

provision of law for the filling of such vacancy, or when there is a failure to elect any town officer except those above named, the selectmen shall, by an appointment in writing signed by them, proceed to fill such vacancy, and the person so appointed shall be entitled to perform the duties of the office to which he is appointed, until the next annual town election or until another is duly elected and qualified in his stead: *provided, however*, that when a vacancy occurs or exists in a board of town officers, other than in the boards of selectmen or assessors, the remaining members of such board shall, in writing, give notice of the fact to the selectmen of the town, and the two boards shall thereupon, after giving public notice of at least one week, proceed to fill such vacancy; and a majority of the ballots of persons entitled to vote shall be necessary to an election, and the person so elected shall be entitled to perform the duties of the office to which he is elected, until the next annual town election or until another is duly elected and qualified in his stead.

Proviso.

Powers, privileges, requirements, etc.

SECTION 2. The person or persons so appointed or elected shall perform the same duties, have the same powers and privileges, and be subject to the same requirements, restrictions and penalties, from the date of such appointment or election and during such term of office, as is now provided by law for the persons duly elected or appointed to such offices.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1891.

Chap. 337 AN ACT AUTHORIZING THE CITY OF LOWELL TO TAKE LAND FOR BURIAL GROUNDS AND PROVIDING FOR THEIR MANAGEMENT.

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell may, for the enlargement of burial grounds already existing in and belonging to said city, take by purchase or otherwise and hold all such adjacent lands in said city as may be necessary for that purpose; and shall within sixty days after the taking of any lands, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the northern district of Middlesex county a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same are taken. Said city shall pay all damages sustained by any person or corporation by the taking of any lands under this act, and any

City may take lands for burial grounds.

Damages.

person or corporation sustaining damages as aforesaid, who fails to agree with said city as to the amount thereof, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of town ways.

SECTION 2. The sole care, superintendence and management of all public burial grounds now or hereafter existing in and belonging to said city shall be vested in a board of three trustees, one of whom shall be the owner of a lot in the Edson cemetery, so called, in said city. The mayor of said city shall be ex officio a member and chairman of said board, and in the month of May or June next shall, subject to the approval of the board of aldermen, appoint two citizens of Lowell to constitute the remaining members of the board, as follows; one member to be appointed to hold office from the date of his appointment until the expiration of two years, and one until the expiration of one year from the first day of January next following his appointment. In the month of December in the year eighteen hundred and ninety-two, and in the month of December annually thereafter, the mayor shall appoint, subject to the approval of the board of aldermen, from the citizens of Lowell, a trustee to serve for two years from the first day of January next ensuing, or until his successor is appointed. Whenever a vacancy occurs in the board of trustees the same shall be filled in the manner aforesaid, and the new trustee shall hold office for the balance of the unexpired term. Said board shall have the control of the expenditure of all moneys appropriated by the city to be expended upon burial grounds, and shall have the power and be subject to the duties of commissioners of public burial grounds as specified in chapter two hundred and sixty-four of the acts of the year eighteen hundred and ninety, so far as the same are not inconsistent herewith.

Management to be vested in a board of three trustees.

Vacancies.

Board to have control of expenditures.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1891.

AN ACT TO ESTABLISH A DRAINAGE BOARD FOR THE CITY OF LYNN.

Chap. 338

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Lynn, as soon as may be after the acceptance of this act, by concurrent vote of both branches thereof, as hereinafter provided for, shall choose five persons, citizens of Lynn,

City may establish a drainage board.