

swer the action, if such pleadings are not amended, or a party who is aggrieved by any other judgment founded upon matter of law apparent on the record in any proceeding, may appeal therefrom to the supreme judicial court. An issue of law joined in the superior court shall not be waived by consent of parties after such appeal has been entered in the supreme judicial court, but that court may, for good cause, allow the parties to withdraw or amend their pleadings, and, if they result in an issue of fact, the case shall be remanded to the superior court for trial; but no execution shall issue upon the judgment appealed from, unless the appeal is waived, until the case shall have been so remanded. An appeal from a judgment rendered upon a demurrer or upon a case stated shall be claimed within thirty days after the entry of such judgment.

SECTION 5. Section one hundred and five of said chapter one hundred and seventy-three is hereby amended by striking out the words "and a majority of the justices of the superior court sitting for the trial of a cause under the provisions of section five of chapter one hundred and fifty-seven", in the third, fourth and fifth lines, — so as to read as follows: — *Section 105.* A justice of the supreme judicial court or of the superior court, after verdict, or after a finding of the facts by the court, may report the case for determination by the full court. If the justice is of opinion that an interlocutory finding or order made by him ought to be determined by the full court before any further proceedings in the trial court, he may report the case for that purpose and stay all further proceedings except such as are necessary to preserve the rights of the parties.

R. L. 173,
§ 105,
amended.

Report, etc.

SECTION 6. This act shall take effect on the first day of September in the year nineteen hundred and ten.

Approved May 23, 1910.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ADJUTANT GENERAL, AND FOR SUNDRY MILITARY EXPENSES.

Chap. 556

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 salaries and expenses in the

Appropriations.

department of the adjutant general, and for sundry military expenses, for the fiscal year ending on the thirtieth day of November, nineteen hundred and ten, to wit: —

- Adjutant general. For the salary of the adjutant general, thirty-six hundred dollars.
- Clerks. For the salaries of four clerks in his department, seven thousand dollars.
- Messenger. For the salary of a messenger in his department, eight hundred dollars.
- Clerical assistance. For additional clerical assistance, a sum not exceeding six thousand dollars.
- Office expenses. For incidental and contingent office expenses, including the printing and binding of the annual report, a sum not exceeding sixty-four hundred dollars.
- Military accounts. For expenses in connection with military accounts not otherwise provided for, a sum not exceeding five thousand dollars.
- Officers and men. For compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and sixty-seven thousand dollars.
- Transportation. For the transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding twenty-five thousand dollars.
- Rifle practice. For expenses in connection with the rifle practice of the militia, a sum not exceeding twenty-five thousand five hundred dollars.
- Purchase of uniforms. For an allowance to commissioned officers of the volunteer militia toward the purchase of uniforms, a sum not exceeding eighteen thousand dollars.
- Care of property. For allowance to officers of the volunteer militia for the care and responsibility of property, a sum not exceeding sixty-one hundred dollars.
- Repair of clothing, etc. For allowance and repair of clothing of the volunteer militia, a sum not exceeding thirteen thousand three hundred and twenty-four dollars.
- Headquarters, etc. For allowance to headquarters and companies, a sum not exceeding thirty-eight hundred and fifteen dollars.
- Company armorers. For services of company armorers, a sum not exceeding twelve thousand three hundred and seventy-five dollars.
- Ship used by the naval militia. For furnishing, repair and care of any United States ship loaned to the commonwealth for the use of the naval militia, a sum not exceeding eleven thousand five hundred dollars.

For giving instruction in riding to non-commissioned officers and others who are required by law to be mounted, a sum not exceeding six thousand dollars.

Instruction in riding.

For instruction in military authority, organization and administration, and in the elements of military art, a sum not exceeding four thousand dollars.

Instruction in military authority, etc.

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

Approved May 23, 1910.

AN ACT RELATIVE TO THE REMOVAL OF CERTAIN OFFICERS
OF THE CITY OF NEWTON.

Chap. 557

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Newton may remove any executive officer and any other officer and board, or the members thereof, who are appointed by the mayor subject to confirmation by the board of aldermen, except election officers.

Removal of executive officer, etc., in the city of Newton.

SECTION 2. Chapter one hundred and fifty-six of the acts of the year nineteen hundred and ten, and so much of section sixteen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-seven as relates to the suspension and removal of executive officers, are hereby repealed.

Repeal.

SECTION 3. This act shall be submitted to the voters of the city of Newton at the next state election, and shall take effect if a majority of the voters voting thereon vote in the affirmative. The act shall be submitted in the form of the following question to be printed on the official ballot: —
“ Shall chapter of the acts of the year nineteen hundred and ten providing that executive and certain other officers of the city of Newton may be removed by the mayor, be accepted? ”

Acceptance of act.

Approved May 25, 1910.

AN ACT RELATIVE TO RETURNS TO THE BOARD OF RAILROAD
COMMISSIONERS.

Chap. 558

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter five hundred and two of the acts of the year nineteen hundred and nine is hereby amended by striking out the words “ on or before the first day of June in each year ”, in the sixth and seventh lines,

1909, 502, § 1, amended.