

CHAP. 286. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE CHARTER OF THE CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 169 of the acts of 1881, as amended, is hereby further amended by striking out section 9 and inserting in place thereof the following section: — *Section 9.* On the second Tuesday of November biennially the qualified voters in the several wards shall give in their votes by ballot for mayor, city councillors, and school committee, in accordance with the provisions of law. All the votes so given shall be assorted, counted and declared and recorded in open ward meeting, by causing the names of the persons voted for and the number of votes 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 city clerk a copy of the record of such elections certified by the warden and clerk and the majority of the inspectors of elections. The city council 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 chosen mayor to be notified in writing of his election; but if it shall appear that no person has been chosen, or if the person chosen shall refuse to accept the office, the city council shall issue warrants for a new election, and the same proceedings shall be had in all respects as are hereinbefore 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. Whenever by reason of sickness or other cause the mayor shall be disabled from performing the duties of his office, or whenever he shall be absent temporarily from the city, the president of the city council shall become acting mayor during the period that the mayor is disabled or absent. The acting mayor shall during the continuance of such disability have all the rights and powers of mayor, except that he shall not when so acting make any permanent appointment, unless such disability of the mayor has continued for a period of thirty days, nor shall he 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 sixty days, the city council may at any time after the expiration of that period declare a vacancy to exist in the office of the mayor. If a vacancy by death, resignation or otherwise occurs in the office of mayor before the last six months of the term of office the city council shall order an election for a mayor to serve for the unexpired term; and if such vacancy occurs in the office of mayor in the last six months of the term the president of the city council shall succeed to said office for the unexpired term. Whenever it appears that there is a vacancy in the office of mayor the city council shall issue warrants for a new election as above provided.

Whenever there is a vacancy in the office of mayor pending the election and installation of a new mayor, as provided in this section, the president of the city council, as above provided, shall act as mayor, and possess the same rights and powers as mayor during such vacancy as are above provided for in the case of acting mayor. Each councillor shall be notified in writing of his election by the mayor and city coun-

cil 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. The city councillors-elect shall on the first Monday of January at eight o'clock in the evening meet in convention, when the oath required by this act shall be administered to the city councillors-elect by the mayor or by any justice of the peace; and a certificate of such oath having been taken shall be entered upon the journals of the mayor and the city council by its clerk. After the oath of office has been administered as aforesaid the city council shall be organized by the selection of a president.

In case of the absence of the mayor-elect on the first Monday of January, or if the mayor shall not then have been chosen, the city council shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter in a convention of the city council be administered to the mayor and any member of the city council who may have been absent at the organization. The city council shall keep a record of its own proceedings, and judge of the election of its own members; and in case of failure of election, or in case of vacancy declared by the city council, the mayor and city council shall issue their warrant for a new election.

SECTION 2. Said chapter 169 is hereby further amended by striking out said section 11 and inserting in place thereof the following section:—

Section 11. Every ordinance, order, resolution or vote shall be presented to the mayor. If he approves thereof he shall signify his approval by signing the same; but if he does not approve thereof, he shall return the ordinance, order, resolution or vote, with his objections in writing, to the city council. The city council shall enter the objections of the mayor on its records and proceed to reconsider said ordinance, order, resolution or vote; and if approved by two thirds of the members it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such 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.

SECTION 3. Chapter 550 of the acts of 1955 is hereby amended by striking out section 1 and inserting in place thereof the following section:— *Section 1.* Commencing January first, nineteen hundred and fifty-eight, the city council of the city of Malden shall consist of eleven members, one member to be elected from each ward by and from the registered voters of that ward, and the remaining members to be elected by and from the registered voters of the city. All members shall be elected to serve for two years from the first Monday of January following their election and until their successors are qualified. Said council shall elect annually one of its members as its president, who shall preside in the city council. A majority of the city council shall constitute a quorum for the transaction of business.

SECTION 4. Section 4 of said chapter 550 of the acts of 1955 is hereby amended by inserting after the word "thereto", in line 9, the words:— on said board of aldermen and common council with respect to their action independently and separately, jointly or in concurrence, — so as to read as follows:— *Section 4.* The city council elected under and in accordance with the provisions of this act shall be the lawful successor

to the board of aldermen and common council holding office next prior to January first, nineteen hundred and fifty-eight, and shall exercise all the powers and privileges conferred, and shall be subject to the duties and obligations imposed by chapter one hundred and sixty-nine of the acts of eighteen hundred and eighty-one, and acts in amendment thereof and in addition thereto on said board of aldermen and common council with respect to their action independently and separately, jointly or in concurrence.

Approved April 22, 1958.

CHAP. 287. AN ACT ESTABLISHING FEES FOR THE ISSUANCE OR RENEWAL OF PERMITS FOR BARBER SCHOOLS OR COLLEGES.

Be it enacted, etc., as follows:

The first paragraph of section 87P of chapter 112 of the General Laws is hereby amended by inserting after the second sentence, as appearing in section 3 of chapter 260 of the acts of 1934, the following two sentences: — Such permit shall terminate on the thirty-first day of December next succeeding its date unless renewed for the subsequent year. The fee for such permit shall be seventy-five dollars and the fee for each renewal thereof shall be fifty dollars.

Approved April 22, 1958.

CHAP. 288. AN ACT AUTHORIZING THE TREASURER OF ESSEX COUNTY TO REIMBURSE THE ESSEX COUNTY TOURIST COUNCIL FOR CERTAIN EXPENDITURES.

Be it enacted, etc., as follows:

The treasurer of Essex county is hereby authorized to pay to the Essex County Tourist Council from appropriations for unpaid bills of previous years, a sum of money not exceeding one thousand one hundred and sixty-three dollars and forty-eight cents as reimbursement for certain sums expended by said council for brochures, which sums are uncollectible by reason of the failure to comply with section seventeen of chapter thirty-four of the General Laws.

Approved April 22, 1958.

CHAP. 289. AN ACT RELATIVE TO THE ARRANGEMENT OF NAMES ON BALLOTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide in part for incumbents of certain offices appointed by the governor to have their names placed first on the ballot as candidates for nomination, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 34 of chapter 53 of the General Laws is hereby amended by striking out the second paragraph, as amended by chapter 225 of the acts of 1954, and inserting in place thereof the following paragraph: —

Names of candidates for nomination for all other offices to be voted for at a state primary of which they are the elected incumbents or the