

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.

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.

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.

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:

—, or within such further time as the court may allow on motion and notice, — so as to read as follows: — *Section 30.* If it is alleged in any civil action or proceeding that a party is an executor, administrator, guardian, trustee, assignee, conservator or receiver or is a corporation, or that a place is a public way, such allegation shall be taken as admitted unless the party controverting it files in court, within the time allowed for the answer thereto, or within ten days after the filing of the paper containing such allegation, or within such further time as the court may allow on motion and notice, a special demand for its proof.

Further time for filing special demand for proof of fiduciary capacity, etc.

Approved April 13, 1949.

AN ACT VALIDATING THE TOWN ELECTION IN THE TOWN OF NORTH BROOKFIELD HELD IN THE CURRENT YEAR.

Chap. 180

Be it enacted, etc., as follows:

SECTION 1. The town election of the town of North Brookfield held on February seventh in the current year, and all acts and proceedings of said town and of its boards and officers and all acts of any other persons, in so far as said election, acts or proceedings may be illegal or invalid by reason of the fact that said election was held on the first Monday of February instead of on the second Monday of February, are hereby made legal and valid.

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

Approved April 18, 1949.

AN ACT RELATIVE TO THE FILING IN CITIES HAVING A PLAN E FORM OF CHARTER BY CANDIDATES FOR ELECTION TO MUNICIPAL OFFICE THEREIN OF CERTAIN STATEMENTS AND PETITIONS.

Chap. 181

Whereas, The deferred operation of this act would tend to defeat its purpose which, in part, is to make its provisions apply to the filing of certain statements and petitions by candidates for election to municipal office in certain cities in the current year, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

The first paragraph of section 110 of chapter 43 of the General Laws, as appearing in section 15 of chapter 378 of the acts of 1938, is hereby amended by striking out, in line 5, the word "ten" and inserting in place thereof the word: — twenty-eight, — so as to read as follows: — Any registered voter of the city who is eligible for election to any elective municipal body shall be entitled to have his name printed as a candidate therefor on the official ballot to be used at the regular municipal election; provided, that at least twenty-eight days prior to such election there shall be filed with the city clerk a statement in writing of his

G. L. (Ter. Ed.), 43, § 110, etc., amended.

Filing by candidates in certain cities of certain statements and petitions.