

# SENATE . . . . No. 568

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## The Commonwealth of Massachusetts.

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EXECUTIVE DEPARTMENT, BOSTON, May 28, 1913.

*To the Honorable Senate and House of Representatives:—*

Herewith I return without my approval an Act to Provide for Reimbursing the Town of Arlington for Reasonable Expenses Incurred in the Care of Persons Having no Legal Settlement who were infected with Smallpox.

It appears that seven persons became afflicted with the smallpox in Arlington in January and February, 1912. The laws of the Commonwealth required that the town of Arlington should immediately report these cases to the State Board of Health. In five of these seven cases the town of Arlington failed to comply with this law, and thereby, under our statutes, forfeited its claim upon the Commonwealth for reimbursement.

Moreover, Chapter 380 of the Acts of 1909 requires that in cases of aid rendered by cities and towns to persons afflicted with dangerous diseases proper notice and fair evidence of liability shall be given by the authorities claiming reimbursement to the State Board of Charity.

In these requirements also the town of Arlington failed.

Cases have frequently occurred in which towns and cities have forfeited their right to reimbursement through failure to meet the requirements of the State laws in these several respects; but I understand that never until the present instance has an act been passed setting aside the statutes in favor of any town or city which has thus failed of its duty.

In a recent decision of the Attorney General, it is clearly

shown that "nothing in the law is better settled than that statutes of the class affecting this question are to be strictly construed, and that the giving of the notice required by these statutes in proper form is a condition precedent to the right of reimbursement."

It is necessary for the protection of the public health that towns and cities be held rigidly to the observance of these laws; and it is my judgment that if they fail to comply therewith, the least that can be done in disavowal of their acts is to deny any petition which may result for the reimbursement of their expenses.

EUGENE N. FOSS.