

of said city; said portion of said playground being as follows:—

A certain parcel of land in that part of Gloucester called East Gloucester and situated easterly one hundred feet from the easterly side line of Davis Street Extension, said street running northerly from Chapel street, and bounded and described as follows:— Beginning at a point at the southwesterly corner of the Maxwell Parsons playground, said point being situated one hundred feet easterly of the easterly side line of said Davis Street Extension and on the northerly side line of Division street, and thence running northeasterly by the land of the city of Gloucester, land now or formerly of Caswell and land of the city of Gloucester, three hundred twelve feet, to a point in the wall at land of Elizabeth Carroll Scott et ali; thence northeasterly by said land of Scott et ali by the wall, sixty-two feet, more or less, to a point at other land of the city of Gloucester, being the Maxwell Parsons playground; thence southwesterly by said land of said playground, three hundred thirty feet, more or less, to a point on the northerly side line of Division street; thence northwesterly by the northerly side line of said Division street, sixty feet, to the point of beginning.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the playground commission and the municipal council of said city, subject to the provisions of its charter, but not otherwise.

*Approved April 12, 1949.*

AN ACT PROVIDING FOR THE RECOVERY OF SALARY OR WAGES BY PETITIONERS IN CERTAIN MANDAMUS PROCEEDINGS.

*Chap. 176*

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

Section 5 of chapter 249 of the General Laws, as most recently amended by section 2 of chapter 374 of the acts of 1943, is hereby further amended by inserting after the word "damages", in line 19, the words:—, including any salary or wages to which the petitioner may be entitled,— so as to read as follows:— *Section 5.* A petition for a writ of mandamus may be presented to a justice of the supreme judicial court, and he may, after notice, hear and determine the same. Upon the return of the order of notice, the person required to appear shall file an answer showing cause why the writ should not issue, and the petitioner may demur thereto. Unless a demurrer is filed any affirmative allegation contained in the answer shall be considered to be denied by the petitioner without a replication, unless the court, upon motion by the respondent, requires him to reply thereto, and to state what part, if any, he admits or denies. The court may require a third person who has or claims a right or interest in the subject matter to appear and answer and to stand as the real party. If the respondent is the holder

G. L. (Ter. Ed.), 249, § 5, etc., amended.

Mandamus proceedings in the supreme judicial court for the recovery of wages.

of a public office and pending the determination of the cause he ceases to hold that office, the court in its discretion may, after notice, allow an amendment to substitute his successor in office as a party respondent. If the petitioner prevails, his damages, including any salary or wages to which the petitioner may be entitled, shall be assessed and judgment shall be rendered therefor, with costs, and for a peremptory writ of mandamus; otherwise, the party answering shall recover costs of the petitioner. No action shall be maintained for a false answer. All writs and processes may be issued from the clerk's office in any county and shall be returnable as the court orders.

*Approved April 12, 1949.*

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**Chap.177** AN ACT TO ESTABLISH THE OFFICE OF ASSISTANT CHIEF DEPUTY SHERIFF FOR ATTENDANCE UPON THE SUPERIOR COURT IN SUFFOLK COUNTY.

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

G. L. (Ter. Ed.), 221, new § 71A, added.

Assistant chief deputy sheriff for superior court.

Chapter 221 of the General Laws is hereby amended by inserting after section 71, as appearing in the Tercentenary Edition, the following section:— *Section 71A.* The sheriff of Suffolk county may designate one of the court officers of the superior court to act as assistant chief deputy sheriff for attendance on the superior court in said county. Such officer, in addition to his regular duties as a court officer, shall perform such other duties as from time to time may be prescribed by the sheriff.

*Approved April 12, 1949.*

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**Chap.178** AN ACT VALIDATING THE ZONING BY-LAWS OF THE TOWN OF CANTON.

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

SECTION 1. The zoning by-laws of the town of Canton adopted on March eighth, nineteen hundred and thirty-seven, are hereby validated and confirmed if and in so far as they are invalid by reason of failure to comply fully with provisions of law regulating the adoption of zoning by-laws.

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

*Approved April 13, 1949.*

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**Chap.179** AN ACT PROVIDING FOR THE ALLOWANCE OF FURTHER TIME FOR FILING A SPECIAL DEMAND FOR PROOF OF FIDUCIARY OR CORPORATE CAPACITY OR OF THE EXISTENCE OF A PUBLIC WAY IN CIVIL ACTIONS.

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

G. L. (Ter. Ed.), 231, § 30, amended.

Section 30 of chapter 231 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "allegation", in line 6, the words: