. Buildings for manufacturing and mechanical purposes as well as hotels and public halls are included in this section. St. 1888, c. 116.

SECT. 27. The clause forbidding any person from casting as proxy more than fifty votes unless all the shares so represented are owned by one person, is repealed. St. 1888, c. 188.

SECTS. 51, 52. Gas companies may be authorized to furnish electric light. St. 1887, c. 385.

SECTS. 54, 55, 59, 81, 82, 84. Every corporation chartered since February 23, 1880, or organized under the general laws for the purpose of business or profit, having a capital stock divided into shares, except banks, co-operative banks, savings banks and institutions for savings, insurance companies, safe deposit and trust companies and the collateral loan company, shall be subject to these sections and make the certificates and returns required by them. St. 1887, c. 225.

SECTS. 62-71, which impose personal liability, apply to safe deposit, loan and trust companies. St. 1888, c. 413, § 14.

SECT. 75. Where a gas company exists in active operation, no other company or person shall dig up and open the streets, lanes and highways, for the purpose of laying gas pipes therein without the consent of the mayor and aldermen or selectmen after a public hearing. An appeal lies to the gas commissioners. St. 1885, c. 314, §§ 10, 16.

SECTS. 75 *et seq.* The issue of bonds is regulated. No gas company can transfer its franchise, lease its works or contract with others to carry on its business. St. 1886, c. 346, §§ 3, 4.

## CHAPTER 109.

## OF COMPANIES FOR THE TRANSMISSION OF INTELLIGENCE BY ELECTRICITY.

This chapter, except sections 16 and 18, shall also apply to lines for electric light. St. 1883, c. 221.

SECT. 4. Provision is made for damages to abutters on roads used for wires. St. 1884, c. 306.

SECT. 10. Telephone companies must furnish telephones, telephone service and connections to all individuals and corporations without discrimination. Courts of equity may enforce this statute. St. 1885, c. 267.

Telegraph companies are made responsible to the amount of one hundred dollars for all damages caused by their negligence in the transmission of messages, but this does not apply to railroad telegraphs transacting a public business only as incidental to their own business. St. 1885, c. 380.

SECT. 15. Wires must not be put up without the landowner's consent. The name of the owner of the wire must be put on the posts, etc. St. 1884, c. 302.

## CHAPTER 112.

### OF RAILROAD CORPORATIONS AND RAILROADS.

SECT. 10. The salary of the clerk of the railroad commissioners is raised from \$2,000 to \$2,500. St. 1885, c. 119.

The salaries of the railroad commissioners and their clerk and accountant are to be paid monthly instead of quarterly. St. 1885, c. 224.

SECTS. 10, 11. The sum which may be allowed to the accountant is increased from \$2,000 to \$2,500. St. 1885, c. 164.

SECTS. 17, 127, 169. The commissioners are given power to regulate the occupation of street crossings, and to direct changes in tracks for that purpose, and the supreme court may enforce their orders. St. 1885, c. 110.

SECT. 34. An organization, under the general law, cannot be made unless the railroad commissioners grant a certificate that public necessity and convenience require the construction of the road. St. 1882, c. 265, § 1.

SECT. 38. No steam railroad can be located within three miles of the state house without the consent of the railroad commissioners and of the mayor and aldermen or selectmen of the city or town in which a location is sought. St. 1882, c. 265, § 4.

SECTS. 38 *et seq.* Railroad corporations may change their locations for the purpose of improving the alignment of their roads. St. 1887, c. 430.

SECT. 44. The proceedings are void unless the certificate of incorporation is issued within one year from the time when the route is fixed. St. 1882, c. 265, § 2.

SECT. 54. The clause forbidding any person from casting more than fifty votes as proxy unless all the shares so represented are owned by one person, is repealed. St. 1888, c. 188.

SECTS. 58, 59, 60. Street railways using the cable system may increase their capital under these sections. St. 1886, c. 337, § 3.

SECT. 62. The stockholders may before May 13, 1883, ratify any notes or bonds not approved or certified as required in this section. St. 1883, c. 7.

The time within which railroad bonds must be payable is changed from twenty to fifty years. St. 1887, c. 191.

SECTS. 62-73. A purchaser under a valid foreclosure and his grantees

and successors have the same powers and duties as the original corporation. St. 1886, c. 142.

SECT. 91. To the purposes for which land outside the location may be taken is added the construction of one or more tracks. The assent of the city or town is required where public highways, buildings, parks or cemeteries are to be taken. St. 1884, c. 134.

SECT. 115. The power to exempt railroads from the duty to fence is transferred from the county commissioners to the railroad commissioners. Proceedings to revoke such exemptions are regulated. St. 1882, c. 162.

SECT. 127. The commissioners are given power to regulate the occupation of street crossings, and to direct changes in tracks for that purpose, and the supreme court may enforce their orders. St. 1885, c. 110.

SECTS. 129-134. The betterment act is extended to alterations of ways at railroad crossings. St. 1884, c. 280.

SECTS. 129. 138. An appeal from the decision of the county commissioners as to crossings of highways and railroads and as to private crossings may be taken by any person aggrieved by their decision or neglect to decide for sixty days. The proceedings are regulated. St. 1882, c. 135.

The county commissioners may, also, on the petition of twenty legal voters of the county, assume jurisdiction as to grade crossings of railroads and highways. Notice is provided for. The order cannot be made if the expense will exceed \$3,000. Their order may be annulled if the expense exceeds \$6,000. St. 1885, c. 194, § 1.

In Boston the railroad commissioners have jurisdiction under this section either on petition of the mayor and aldermen or of the directors of the company. St. 1885, c. 194, § 2.

No appeal shall hereafter be allowed from decisions or orders of the county commissioners under this section, except in proceedings pending. St. 1885, c. 194, § 6.

SECT. 130. This section is amended by adding "or otherwise," so that the latter part shall read, "and all damages occasioned by such taking or otherwise shall be assessed." St. 1885, c. 194, § 3.

SECT. 131. "Or" is changed to "and," and the commission may direct which party shall pay the expenses, and it may apportion them between the railroad and the town, city or county in which the crossing is, and other towns and cities within the county which are specially interested. St. 1885, c. 194, § 4.

Towns and cities specially benefited by the alteration of the crossing may be included in the apportionment, or such towns or the counties or either of them may be omitted if it seems just. St. 1887, c. 295.

SECT. 132. The hearing need not be in term time. St. 1885, c. 194, § 5.

SECT. 139. The clause forbidding branches within eight miles of the state house is stricken out. St. 1884, c. 279.

St. 1882, c. 265, applies to railroad corporations acting under this section.

SECT. 159. Frogs, switches and guard rails must be blocked to the approval of the railroad commissioners. St. 1886, c. 120.

SECT. 160. Provision is made for the examination of railroad bridges. St. 1887, c. 334.

SECT. 161. Provision is made for interlocking or automatic signals at

railroad crossings, and for the expense of their maintenance. St. 1885, c. 85.

SECT. 163. The commissioners may forbid or regulate locomotive whistles at highway crossings. St. 1885, c. 334.

SECT. 166. The railroad commissioners, as well as the town or city authorities, may require gates or flags at crossings. St. 1883, c. 117.

Or electric signals. St. 1888, c. 240.

SECT. 169. The commissioners are given power to regulate the occupation of street crossings and to direct changes in tracks for that purpose, and the supreme court may enforce their orders. St. 1885, c. 110.

SECT. 170. Locomotive boilers must be tested. St. 1882, c. 73.

Safety couplers are required on freight cars. St. 1884, c. 222.

An examination and test of safety couplers for freight cars is to be made every two years. St. 1886, c. 242.

SECT. 171. In addition to the tools which each train must now carry, each car of every passenger train must have two sets of tools, safeguards against fire, and such other appliances as the railroad commissioners may require. St. 1882, c. 54.

SECT. 172. The heating of passenger cars on railroads is regulated. St. 1887, c. 362.

SECT. 179. The requirement of an examination for color blindness every two years is repealed. St. 1883, c. 125.

SECT. 180. Railroads may establish tolls and fares, but they are forbidden to give undue or unreasonable preferences. St. 1882, cc. 94, 225.

Only ten cents extra can be charged where fare is paid on the cars, and a check must be given redeemable in ten days. St. 1883, c. 32.

SECTS. 181-183. Railroad corporations are prohibited from requiring women and children to ride in smoking cars. St. 1888, c. 176.

SECT. 205. The unlawful use, removal or tampering with the tools required to be carried on passenger trains, is punished. St. 1882, c. 54, § 2.

SECT. 207. The offence of interfering with electric signals is enlarged by omitting the word "electric." St. 1884, c. 5.

SECT. 212. If an employee, in the exercise of due care, is killed, under such circumstances that he could have maintained an action for damages if death had not resulted, the corporation shall be liable as if he had not been an employee. St. 1883, c. 243.

An action of tort instead of an indictment may be brought against street railway corporations for loss of life. St. 1886, c. 140.

## CHAPTER 113.

### OF STREET RAILWAY COMPANIES

This chapter applies to roads using the cable system. St. 1886, c. 337, § 4.

SECT. 15. The provisions as to increase of capital stock are revised and made more specific. St. 1887, c. 366.

SECT. 39. They may be allowed to use the cable system. St. 1886, c. 337.

SECTS. 48 *et seq.* The authority for street railway companies to run over the tracks of another street railway must be approved by the board of railroad commissioners after hearing. St. 1888, c. 278.

## CHAPTER 115.

## OF ASSOCIATIONS FOR CHARITABLE, EDUCATIONAL AND OTHER PURPOSES.

Provision is made for the incorporation of labor or trade organizations. St. 1888, c. 134.

No association formed for medical purposes under this chapter can confer degrees, and officers attempting to do so, are punished. St. 1883, c. 268.

SECT. 2. Relief societies may be formed by the employees of railroads and steamboat companies. They are subject to the supervision of the railroad commissioners. St. 1882, c. 244.

Railroad corporations may join these relief societies. The funds of such societies are not attachable on trustee process or otherwise. St. 1886, c. 125.

SECTS. 3, 4, 5. Corporations for life and casualty insurance on the assessment plan may be formed. St. 1885, c. 183, § 2.

SECT. 3. Corporations formed under this chapter may increase their capital stock to an amount not exceeding five hundred thousand dollars. St. 1888, c. 177.

SECTS. 8, 9, 10, 11, 12, which regulate benefit societies, are repealed. St. 1888, c. 429, § 21.

The law as to fraternal beneficiary organizations is revised. St. 1888, c. 429.

SECT. 8. Such corporations may accumulate funds to assist the widows, orphans or other relatives of deceased members, or any person dependent on them. St. 1882, c. 195, § 2.

SECT. 11, which provides for the returns of benefit societies, is amended to cover societies making payments for disabilities, and to make the returns more definite. St. 1882, c. 195, § 3.

No such society can reinsure in or transfer its policies to any society not authorized to do business here. St. 1882, c. 195, § 4.

## CHAPTER 116.

## OF SAVINGS BANKS AND INSTITUTIONS FOR SAVING.

Receivers at the end of one year from their final settlement must deposit all books and papers with the commissioners. St. 1882, c. 77.

The books and papers of insolvent savings banks may be stored in the Commonwealth building. St. 1884, c. 72.

SECT. 2. The salary of the commissioners of savings banks is raised from \$2,800 to \$3,000, and the first clerk is given \$1,500, and the second clerk \$900, instead of a general allowance of \$1,600 for clerk hire. Sts. 1882, c. 148; 1886, c. 252.

SECT. 3. When the institution is connected with a national bank the commissioners shall if possible arrange with the national bank examiner to have their visits simultaneous. St. 1888, c. 51.

SECT. 14. Treasurers must give new bonds every five years. St. 1886, c. 93.

SECT. 16. Notice of special meetings must be given, both by publication and by mailing notices, instead of in either mode, as at present. St. 1884, c. 150.

SECT. 17. If a member fails to attend two consecutive annual meetings, his membership shall be declared forfeited. St. 1888, c. 120.

SECT. 18. A failure both to attend meetings and to perform his duties makes the office of a trustee vacant, instead of either of these things. St. 1888, c. 96.

SECT. 19. A savings bank may receive or pay deposits only at its banking-house, which must be where the bank is established. St. 1884, c. 253.

SECT. 20. The limit of authorized investments is extended. Sts. 1882, c. 231; 1883, c. 134; 1885, cc. 111, 124, 348; 1886, c. 176; 1887, cc. 113, 423; 1888, cc. 53, 90, 301.

“Net indebtedness” is to be computed, excluding water loans and crediting sinking funds. St. 1883, c. 127.

Only a sum equal to thirty-five per cent. of the deposits can be invested or held as collateral in stocks of banks, and if more is now held it must be reduced to that amount before July 1, 1885. St. 1883, c. 202.

SECT. 20, Cl. 3, is revised and extended. St. 1887, c. 196.

Loans with railroad bonds as collateral may be made to the par value of such bonds. St. 1888, c. 213.

SECT. 20, Cl. 4. The amount of the stock of any one bank which can be held as an investment or as collateral security is limited to three per cent. of the deposits. St. 1882, c. 224.

Savings banks may not deposit more than five per cent. of their total deposits in any one bank or trust company, nor exceeding twenty-five per cent. of the capital stock and surplus of such bank or trust company. St. 1886, c. 95.

SECT. 20, Cl. 6. The amount which savings banks may lend on personal security to any person, firm or corporation is limited. St. 1884, c. 168.

Such securities are to be paid within the year. St. 1886, c. 69.

SECT. 20, Cl. 8. The time for the sale of real estate now held by foreclosure is extended. Sts. 1882, c. 200; 1883, c. 52; 1886, c. 77.

SECTS. 13, 21, 22, 23. The names of the board of investment must be published twice each year. St. 1882, c. 50.

SECT. 27. The payment of extra dividends is made permissive instead of obligatory. St. 1888, c. 355.

SECT. 29. Savings bank orders may be paid when presented within thirty days after their date, although the depositor has in the mean time died, and at any time after, provided the bank has not had actual notice of his death. St. 1885, c. 210, § 2.

SECT. 34. During 1889 and every third year thereafter books of deposit must be called in for verification. St. 1888, c. 40.

SECTS. 40, 41. A return of all deposits unclaimed for twenty years is to be made to the commissioners and published. St. 1887, c. 319.

The form and verification of the annual report to the commissioners is changed. St. 1888, c. 127.



SECT. 44 is repealed and new provision is made for the payment of unclaimed dividends into the treasury. Claims for such dividends may be made within two years. St. 1883, c. 258.

The limitation of two years is repealed. Parties file their claim and evidence with the auditor. St. 1886, c. 300.

## CHAPTER 117.

## OF CO-OPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

Shares may be issued in the name of a minor, or a trustee, the name and residence of the beneficiary being disclosed. St. 1887, 216, § 3.

SECT. 3. The words "co-operative savings fund and loan association" are changed to "co-operative bank" in the statute and in the names of all associations existing or future. St. 1883, c. 98.

SECT. 5. Co-operative banks must provide a guaranty fund. St. 1885, c. 121, § 2.

The limit of capital refers to the capital paid in on shares. St. 1887, c. 216, § 1.

SECT. 6. The offices of secretary and treasurer of a co-operative bank may be held by one person. St. 1885, c. 121, § 1.

SECT. 8. The mode of withdrawing or retiring shares is determined and their value. St. 1887, c. 216, § 2.

SECT. 9. Interest is allowed for all full months from the date of the preceding adjustment. St. 1887, c. 216, § 5.

Before paying off matured shares, arrears and fines are to be deducted. St. 1882, c. 251, § 1.

SECT. 10. In lending money the bids may be a rate of interest not less than five per cent. instead of a premium. St. 1882, c. 251, § 2.

SECT. 14. Partial payments of loans may be made in sums of fifty dollars or any multiple thereof and for each two hundred dollars paid a share shall be released. St. 1887, c. 216, § 4.

SECT. 16 is amended by providing that the share of a member six months in arrears may be declared forfeited. He is then given credit for the withdrawing value of his share, and the balance is enforced against his security. Sts. 1882, c. 251, § 1; 1885, c. 121, § 4.

## CHAPTER 118a.

## OF SAFE DEPOSIT CORPORATIONS.

Corporations for the purpose of letting vaults, safes and other receptacles may, under certain formalities, remove the contents of such vaults where the rent has not been paid for two years. St. 1887, c. 89.

Provision is made for the incorporation of safe deposit, loan and trust companies. Their organization, powers, liabilities and duties are established. Provision is made for their taxation and their returns. St. 1888, c. 413.

## CHAPTER 118b.

## OF MORTGAGE LOAN AND INVESTMENT COMPANIES.

The business and investments and the liability of the stockholders of mortgage loan and investment companies is regulated. They must make returns to the savings bank commissioners and are examined by them. St. 1888, c. 387.

## CHAPTER 119.

## OF INSURANCE COMPANIES AND INSURANCE.

The insurance law is revised and codified. St. 1887, c. 214.

SECTS. 2, 3, 4. The amount allowed for additional clerks and assistants is changed from \$7,000 to such sum as the general court may appropriate each year. St. 1888, c. 84.

SECTS. 21, 38. The money or relief to be paid by companies incorporated under this act and doing life or casualty insurance on the assessment plan is not attachable. St. 1885, c. 183, § 11.

SECT. 29. The capital stock of companies insuring mechanics' tools may be divided into shares of the par value of ten dollars each. St. 1888, c. 141.

SECT. 139. The selection of arbitrators under policies in the standard form is regulated. St. 1888, c. 151.

SECTS. 145 *et seq.* Nothing in the charter of any mutual life insurance company shall limit its investments unless such limitation is in the general insurance laws. St. 1888, c. 165.

SECT. 145. Life and casualty insurance on the assessment plan is regulated. St. 1885, c. 183.

The organization and business of fraternal beneficiary organizations is regulated. Foreign corporations must appoint the commissioner agent. Any person who solicits membership for corporations not authorized to do business here may be punished. The benefits are not held for the debts of the certificate holder or of any beneficiary. St. 1888, c. 429.

SECT. 167. The benefit provided by companies formed under this act cannot be held for debts or liabilities of policy or certificate holders or beneficiaries. St. 1885, c. 183, § 11.

SECT. 173. This section is repealed and unclaimed dividends are paid into the treasury. Claims for such dividends may be made within two years. St. 1883, c. 258.

The limitation of time is repealed. Claims and evidence may be filed with the auditor. St. 1886, c. 300.

SECT. 185. False or fraudulent statements or representations by any solicitor, agent or examining physician, are made misdemeanors and punished when made with reference to insurance under this act. St. 1885, c. 183, § 12.

## CHAPTER 124.

OF THE RIGHTS OF A HUSBAND IN THE REAL ESTATE OF HIS DECEASED WIFE AND THE RIGHTS OF A WIFE IN THAT OF HER DECEASED HUSBAND.

SECT. 1. The words "If his wife does not otherwise provide by her will," are stricken out. St. 1885, c. 255, § 2.

The husband takes the share of his wife's real estate in fee, whether she dies testate or intestate. St. 1887, c. 290, § 1.

## CHAPTER 125.

OF THE DESCENT OF REAL ESTATE.

SECT. 4. The property of an illegitimate child descends to his relatives through his mother if she is dead. St. 1882, c. 132.

## CHAPTER 126.

GENERAL PROVISIONS CONCERNING REAL ESTATE.

Conditions or restrictions affecting the title or use of real estate unlimited as to time shall be construed as limited to thirty years, except in gifts or devises for public charitable or religious uses and grants from the Commonwealth. St. 1887, c. 418.

Words importing a want or failure of issue are to be construed to mean a want or failure in the life time or at the death of the person referred to and not an indefinite failure of issue, unless a contrary intention clearly appears by the instrument. St. 1888, c. 273.

SECTS. 5, 6. A conveyance to a husband and wife no longer creates an estate in joint tenancy without express words. St. 1885, c. 237.

## CHAPTER 130.

OF THE APPOINTMENT OF ADMINISTRATORS.

SECT. 1. Administration may be granted to one or more of the next of kin when the widow and all the other next of kin resident here and of age consent. Notice may be dispensed with. St. 1885, c. 260.

SECTS. 2, 8. Administrators may be allowed to give a bond without sureties. If they neglect to give a new bond when required it is a resignation. St. 1885, c. 274.

SECT. 4 is amended so that if any property or claim or right thereto belongs or accrues to such estate after twenty years, original administration may be granted on it. St. 1885, c. 242.

SECTS. 10-17. A special administrator, by leave of the probate court, may pay the expenses of the executor in proving the will. St. 1884, c. 291.

## CHAPTER 131.

OF PUBLIC ADMINISTRATORS.

SECT. 18. Claims under this section are limited to one year after the money is deposited. St. 1883, c. 264.

## CHAPTER 132.

## GENERAL PROVISIONS RELATIVE TO EXECUTORS AND ADMINISTRATORS.

SECT. 1. The giving of the notice may be proved in certain cases by the affidavit of persons other than those mentioned in St. 1888, c. 148. St. 1888, c. 380.

SECT. 2. The requirement that the notice shall be filed within one year is repealed. St. 1888, c. 148.

## CHAPTER 134.

## OF SALES AND MORTGAGES OF REAL ESTATE BY EXECUTORS AND ADMINISTRATORS.

Executors and administrators may be licensed to sell at private sale. St. 1886, c. 137.

SECT. 12. The giving of the notice may be proved in certain cases by the affidavit of persons other than those mentioned in St. 1888, c. 148. St. 1888, c. 380.

The requirement that the affidavit shall be filed within one year is repealed. St. 1888, c. 148.

## CHAPTER 135.

## OF ALLOWANCES TO WIDOWS AND CHILDREN AND OF THE DISTRIBUTION OF THE ESTATES OF INTESTATES.

SECT. 3, Cl. 3. The husband, instead of the whole, is given one-half of the personal estate of his deceased wife. St. 1882, c. 141.

SECT. 3, Cl. 5. If the intestate leaves a widow and no kindred, the widow shall be entitled to the whole of the residue. St. 1885, c. 276.

## CHAPTER 139.

## OF GUARDIANSHIPS.

SECTS. 1-3. The Boston children's friend society may be appointed the guardian of minors. St. 1885, c. 362.

## CHAPTER 140.

## OF SALES AND MORTGAGES OF REAL ESTATE BY GUARDIANS.

SECT. 18. The right to license guardians to sell at private sale is no longer limited to undivided interests. St. 1885, c. 258.

## CHAPTER 142.

## GENERAL PROVISIONS RELATIVE TO SALES, MORTGAGES, RELEASES, COMPROMISES, ETC., BY EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

SECT. 23. This section is extended so that any act or proceeding of the probate court, which it might have done in the first instance, may be confirmed. St. 1888, c. 420.

## CHAPTER 143.

## GENERAL PROVISIONS RELATIVE TO BONDS OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

SECT. 1. Foreign fidelity insurance companies may be sureties on probate bonds. St. 1885, c. 241.

Companies may be formed to act as sureties on probate bonds. St. 1884, c. 296.

## CHAPTER 144.

## OF THE ACCOUNTS AND SETTLEMENTS OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

SECT. 7. Money paid with the approval of the judge to any person or corporation for becoming surety on the bond may be allowed. St. 1886, c. 233.

SECT. 16. Legacies due to persons whose residence is unknown may be ordered to be deposited under this section. St. 1885, c. 376.

## CHAPTER 145.

## OF MARRIAGE.

Jurisdiction of petitions for nullity is given if the libellant has resided here for five years next preceding the filing of the libel unless he removed here for the purpose. St. 1886, c. 36.

SECT. 24. The returns of marriages shall be preserved, filed, arranged and indexed conveniently for examination and reference. St. 1887, c. 202, § 3.

## CHAPTER 146.

## OF DIVORCE.

Statistics as to libels of divorce must be furnished by the clerks of the courts to the secretary of state, who prepares abstracts and tables for the legislature. St. 1882, c. 194.

The superior court is given exclusive original jurisdiction of all causes of divorce and nullity and validity of marriage. St. 1887, c. 332, § 1.

SECT. 1. Divorce may be decreed for absence which would raise a presumption of death. St. 1884, c. 219.

SECT. 19. The application for final decrees is to be made, without further notice, to the court, or a justice of it, instead of the clerk. St. 1882, c. 223.

SECT. 42. Whoever procures or assists in procuring any fraudulent divorce or divorce out of the state for one who is a resident, is punished. St. 1886, c. 342.

SECTS. 42-44. Whoever advertises the business of procuring divorces is punished. St. 1887, c. 320.

## CHAPTER 147.

## OF CERTAIN RIGHTS AND LIABILITIES OF HUSBAND AND WIFE

A wife shall have the right of interment in any lot or tomb which her husband owned during coverture, unless she has released it. St. 1883, c. 262.

SECTS. 1, 6. A married woman living separate by decree may devise or convey her property free from all rights in her husband. Sts. 1884, c. 301; 1885, c. 255.

SECT. 3. The words "husband and wife shall not transfer property to each other" are so changed that this chapter shall not "authorize" such transfer. The change applies to all transfers made since the enactment of the Public Statutes. St. 1884, c. 132.

SECT. 6. Where it has been established by decree that a married woman is deserted or living apart from her husband for justifiable cause, her will cuts off his rights. St. 1885, c. 255.

The will of the wife cannot deprive the husband of his right to her real estate to the amount of five thousand dollars when she leaves no issue. St. 1887, c. 290, § 2.

SECTS. 16 *et seq.* Provision is made for the release of courtesy by the guardian of an insane husband. St. 1886, c. 245.

SECTS. 31, 32, 33, 36. The probate court shall have exclusive original jurisdiction of petitions under these sections and the appeal from the probate court shall be to the superior court. St. 1887, c. 332, §§ 2, 3.

## CHAPTER 148.

## OF THE ADOPTION OF CHILDREN AND THE CHANGE OF NAMES.

SECTS. 12-14. A list of all names changed by special act or under the General or Public Statutes is to be published and distributed. St. 1884, c. 249.

## CHAPTER 150.

## OF THE SUPREME JUDICIAL COURT.

SECT. 2, Cl. 11. Double costs and interest at twelve per cent. may be given for frivolous appeals or exceptions on the motion of the other party or without it. St. 1883, c. 223, § 15.

SECT. 16. Where an appeal or exceptions are not entered the court below may affirm the judgment. St. 1888, c. 94.

SECTS. 21, 22, 23, 25. The provisions for special terms for capital cases are repealed. St. 1886, c. 339.

SECT. 31. The law term for Worcester is hereafter to be held on the third Monday after the second Tuesday of September, instead of on the third Tuesday. St. 1885, c. 48.

SECT. 39. Justices of the supreme court, after ten years' service and after attaining the age of seventy years, may retire on three-fourths of the salary. St. 1885, c. 162.

Each of the justices is allowed five hundred dollars annually in full compensation for travelling expenses in addition to his salary. St. 1888, c. 274, § 1.

## CHAPTER 151.

## OF THE SUPREME JUDICIAL COURT; EQUITY JURISDICTION.

SECT. 2, Cl. 11. The provisions for reaching the property of debtors are extended. The debt may be less than one hundred dollars. The interest of a partner may be reached. St. 1884, c. 285.

SECT. 7. The forms in equity are established. Suits in equity may be brought where transitory actions now are. No action shall be defeated because the form ought to be law instead of equity, or *vice versa*. St. 1883, c. 223, §§ 10, 13, 17.

## CHAPTER 152.

## OF THE SUPERIOR COURT.

SECT. 1. There shall be thirteen associate justices instead of ten in the superior court. Sts. 1886, c. 31 : 1888, c. 58.

SECT. 3. The superior court is given exclusive original jurisdiction of all causes of divorce and nullity or validity of marriage. St. 1887, c. 332, § 1.

SECT. 4. General equity jurisdiction is given and the practice in equity is regulated. St. 1883, c. 223.

The return day of process is to be computed from the service and not from the date. St. 1884, c. 316.

SECT. 5. The superior court shall also have jurisdiction of certain appeals from the probate court. St. 1887, c. 332, § 3.

SECT. 8. The affidavit and request for removal may be filed within thirty days after the day for appearance. St. 1885, c. 384, § 14.

SECT. 17. Criminal terms are established at Taunton on the first Monday of February and of November and at New Bedford on the first Monday of June and the civil term at New Bedford is changed from June to May. St. 1888, c. 314.

The number of criminal terms for Hampden is increased from two to three. They are to be held on the first Monday of May, the fourth Monday of September and the third Monday of December. St. 1885, c. 27.

The criminal term in Essex on the second Monday of May is changed to the first Monday. St. 1885, c. 191.

Applications for a jury for the assessment of damages for land taken by any town in the counties of Nantucket or Dukes county may be made to the superior court in Bristol county. St. 1887, c. 50.

SECT. 18. The superior court in Plymouth may be adjourned to Brockton, but no longer to Bridgewater. St. 1885, c. 134.

SECT. 24, which provides that no justice shall hold more than four terms in any one year for the transaction of criminal business only, is repealed. St. 1887, c. 183.

SECT. 28. Justices of the superior court, after ten years' service and after attaining the age of seventy years, may retire on one-half of the salary. St. 1887 c. 420.

The salary of the chief justice is raised from \$4,800 to \$5,500, and that of the associate justices from \$4,500 to \$5,000, with \$500 for travelling expenses in each case. St. 1888, c. 274, § 2.

## CHAPTER 153.

## OF MATTERS COMMON TO THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT.

SECTS. 10, 13. When disability or death of the justice prevents him from signing bills of exceptions, they may be proved as if they had been disallowed by him. St. 1882, c. 239.

## CHAPTER 154.

## OF THE POLICE, DISTRICT AND MUNICIPAL COURTS.

SECT. 1. The session of the district court of Hampshire, required by St. 1882, c. 227, to be held at Cummington, is made discretionary with the justice. St. 1883, c. 75.

The clerk need not attend except at Northampton, but makes his record from the minutes of the judge. St. 1883, c. 80.

Sessions of the district court of Northern Berkshire are established at Adams. St. 1884, c. 266.

The first district court of Northern Worcester shall be held at Gardner and Athol, or either of said towns, as public convenience may require, instead of on certain fixed days. St. 1888, c. 212.

SECT. 2. For the police court of Cambridge is substituted the third district court of Eastern Middlesex, including Cambridge, Arlington and Belmont. The fourth district court of Eastern Middlesex is established, including Woburn, Winchester and Burlington. St. 1882, c. 233.

Police courts are established in Marlborough and Brookline. St. 1882, c. 233.

The district court of Hampshire is established with a district including the county. St. 1882, c. 227.

The town of Hopkinton is taken from the district of the first district court of Southern Middlesex. St. 1882, c. 169.

The first district court of Northern Worcester is established. St. 1884, c. 215.

The city of Brockton and the towns of Bridgewater and West Bridgewater are made a district for the police court of Brockton, with a justice at a salary of \$1,600 and a clerk at \$800. The first district court at Plymouth is abolished and its business is transferred to the police court of Brockton. St. 1885, c. 155.

East Bridgewater is annexed to the district of the police court of Brockton. St. 1887, c. 322.

The district court of Western Hampden is established, including the towns of Westfield, Chester, Granville, Southwick, Russell, Blandford, Tolland and Montgomery. The salary of the judge is \$1,200, and of the clerk \$300. St. 1886, c. 190.

The second district court of Essex is established with a district including Amesbury and Merrimac. St. 1888, c. 193.



The town of Wilmington is transferred from the first to the fourth district court of Eastern Middlesex. St. 1888, c. 59.

Rockport is annexed to the district of Gloucester. St. 1888, c. 249.

SECTS. 4-10. The justices may interchange services as they may find convenient. St. 1885, c. 132.

SECT. 5. The police court of Chelsea is given a clerk. St. 1882, c. 176.

And the second district of Eastern Middlesex. St. 1883, c. 97.

And the district court of Hampshire. St. 1883, c. 80.

And the municipal court for the Dorchester district. St. 1885, c. 79.

And the police court of Brookline. St. 1888, c. 60.

The clerkship of the district court of Southern Berkshire is abolished. St. 1884, c. 231.

The district court of Southern Berkshire is given a clerk at a salary of \$200. St. 1886, c. 333.

The municipal court for the West Roxbury district is given a clerk at a salary of \$500. St. 1887, c. 274.

An assistant clerk is provided for the municipal court of the South Boston district at a salary of \$600. St. 1887, c. 327.

SECT. 11. The criminal jurisdiction of police and district courts is extended. Provision is made for crimes committed near the line of the district. St. 1885, c. 322.

It is also extended to cases under chapter 57, relating to the sale and inspection of milk. St. 1885, c. 149.

SECT. 16. This section, which provides that writs from certain courts may run into other counties, is made to apply to all district, police and municipal courts. St. 1885, c. 45.

SECTS. 18, 19. Municipal, district and police courts are given concurrent jurisdiction with the superior court over assaults with a dangerous weapon, indecent exposure and unlicensed theatrical exhibitions, shows and masked balls, and malicious injuries to personal property where the value of the property is less than one hundred dollars. St. 1887, c. 293.

SECT. 25. When no justice is present at a police or district court the sheriff or his deputy may adjourn it. St. 1884, c. 188.

SECT. 26. Special justices of the district of Hampshire are allowed their travelling expenses, not exceeding one hundred dollars. St. 1884, c. 205.

SECT. 29. The treasurers of the several counties shall cause proper dockets and blanks as nearly uniform as may be to be printed for the several trial justices and police and district courts in criminal cases, except the East Boston district court and the Chelsea police court. St. 1888, c. 285.

SECT. 30. Process is to bear the teste of the first justice who is not a party. St. 1888, c. 415.

SECT. 34, which requires the justice to examine the accounts of the clerk, is repealed, that duty being now performed by the controller of accounts. St. 1887, c. 438, § 8.

SECT. 36. This section is amended to require the witness fees to be paid in criminal proceedings and inquests at the termination of the trial, an advance being made by the county treasurer if necessary. It applies to all the lower courts except the municipal court of Boston. St. 1888, c. 180.

SECT. 39. Section 52 of this chapter requiring a bond instead of a recognizance is extended to the other municipal, police and district courts. St. 1882, c. 95.

SECT. 42. The justices of the several municipal courts of Boston may act for each other in certain cases. St. 1882, c. 43.

Winthrop is added to the East Boston district. St. 1882, c. 146.

The municipal court of the East Boston district is abolished, and the East Boston district court substituted; the town of Winthrop being added to the district. The new court has a clerk. St. 1886, c. 15.

SECT. 55. The number of associate justices shall be four. Sts. 1882, c. 41; 1888 c. 419, § 11.

SECT. 58. The clerk of the municipal court in Boston for criminal business is paid \$1,900 instead of \$1,600 to be expended for extra clerical assistance. St. 1883, c. 47.

The clerk of the municipal court of Boston for civil business shall be paid one thousand dollars in addition to the amount which he now receives. St. 1888, c. 419, § 13.

A second assistant to the clerk for civil business at a salary of \$1,600 per year may be appointed. St. 1885, c. 42, § 2.

A fifth assistant clerk may be appointed. St. 1885, c. 137.

SECT. 62. An additional session may be held by the special justice when requested by the chief or senior justice, he receiving \$10 per day therefor. St. 1885, c. 42.

SECT. 64. The salaries of the justices are increased as follows :

	From	To
Central Berkshire, 1887, c. 190, . . . . .	\$1,200	\$1,600
Northern Berkshire, 1887, c. 61, . . . . .	1,000	1,200
Southern Berkshire, 1884, c. 231, . . . . .	800	1,200
Boston, 1887, c. 163, Chief, . . . . .	3,000	4,300
“ “ “ Associate, . . . . .	3,000	4,000
Brighton, 1885, c. 49, . . . . .	1,200	1,600
Brockton, 1885, c. 155, . . . . .	-	1,600
Brookline, 1882, c. 233, . . . . .	-	800
Brookline, 1884, c. 211, . . . . .	800	1,000
Dorchester, 1885, c. 79, . . . . .	1,200	1,600
East Boston, 1882, c. 245; 1886, c. 15, . . . . .	1,200	1,800
First Bristol, 1884, c. 220, . . . . .	600	800
First Essex, 1882, c. 245, . . . . .	1,600	1,800
Second Essex, 1888, c. 193, . . . . .	-	1,200

TABLE OF CHANGES.

JUSTICES' SALARIES — *Concluded.*

	From	To
Fitchburg, 1882, c. 245, . . . . .	\$1,000	\$1,200
Gloucester, 1888, c. 234, . . . . .	1,400	1,600
Western Hampden, 1886, c. 190, . . . . .	—	1,200
Hampshire, 1882, c. 227, . . . . .	—	2,800
Haverhill, 1882, c. 245, . . . . .	1,400	1,800
Holyoke, 1886, c. 151, . . . . .	1,500	1,800
Lawrence, 1888, c. 110, . . . . .	1,800	2,000
Lowell, 1886, c. 307, . . . . .	1,800	2,300
Lynn, 1886, c. 154, . . . . .	1,600	1,800
Marlborough, 1882, c. 233, . . . . .	—	1,000
First Eastern Middlesex, 1882, c. 245 ; 1886, c. 166, . . . . .	1,200	1,800
Second Eastern Middlesex, 1886, c. 123, . . . . .	1,200	1,500
Third Eastern Middlesex, 1882, c. 233, . . . . .	—	2,200
Fourth Eastern Middlesex, 1882, c. 233, . . . . .	—	1,200
Newburyport, 1882, c. 245, . . . . .	700	1,200
Somerville, 1882, c. 245 ; 1887, c. 180, . . . . .	1,200	1,500
South Boston, 1882, c. 245, . . . . .	1,800	2,000
Springfield, 1887, c. 171, . . . . .	1,800	2,000
West Roxbury, 1883, c. 111, . . . . .	1,200	1,600
Central Worcester, 1888, c. 50, . . . . .	2,500	3,000
First Eastern Worcester, 1884, c. 208, . . . . .	800	1,000
Second Eastern Worcester, 1882, c. 245, . . . . .	800	1,000
First Northern Worcester, 1884, c. 215, . . . . .	—	1,200
Second Southern Worcester, 1888, c. 173, . . . . .	1,200	1,400
Third Southern Worcester, 1882, c. 245, . . . . .	1,400	1,600

The salary of the justice of the district court of Hampshire is reduced from \$2,800 to \$2,300, he being given a clerk. St. 1883, c. 75.

The salaries of the clerks are increased as follows :

	From	To
Central Berkshire, 1882, c. 245, . . . . .	\$600	\$800
Northern Berkshire, 1887, c. 61; 1888, c. 89, . . . . .	500	800
Southern Berkshire, 1886, c. 333; 1887, c. 227, . . . . .	-	500
Boston, Civil, 1882, c. 245, . . . . .	2,250	3,000
Boston, Criminal, 1885, c. 137, . . . . .	2,250	3,000
Boston, Assistant Criminal, 1885, c. 137, . . . . .	-	1,400
Prockton, 1885, c. 155, . . . . .	-	800
Brookline, 1888, c. 60, . . . . .	-	500
Charlestown, 1887, c. 175, . . . . .	1,200	1,300
Chelsea, 1882, c. 176; 1884, c. 197; 1887, c. 117, . . . . .	-	1,000
Dorchester, 1885, c. 79; 1886, c. 124, . . . . .	-	900
East Boston, 1882, c. 245; 1886, c. 15, . . . . .	1,000	1,400
First Essex, 1882, c. 245, . . . . .	1,000	1,300
Fitchburg, 1882, c. 245, . . . . .	500	700
Gloucester, 1883, c. 53; 1888, c. 235, . . . . .	600	1,000
Western Hampden, 1886, c. 190; 1888, c. 88, . . . . .	-	500
Hampshire, 1883, c. 80; 1886, c. 106, . . . . .	-	1,000
Haverhill, 1882, c. 245; 1888, c. 55, . . . . .	600	1,000
Holyoke, 1884, c. 65; 1887, c. 318, . . . . .	750	1,350
Lawrence, 1887, c. 208, . . . . .	1,000	1,200
Lowell, 1882, c. 63; 1886, c. 307, . . . . .	1,000	1,800
Marlborough, 1882, c. 233, . . . . .	-	400
First Eastern Middlesex, 1882, c. 87; 1886, c. 167, . . . . .	800	1,300
Second Eastern Middlesex, 1883, c. 97; 1885, c. 180; 1888, c. 233, . . . . .	400	700
Third Eastern Middlesex, 1882, c. 233; 1886, c. 165, . . . . .	-	1,400
Fourth Eastern Middlesex, 1882, c. 233; 1887, c. 174, . . . . .	-	800

TABLE OF CHANGES.

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CLERKS' SALARIES — *Concluded.*

	From	To
First Northern Middlesex, 1888, c. 214, . . . . .	\$400	\$600
First Southern Middlesex, 1886, c. 156, . . . . .	600	800
Newburyport, 1882, c. 245, . . . . .	600	700
Newton, 1886, c. 158, . . . . .	500	700
Eastern Norfolk, 1888, c. 54, . . . . .	600	700
First Plymouth, 1883, c. 57, . . . . .	500	600
Somerville, 1882, c. 245 ; 1887, c. 265, . . . . .	600	1,000
South Boston, 1882, c. 245, . . . . .	1,200	1,400
“ “ Assistant, 1887, c. 327, . . . . .	—	600
Springfield, 1886, c. 155, . . . . .	1,000	1,200
West Roxbury, 1887, c. 274, . . . . .	—	500
Central Worcester, Assistant, 1882, c. 245, . . . . .	800	1,000
Second Eastern Worcester, 1882, c. 245, . . . . .	400	500
First Northern Worcester, 1884, c. 215, . . . . .	—	600
First Northern Worcester, 1885, c. 286, . . . . .	600	800

Of the constables :

	From	To
Boston, Civil (2), 1882, c. 245 ; 1886, c. 130, . . . . .	\$1,000	\$1,200
Boston, Criminal (6), 1882, c. 245 ; 1886, c. 130 ; 1888, c. 195, . . . . .	1,200	1,500
Brighton, 1886, c. 148, . . . . .	800	1,000
Charlestown, 1886, c. 136, . . . . .	800	1,000
East Boston, 1882, c. 245, . . . . .	1,000	1,100
South Boston, 1882, c. 245, . . . . .	1,000	1,100
Roxbury, 1882, c. 245, . . . . .	1,000	1,100
West Roxbury, 1886, c. 148, . . . . .	800	1,000

The clerk of the fourth district court of Plymouth is allowed his traveling expenses not exceeding one hundred dollars. St. 1884, c. 204.

The clerks of the Lowell police court and of the central district court of Worcester are allowed not exceeding five hundred dollars for extra clerical assistance. St. 1888, cc. 184, 246.

Clerks pro tempore of municipal, police and district courts shall receive pay at the same rate as the permanent clerk, fourteen days being paid by the county and any excess by the clerk. St. 1888, c. 352.

#### CHAPTER 155.

##### OF JUSTICES OF THE PEACE AND TRIAL JUSTICES.

SECT. 3, which authorizes them to summon witnesses, is redrawn. St. 1885, c. 141.

SECT. 4. The power of justices authorized to issue warrants is modified. St. 1884, c. 286.

SECTS. 7-11. Provision is made for the preservation of the dockets, records and other official papers of trial justices. St. 1888, c. 211.

SECT. 28. The appeal now runs to the return day. St. 1885, c. 384, § 5.

SECTS. 43-66. Trial justices have the same jurisdiction to sentence male persons to the Massachusetts reformatory which district courts have. St. 1885, c. 356.

They shall have jurisdiction of cases under chapter 57 relating to the sale and inspection of milk. St. 1885, c. 149.

SECT. 49. Trial justices may not commit children under twelve to a jail, house of correction, house of industry or state workhouse, except for offences punishable by imprisonment for life. St. 1882, c. 127, § 1.

SECT. 69. The treasurers of the several counties shall cause proper dockets and blanks, as nearly uniform as may be, to be printed for the use of trial justices and police and district courts in criminal cases, except the East Boston district court and the Chelsea police court. St. 1888, c. 285.

SECT. 78 is repealed. Trial justices must pay over money in their hands four times a year and make returns to the controller of accounts. St. 1887, c. 438.

#### CHAPTER 156.

##### OF PROBATE COURTS.

Any act or proceeding of the probate court which it had power to do in the first instance may be confirmed. St. 1888, c. 420.

SECT. 2. The probate court is given exclusive original jurisdiction of petitions of married women concerning their separate estate, and of petitions under chapter 147 concerning the care, custody, education and maintenance of minors. St. 1887, c. 332, § 2.

SECTS. 7, 8. The provisions as to the mode of entering appeals and giving notice are revised. St. 1888, c. 290, §§ 1, 2.

Appeals from different accounts may be entered as one or may be consolidated and treated as one by the court. St. 1888, c. 290.

SECTS. 22, 23. The probate judge in Suffolk may appoint a constable of the city of Boston to attend his court and serve orders and precepts. His salary is \$1,200. St. 1884, c. 140.

His salary is increased from \$1,200 to \$1,300. St. 1887, c. 156.

SECT. 35. In probate cases expenses as well as costs may be awarded. St. 1884, c. 131.

SECT. 44. The limit of expense of recording probate proceedings in Suffolk is raised from \$1,200 to \$2,800. Sts. 1884, c. 118; 1887, c. 217.

SECT. 48. When the regular term falls on a legal holiday or on election day it shall be held on the day after, and notices to the regular term shall be deemed to be then returnable. St. 1884, c. 141.

In Hampden the court day is changed from Tuesday to Wednesday, and a session at Springfield in November is added, and four days are given to Holyoke. St. 1884, c. 294.

Four sessions of the probate court in Hampshire are to be held at Ware. St. 1886, c. 145.

The session for the county of Plymouth held on the fourth Monday of August is transferred from Middleborough to Wareham. St. 1887, c. 63.

A session is to be held at Orange for the county of Franklin on the fourth Tuesday of September. St. 1887, c. 46.

## CHAPTER 157.

### OF COURTS OF INSOLVENCY.

Provision is made for composition with creditors. It does not apply to corporations. St. 1884, c. 236.

The provisions as to composition with creditors are amended. St. 1885, c. 353.

Special judgments may be entered in cases where composition proceedings are had. St. 1888, c. 405.

SECT. 19. If the schedules by accident or mistake are not delivered within the three days, they may be afterwards. Delay or omission without fault of the debtor does not affect his right to a discharge. St. 1886, c. 290.

SECT. 26. Equitable liabilities may be proved. St. 1884, c. 293.

SECTS. 36-91. The appeal is to be entered at the next return day. St. 1885, c. 384, § 5.

SECT. 46. Voluntary assignments are made valid against the assignee in certain cases. St. 1887, c. 340.

The trustees in voluntary assignments must at once give notice to all known creditors. St. 1887, c. 340, § 2.

A mortgage recorded more than four months after its date is not valid against the assignee of the mortgagor appointed in proceedings begun after its date and within one year after the recording thereof. St. 1888, c. 393.

SECT. 80. The delay or omission to deliver the schedule of creditors if without fault of the debtor does not prevent his discharge. St. 1886, c. 290.

Special judgments may be entered where property is held by attachment,

and if the discharge is not granted or is not seasonably asked for *scire facias* may issue for the remainder of the debt. St. 1885, c. 59.

SECT. 84. No debt or claim against a pledgee created by an unauthorized sale of the collateral shall be discharged. St. 1885, c. 353, § 6.

SECT. 93 is amended by omitting the clause making the giving of preferences an objection to a discharge. St. 1886, c. 322.

SECT. 99. If the debtor is absent or does not apply for an allowance it may be made to his wife or minor children. St. 1888, c. 67.

SECT. 102. Accounts of assignees in insolvency must be sworn to by the assignees or one of them. St. 1884, c. 126.

SECT. 103. Provision is made for the investment of unclaimed dividends in the name of the judge. St. 1883, c. 242.

#### CHAPTER 158.

##### OF JUDGES AND REGISTERS OF PROBATE AND INSOLVENCY.

SECT. 23. The salary of the judge in Middlesex is raised from \$2,500 to \$3,500. Sts. 1882, c. 129; 1886, c. 184.

In Essex, from \$2,500 to \$3,500. Sts. 1883, c. 244; 1888, c. 112. In Bristol, from \$1,800 to \$2,000. St. 1885, c. 165. In Worcester, from \$2,500 to \$3,000. St. 1885, c. 275. In Dukes county, from \$500 to \$600. St. 1885, c. 318. In Suffolk, from \$4,000 to \$5,000. St. 1885, c. 203. In Plymouth, from \$1,500 to \$2,000. St. 1886, c. 183. In Hampden, from \$2,000 to \$2,500. St. 1886, c. 189. In Barnstable, from \$1,000 to \$1,200. St. 1887, c. 166. In Norfolk, from \$2,000 to \$2,500. St. 1887, c. 72.

Of the judge and register of probate for Berkshire respectively, from \$1,200 to \$1,600. St. 1884, c. 192.

Of the assistant register in Suffolk, from \$1,500 to \$2,000. St. 1882, c. 144. In Essex, from \$1,500 to \$1,800. St. 1887, c. 273. In Middlesex, from \$1,500 to \$1,800. St. 1887, c. 259. In Worcester, from \$1,500 to \$1,800. St. 1888, c. 152.

Of the register in Hampden county, from \$1,600 to \$1,800. St. 1884, c. 248.

SECTS. 23, 24. A sum not exceeding \$1,500 additional is allowed for clerical assistance in Middlesex county. St. 1885, c. 304. In Worcester, \$800. St. 1887, c. 39. In Suffolk, \$1,800. Sts. 1885, c. 205; 1888, c. 280. In Essex, \$1,000. St. 1886, c. 114.

SECT. 24. This section shall not apply to Suffolk. St. 1885, c. 205.

#### CHAPTER 159.

##### OF CLERKS, ATTORNEYS AND OTHER OFFICERS OF JUDICIAL COURTS.

Clerks of the superior court and of the municipal court of Boston may use a fac-simile of their signatures upon writs, summons, orders of notice to appear and orders of attachment, except executions. St. 1885, c. 321.

SECTS. 8, 9. A third assistant clerk of the superior court civil session in Suffolk is to be appointed at salary of \$2,500. St. 1888, c. 153.



SECT. 27. The clerks need not render an account of their fees to the county treasurer in January. St. 1888, c. 257, § 9.

SECTS. 28-30. The salaries of the clerks of the courts in the counties are established, and are to be paid by the county treasurer and shall be in full for all services performed by them. St. 1888, c. 257, §§ 1, 2.

SECTS. 28. 29. The clerk of the supreme judicial court for the county of Suffolk is given a salary of \$5,000 and must pay over all fees. He shall act as clerk for the court when sitting in Boston for cases from other counties, except when sitting as a full court, and for this receives \$1,500. St. 1887, c. 291.

The books and accounts of the clerks are determined. St. 1888, c. 257, § 4.

SECT. 31. The salary of the first assistant clerk of the superior court for civil business in the county of Suffolk is raised from \$2,500 to \$2,600. St. 1887, c. 199.

The salary of the second assistant clerk for civil business is raised from \$2,000 to \$2,500. St. 1885, c. 250.

SECT. 34. The provisions relating to the qualification and admission to practice of attorneys-at-law apply to women. St. 1882, c. 139.

The fee for admission to the bar shall be five dollars. St. 1888, c. 257, § 5.

SECT. 44. The clause forbidding any person to appear as counsel or attorney in any suit determined by him as judge or trial justice is extended to any proceeding, civil or criminal. St. 1884, c. 170.

SECT. 50. The compensation of masters and special masters in chancery and of assessors appointed by the court is paid by the county. St. 1883, c. 216. And also of referees. St. 1886, c. 51.

They have no fees unless their report is filed within ninety days. St. 1888, c. 282.

And also the fees of arbitrators under chapter 188 upon whose awards judgment is entered. St. 1887, c. 289.

SECT. 51. The fee for a rule to an auditor shall be one dollar. St. 1888, c. 257, § 5.

They have no fees unless their report is filed within ninety days. St. 1888, c. 282.

SECT. 67. The number of officers for each session held without juries is increased from two to three. The officers appointed under this section shall have the power to serve venire for jurors and the processes of said court, being paid their actual expenses. They shall give bond. St. 1888, c. 357.

SECT. 68. Deputies in attendance on the supreme judicial court in Suffolk, not exceeding four in number, are paid a salary of \$1,700 instead of \$4.50 per day and travel. Sts. 1882, c. 232; 1886, c. 37.

Officers in attendance upon the probate courts or courts of insolvency are included in this section and paid \$4.00 per day and travel. St. 1887, c. 243.

Additional officers are paid for travel and service actually performed. St. 1882, c. 232.

SECT. 69. Officers attending the superior court are paid \$1,500 instead of \$1,400 as before. St. 1882, c. 245, § 3.

The deputy sheriffs and constables in attendance at the superior court in Suffolk shall wear uniforms for which they are allowed one hundred dollars annually. St. 1888, c. 371.

Officers and messengers of the superior court in Suffolk are to be paid \$1,700 instead of \$1,400. St. 1886, c. 37.

The superior court may appoint official stenographers in each county. Their duties are defined. They may be removed. St. 1885, c. 291.

The fees of the official stenographers are increased. St. 1887, c. 74.

The provision for stenographers in Suffolk is revised. St. 1887, c. 24.

#### CHAPTER 160.

##### SPECIAL PROVISIONS RESPECTING COURTS AND THE ADMINISTRATION OF JUSTICE.

SECT. 4. When Christmas falls on Sunday the courts are not open on the day following. St. 1882, c. 49.

The first Monday of September, labor's holiday, is made a legal holiday. St. 1887, c. 263.

SECTS. 8-10. The laws as to naturalization are revised and jurisdiction given to the lower courts. St. 1885, c. 345.

If the applicant for naturalization does not live in the district of any police, municipal or district court, he may apply to the court held nearest to the town in which he resides. St. 1886, c. 203.

SECT. 9. This section is repealed. Primary declarations may be filed at any time, and the oath administered at the time of filing. St. 1886, c. 45.

The returns of naturalizations made to the secretary need not be printed. St. 1887, c. 36.

#### CHAPTER 161.

##### OF THE COMMENCEMENT OF ACTIONS AND THE SERVICE OF PROCESS.

SECT. 1. The venue of equity suits is the same as that of transitory actions. St. 1883, c. 223, § 13.

SECTS. 1-12. The supreme judicial and superior courts are given power in certain cases to change the venue of actions. St. 1887, c. 347.

SECT. 10. The motion for removal may be filed within thirty days after the day for appearance. St. 1885, c. 384, § 14.

SECT. 13. A fac-simile of the clerk's signature may be used on writs and orders, except executions. St. 1886, c. 13.

SECTS. 13 *et seq.* Justices of the supreme or superior courts may order writs or other process to be issued by the clerk of the county where he is sitting, instead of by the clerk of that in which the cause is pending. St. 1886, c. 223.

SECT. 23. Writs are to be made returnable on the first Monday of each month, terms being abolished. St. 1885, c. 384, §§ 1, 2.

SECT. 27. Writs run to a return day instead of a term. St. 1885, c. 384, § 5.

SECTS. 122 *et seq.* Bonds to dissolve attachments must contain an additional provision for special judgments in cases of composition. St. 1888, c. 405.

## CHAPTER 162.

## OF ARREST, IMPRISONMENT AND DISCHARGE.

SECTS. 17, 18, 25, 27, 28, 31, 34, 54. Courts of record or police, district or municipal courts or, except in the county of Suffolk, trial justices are given exclusive jurisdiction of poor debtor proceedings, except that masters in chancery and commissioners may take recognizances. St. 1888, c. 419.

SECTS. 18-20. The same steps of notice and examination must be had where the other charges in section 17 are made which are now provided for the first charge. St. 1887, c. 442, §§ 1, 2.

SECT. 20. Certain transfers of property after the service of the notice and pending the proceedings thereon are a contempt of court. St. 1888, c. 419, § 3.

SECTS. 27 *et seq.* There shall be no unreasonable delay in acting on the part of the court. No appeal is allowed except as provided in this chapter. St. 1888, c. 419, § 12.

SECTS. 32, 34. A debtor shall not suffer default by reason of the absence or disability of the magistrate if a new notice is issued within three days. St. 1887, c. 442, §§ 3, 4.

SECT. 33. Where a discharge is refused no new notice or application can be made until the expiration of seven days from the hour of such refusal. St. 1888, c. 419, § 8.

SECT. 68. The fees are changed and the mode of their recovery. They are to be accounted for. St. 1888, c. 419, § 13.

## CHAPTER 163.

## OF BAIL.

SECT. 12. The bail is also discharged on paying costs if the principal dies. St. 1884, c. 260.

## CHAPTER 164.

## OF PROCEEDINGS AGAINST ABSENT DEFENDANTS AND UPON INSUFFICIENT SERVICE.

SECT. 6. When real estate of a non-resident is attached notice must be given him within one year or the suit must be dismissed. St. 1884, c. 268.

SECT. 7. A default is entered on failure to appear within ten days after the day specified in the notice. St. 1885, c. 384, § 8.

## CHAPTER 167.

## OF PLEADING AND PRACTICE.

Terms of the courts are abolished, but sittings shall be held when and where the terms are now appointed. The courts are always open. Return days for writs and other processes are established on the first Monday of every month. The practice of the courts is adapted to these changes. St. 1885, c. 384.

All civil actions except replevin may be begun by bill or petition and such relief may be given as the case requires. St. 1887, c. 383.

Claimants may be summoned in and the parties required to interplead. St. 1886, c. 281.

SECT. 9. Instead of the failure to file declaration being a discontinuance, the action may be dismissed on motion. St. 1885, c. 384, § 6.

SECT. 17. Any matter which in equity would entitle the defendant to be absolutely relieved from the plaintiff's claim may be alleged. St. 1883, c. 223, § 14.

SECT. 24. Equitable defences may be relied on in reply to the defendant's answer. St. 1883, c. 223, § 14.

SECT. 43. The superior court retains jurisdiction although the action may be changed to equity. St. 1883, c. 223, § 17.

SECTS. 46, 47 are repealed and new provisions as to defaults are substituted. St. 1885, c. 384.

SECT. 67. When there are two or more shire towns the shire town at which an action shall be tried may be designated at the term of entry and then it shall not be tried elsewhere nor costs given for terms held elsewhere. St. 1882, c. 264.

The parties may agree that an action shall not be tried before a certain day. St. 1884, c. 304.

SECT. 90. Police courts also may order the defendant to file an answer. St. 1886, c. 64.

## CHAPTER 169.

### OF WITNESSES AND EVIDENCE.

SECT. 1. Every clerk of a court of record may issue subpœnas in all cases, but a justice of the peace only in civil cases, unless requested by the prosecuting officer or the party prosecuted, and in the latter case it must be expressed in the subpœna. St. 1884, c. 247, is repealed. St. 1885, c. 141.

SECTS. 7, 8. The board of police commissioners is added to the bodies which may call witnesses before them, and if they do not attend, the chairman may issue a warrant. St. 1882, c. 267.

Justices of the supreme or superior courts may compel witnesses to appear before special tribunals which have power to summon but not to compel their attendance. St. 1883, c. 195.

SECTS. 28, 41. Where the adverse party does not appear to defend, no notice of the taking of depositions and no exhibition of interrogatories is required. St. 1883, c. 188.

SECT. 54. In case of depositions *in perpetuum memoriam* of parties without the state, the court shall order reasonable notice to non-resident parties interested. St. 1882, c. 140.

SECT. 70. Copies of the records, books and accounts of savings banks verified by affidavit are made evidence. St. 1885, c. 92.

## CHAPTER 170.

### OF JURIES.

SECT. 24. Special regulations are established for the preparation of the jury list in Boston. St. 1888, c. 123.

SECT. 35. Jurors may be examined by the parties or their attorneys under the direction of the court. St. 1887, c. 149.

## CHAPTER 171.

## OF JUDGMENT AND EXECUTION.

New provisions are made as to the time of entering judgment. St. 1885, c. 384.

SECTS. 17, 24. Special judgments in insolvency cases are regulated. A general execution may be issued or the plaintiff may have *scire facias* where the defendant fails to obtain a discharge or unreasonably delays to prosecute the proceedings. St. 1885, c. 59.

SECTS. 52, 53. Provision is made for a record of seizure in cases where the levy is suspended on account of a prior attachment. St. 1887, c. 407.

SECT. 54 is repealed. In case of sickness or absence of the officer serving the execution, he or the judgment creditor may delegate another officer to act. St. 1885, c. 125.

## CHAPTER 172.

## OF THE LEVY OF EXECUTION ON REAL ESTATE.

SECT. 30. Execution sales where the sale is restrained may be adjourned until the further order of the court granting the injunction. On the final determination of the injunction the court may order the sale to proceed and further notice to be given. St. 1884, c. 175.

SECT. 49. The right of redemption is extended to lands set off as well as those sold. St. 1886, c. 86.

## CHAPTER 175.

## OF THE SUMMARY PROCESS FOR THE RECOVERY OF LAND.

SECTS. 6, 7, 8. A bond instead of a recognizance is to be given in all cases. St. 1888, c. 325.

## CHAPTER 176.

## OF PETITIONS FOR THE SETTLEMENT OF TITLE.

After possession for twenty years by the mortgagor he may apply to the supreme court, and if it appears that there has been no act of recognition during that time, any action is barred. Sts. 1882, c. 237; 1885, c. 283.

## CHAPTER 178.

## OF THE PARTITION OF LAND.

SECTS. 2, 9, 75 are extended so that land lying in different counties may be divided in one proceeding. St. 1888, c. 346.

SECT. 13. The affidavit for removal may be filed within thirty days after the day for appearance. St. 1885, c. 384, § 14.

SECTS. 45 *et seq.* Probate courts may make a partial division setting off to the petitioner his share and allowing the residue to remain in common. St. 1885, c. 293.

SECT. 51. The notice of the petition is to be published in "such newspaper or newspapers," instead of in "newspapers." St. 1882, c. 55.

SECT. 63 is amended as stated in the published edition of the Public Statutes. St. 1882, c. 6, § 2.

SECTS. 64-75. Provision is made for the partition of land where there are estates for life or terms for years, a trustee being appointed to hold any money coming from such partition and pay over the income to the tenant and the principal to the remainder man when the first estate ceases. St. 1887, c. 286.

#### CHAPTER 180.

##### OF ACTIONS FOR PRIVATE NUISANCES.

Certain fences and other like structures are declared private nuisances. St. 1887, c. 348.

#### CHAPTER 181.

##### OF THE REDEMPTION AND FORECLOSURE OF MORTGAGES.

SECT. 17. The notice of sale under a mortgage of real estate, if there is no newspaper in the town, may be given in some newspaper in the county. St. 1882, c. 75.

SECT. 27. But the mortgagee may proceed with any sale already advertised unless the amount due is paid into court or the sale enjoined. St. 1888, c. 433.

#### CHAPTER 183.

##### OF THE TRUSTEE PROCESS.

SECT. 7. No trustee writ issued by a trial justice shall be made returnable more than thirty days after its date. St. 1887, c. 33.

SECT. 10. Appearance and answer must be within ten days from the return day of the writ. St. 1885, c. 384, § 9.

SECT. 33. The wages or lay of seamen on contracts hereafter made are not attachable. St. 1886, c. 194.

SECT. 34. The funds of railroad relief societies are not liable to trustee process. St. 1886, c. 125.

SECT. 38. The claimant is given an execution for the amount due him with costs and the trustee is held for the remainder. A trustee who has been defaulted, is discharged for any amount which he may have paid on the original execution and is liable to the claimant only for the rest. The provision as to proceedings under c. 161, §§ 80, 82, 83 is omitted. St. 1888, c. 345.

SECT. 73. When pending the trustee process the defendant sues the trustees, the costs in such suit are in the discretion of the court. St. 1883, c. 62.

#### CHAPTER 185.

##### OF HABEAS CORPUS AND PERSONAL REPLEVIN.

SECT. 18 is amended as stated in the published edition of the Public Statutes. St. 1882, c. 6, § 3.

## CHAPTER 187.

## OF WRITS OF ERROR AND WRITS OF AND PETITIONS FOR REVIEW.

SECT. 39. A stay of execution may be ordered without security when the petitioner had no actual knowledge of the action before judgment was entered. St. 1882, c. 249.

Bonds to prosecute review must have a provision for special judgments in cases of composition with creditors. St. 1888, c. 405.

## CHAPTER 188.

## OF REFERENCE TO ARBITRATION.

The fees of arbitrators appointed under this chapter upon whose awards judgment is entered are paid by the county. St. 1887, c. 289.

## CHAPTER 189.

## OF IMPROVING MEADOWS AND SWAMPS.

SECT. 15. "Return day" is substituted for "court." St. 1885, c. 384, § 5.

## CHAPTER 191.

## OF LIENS ON BUILDINGS AND LAND.

SECT. 12. This section, providing that the petition may be inserted in a writ, is repealed. St. 1888, c. 344, § 4.

SECT. 13. The words, "whether filed as a petition or inserted in a summons," are struck out. St. 1888, c. 344, § 1.

SECT. 17. Where parties are absent or cannot be served with notice, the petition shall stand continued until such notice shall be given as the court or justice shall direct. St. 1888, c. 344, § 3.

The provision for notice to the owner of the land and the debtor is changed; the form, the mode of service and the fees are established. The order may be made by the justice of the court as well as the clerk. St. 1888, c. 344, § 2.

## CHAPTER 192.

## OF MORTGAGES, CONDITIONAL SALES, PLEDGES AND LIENS ON PERSONAL PROPERTY.

SECTS. 1, 2 are repealed and two new sections are substituted. The new sections differ in requiring the mortgage to be recorded within fifteen days from the date written therein. If it must be recorded in two places, the second record must be within ten days of the first. The mortgage is not good except between the parties until so recorded, and a record after the time fixed is void. St. 1883, c. 73.

SECTS. 10-12. Debts or claims against a pledgee created by an unauthorized sale of the collateral are not discharged in insolvency. St. 1885, c. 353.

SECT. 13. Conditional sales of furniture or household goods are regulated. St. 1884, c. 313.

SECT. 24. Courts in the county where the petitioner has his usual place of business as well as where he resides are given jurisdiction. St. 1888, c. 46.

#### CHAPTER 195.

##### OF THE COLLECTION OF CLAIMS AGAINST THE COMMONWEALTH.

SECTS. 1, 7. The superior court is given jurisdiction of all claims against the Commonwealth, whether at law or in equity, except those mentioned in section 7, but they shall be subject to set-off or recoupment, as if the Commonwealth was a private individual. St. 1887, c. 246.

#### CHAPTER 198.

##### OF COSTS IN CIVIL ACTIONS.

SECT. 25 is repealed. Appeals from taxation of costs by the clerk, if during the term, shall be heard by the justice before adjournment. St. 1882, c. 235.

SECT. 28. The term fees which are allowed to the prevailing party are limited. St. 1882, c. 264.

#### CHAPTER 199.

##### OF THE FEES OF CERTAIN OFFICERS.

SECT. 4. In lieu of entry, clerk's term fees, the fee for taxing costs and issuing execution, a fee of three dollars is to be paid in advance, and the same fee in criminal cases in lieu of the entry and all other clerk's fees. St. 1888, c. 257, § 3.

Where the record will be of unusual length, the prevailing party may be ordered to pay a sum in addition to the entry fee. St. 1888, c. 257, § 7.

The clerks shall collect all fees in advance. St. 1888, c. 257, § 8.

The fees of officers for travel to summon witnesses in criminal cases under twenty miles are raised. The distance is computed from the most distant place of service to the place of return. When the officer has not actually travelled the distance, the court may reduce the amount. St. 1882, c. 215.

SECT. 9. In the service of criminal precepts the officer is allowed fifteen cents a mile for a horse and carriage if he uses his own, and the sum actually expended if he uses those of another, but he must make certificate of the necessity and the distance travelled and sum paid. St. 1885, c. 254.

SECT. 15 is repealed. Appraisers may be allowed what is just and reasonable instead of one dollar per day. St. 1886, c. 135.

#### CHAPTER 202.

##### OF OFFENCES AGAINST THE PERSON.

SECT. 27 is repealed. The age of consent in case of rape is raised from ten years to fourteen. Sts. 1886, c. 305; 1888, c. 391.



## CHAPTER 203.

## OF OFFENCES AGAINST PROPERTY.

False statements of the distance which the person intends to travel when hiring a horse, or of the distance actually travelled, or refusal to pay the hire are made a crime. St. 1882, c. 236.

SECT. 10. A minimum penalty of ten years is fixed. St. 1888, c. 135.

SECT. 11. If such offender has been convicted of any offence named in sections 10 or 11, the minimum penalty is five years. St. 1888, c. 135.

SECT. 40. Embezzlement by agents, clerks, etc., shall include embezzlement by officers of voluntary associations and societies. St. 1884, c. 174.

SECTS. 20, 40. Embezzlement of the property of voluntary associations is made a crime. The name by which they are generally known is a sufficient description. St. 1886, c. 328.

SECT. 56 is extended to agents, clerks, or servants or officers of persons and firms and to the omission to make a true entry as well as the making a false entry. St. 1885, c. 223.

SECTS. 58, 59. Fraudulent use of the insignia of the grand army of the republic or of the loyal legion is made an offence. St. 1887, c. 67.

SECT. 79. Detaining without cause, books, etc., taken from public libraries is punished. St. 1883, c. 77.

The mutilation of maps, newspapers, magazines, pamphlets and manuscripts is also punished, and to the libraries is added, "incorporated libraries." St. 1883, c. 81.

SECT. 99. A person may, by notice, prohibit shooting or trapping on his land, and game artificially propagated on such land is his. St. 1884, c. 308.

Wilful trespass on lands appurtenant to prisons or houses of correction, disturbance of such institution or communication with the inmates, is made a crime. St. 1885, c. 303.

SECT. 101. The tearing down, removal, or defacing of a town warrant, list of voters or jurors, or other legal notice, is made a crime. St. 1883, c. 156.

Municipal, district and police courts are given concurrent jurisdiction with the superior court of malicious injuries to personal property where the value is not alleged to exceed one hundred dollars. The penalty is established. St. 1887, c. 293, § 2.

SECT. 103. The malicious defacing of milk cans is punished. St. 1885, c. 133.

SECTS. 107, 108, 109. The wilful or negligent setting of fires is made a crime. St. 1886, c. 296, § 1.

Whoever wantonly and recklessly sets fire to any material which causes the injury or destruction of growing or standing wood is punished. St. 1882, c. 163.

## CHAPTER 205.

## OF OFFENCES AGAINST PUBLIC JUSTICE.

Commitments for contempt may be made to any jail, and the process may be served by the sheriff to whom it is directed in other counties as well as in his own. St. 1886, c. 224.

Interference with police signal systems is made an offence. St. 1888, c. 291.

## CHAPTER 207.

## OF OFFENCES AGAINST CHASTITY, MORALITY AND GOOD ORDER.

The exhibition of persons deformed is forbidden. St. 1884, c. 99.

Unnatural and lascivious acts are made criminal and the form of the complaint or indictment is fixed. St. 1887, c. 436.

SECT. 2 is amended so as to cover not only the purpose of prostitution but of unlawful sexual intercourse. Giving drugs or other things for purposes of sexual intercourse, intercourse with idiotic or imbecile women or girls, and inducing any person under eighteen years old to have such unlawful intercourse are punished. The owner or person in control of premises who suffers or induces any girl under the age of twenty-one to be upon the premises for the purpose of unlawful intercourse is punished. The evidence of one witness must be corroborated and prosecutions must be commenced within one year. St. 1886, c. 329.

Sending any woman or girl to enter as an inmate or as a servant any house of ill-fame is made an offence. Proprietors or keepers of employment offices who personally or through an employee send any woman or girl to enter any house of ill-fame as aforesaid, the character of which could have been ascertained on reasonable inquiry, are punished. Detaining or attempting to detain or administering any drug for the purpose of detaining any woman or girl in such house is made a crime. St. 1888, c. 311.

SECT. 15. The sale or distribution to minors of papers devoted to criminal news or reports of crime is forbidden, and whoever employs minors or permits them, if under his control, to be employed in such distribution is punished. St. 1885, c. 305.

SECT. 26. The maximum fine for drunkenness is increased from one to five dollars, and the maximum imprisonment for non-payment from ten days to thirty days. The county commissioners may release persons so confined. St. 1885, c. 375.

SECT. 27. Male persons convicted of a third offence of drunkenness may be sentenced to the reformatory for not less than one year and not more than two years. St. 1885, c. 365.

SECTS. 27, 28. The punishment of female persons for a second offence of drunkenness is made the same as that of men. St. 1888, c. 377.

SECT. 28. Keeping any place for opium smoking, the selling or giving away opium at such place, or resorting to it to smoke, is made a crime. St. 1885, c. 73.

SECTS. 29, 42. Rogues, vagabonds, vagrants and others named in these sections, may be sent to the state workhouse as tramps now are under section 38. St. 1884, c. 258.

Male persons committing the offences named in these sections may be sentenced to the reformatory for not less than one year and not more than two years. St. 1885, c. 365, § 1.

SECT. 34. Persons disorderly or indecent in speech or behavior on public conveyances are punished. St. 1883, c. 102.

The wilful disturbance of persons in a public library or reading-room is punished. St. 1885, c. 225.

SECT. 50. Whoever, without authority, removes any flowers, flags or memorial tokens from any grave, tomb, monument or burial lot is punished. St. 1888, c. 395.

SECT. 69. This section is repealed and a substitute enacted extending the provisions against discrimination in public places on account of race or color. St. 1885, c. 316.

## CHAPTER 208.

## OF OFFENCES AGAINST PUBLIC HEALTH.

The manufacture or sale of any drug or article of food which is adulterated is made a crime. Adulteration is defined. Such compounds as are recognized as ordinary articles of food or drink are exempt if so marked. Provision is made for analyzing samples. Sts. 1882, c. 263; 1884, c. 289; 1886, c. 171.

The state board may expend annually in enforcing the laws against adulterations not exceeding ten thousand dollars, of which three-fifths must be for enforcing the laws against adulterations of milk. They must report the prosecutions and an itemized account of the expenditure. St. 1884, c. 289, § 1.

The sale or gift of any cigarette, snuff or tobacco to persons under sixteen years of age is forbidden. St. 1886, c. 72.

SECT. 6 is extended to cover any other deadly poisonous substance or compound besides those expressly named. The record may be inspected by the police. St. 1887, c. 38.

The regulations as to the sale of poisons are revised. St. 1888, c. 209.

## CHAPTER 209.

## OF OFFENCES AGAINST PUBLIC POLICY.

Property shall not be sold or exchanged by the inducement of any gift. St. 1884, c. 277.

## CHAPTER 209a.

## OF HABITUAL CRIMINALS.

Provision is made for the punishment of habitual criminals. St. 1887, c. 435.

## CHAPTER 212.

## OF SEARCH WARRANTS, REWARDS, ARRESTS, EXAMINATION, COMMITMENT, BAIL AND PROBATION.

Children under twelve, not accused of offences punishable by imprisonment for life nor truants, are not to be arrested until they neglect to appear on summons, nor to be committed in default of bail, nor on sentence. St. 1882, c. 127.

SECT. 2. Warrants may also issue to search for pool tickets or other materials unlawfully made, provided or procured for the purpose of buying or selling pools. St. 1885, c. 342, § 2.

SECTS. 2, 9. Gaming apparatus seized under section 2, clause 7, is to be sold or disposed of under section 9. St. 1885, c. 66.

SECTS. 17, 20. Warrants and other criminal process may be directed to and served by any officer in any county. St. 1886, c. 247.

SECT. 26. The court or justice, on adjourning a trial or examination where the offence is punishable with death or imprisonment for life, may bind over the government witnesses according to sections 37-41 of this chapter: the fee is twenty cents. St. 1885, c. 136.

Where a trial justice adjourns an examination or trial and then fails to appear, another justice may complete the proceedings. The records are to be made up by the justice rendering the final decision. St. 1883, c. 175.

SECT. 51. The latter clause of this section, forbidding justices from receiving compensation for taking bail, is repealed. St. 1885, c. 135.

SECT. 68 is repealed. The person ordered to recognize may deposit the money with any officer authorized to take his recognizance, instead of being restricted to the magistrate or clerk of the court ordering it. St. 1882, c. 134.

SECT. 78. Two additional probation officers may be appointed in Boston. The requirement that the officers be appointed in May is struck out. St. 1882, c. 125.

#### CHAPTER 213.

##### OF INDICTMENTS, PROSECUTIONS, AND PROCEEDINGS BEFORE TRIAL.

SECT. 17 is repealed. The form of complaints and indictments on special statutes, ordinances and by-laws of cities and towns, orders of the mayor and aldermen or rules of any public board, is regulated. St. 1886, c. 53.

So for embezzlements from voluntary associations. St. 1886, c. 328, § 2.

#### CHAPTER 214.

##### OF TRIALS AND PROCEEDINGS BEFORE JUDGMENT.

SECT. 1. A list of criminal cases for trial is made compulsory, instead of discretionary with the court. St. 1884, c. 193.

#### CHAPTER 215.

##### OF JUDGMENT AND EXECUTION.

Convicts punishable by imprisonment in the house of correction may be sent to jail instead, and those undergoing sentence may be removed from one to the other. St. 1882, c. 241.

Sentences to imprisonment for successive terms are allowed. St. 1884, c. 265.

SECT. 18. No child under twelve can be imprisoned except on charges punishable by imprisonment for life or for truancy, but must be committed to the custody of the state board of health. St. 1882, c. 127.

CHAPTER 216.  
OF FIRE INQUESTS.

SECT. 1. An investigation is to be made in every case of fire, except in Boston, by the engineers, or the selectmen where there are no engineers, and a written report made to the city clerk, a transcript of which is sent to the insurance commissioner each year. If there appear reasonable grounds for believing that the fire was caused by design, the chief engineer, or chairman of the selectmen, must apply for an inquest. St. 1888, c. 199.

SECT. 7. The clause requiring the inquisition and testimony to be filed with the clerk of the municipal court in Suffolk is repealed. St. 1888, c. 199.

## CHAPTER 217.

## OF FINES, FORFEITURES AND COSTS.

SECT. 8. Instead of copies of bills of costs being transmitted they may be entered on a schedule which shall be transmitted to the treasurer, who shall pay the persons entitled. St. 1888, c. 257, § 6.

## CHAPTER 218.

## OF FUGITIVES FROM JUSTICE, AND PARDONS.

SECT. 6 is repealed. Expenses of requisitions are paid by the county unless the governor orders a part or all to be paid by the state. St. 1886, c. 267.

SECT. 14. Where the condition of a pardon is broken and the convict is remanded to serve out the residue of his sentence, if he is then serving another sentence, his confinement is to begin from the expiration of that. St. 1882, c. 197.

## CHAPTER 219.

## OF THE COMMISSIONERS OF PRISONS.

The commissioners may transfer prisoners, except those confined for capital crimes, to hospitals for surgical treatment. The time of their sentence runs while there. St. 1882, c. 207.

SECT. 3. The salary of the secretary of the commissioners of prisons is raised from \$2,000 to \$2,500. St. 1886, c. 275.

The commissioners of prisons may expend for clerical assistance a sum not exceeding \$2,500 annually. St. 1888, c. 328.

SECT. 4. They may remove prisoners from jails to houses of correction, and *vice versa*. St. 1882, c. 241.

They may transfer prisoners between the jails, from the reformatory to the jails and houses of correction and back again. St. 1887, c. 375.

SECT. 6. Vagrants or tramps may also be removed to the state work-house under this section. St. 1885, c. 35, § 1.

SECT. 17. The number of prisoners who may be employed in certain occupations is limited. St. 1883, c. 217.

SECTS. 17, 18. These sections which relate to the employment of convicts in the state prison and the reformatory prisons are repealed. St. 1888, c. 403, § 6.

SECTS. 26-30. Aid is provided for female prisoners whose cases are disposed of without sentence. St. 1886, c. 177.

The commissioners may expend for aiding discharged female prisoners a sum not exceeding three thousand dollars annually. St. 1888, c. 417.

SECTS. 26 *et seq.* The commissioners may provide offices in Boston for the agents for aiding discharged prisoners. St. 1887, c. 336.

The commissioners of prisons may expend two thousand dollars more for the assistance of prisoners discharged from the Massachusetts reformatory. St. 1887, c. 395.

There may be advanced to the commissioners of prisons under St. 1884, c. 179, for aiding prisoners discharged from the Massachusetts reformatory a sum not exceeding five hundred dollars at any time. From it prisoners removed to other institutions and discharged may also be assisted. St. 1888, c. 322.

SECTS. 26, 27. The commissioners of prisons may employ two additional agents to aid discharged prisoners. These agents shall also obtain information for the commission in regard to prisoners. St. 1887, c. 315.

SECT. 27. The limit of the salary of the agent for aiding discharged female prisoners is increased from \$700 to \$775 and is paid from the state treasury instead of from the appropriation for aiding discharged female prisoners. St. 1888, c. 330.

SECT. 34. The heads of police and others making arrests are required to make monthly reports. St. 1882, c. 226, § 2.

SECTS. 34, 35. The blanks for the returns of criminal business made by clerks of courts and other officers, under these sections, are furnished by the commissioners of prisons, who prescribe the form. St. 1882, c. 226, § 1.

SECT. 36, prescribing the form, is repealed. St. 1882, c. 226, § 3.

SECT. 39. The sum allowed for clerical assistance of the commissioners is increased from \$700 to \$1,700. St. 1885, c. 52.

## CHAPTER 220.

### OF JAILS AND HOUSES OF CORRECTION.

Any authority or control given by this chapter to the county commissioners or to the board of directors of public institutions of the city of Boston, over matters connected with the employment of prisoners in any house of correction, is transferred to the general superintendent of prisons and the master of such house of correction. St. 1888, c. 403, § 8.

In every city of over thirty thousand inhabitants one or more police stations must be designated as stations for the detention of women, and police matrons must be appointed whose duties are defined. St. 1887, c. 234.

The provisions of St. 1887, c. 234, shall apply to cases where women are taken to or received at a police station for detention or lodging as well as to women arrested. St. 1888, c. 181.

SECT. 2. The sheriff may remove prisoners at his discretion between jails and houses of correction. St. 1882, c. 241, § 2.

SECT. 36. The requirement of whitewashing is struck out. St. 1886, c. 226.

SECT. 40. The number of prisoners who may be employed in certain trades is limited. St. 1883, c. 217.

Contract labor in the prisons is forbidden. Labor in them is regulated. A general superintendent of prisons is to be appointed who shall have general charge of the labor in prisons. St. 1887, c. 447.

Contracts for the manufacture of articles by the piece under the piece-price system are not forbidden. St. 1888, c. 22.

The master must establish and maintain the industries fixed upon under St. 1887, c. 447. St. 1888, c. 403, § 1.

The number of persons who may be employed is regulated. St. 1888, c. 403, § 2.

The purchase of tools, implements and materials, and the sale of manufactured goods is provided for. St. 1888, c. 403, § 3.

Suits with reference to contracts under the acts relating to the employment of prisoners, may be referred to arbitrators appointed by the county commissioners, or referees. St. 1888, c. 403, § 4.

No provision for the employment of prisoners upon the piece-price plan shall be made except with the approval of the general superintendent of prisons. St. 1888, c. 403, § 5.

SECT. 49. Clerical errors corrected. St. 1882, c. 6, § 4.

SECT. 50. Escapes from officers who have taken prisoners to perform labor on any public land are made escapes from prisons and punished. St. 1882, c. 198.

SECTS. 66, 68. All the provisions as to persons released under section 68 are applied to section 66. St. 1884, c. 152, § 4.

SECT. 68. Any violation of permits to be at liberty issued to a prisoner, of itself renders them void, and an order of arrest and recommitment may issue. The time during which he has been at liberty shall not be taken to be any part of the term of his sentence. St. 1884, c. 152, §§ 1, 2.

## CHAPTER 221.

### OF THE STATE PRISON AND REFORMATORY PRISON FOR WOMEN.

Contract labor is forbidden. Labor is regulated. A general superintendent of prisons is to be appointed who shall have charge of the labor. St. 1887, c. 447.

The warden of the state prison and the superintendent of the reformatories must establish and maintain the industries fixed upon under St. 1887, c. 447. St. 1888, c. 403, § 1.

The superintendent of the Massachusetts reformatory and the general superintendent of prisons are charged with the duty of establishing industries, instead of the commissioners. St. 1888, c. 403, § 7.

Contracts for the manufacture of articles by the piece under the piece-price system are not forbidden. St. 1888, c. 22.

No provision shall be made for the employment of prisoners upon the piece-price plan except with the approval of the general superintendent of prisons. St. 1888, c. 403, § 5.

The purchase of tools, implements and materials and the sale of manufactured goods is regulated. St. 1888, c. 403, § 3.

The number of persons who may be employed is regulated. St. 1888, c. 403, § 2.

A reformatory for men is established. St. 1884, cc. 255, 331.

Sentences to the reformatory are not to be for any fixed time. In certain stated cases the convict may be detained two years, and in all others five years. St. 1886, c. 323.

No person shall be sentenced to the Massachusetts reformatory who is above forty years of age or who has been previously sentenced more than three times to fine or imprisonment. St. 1888, c. 49.

The prison commissioners may remove any person held under sentence at the state workhouse to the Massachusetts reformatory. The provisions of St. 1884, c. 255, apply to such removal. St. 1885, c. 35, § 2.

The commissioners of prisons may remove prisoners from the Massachusetts reformatory to the state farm for the remainder of their sentences, and the board of lunacy and charity then have the same authority over them that the commissioners would have had. St. 1887, c. 292.

Trial justices may sentence to the reformatory prison. St. 1885, c. 356.

Persons convicted of drunkenness and vagrancy under c. 207, §§ 27, 29, 42, may be sent to the reformatory prison. St. 1885, c. 365.

The illicit conveyance of articles to or from the Massachusetts reformatory is prohibited. St. 1887, c. 339.

SECT. 1. The state prison is removed from Concord to Boston. St. 1884, c. 255, § 1.

SECTS. 6, 7 are repealed. The number of officers at the state prison is changed; the turnkeys are reduced from eleven to four; the watchmen increased from ten to twenty-three; the assistant watchmen shall not exceed twenty-three, instead of fifteen, and no additional watchmen can be employed. St. 1882, c. 203, §§ 1, 4.

SECT. 6. The officers at the state prison at Boston are determined, and their compensation established. No other perquisite, reward or emolument shall be received by them; house room with fuel and lights is allowed to the warden and deputy warden. St. 1888, c. 264.

The distinction between watchmen and assistant watchmen at the Massachusetts reformatory is abolished. As many may be appointed as the superintendent, subject to the approval of the commissioners of prisons, may deem necessary, but not exceeding forty-six. St. 1888, c. 335, § 1.

The salary of the turnkey is, at the Massachusetts reformatory, fixed at \$1,200 instead of a maximum of \$1,100. The salary of the watchmen is determined by their length of service at \$1,000 and \$1,200. St. 1888, c. 335, § 2.

SECT. 8. The commissioners have no longer any part in the removal of the warden. St. 1882, c. 203, § 2.

Where there is a disagreement between the warden and commissioners as to the removal of an officer, the warden may appeal to the governor and council. St. 1887, c. 355.

SECT. 11. The compensation of officers, except the warden, chaplain and physician, is fixed by the warden, subject to the approval of the commissioners, but it may not exceed the maximum stated. Sts. 1882, c. 203, §§ 3, 4; 1884, c. 95.



SECT. 27. The clause forbidding the employment of a convict in printing is repealed. St. 1888, c. 189.

SECT. 30. Instead of instruction in reading and writing for one hour, schools may be maintained for the prisoners. St. 1886, c. 197.

SECT. 43. A burial place for the reformatory prison at Sherborn may be purchased. St. 1882, c. 213.

Prisoners may be employed on land appurtenant to the prison. Escapes or attempts to escape from the prison, or the land adjacent to the prison, are punished, and the first district court of Southern Middlesex is given concurrent jurisdiction of such offence. St. 1885, c. 94.

Female convicts in the United States courts are confined at the reformatory prison for women. St. 1887, c. 426.

SECTS. 43-53. The duties of schoolmistress at the reformatory prison for women are transferred to the chaplain and the office is abolished. St. 1884, c. 43, §§ 1, 2.

SECTS. 43 *et seq.* The commissioners of prisons shall have solely the same right to release from or return to a jail, house of correction or the Boston house of industry a prisoner transferred thereto from the reformatory prison for women, which they would have had if she had not been so transferred. St. 1888, c. 192.

SECT. 44. The office of treasurer and steward at the reformatory prison is abolished and the duties transferred to the superintendent. He may appoint a steward. St. 1883, c. 267.

SECT. 45. In case of the absence or inability of the superintendent or of a vacancy, the deputy superintendent acts. A superintendent pro tempore may be appointed. St. 1883, c. 267.

SECT. 47. The salary of the deputy superintendent of the reformatory prison for women, now \$600, is to be fixed by the commissioners of prisons, but it shall not exceed \$800. St. 1884, c. 43, § 2.

The salary of the superintendent is raised from \$1,500 to \$2,000, and of the clerk from \$500 to \$800. St. 1887, c. 341.

The salaries of matrons, deputy matrons and assistant matrons are severally increased \$50. St. 1888, c. 327.

SECT. 52. Any violation of a permit to be at liberty issued to a prisoner shall of itself make void said permit, and an order of arrest and recommitment may issue. The time during which he has been at liberty shall not be taken to be any part of the time of his sentence. St. 1884, c. 152, §§ 1, 2.

The time when a permit to be at liberty under St. 1884, c. 255, § 33, voted by the commissioners of prisons, shall issue to a prisoner held in the Massachusetts reformatory, may be decided by a committee or by their secretary. St. 1888, c. 317.

SECT. 54. All bills contracted by the warden of the state prison, the superintendent of the reformatory or of the reformatory prison for women, and the pay rolls for salaries, shall be approved by the general superintendent of prisons and the approval of the commissioners of prisons is not required. This section is repealed. St. 1888, c. 337.

SECTS. 54, 55. The commissioners of prisons are not required to approve bills with reference to the labor of prisoners, nor they nor the governor and council to approve contracts with reference to such labor. St. 1888, c. 403, § 7.

SECTS. 54-58, 60. The provisions as to the treasurer and steward now apply to the superintendent. St. 1883, c. 267.

#### CHAPTER 222.

#### SPECIAL PROVISIONS CONCERNING PENAL AND OTHER PUBLIC INSTITUTIONS.

SECT. 10. Any prisoner confined in the Massachusetts reformatory who becomes insane, may be removed to one of the state lunatic hospitals, and on his recovery recommitted to the reformatory. St. 1885, c. 320.

SECT. 17. Where a poor convict has been confined three months for non-payment of fine or costs, if there is no police or district court in the county, the jailer shall make a report thereof to a trial justice, who shall have authority to hear the matter and discharge such convict. St. 1882, c. 201.

SECT. 20. Any violation of a permit to be at liberty issued to a prisoner shall of itself make void such permit, and an order of arrest and commitment may issue. The time during which he has been at liberty shall not be taken to be any part of the time of his sentence. St. 1884, c. 152, § 2.

This section providing for records of conduct and deductions from sentences does not apply to persons hereafter sentenced to the reformatory. St. 1886, c. 323, § 7.

SECT. 21. Recommitments are hereafter made by the board granting the permit, but warrants already issued may be served and the proceedings under them be completed according to the existing law. If the person is in prison, the order of remand takes effect from the expiration of his pending sentence. St. 1884, c. 152, § 3.

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## STATUTES OF THE COMMONWEALTH.

[The changes are more fully stated under the appropriate chapter of the Public Statutes.]

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### Statutes, 1882.

#### CHAPTER 28.

AN ACT CONCERNING THE CORRECTION OF ERRORS IN COPIES OF RECORDS OF VOTES AND THE PUBLICITY OF ELECTION RETURNS.

Section 1, amended. St. 1885, c. 108. P. S., c. 7.

#### CHAPTER 29.

AN ACT TO AMEND SECTION EIGHTEEN OF CHAPTER FIVE OF THE PUBLIC STATUTES, RELATIVE TO CLERICAL ASSISTANCE IN THE STATE LIBRARY.

Repealed. St. 1886, c. 66. P. S., c. 5.

1882 — *Continued.*

CHAPTER 63.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF LOWELL.

Superseded. St. 1886, c. 307. P. S., c. 154.

CHAPTER 65.

AN ACT FOR THE PROTECTION OF STRIPED BASS AND BLUEFISH IN THE WATERS OF EDGARTOWN.

Repealed. St. 1885, c. 247. P. S., c. 91.

CHAPTER 74.

AN ACT RELATIVE TO THE PRESERVATION OF CHECK LISTS IN CITIES.

Repealed. St. 1884, c. 299, § 44. P. S., c. 7.

CHAPTER 97.

AN ACT TO PROVIDE FOR THE INSTRUCTION AND EXERCISE OF A PORTION OF THE VOLUNTEER MILITIA.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 102.

AN ACT CONCERNING FISHERIES, Etc.

Amended. St. 1884, c. 245. P. S., c. 91.

CHAPTER 106.

AN ACT IN RELATION TO THE TAXATION OF FOREIGN MINING, QUARRYING AND OIL COMPANIES.

Amended. St. 1883, c. 74. Affected. Sts. 1884, c. 330, § 3; 1886, c. 230. P. S., c. 18.

CHAPTER 108.

AN ACT TO AUTHORIZE COUNTY COMMISSIONERS TO CONTROL TRAVEL OVER BRIDGES CONSTRUCTED OR MAINTAINED IN WHOLE OR IN PART BY A COUNTY.

Section 1, amended. St. 1888, c. 313. P. S., c. 53.

CHAPTER 111.

AN ACT AUTHORIZING THE TREASURER AND RECEIVER-GENERAL TO EMPLOY ADDITIONAL CLERICAL ASSISTANCE.

Repealed. St. 1886, c. 38. P. S., c. 16.

1882 — *Continued.*

## CHAPTER 129.

AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX.

Superseded. St. 1886, c. 184. P. S., c. 158.

## CHAPTER 139.

AN ACT TO PERMIT WOMEN TO PRACTICE AS ATTORNEYS-AT-LAW.

Extended. St. 1883, c. 252. P. S., c. 18.

## CHAPTER 157.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT DISTRICT-ATTORNEY FOR THE EASTERN DISTRICT.

Affected. St. 1888, c. 289. P. S., c. 17.

## CHAPTER 166.

AN ACT RELATIVE TO FISHING IN THE MERRIMAC RIVER.

Section 1, amended. St. 1884, c. 317.

## CHAPTER 178.

AN ACT RELATING TO THE COMPENSATION OF THE MILITIA.

Superseded. St. 1887, c. 411. P. S., c. 14.

## CHAPTER 179.

AN ACT RELATIVE TO PARADING WITH ARMS BY ASSOCIATIONS COMPOSED OF SOLDIERS.

Superseded. St. 1887, c. 411. P. S., c. 14.

## CHAPTER 181.

AN ACT RELATING TO INDIGENT AND NEGLECTED CHILDREN.

Section 3, amended. St. 1886, c. 330. P. S., c. 48.

## CHAPTER 195.

AN ACT ENLARGING THE POWERS AND DUTIES OF ASSOCIATIONS FOR CHARITABLE AND OTHER PURPOSES.

Section 1, repealed. St. 1888, c. 429, § 1. P. S., c. 119.

## CHAPTER 196.

AN ACT CONCERNING THE STATE LIBRARY.

Superseded. St. 1888, c. 24. P. S., c. 5.

1882 — *Continued.*

## CHAPTER 200.

AN ACT TO EXTEND THE TIME WITHIN WHICH SAVINGS BANKS  
MAY SELL CERTAIN REAL ESTATE.

Section 1, affected. St. 1886, c. 77. P. S., c. 116.

## CHAPTER 203.

AN ACT IN RELATION TO THE OFFICERS OF THE STATE PRISON  
AT CONCORD.

Repealed. St. 1888, c. 264, § 3. P. S., c. 221

## CHAPTER 205.

AN ACT CONCERNING THE SALARIES OF THE JUSTICES OF THE  
SUPERIOR COURT.

Repealed. St. 1888, c. 274, § 3. P. S., c. 152.

## CHAPTER 212.

AN ACT TO ESTABLISH AN AGRICULTURAL EXPERIMENT STATION.

Reports provided for. St. 1883, c. 105. Section 2, amended. St.  
1888, c. 333. P. S., c. 20.

## CHAPTER 217.

AN ACT PROVIDING FOR RETURNS OF PROPERTY HELD FOR LIT-  
ERARY, BENEVOLENT, CHARITABLE OR SCIENTIFIC PURPOSES.

Section 1, amended. St. 1888, c. 323. P. S., c. 11.

## CHAPTER 231.

AN ACT TO ALLOW SAVINGS BANKS AND INSTITUTIONS FOR  
SAVINGS TO MAKE ADDITIONAL INVESTMENTS.

Amended. St. 1885, c. 124. Repealed. St. 1887, c. 423. P. S.,  
c. 116.

## CHAPTER 232.

AN ACT RELATING TO THE OFFICERS IN ATTENDANCE UPON THE  
SUPREME JUDICIAL COURT IN THE COUNTY OF SUFFOLK.

Section 1, amended. St. 1886, c. 37, § 2. P. S., c. 159.

## CHAPTER 233.

AN ACT TO ESTABLISH THE THIRD AND FOURTH DISTRICT COURTS  
OF EASTERN MIDDLESEX AND THE POLICE COURTS OF  
MARLBOROUGH AND BROOKLINE.

Amended. St. 1886, c. 165. P. S., c. 154.

1882 — *Continued.*

## CHAPTER 237.

AN ACT RELATING TO THE SETTLEMENT OF TITLES TO REAL ESTATE.

Extended. St. 1885, c. 283. P. S., c. 176.

## CHAPTER 243.

AN ACT CONCERNING THE REDEMPTION OF ESTATES SOLD FOR TAXES AND OTHER ASSESSMENTS.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.

## CHAPTER 244.

AN ACT TO AUTHORIZE THE FORMATION OF RELIEF SOCIETIES BY THE EMPLOYEES OF RAILROAD AND STEAMBOAT CORPORATIONS.

Affected. St. 1886, c. 125. P. S., c. 115.

## CHAPTER 245.

AN ACT RELATING TO THE SALARIES OF CERTAIN JUSTICES AND COURT OFFICERS.

Section 1, superseded in part. Sts. 1886, cc. 15, 37, 130, 166; 1888, c. 195. P. S., cc. 154, 159.

## CHAPTER 247.

AN ACT RELATING TO THE CORRECTION OF NAMES UPON TAX BILLS, Etc.

Repealed. St. 1884, c. 298, § 53. P. S., c. 6.

## CHAPTER 250.

AN ACT RELATING TO THE INSPECTION AND SALE OF CERTAIN OILS.

Repealed. St. 1885, c. 122. P. S., c. 102.

## CHAPTER 251.

AN ACT RELATING TO CO-OPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

Amended. St. 1885, c. 121. In part repealed. St. 1887, c. 216. P. S., c. 117.

## CHAPTER 257.

AN ACT TO FIX THE COMPENSATION OF THE ASSISTANT CLERKS, Etc.

Superseded in part. St. 1887, c. 116. P. S., c. 2.

**1882 — Concluded.**

## CHAPTER 263.

AN ACT RELATING TO THE ADULTERATION OF FOOD AND DRUGS.

Amended. Sts. 1883, c. 263, § 1; 1884, c. 289; 1886, c. 171.  
Affected. St. 1885, c. 352, § 5. P. S., c. 208.

## CHAPTER 268.

AN ACT TO PROVIDE FOR THE CORRECTION OF OMISSIONS IN THE  
REGISTRATION OF VOTERS.

Repealed. St. 1884, c. 298, § 53. P. S., c. 6.

## CHAPTER 270.

AN ACT FOR THE BETTER PROTECTION OF CHILDREN.

Section 4, amended. Sts. 1884, c. 210; 1885, c. 176. P. S., c. 48.

## CHAPTER 274.

AN ACT CONCERNING TRANSPORTATION OF LOGS AND TIMBER  
UPON THE CONNECTICUT RIVER.

Section 2, repealed. St. 1883, c. 183, § 3. P. S., c. 94.

**Statutes, 1883.**

## CHAPTER 33.

AN ACT RELATING TO RE-INSURANCE, ETC.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 36.

AN ACT IN RELATION TO THE TAKING AND KILLING OF CER-  
TAIN UNDOMESTICATED BIRDS.

Repealed. St. 1886, c. 276. P. S., c. 92.

## CHAPTER 52.

AN ACT TO EXTEND THE TIME WITHIN WHICH SAVINGS BANKS  
MAY SELL CERTAIN REAL ESTATE.

Amended. Sts. 1883, c. 248; 1886, c. 77. P. S., c. 116.

## CHAPTER 54.

AN ACT RELATING TO THE SALARY OF THE MESSENGER OF THE  
SUPERIOR COURT IN THE COUNTY OF SUFFOLK.

Superseded. St. 1886, c. 37. P. S., 159.

1883 — *Continued.*

## CHAPTER 80.

AN ACT PROVIDING A CLERK FOR THE DISTRICT COURT OF HAMPSHIRE.

Section 2, superseded. St. 1886, c. 106. P. S., c. 154.

## CHAPTER 101.

AN ACT RELATING TO THE TIME WITHIN WHICH A CITY OR TOWN SHALL SELL REAL ESTATE HELD UNDER A SALE OR TAKEN FOR NON-PAYMENT OF TAXES.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.

## CHAPTER 107.

AN ACT IN RELATION TO DEPOSITS MADE BY FOREIGN INSURANCE COMPANIES, Etc.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 117.

AN ACT TO PROMOTE SAFETY AT RAILROAD GRADE CROSSINGS.

Amended. St. 1888, c. 240. P. S., c. 112.

## CHAPTER 124.

AN ACT RELATING TO THE REMOVAL AND TRANSPORTATION OF CERTAIN BODIES FOR BURIAL.

Section 2, amended. St. 1887, c. 335. P. S., c. 32.

## CHAPTER 126.

AN ACT TO CHANGE THE BASIS UPON WHICH THE INSURANCE COMMISSIONER SHALL COMPUTE THE AMOUNT NECESSARY TO REINSURE, Etc.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 157.

AN ACT RELATING TO THE EMPLOYMENT OF MINORS AND WOMEN.

Limited. St. 1884, c. 275, § 4. P. S., cc. 48, 74.

## CHAPTER 164.

AN ACT AUTHORIZING THE TREASURER TO EMPLOY AN ADDITIONAL CLERK.

Repealed. St. 1886, c. 38. P. S., c. 16.



1883 — *Continued.*

## CHAPTER 187.

AN ACT IN RELATION TO BOARDING HOUSES AND BOARDING-HOUSE KEEPERS.

Amended. St. 1884, c. 169. P. S., c. 102, § 13.

## CHAPTER 216.

AN ACT IN RELATION TO THE COMPENSATION OF ASSESSORS, MASTERS IN CHANCERY AND SPECIAL MASTERS.

Amended. Sts. 1886, c. 51 ; 1887, c. 289. P. S., c. 159.

## CHAPTER 217.

AN ACT RELATING TO THE EMPLOYMENT OF PRISONERS.

Superseded. St. 1887, c. 447, § 8. Affected. St. 1888, c. 403, § 2. P. S., cc. 220, 221.

## CHAPTER 218.

AN ACT TO REGULATE THE SALE OF COAL BY MEASURE.

Amended. St. 1884, c. 70. P. S., c. 60, § 82.

## CHAPTER 223.

AN ACT GRANTING JURISDICTION IN EQUITY TO THE SUPERIOR COURT.

Section 5, amended. St. 1884, c. 316. P. S., c. 151.

## CHAPTER 224.

AN ACT RELATING TO THE EMPLOYMENT OF CHILDREN IN MANUFACTURING AND OTHER ESTABLISHMENTS.

Repealed. St. 1888, c. 348, § 12. P. S., c. 48.

## CHAPTER 229.

AN ACT AUTHORIZING MODERATORS AND TOWN CLERKS TO APPOINT TELLERS IN TOWN MEETINGS.

Amended. St. 1885, c. 261. P. S., c. 7.

## CHAPTER 230.

AN ACT CONCERNING DRESSED POULTRY.

Repealed. St. 1887, c. 94. P. S., c. 58.

1883—*Concluded.*

## CHAPTER 235.

AN ACT CONCERNING THE ADMINISTRATION OF THE STATE  
DEPARTMENT OF INSURANCE.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 239.

AN ACT CONCERNING THE MASSACHUSETTS SCHOOL FOR IDIOTIC  
AND FEEBLE-MINDED YOUTH.

In part repealed. St. 1886, c. 298. P. S., c. 87.

## CHAPTER 244.

AN ACT TO ESTABLISH THE SALARY OF THE JUDGE OF PROBATE  
AND INSOLVENCY FOR THE COUNTY OF ESSEX.

Superseded. St. 1888, c. 112. P. S., c. 158.

## CHAPTER 251.

AN ACT TO SECURE BETTER PROVISIONS FOR ESCAPE FROM  
HOTELS AND CERTAIN OTHER BUILDINGS IN CASE OF FIRE.

Affected. St. 1888, c. 86. Section 2, repealed. St. 1888, c. 426, § 14.  
P. S., c. 104.

## CHAPTER 258.

AN ACT PROVIDING FOR THE DISPOSITION OF UNCLAIMED MONEY  
IN THE HANDS OF CERTAIN INSOLVENT CORPORATIONS.

In part repealed. Sts. 1886, c. 300; 1887, c. 214, § 114. P. S., cc.  
116, 119.

## CHAPTER 262.

AN ACT GIVING TO A WIFE THE RIGHT OF INTERMENT IN A  
BURIAL LOT OR TOMB OWNED BY HER HUSBAND.

Not affected by St. 1885, c. 302. P. S., c. 82.

## CHAPTER 263.

AN ACT TO AMEND AN ACT RELATING TO THE ADULTERATION OF  
FOOD AND DRUGS.

Repealed. St. 1884, c. 289, § 6. P. S., c. 208.

**Statutes, 1884.**

## CHAPTER 4.

AN ACT RELATIVE TO THE EMPLOYMENT OF A SECOND CLERK IN  
THE BUREAU OF STATISTICS OF LABOR.

Superseded. St. 1888, c. 115. P. S., c. 31.

## CHAPTER 42.

AN ACT TO AUTHORIZE TOWNS TO VOTE MONEY FOR CERTAIN  
MEMORIAL PURPOSES.

Affected. St. 1886, c. 76. P. S., c. 27.

## CHAPTER 45.

AN ACT TO PROVIDE FOR AN ALLOWANCE TO CERTAIN OFFICERS  
IN THE VOLUNTEER MILITIA.

Superseded. St. 1887, c. 411. P. S., c. 14.

## CHAPTER 55.

AN ACT RELATING TO THE PAYMENT BY INSURANCE COMPANIES  
FOR THE VALUATION OF THEIR POLICIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 56.

AN ACT TO LIMIT THE LIABILITY WHICH MAY BE INCURRED BY  
ANY ONE PERSON TO SAVINGS BANKS.

Repealed. St. 1884, c. 168. P. S., c. 116, § 20.

## CHAPTER 58.

AN ACT IN RELATION TO STATEMENTS MADE BY FOREIGN FIRE  
INSURANCE COMPANIES, Etc.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 64.

AN ACT TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES  
THROUGH THE PUBLIC SCHOOLS.

Amended. St. 1885, c. 198. P. S., c. 47.

## CHAPTER 74.

AN ACT AUTHORIZING INSURANCE COMPANIES TO ELECT THEIR  
DIRECTORS BY CLASSES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

1884—*Continued.*

## CHAPTER 79.

AN ACT TO FIX THE SALARY OF THE SECRETARY OF THE COMMONWEALTH.

Superseded. St. 1887, c. 385. P. S., c. 15.

## CHAPTER 88.

AN ACT REQUIRING NOTICE TO AUTHORITIES OF CITIES AND TOWNS UPON APPLICATIONS FOR COMMITMENT OR ADMISSION TO THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Repealed. St. 1886, c. 298. P. S., c. 87.

## CHAPTER 95.

AN ACT IN RELATION TO THE SALARY OF THE ENGINEER OF THE STATE PRISON AT CONCORD.

Repealed so far as inconsistent with St. 1888, c. 264. P. S., c. 221.

## CHAPTER 118.

AN ACT RELATING TO THE EXPENSE OF RECORDING PROBATE PROCEEDINGS IN THE COUNTY OF SUFFOLK.

Repealed. St. 1887, c. 217. P. S., c. 156.

## CHAPTER 119.

AN ACT IN RELATION TO DEPOSITS MADE BY DOMESTIC INSURANCE COMPANIES, ETC.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 120.

AN ACT RELATING TO THE REINSURANCE OF RISKS, ETC.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 125.

AN ACT RELATING TO THE DIVISION OF CITIES INTO WARDS.

Repealed. St. 1888, c. 437, § 6. P. S., c. 28.

## CHAPTER 154.

AN ACT TO PREVENT THE POLLUTION OF SOURCES OF WATER SUPPLY.

Affected. St. 1886, c. 274. P. S., c. 80.

1884 — *Continued.*

## CHAPTER 162.

AN ACT RELATIVE TO THE DISPOSITION OF RESIDUES FROM SALES OF REAL ESTATE FOR UNPAID TAXES.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.

## CHAPTER 166.

AN ACT RELATING TO THE PRINTING AND DISTRIBUTION OF THE LAWS AND PUBLIC DOCUMENTS.

Repealed. St. 1885, c. 369, § 4. P. S., c. 4.

## CHAPTER 168.

AN ACT IN RELATION TO INVESTMENTS ON PERSONAL SECURITIES BY SAVINGS BANKS.

Affected. St. 1886, c. 69. P. S., c. 116.

## CHAPTER 171.

AN ACT TO LIMIT THE TIME WITHIN WHICH TROUT, LAND-LOCKED SALMON AND LAKE TROUT MAY BE TAKEN.

Amended. St. 1888, c. 276. P. S., c. 91.

## CHAPTER 174.

AN ACT TO PROVIDE FOR THE PUNISHMENT OF EMBEZZLEMENT BY OFFICERS AND SERVANTS OF VOLUNTARY ASSOCIATIONS.

Affected. St. 1886, c. 328. P. S., c. 203.

## CHAPTER 177.

AN ACT TO AUTHORIZE MARINE INSURANCE COMPANIES WITH THE REQUISITE CAPITAL TO INSURE AGAINST LOSS OR DAMAGE BY FIRE AND LIGHTNING.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 178.

AN ACT IN RELATION TO FIRE AND MARINE INSURANCE COMPANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 180.

AN ACT AUTHORIZING THE FORMATION OF CORPORATIONS TO EXAMINE AND GUARANTEE TITLES TO REAL ESTATE.

Superseded. St. 1887, c. 214, §§ 62, 63. P. S., c. 106.

1884 — *Continued.*

## CHAPTER 181.

AN ACT TO PROVIDE FOR TAKING THE DECENNIAL CENSUS AND THE INDUSTRIAL STATISTICS OF THE COMMONWEALTH.

In part repealed. St. 1886, c. 174. P. S., c. 31.

## CHAPTER 190.

AN ACT RELATING TO THE EXAMINATION OF CANDIDATES FOR DISTRICT POLICE.

Repealed. St. 1885, c. 186. P. S., c. 103.

## CHAPTER 212.

AN ACT FOR THE BETTER PROTECTION OF LOBSTERS.

Affected. St. 1885, c. 256. Amended. St. 1887, c. 314. P. S., c. 91.

## CHAPTER 215.

AN ACT TO ESTABLISH THE FIRST DISTRICT COURT OF NORTH ERN WORCESTER.

Section 3, amended. St. 1888, c. 212. P. S., c. 154.

## CHAPTER 217.

AN ACT TO FIX THE TIME OF FILING THE ANNUAL STATEMENTS OF INSURANCE COMPANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 222.

AN ACT REQUIRING RAILROAD COMPANIES TO USE SAFETY COUPLERS ON FREIGHT CARS.

Affected. St. 1886, c. 242. P. S., c. 112.

## CHAPTER 223.

AN ACT RELATING TO SAFETY APPLIANCES IN HOTELS AND PUBLIC BUILDINGS.

Section 2, amended. St. 1888, c. 86. P. S., c. 104.

## CHAPTER 226.

AN ACT IN RELATION TO BETTERMENTS, ETC.

Affected. St. 1887, c. 124. P. S., c. 51.

1884—*Continued.*

CHAPTER 230.

AN ACT CONCERNING THE VOLUNTEER MILITIA.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 235

AN ACT TO PREVENT DISCRIMINATION BY LIFE INSURANCE COMPANIES AGAINST PERSONS OF COLOR.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 236.

AN ACT TO PROVIDE FOR COMPOSITION WITH CREDITORS IN INSOLVENCY.

Amended. St. 1885, c. 353. Affected. St. 1888, c. 405. P. S., c. 157.

CHAPTER 242.

AN ACT CONCERNING SALES OF LAND BY CITIES AND TOWNS FOR TAXES.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.

CHAPTER 247.

AN ACT EXTENDING THE AUTHORITY TO SUMMON WITNESSES.

Repealed. St. 1885, c. 141. P. S., cc. 155, 169.

CHAPTER 255.

AN ACT TO ESTABLISH A REFORMATORY FOR MALE PRISONERS.

Added to. Sts. 1884, c. 331; 1885, c. 35. Affected. St. 1888, c. 49. Sections 33, 34, affected. Sts. 1886, c. 323; 1888, c. 317. Sections 19, 22 are repealed. St. 1888, c. 335, § 3. Section 30 is repealed. St. 1888, c. 337, § 2. Sections 28, 30, amended. St. 1888, c. 403, § 7. P. S., c. 221.

CHAPTER 275.

AN ACT RELATING TO THE EMPLOYMENT OF MINORS IN MERCANTILE ESTABLISHMENTS.

Affected. St. 1886, c. 90. P. S., c. 74.

CHAPTER 282.

AN ACT FOR THE PROTECTION OF GAME, Etc.

Repealed. St. 1887, c. 111. P. S., c. 92.

1884 — *Continued.*

## CHAPTER 284.

AN ACT RELATING TO THE PLANTING AND GROWING OF OYSTERS.

Affected. St. 1885, c. 220, § 1. P. S., c. 91.

## CHAPTER 296.

AN ACT RELATING TO THE FORMATION OF COMPANIES TO GUARANTEE THE FIDELITY OF PERSONS, Etc.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 298.

AN ACT TO ASCERTAIN BY PROPER PROOFS THE CITIZENS WHO ARE ENTITLED TO THE RIGHT OF SUFFRAGE.

Sections 11, 12, amended. St. 1888, c. 200. Section 14, affected. St. 1887, c. 432. Section 25, amended. St. 1885, c. 271, § 6. Section 28, amended. St. 1886, c. 68. P. S., c. 6.

## CHAPTER 299.

AN ACT CONCERNING ELECTIONS AND VOTING THEREIN.

Section 27, limited. St. 1888, c. 353. P. S., c. 7. Amended. St. 1885, cc. 5, 351. Sections 14–17, extended. St. 1887, c. 443. P. S., c. 7.

## CHAPTER 307.

AN ACT TO PREVENT THE ADULTERATION OF VINEGAR.

Section 2, amended. St. 1885, c. 150. P. S., c. 60.

## CHAPTER 310.

AN ACT IN RELATION TO THE INSPECTION AND SALE OF MILK AND BUTTER.

Section 1, amended. St. 1886, c. 317. P. S., c. 56. Sections 3, 4, amended. St. 1886, c. 318. P. S., c. 57.

## CHAPTER 318.

AN ACT TO PREVENT THE USE OF NETS IN PONDS.

Section 3, not affected. St. 1886, c. 234. P. S., c. 91.



1884 — *Concluded.*

CHAPTER 319.

AN ACT PROVIDING FOR THE COMPENSATION OF MEMBERS OF THE LEGISLATURE.

Superseded. St. 1886, c. 352. P. S., c. 2.

CHAPTER 320.

AN ACT TO IMPROVE THE CIVIL SERVICE OF THE COMMONWEALTH AND THE CITIES THEREOF.

Amended. Sts. 1887, c. 437; 1888, c. 41. Section 19, amended. St. 1888, c. 253.

CHAPTER 330.

AN ACT CONCERNING FOREIGN CORPORATIONS HAVING A USUAL PLACE OF BUSINESS IN THIS COMMONWEALTH.

Affected. St. 1886, c. 230. P. S., c. 105.

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**Statutes, 1885.**

CHAPTER 5.

AN ACT CONCERNING ELECTIONS IN TOWNS.

Amended. St. 1885, c. 351. P. S., c. 7.

CHAPTER 15.

AN ACT PROVIDING FOR ADDITIONAL CLERICAL ASSISTANCE IN THE OFFICE OF THE TREASURER.

Repealed. St. 1886, c. 38. P. S., c. 16.

CHAPTER 52.

AN ACT IN RELATION TO CLERICAL ASSISTANCE FOR THE COMMISSIONERS OF PRISONS.

Repealed. St. 1888, c. 328. P. S., c. 219.

CHAPTER 79.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE MUNICIPAL COURT OF THE DORCHESTER DISTRICT.

Affected. St. 1886, c. 124. P. S., c. 154.

1885—*Continued.*

## CHAPTER 144.

AN ACT RESPECTING COMPLAINTS IN CERTAIN CRIMINAL PROSECUTIONS.

Repealed. St. 1886, c. 53. P. S., c. 213.

## CHAPTER 147.

AN ACT RELATING TO RENT OF ARMORIES.

Superseded. St. 1887, c. 411. P. S., c. 14.

## CHAPTER 148.

AN ACT TO AID IN THE SUPPRESSION OF CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

Repealed. St. 1887, c. 252, § 24. P. S., c. 90.

## CHAPTER 194.

AN ACT TO PROMOTE THE ABOLITION OF GRADE CROSSINGS BY RAILROADS AND HIGHWAYS.

Section 4, amended St. 1887, c. 295. P. S., c. 112.

## CHAPTER 204.

AN ACT IN RELATION TO THE PAYMENT OF STATE AID, ETC.

In part repealed. St. 1887, c. 122. P. S., c. 30.

## CHAPTER 205.

AN ACT RELATING TO CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF SUFFOLK.

Section 1 is amended. St. 1888, c. 280. P. S., c. 158.

## CHAPTER 220.

AN ACT IN RELATION TO LICENSES TO PLANT, GROW AND DIG OYSTERS, AND TO THE TAKING OF SCALLOPS.

Section 4, repealed. St. 1887, c. 96. P. S., c. 91.

## CHAPTER 222.

AN ACT RELATING TO THE EMPLOYMENT OF CHILDREN IN MANUFACTURING AND OTHER ESTABLISHMENTS.

Repealed. St. 1888, c. 348, § 12. P. S., c. 48.

1885 — *Continued.*

CHAPTER 236.

AN ACT CREATING THE AMBULANCE CORPS, ETC.

Superseded. St. 1887, c. 411. P. S., c. 14.

CHAPTER 238.

AN ACT RELATING TO THE TAXATION OF TELEPHONE COMPANIES.

Amended. St. 1886, c. 270. P. S., c. 13.

CHAPTER 241.

AN ACT IN RELATION TO FOREIGN FIDELITY ASSURANCE COMPANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 271.

AN ACT RELATING TO THE ASSESSMENT AND REGISTRATION OF VOTERS.

Section 1, amended. St. 1886, c. 68. P. S., c. 6.

CHAPTER 291.

AN ACT PROVIDING FOR THE APPOINTMENT OF OFFICIAL STENOGRAPHERS FOR THE SUPERIOR COURT.

Amended. St. 1887, c. 74. P. S., c. 159.

CHAPTER 292.

AN ACT IN RELATION TO THE LICENSING OF DOGS.

Limited. St. 1887, c. 307. P. S., c. 102.

CHAPTER 300.

AN ACT RELATING TO INSURANCE BY FOREIGN INSURANCE COMPANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

CHAPTER 308.

AN ACT TO ALLOW INSURANCE COMPANIES TO MAKE ADDITIONAL INVESTMENTS OF THEIR CAPITAL STOCK.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

1885—*Continued.*

## CHAPTER 309.

AN ACT AUTHORIZING CITIES AND TOWNS TO LICENSE GROVES,  
Etc.

Extended. St. 1887, c. 445. P. S., c. 102.

## CHAPTER 313.

AN ACT TO ESTABLISH A BOARD OF REGISTRATION IN PHARMACY.

Section 3, repealed. St. 1887, c. 267.

## CHAPTER 314.

AN ACT TO ESTABLISH A BOARD OF GAS COMMISSIONERS.

Affected. St. 1886, c. 346. Sections 6, 7, 9, 12, 13, 14, extended.  
St. 1887, c. 382. P. S., c. 61.

## CHAPTER 326.

AN ACT TO PREVENT THE CONSTRUCTION OF WOODEN FLUES  
FOR HEATING OR VENTILATING PURPOSES.

Repealed. St. 1888, c. 426, § 14. P. S., c. 104.

## CHAPTER 341.

AN ACT RELATING TO WRECKS AND SHIPWRECKED GOODS.

Repealed. St. 1887, c. 98, § 16. P. S., c. 97.

## CHAPTER 345.

AN ACT IN RELATION TO NATURALIZATION.

Amended. St. 1886, cc. 45, 203. Section 5, amended. St. 1887, c. 36.  
Section 7, repealed. St. 1887, c. 329. P. S., c. 160.

## CHAPTER 352.

AN ACT IN RELATION TO THE INSPECTION AND SALE OF MILK  
AND BUTTER.

Amended. St. 1886, cc. 317, 318. P. S., cc. 56, 57.

## CHAPTER 353.

AN ACT RELATING TO COMPOSITION WITH CREDITORS IN IN-  
SOLVENCY.

Affected. St. 1888, c. 405. P. S., c. 157.

**1885**— *Concluded.*

## CHAPTER 354.

AN ACT TO AUTHORIZE THE FORMATION OF MUTUAL FIRE INSURANCE COMPANIES WITH A SUBSCRIPTION FUND.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 369.

AN ACT CONCERNING THE PRINTING AND DISTRIBUTION OF CERTAIN REPORTS AND PUBLIC DOCUMENTS.

Affected. St. 1888, c. 256. In part superseded. St. 1888, c. 191. P. S., c. 4.

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**Statutes, 1886.**

## CHAPTER 31.

AN ACT TO INCREASE THE NUMBER OF ASSOCIATE JUSTICES OF THE SUPERIOR COURT.

Superseded. St. 1888, c. 58. P. S., c. 152.

## CHAPTER 38.

AN ACT TO ESTABLISH THE SALARIES OF THE CLERKS IN THE OFFICE OF THE TREASURER AND PROVIDE FOR THEIR PROPER DESIGNATION.

Affected. St. 1886, c. 334. P. S., c. 16.

## CHAPTER 51.

AN ACT IN RELATION TO THE COMPENSATION OF REFEREES, Etc.

Amended. St. 1887, c. 289. P. S., c. 188.

## CHAPTER 63.

AN ACT IN AMENDMENT OF CHAPTER FOURTEEN OF THE PUBLIC STATUTES, Etc.

Superseded. St. 1887, c. 411. P. S., c. 14.

## CHAPTER 85.

AN ACT GIVING ADDITIONAL TIME FOR THE ASSESSMENT OF TAXES IN CERTAIN CASES.

Superseded. St. 1888, c. 362. P. S., c. 11.

**1886**—*Continued.*

## CHAPTER 87.

AN ACT TO PROVIDE FOR THE WEEKLY PAYMENT OF WAGES BY CORPORATIONS.

Amended. St. 1887, c. 399. P. S., c. 74.

## CHAPTER 90.

AN ACT TO AMEND SECTION FOUR OF CHAPTER SEVENTY-FOUR OF THE PUBLIC STATUTES RELATIVE TO THE PRINTED NOTICE REQUIRED IN MANUFACTURING ESTABLISHMENTS.

Repealed. St. 1887, c. 280, § 2. P. S., c. 74.

## CHAPTER 105.

AN ACT TO ENABLE THE QUARTERMASTER-GENERAL TO REQUIRE ANNUAL RETURNS, Etc.

Superseded. St. 1887, c. 411. P. S., c. 14.

## CHAPTER 130.

AN ACT RELATING TO THE SALARIES OF CERTAIN COURT OFFICERS IN THE COUNTY OF SUFFOLK.

In part superseded. St. 1888, c. 195. P. S., c. 154.

## CHAPTER 169.

AN ACT RELATING TO THE RETURN OF FEES, COSTS, FINES, FORFEITURES AND OTHER MONEYS BY CERTAIN OFFICERS.

Repealed. St. 1887, c. 438, § 8. P. S., c. 16.

## CHAPTER 187.

AN ACT ESTABLISHING THE SALARIES OF CERTAIN CLERKS, Etc., IN THE DEPARTMENT OF THE INSURANCE COMMISSIONER.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

## CHAPTER 192.

AN ACT FOR THE PROTECTION OF THE FISHERIES IN BUZZARD'S BAY.

Section 4, amended. St. 1887, c. 197. P. S., 91.

## CHAPTER 222.

AN ACT EXTENDING THE POWERS OF CERTAIN INSURANCE COMPANIES.

Repealed. St. 1887, c. 214, § 112. P. S., c. 119.

1886—*Continued.*

## CHAPTER 241.

AN ACT TO PROVIDE FOR THE CARE AND EDUCATION OF CHILDREN WHO ARE BOTH DEAF-MUTES AND BLIND.

Repealed. Sts. 1887, c. 179, § 2; 1888, c. 239. P. S., c. 41.

## CHAPTER 263.

AN ACT TO PROVIDE FOR A STATE BOARD OF ARBITRATION, ETC.

Amended. St. 1887, c. 269. Section 1, amended. St. 1888, c. 261. P. S., c. 74.

## CHAPTER 264.

AN ACT TO PROVIDE FOR PRECINCT VOTING IN TOWNS.

Affected. St. 1888, c. 146. P. S., c. 7.

## CHAPTER 274.

AN ACT TO PROTECT THE PURITY OF INLAND WATERS.

Repealed. St. 1888, c. 375. P. S., c. 80.

## CHAPTER 276.

AN ACT FOR THE BETTER PRESERVATION OF BIRDS AND GAME.

Section 6, limited. St. 1887, c. 300. Section 1, amended. St. 1888, c. 292. P. S., c. 92.

## CHAPTER 295.

AN ACT TO ESTABLISH THE OFFICE OF AUDITOR IN TOWNS.

Amended. St. 1888, c. 221. P. S., c. 27.

## CHAPTER 298.

AN ACT CONCERNING THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Section 4, repealed. St. 1887, c. 123. P. S., c. 87.

## CHAPTER 305.

AN ACT CONCERNING THE PUNISHMENT OF RAPE.

Amended. St. 1888, c. 391. P. S., c. 202.

## CHAPTER 320.

AN ACT CONCERNING SALES OF LAND BY CITIES AND TOWNS FOR TAXES.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.

**1886** — *Concluded.*

## CHAPTER 346.

## AN ACT IN RELATION TO GAS COMPANIES

Sections 1, 2, 5, extended. St. 1887, c. 382. Section 2, amended. St. 1888, c. 122. P. S., c. 61.

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**Statutes, 1887.**

## CHAPTER 38.

## AN ACT REGULATING THE SALE AND PURCHASE OF POISONS.

Repealed. St. 1888, c. 209, § 2. P. S., c. 208.

## CHAPTER 96.

## AN ACT RELATING TO THE TAKING OF SCALLOPS.

Section 1, limited. St. 1888, c. 238. P. S., c. 91.

## CHAPTER 103.

## AN ACT TO SECURE PROPER SANITARY PROVISIONS IN FACTORIES AND WORKSHOPS.

Amended. St. 1888, c. 305. P. S., cc. 48, 74.

## CHAPTER 110.

## AN ACT IN RELATION TO THE ACCOUNTS OF COLLECTORS OF TAXES.

Superseded. St. 1888, c. 385. P. S., c. 12.

## CHAPTER 112.

## AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF COURTS FOR THE COUNTY OF DUKES COUNTY.

Superseded. St. 1888, c. 257. P. S., c. 159.

## CHAPTER 142.

## AN ACT RELATING TO THE COLLECTION OF TAXES ASSESSED UPON THE SHARES OF BANKS LOCATED WITHIN THIS COMMONWEALTH.

Repealed. St. 1888, c. 390, § 95. P. S., c. 12.



1887—*Continued.*

CHAPTER 179.

AN ACT TO PROVIDE FOR THE FREE INSTRUCTION OF DEAF-MUTES OR DEAF CHILDREN.

Repealed. St. 1888, c. 239. P. S., c. 41.

CHAPTER 196.

AN ACT RELATING TO INVESTMENTS BY SAVINGS BANKS.

Amended. St. 1888, c. 213. P. S., c. 116.

CHAPTER 214.

AN ACT TO AMEND AND CODIFY THE STATUTES RELATING TO INSURANCE.

Limited. St. 1888, c. 429, § 19. Section 5, amended. St. 1888, c. 84. Section 31, amended. St. 1888, c. 141. Section 60, added to. St. 1888, c. 151. P. S., c. 119.

CHAPTER 215.

AN ACT TO SECURE UNIFORM AND PROPER MEAL TIMES FOR CHILDREN, YOUNG PERSONS AND WOMEN EMPLOYED IN FACTORIES AND WORKSHOPS.

Amended. St. 1887, c. 330. P. S., c. 74.

CHAPTER 219.

AN ACT TO AMEND SECTION TWENTY-THREE OF CHAPTER ONE HUNDRED AND FOUR OF THE PUBLIC STATUTES, RELATING TO THE AUTHORITY OF INSPECTORS OF FACTORIES AND PUBLIC BUILDINGS.

Repealed. St. 1887, c. 276. P. S., c. 104.

CHAPTER 234.

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Extended. St. 1888, c. 181. P. S., c. 220.

CHAPTER 266.

AN ACT TO AMEND PUBLIC STATUTES, CHAPTER EIGHTY-ONE, SECTION FIFTY-ONE, RELATIVE TO GIVING NOTICES TO THE OVERSEERS OF THE POOR OF CITIES AND TOWNS RELATIVE TO COMMITMENTS TO THE INDUSTRIAL OR REFORM SCHOOL.

Repealed. St. 1888, c. 248, § 2.

1887—*Continued.*

## CHAPTER 269.

AN ACT TO AMEND AN ACT TO PROVIDE A STATE BOARD OF ARBITRATION, Etc.

Section 1, amended. St. 1888, c. 261. P. S., c. 89.

## CHAPTER 270.

AN ACT TO EXTEND AND REGULATE THE LIABILITY OF EMPLOYERS TO MAKE COMPENSATION FOR PERSONAL INJURIES SUFFERED BY EMPLOYEES IN THEIR SERVICE.

Section 3, amended. St. 1888, c. 155. P. S., c. 74.

## CHAPTER 355.

AN ACT IN RELATION TO THE REMOVAL OF SUBORDINATE OFFICERS OF THE STATE PRISON.

Repealed so far as inconsistent with St. 1888, c. 264. P. S., c. 221.

## CHAPTER 406.

AN ACT PROVIDING FOR THE SEIZURE OF IMPLEMENTS AND FURNITURE USED IN THE SALE OF INTOXICATING LIQUOR.

Amended. St. 1888, c. 297. P. S., c. 100.

## CHAPTER 423.

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Repealed. St. 1888, c. 90. P. S., c. 116.

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AN ACT RELATING TO THE EMPLOYMENT OF MINORS WHO CANNOT READ AND WRITE THE ENGLISH LANGUAGE.

Section 1, repealed. St. 1888, c. 348, § 12. P. S., c. 48.

## CHAPTER 438.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A CONTROLLER TO AUDIT THE ACCOUNTS OF COUNTY OFFICERS, Etc.

Affected. St. 1888, c. 275. P. S., c. 16.

## CHAPTER 443.

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Repealed. St. 1888, c. 434, § 6. P. S., c. 100.

**1887**—*Concluded.*

## CHAPTER 447.

AN ACT RELATING TO THE LABOR OF THE PRISONERS IN THE STATE PRISON, REFORMATORIES AND HOUSES OF CORRECTION.

Affected. St. 1888, c. 403, § 1. Amended. St. 1888, c. 22. Section 7, repealed. St. 1888, c. 403, § 6. Section 12, amended. St. 1888, c. 403, § 4. P. S., cc. 220, 221.

**Statutes, 1888.**

## CHAPTER 22.

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Amended. St. 1888, c. 403, § 5. P. S., cc. 220, 221.

## CHAPTER 148.

AN ACT IN RELATION TO AFFIDAVITS OF NOTICE OF APPOINTMENT AND SALES OF REAL ESTATE BY ADMINISTRATORS AND EXECUTORS.

Affected. St. 1888, c. 380. P. S., cc. 132, 134.

## CHAPTER 207.

AN ACT TO AMEND SECTION TWENTY OF CHAPTER ONE HUNDRED AND FOUR OF THE PUBLIC STATUTES SO AS TO PROVIDE FOR FIRE-RESISTING CURTAINS IN THEATRES.

Repealed. St. 1888, c. 426, § 14. P. S., c. 104.



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