

serting in place thereof the three following sentences:— On or before the fifteenth day of July in each year the town furnishing such instruction shall submit to the department an itemized statement of the following items of actual cost of instruction to children confined in hospitals, sanitarium, and similar institutions located therein for the preceding school year: teachers, textbooks, supplies and general control. The department shall determine the reasonableness of such cost, and shall, on or before the first day of September following, either notify said town that the cost is approved, or shall send to the town its own determination of reasonable cost. Such cost as approved or determined shall be divided by the pupil days of instruction given, and the result shall constitute the daily tuition for each pupil to be paid by the town where the parent or guardian has a legal residence to the town furnishing such instruction.

Itemized statement to be submitted to department.

*Approved May 12, 1947.*

AN ACT MAKING ADMISSIBLE IN EVIDENCE IN CIVIL CASES CERTAIN PUBLICLY ISSUED COMPILATIONS OF FACTS AND STATISTICS.

*Chap. 385*

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

SECTION 1. Chapter 233 of the General Laws is hereby amended by inserting after section 79A, as amended, the following section:— *Section 79B.* Statements of facts of general interest to persons engaged in an occupation contained in a list, register, periodical, book or other compilation, issued to the public, shall, in the discretion of the court, if the court finds that the compilation is published for the use of persons engaged in that occupation and commonly is used and relied upon by them, be admissible in civil cases as evidence of the truth of any fact so stated.

G. L. (Ter. Ed.), 233, new § 79B added.

Certain compilations admissible evidence in civil cases.

SECTION 2. This act shall take effect on September first in the current year.

Effective date.

*Approved May 12, 1947.*

AN ACT MAKING THE PRESUMPTION OF DUE CARE ON THE PART OF A PERSON INJURED OR KILLED APPLICABLE TO ACTIONS FOR CONSEQUENTIAL DAMAGES.

*Chap. 386*

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

SECTION 1. Chapter 231 of the General Laws is hereby amended by striking out section 85, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:— *Section 85.* In all actions, civil or criminal, to recover damages for injuries to the person or property or for causing the death of a person, or consequential damages arising out of such injuries or death, the person injured or killed or the person chargeable with his conduct shall be presumed to have been in the exercise of due care, and contributory negligence on his part shall be

G. L. (Ter. Ed.), 231, § 85, amended.

Contributory negligence an affirmative defence; presumption and burden of proof.

an affirmative defence to be set up in the answer and proved by the defendant.

Effective date.

SECTION 2. This act shall take effect on September first in the current year.

*Approved May 12, 1947.*

**Chap. 387** AN ACT RELATIVE TO THE POWERS AND DUTIES OF THE BOARD OF TRUSTEES OF THE BRADFORD DURFEE TECHNICAL INSTITUTE, AND OF THE NEW BEDFORD TEXTILE INSTITUTE, AND AUTHORIZING EACH OF SAID BOARDS TO GRANT CERTAIN DEGREES.

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

G. L. (Ter. Ed.), 74, § 42, etc., amended.

Chapter 74 of the General Laws is hereby amended by striking out section 42, as amended by section 1 of chapter 257 of the acts of 1946, and inserting in place thereof the following section:— *Section 42.* The Bradford Durfee technical institute of Fall River and the New Bedford textile institute shall be maintained by the commonwealth for the purpose of giving instruction in the theory and practical arts of engineering, science and textile and kindred branches of industry. The board of trustees of each of said institutes may grant the degree of bachelor of science or other appropriate degrees to any person, either male or female, satisfactorily completing the prescribed courses of instruction, if and so long as the faculty, equipment and courses of instruction at such institute meet with the approval of the board of collegiate authority.

Certain textile institutes to be state institutions and may grant degrees.

*Approved May 12, 1947.*

**Chap. 388** AN ACT AMENDING THE LAW RELATIVE TO CONTRIBUTORY RETIREMENT OF PUBLIC EMPLOYEES.

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

G. L. (Ter. Ed.), 32, § 3, etc., amended.

SECTION 1. Subdivision (3) of section 3 of chapter 32 of the General Laws, as appearing in section 1 of chapter 658 of the acts of 1945, is hereby amended by striking out the first sentence and inserting in place thereof the two following sentences:— Notwithstanding his filing of a notice and waiver under paragraph (b) of subdivision (2) of this section, any employee who, having or having had the right to become a member, failed to become or elected not to become a member, may, not later than January first, nineteen hundred and forty-nine or within one year from the last day of the period during which he had the opportunity to exercise said right, whichever is the later date, apply for and be admitted to membership if under the maximum age for his group on the date of his application; provided, that during his present period of service he had previously been eligible for membership. No employee shall otherwise be admitted to membership except by vote of the retirement board of the system for which application is made, and then only if that board finds that his failure to become or his

Late entry into membership.