

Chap. 59. AN ACT TO INCREASE THE NUMBER OF THE TRUSTEES OF ABBOT FEMALE ACADEMY, IN ANDOVER.

Be it enacted, &c., as follows:

Number of trustees increased.

SECTION 1. The trustees of Abbot Female Academy are hereby empowered to increase their number to twelve, five of whom shall constitute a quorum for doing business.

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

Approved March 6, 1869.

Chap. 60. AN ACT RELATING TO PROBATE COURTS IN THE COUNTY OF BERKSHIRE.

Be it enacted, &c., as follows:

Probate courts in Berkshire County.

SECTION 1. Probate courts shall be held in the county of Berkshire in each year as follows, to wit: At Pittsfield on the first Tuesdays of January, February, March, April, May, June, September, October and December, and on the third Tuesday in July, and the Wednesday next after the first Monday in November; at Lee on the Wednesdays next after the first Tuesdays in January, April and October, and on the Wednesday next after the third Tuesday in July; at Adams on the Thursdays next after the first Tuesdays in January, April and October, and on the Thursday next after the third Tuesday in July; and at Great Barrington on the Wednesdays next after the first Tuesdays in February, May, September and December.

Repeal.

SECTION 2. So much of section thirty-six of chapter one hundred and seventeen of the General Statutes as relates to the times and places of holding probate courts in the county of Berkshire, and section two of chapter three hundred and twenty-five, and chapter three hundred and twenty-nine of the acts of the year eighteen hundred and sixty-eight, are hereby repealed.

Courts at Lenox.

SECTION 3. Probate courts may be held at Lenox, in the county of Berkshire, at such times as the judge of probate and insolvency for said county may appoint, until the probate records of said county are removed to Pittsfield.

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

Approved March 10, 1869.

Chap. 61. AN ACT TO ESTABLISH THE CITY OF HAVERHILL.

Be it enacted, &c., as follows:

City established.

SECTION 1. The inhabitants of the town of Haverhill shall continue to be a body politic and corporate under the name of the City of Haverhill, 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.

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, styled the mayor, one council of six, to be called the board of aldermen, and one council of twelve, to be called the common council; which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business. And no member of either board shall receive any compensation for his services.

Government vested in mayor and city council.

Quorum.

SECTION 3. The election of city and ward officers shall take place on the first Monday of December of each year; and the municipal year shall begin on the first Monday of January following.

Election of city and ward officers.

SECTION 4. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance, as herein provided, to divide said town into six wards, to contain, as nearly as conveniently may be, an equal number of voters, which division may be revised by the city council within six years from the passage hereof. The city council shall, once in ten years and not oftener, alter, if needful, the boundaries of said wards, in such manner, however, as to preserve, as far as possible, an equal number of voters in each ward.

Selectmen to divide town into six wards.

Ward boundaries may be changed once in five years.

SECTION 5. On the first Monday of December, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year and until others are chosen and qualified in their stead. Said wardens shall preside at all ward meetings, with the power of moderators of town meetings; and if, at any meeting, the warden is not present, the clerk shall preside until a warden *pro tempore* is chosen; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside, until a warden *pro tempore* is chosen; and if all said officers are absent, any legal voter in said ward may preside, until a warden *pro tempore* is chosen. When any ward officer is absent, or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to a faithful discharge of their

Ward officers to be chosen annually.

Powers.

Clerk.

Inspectors. Officers to be sworn.

duties; said oath to be administered by the clerk to the warden, and by the warden to the clerk and to the inspectors, or to either of said officers by any justice of the peace for Essex county; a certificate of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes to be held either in wards or in general meeting, shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner and at such times, as the city council shall direct.

Warrants for meetings of citizens, how and by whom issued, &c.

Ward meetings may be held without the limits of ward.

SECTION 6. The mayor and aldermen are authorized, when no convenient ward room for holding ward meetings of the citizens of either of the wards of the city can be had, within the territorial limits of such ward, to appoint and direct, in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and proximate place within the limits of any other of the wards of said city; and for such purposes the place so assigned for the meeting of such ward, shall be deemed and taken to be included in and part of said ward, as though the same was within the territorial limits thereof.

Mayor elected at large for one year.

SECTION 7. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall be chosen and qualified in his place.

Six aldermen elected at large for one year, one from each ward.

SECTION 8. Six aldermen,—one alderman being selected from each ward,—shall be elected by the qualified voters of the city at large, voting in their respective wards, who shall hold their offices for one year from the first Monday of January next following their election, and until a majority of the new board are elected and qualified in their places.

Common council, two from each ward.

SECTION 9. Two common councilmen shall be elected by and from the voters of each ward, who shall, at the time of their election, be residents of the wards respectively in which they are elected, and shall hold their offices for one year, from the first Monday of January next following their election, and until a majority of the new board are elected and qualified in their places.

Election to be held on first Monday in December.

SECTION 10. On the first Monday of December, annually, the qualified voters in the several wards shall give in their votes by ballot for mayor, aldermen and common councilmen, in accordance with the provisions of this act; and all the votes so given shall be assorted, counted, declared and recorded in open ward meeting, by causing the names of persons voted for, and the number given for each, to be

written in the ward record at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to the persons elected members of the common council, certificates of their elections respectively, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections, certified in like manner: *provided, however*, that if the choice of members of the common council shall not be effected on that day in any ward, the meeting in such ward may be adjourned from time to time, to complete such election. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor to be notified in writing of his election; but if it shall appear that no person has received a majority of the votes, or if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the choice of mayor, and from time to time shall be repeated, until a mayor shall be chosen and shall accept said office. In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and common council respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office until the inability causing such vacancy shall be removed, or until a new election. If it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had, as are herein before provided in regard to the choice of mayor. Each alderman shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace for the county of Essex.

The aldermen and common councilmen elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor or by any justice of the peace for the county of Essex; and a certificate of such oath having been taken shall be entered on the journal of the mayor and aldermen, and of the common council, by their respective clerks.

Certificates of election of common councilmen.

Meetings may be adjourned to complete election of common council.

Vacancy in office of mayor.

—in office of alderman.

Oath of office, by whom administered.

City council to meet in convention and be sworn.

If mayor is not elected, proceedings.

And whenever it shall appear that a mayor has not been elected previous to the first Monday of January aforesaid, the mayor and aldermen for the time being shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid.

Organization of common council.

After the oath has been administered as aforesaid, the two boards shall separate, and 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; the clerk to be under oath faithfully to perform the duties of his said office.

City council to be organized if mayor is absent.

In case of the absence of the mayor elect on the first Monday of January, or if a mayor shall not then have been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office may, at any time thereafter, in convention of the two boards, be administered to the mayor and any member of the city council who may have been absent at the organization.

Chairman of board of aldermen.

In the absence of the mayor, the board of aldermen may choose a presiding officer *pro tempore*, who shall also preside at the joint meetings of the two boards.

Each board to keep records.

Each board shall keep a record of its own proceedings, and judge of the elections of its own members; and in case of failure of election, or in case of vacancy declared by either board, the mayor and aldermen shall issue their warrants for a new election.

Vacancies.

Mayor to be chief executive officer of city.

SECTION 11. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers. And he may, whenever in his opinion

May remove his own appointees

the public good may require, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the board or boards to be convened. He shall, from time to time, communicate to both boards such information and recommend such measures as the business and interests of the city may in his opinion require.

May call special meetings of city council.

He shall preside in the board of aldermen and in convention of the two boards, but shall have a casting vote only. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of one thousand dollars per annum. Afterwards it shall be such as the city council shall determine. It shall be payable at stated periods, but shall not at any time be increased or diminished during the year for which he is chosen. He shall receive no other compensation.

To preside in board of aldermen and in convention.
Salary.

SECTION 12. The executive power of said city generally and the administration, with all the powers heretofore vested in the selectmen of Haverhill, shall be vested in and may be exercised by the mayor and aldermen as fully as if the same were herein specially enumerated.

Executive power vested in mayor and aldermen.

The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, and a city marshal and assistants, with the powers and duties of constables, and all other police officers, and the same to remove at pleasure. And the mayor and aldermen may require any person who may be appointed marshal or constable of the city to give bonds for the faithful discharge of the duties of the office, with such security and to such amount as they may deem reasonable and proper, 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.

May appoint constables and police officers.

May require marshal or constable to give bond.

The city council shall have the care and superintendence of the city buildings, and the custody and management of all city property, with power to let or to sell what may be legally let or sold, and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may, in their judgment, require it; and the mayor and aldermen shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debts.

City council to have custody and management of city property.

Annual report of receipts and expenditures, &c.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible by appointment or election 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. All sittings of the mayor and aldermen, of the common council and of the city council, shall be public when they are not engaged in executive business.

Appointments mayor and aldermen, how made.

Sittings, except executive, to be public.

Treasurer, city clerk and other officers, how chosen.

SECTION 14. The city council shall, annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a treasurer and collector of taxes, city clerk, one or more superintendents of highways, a city solicitor, city auditor and city physician, who shall hold their offices respectively for the term of one year, and until their successors shall be chosen and qualified: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause.

May be removed for cause.

Engineer of fire department and assistants.

SECTION 15. The city council shall, annually, in the month of January, elect by joint ballot, in convention, a chief engineer of the fire department, and as many assistant-engineers, not exceeding eight, as they may deem expedient, who shall hold their offices for the term of one year from the first Monday of February next ensuing, and until their successors are chosen and qualified.

Compensation.

The compensation of the foregoing officers mentioned in the last two sections, shall be fixed by concurrent vote of the city council.

City clerk to be sworn.

SECTION 16. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties and exercise all the powers incumbent by law upon him. He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, papers, documents, or other things held by him in his capacity of city clerk.

Duties.

City council to appoint other officers.

SECTION 17. The city council shall, in such manner as they shall determine, elect or appoint all other subordinate officers, for whose election or appointment other provision is not herein made, define their duties and fix their compensation.

To see that money is properly paid from the treasury.

SECTION 18. 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.

Overseers of the poor, mayor to be chairman.

SECTION 19. The board of overseers of the poor in the city of Haverhill shall consist of six members, residents of the city. The mayor, president of the common council, and city marshal, shall be *ex officio* members of the board. The mayor shall be *ex officio* chairman of the board. The city council shall annually elect, by joint ballot in convention, on the first Monday of January, three persons to be members of

To be elected annually.

said board, and to hold their offices for one year next ensuing, and until others shall be elected and qualified in their stead. But no more than one of the three members so to be elected shall be eligible from any one ward of said city. Vacancies occurring in the board may be filled by joint ballot of the city council at any time, the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove members of the said board from office for cause. The board shall be organized annually on the third Monday in January.

Vacancies, how filled.

Removals for cause.

Organization.

SECTION 20. The city council, chosen in the month of December, in the year eighteen hundred and sixty-nine, shall, on the first Monday of January in the year eighteen hundred and seventy, elect by joint ballot in convention, three persons to be assessors of taxes, one to be chosen for three years, one for two years and one for one year; and thereafter the city council shall, annually, on the first Monday of January, elect in the same manner one person to hold said office for the term of three years from his election, whose compensation shall be fixed by the concurrent vote of the city council. The persons so chosen shall constitute the board of assessors, and shall exercise the powers and be subject to the liabilities and duties of assessors in towns. In case of a vacancy in said board of assessors, such vacancy shall be filled by the choice of another assessor, in the manner aforesaid, to serve for the unexpired term for which the member whose place he fills was to have held his office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Assessors of taxes, how chosen.

Vacancies, how filled.

SECTION 21. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect by ballot one person in each ward, who shall be a resident of said ward, to be an assistant-assessor, whose compensation shall be fixed by the city council; and it shall be the duty of the persons so chosen to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards; and they shall be sworn to the faithful performance of their duty.

Assistant-assessors, how chosen.

Duties.

To be sworn.

SECTION 22. The qualified voters of each ward shall, on the first Monday of December, in the year eighteen hundred and sixty-nine, elect by ballot three persons in each ward to be members of the school committee, one to be chosen for three years, one for two years and one for one year from the

School committee, three members from each ward.

first Monday of January in the year eighteen hundred and seventy; and thereafter one person shall be chosen in each ward, at their respective annual meetings, for the term of three years from the first Monday of January next ensuing; and the persons so chosen shall, with the mayor, constitute the school committee, and have the care and superintendence of the public schools. The mayor shall be *ex officio* chairman of the board. And all the rights and obligations of the town of Haverhill, in relation to the grant and appropriation of money to the support of schools, and the special powers and authority heretofore conferred by law upon the inhabitants of the school districts in said town, to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools and the erection and repair of school-houses in said city, shall be made by the city council, in the same manner as grants and appropriations are made for other city purposes.

Mayor to be chairman of board.

Rights and obligations of town concerning school money, vested in city.

If no choice of school committee or assistant-assessors, meeting may be adjourned.

SECTION 23. Should there fail to be a choice of members of the school committee or assistant-assessors in any ward on the day of the annual ward meeting, the meeting shall be adjourned from time to time until the elections shall be completed.

City council may lay out sidewalks and oblige abutters to pave the same.

SECTION 24. The city council shall have power to lay out sidewalks, and fix the width, height and grade of the same, and require all persons owning land abutting on such sidewalks to pave the walks with brick, stone or concrete, and keep the same in good repair, as they may direct, the city first setting the curbstones and paving the gutters; and in case any person, owning land as aforesaid, shall neglect or refuse to comply with the requirements of the city council, after receiving due notice of such requirements, the city council shall have power to cause such sidewalks to be paved and kept in good repair according to said requirement, and may recover of said owner, by an action of tort in the name of the city, the expense of paving and keeping the same in good repair. The city council shall have the same powers in relation to the laying out, acceptance, altering or discontinuing of streets and ways, and the assessment of damages, which selectmen and inhabitants of towns now have by law, all petitions and questions relating to the same, however, being first acted on by the mayor and aldermen. Any person aggrieved by any proceedings of the mayor and aldermen or of the city council, under this provision, shall have all the rights and privileges now allowed in appeals from the

Powers in relation to laying out streets and ways.

Party aggrieved may appeal.

decisions of selectmen or the inhabitants of towns. No street or way shall hereafter be opened in the city of Haverhill over any private land by the owners thereof, and dedicated to or permitted to be used by the public, of a less width than forty feet, except with the consent of said mayor and aldermen in writing first had and obtained for that purpose. The city council shall also have authority to cause drains and common sewers to be laid down through any street or private lands, paying the owners such damage as they may sustain thereby, such damage to be assessed in the same manner and upon the same principles as damages are assessed in the laying out of town ways, and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer; and also to require that private drains shall be conducted into the public drain or sewer, in case the said city council shall judge the same necessary or proper for the health and cleanliness of the city.

New streets to be forty feet wide.

Drains and sewers.

SECTION 25. The city council may make by-laws, with suitable penalties, for the inspection and survey, measurement and sale of lumber, wood, hay, coal and bark, brought into or exposed in the city for sale, and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the town thereon.

Inspection and sale of lumber, hay, &c.

The city council may also make all such salutary and needful by-laws as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, but subject to the approval of the mayor: *provided, however,* that all laws and regulations in force in the town of Haverhill shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance, shall be paid into the city treasury.

By-laws subject to the approval of mayor.

Proviso.

SECTION 26. All elections of national, state, county and district officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards, at the time fixed by law for these elections respectively.

Election of national, state, county and district officers.

SECTION 27. Ten days prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of

Mayor and aldermen to make lists of voters annually, and deliver to clerks of wards.

voters ; and for that purpose they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant-assessors and other city officers ; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections ; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters of each ward shall be posted in one or more public places in each ward.

Lists of voters to be posted.

General meetings of citizens.

SECTION 28. General meetings of the citizens qualified to vote may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings may and shall be duly warned by the mayor and aldermen, upon the request in writing, setting forth the purposes thereof, of fifty qualified voters.

To be called upon request of fifty voters.

Board of health.

SECTION 29. All power and authority now vested by law in the board of health for the town of Haverhill, or in the selectmen thereof, shall be transferred to and vested in the city council, to be by them exercised in such manner as they may deem expedient.

Fire department.

SECTION 30. The act entitled "An Act to establish a fire department in the town of Haverhill," passed the fifth day of March, in the year one thousand eight hundred and forty-one, shall continue in force ; and all the power and authority now vested in the selectmen of Haverhill, in relation to the fire department in that town, shall be transferred to and vested in the mayor and aldermen. But the city council shall have power to establish fire limits within the city, and, from time to time, change and enlarge the same ; and by ordinance they shall regulate the construction of all buildings erected within said fire limits, stipulating their location, size and the materials of which they shall be constructed, together with such other rules and regulations as shall tend to insure the same from damage by fire.

Water works.

SECTION 31. The power and authority vested in the town of Haverhill, by the seventy-third chapter of the acts of the year eighteen hundred and sixty-seven, to purchase, or otherwise take, the property belonging to the Haverhill Aqueduct Company, shall be vested in and may be exercised by the city council.

Charter may be amended by legislature.

SECTION 32. Nothing in this act contained shall be so construed as to restrain or prevent the legislature from amending or altering the same whenever they shall deem it expedient.

SECTION 33. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution, pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and *provided, also*, that all persons who at the time of the said repeal taking effect, shall hold any office under the said acts, shall continue to hold the same until the organization of the city government contemplated by this charter shall be completely effected.

Inconsistent acts repealed. Provisos.

SECTION 34. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Haverhill for the time being shall issue their warrants seven days at least previous to the first Monday of December of the present year, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors for each ward; and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at said first meeting, shall be returned to said selectmen, whose duty it shall be to examine and compare the same; and in case such elections should not be completed at the first meeting, then to issue new warrants until such election shall be completed, and to give notice thereof in manner before provided, to the several persons elected. And at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before provided.

Selectmen to issue warrants for meetings to choose city officers.

After the choice of the city officers as aforesaid, or a majority of both boards, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. And after this first election of city officers, and this first meeting for the organization of the city council according to the provisions of section ten of this act, as provided for in

To appoint place for first meeting of city officers.

this section, the day of holding the annual elections and the day and hour for the meeting of the city council for the purpose of organization, shall remain as provided in said tenth section of this act.

It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

Act void unless adopted by the people.

SECTION 35. This act shall be void, unless the inhabitants of the town of Haverhill, at a legal town meeting called for that purpose, shall by a vote of a majority of the voters present, voting thereon as hereinafter provided, determine to adopt the same. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner as they are used in the elections of state officers.

SECTION 36. This act shall go into operation from and after its passage.

Approved March 10, 1869.

Chap. 62.

AN ACT CONCERNING ELECTIONS IN CITIES AND TOWNS.

Be it enacted, &c., as follows :

Meetings may be opened at seven o'clock, A. M., and shall be by two o'clock, P. M. Polls not to be kept open after sunset.

Meetings for the election of national, state, county, district, city and town officers, may be opened as early as seven o'clock in the forenoon, and shall be opened as early as two o'clock in the afternoon, of the election day; but in no case shall the polls be kept open after the hour of sunset.

Approved March 10, 1869.

Chap. 63.

AN ACT TO PREVENT THE MANUFACTURE AND SALE OF ADULTERATED COMMERCIAL FERTILIZERS.

Be it enacted, &c., as follows :

To be labelled with name of manufacturer, &c.

SECTION 1. Commercial fertilizers sold or kept for sale in this Commonwealth, shall have affixed to every bag, barrel or parcel thereof, a printed label, which shall specify the name of the manufacturer or seller, his place of business, and the constituent parts of said fertilizer, together with a statement of the percentage which each constituent part bears to the whole mass.

Penalty for selling without label.

SECTION 2. Whoever manufactures, sells or keeps for sale, commercial fertilizers not labelled in accordance with the provisions of the first section of this act, or who shall affix thereto labels not truly specifying the constituent parts of the fertilizers, shall be punished by a fine of ten dollars for the first and twenty dollars for the second and each subsequent offence.

Approved March 10, 1869.