

*Chap.*203 AN ACT TO PROVIDE FOR THE APPOINTMENT OF RECEIVERS OF THE ESTATES OF ABSENT PERSONS IN CERTAIN CASES.

Be it enacted, etc., as follows:

Dependent wife or minor child may petition for a receiver of property of absent resident.

When a person having a wife or minor child who, if he were alive and resident in this Commonwealth, would be dependent upon him wholly or partly for support, has while such resident absented himself from his place of residence without making sufficient provision for such support, and his whereabouts are unknown, or, being known, he is residing without the Commonwealth, the probate court, upon petition of such wife or child, or the guardian of such wife or child, or of any other interested person, and after public notice and without establishing the fact whether such person is dead or alive, may appoint a receiver for all the property of such absentee, who, under the instructions of such court, may apply said property, including the inchoate right of curtesy in real estate, in payment of such charges as may properly have been incurred or may thereafter be incurred in the support and maintenance of such wife and minor children. The provisions of law regarding bonds, accounts, sales and mortgages by guardians shall apply to such receivers, and upon the return of such absentee the receiver shall account in said court for the unexpended balance of his estate, and if letters testamentary or of administration are thereafter granted upon the estate of such absentee as a deceased person, such accounting shall be in said court to the administrator or executor. Whenever it is inexpedient longer to continue such receivership, the estate may be deposited in some savings bank or like institution, under the provisions of section sixteen of chapter one hundred and forty-four of the Public Statutes and the acts in amendment thereof.

Approved April 5, 1894.

*Chap.*204 AN ACT RELATING TO THE TRIAL OF INDICTMENTS FOR CAPITAL CRIMES.

Be it enacted, etc., as follows:

1891, 379, § 2, amended.

Section two of chapter three hundred and seventy-nine of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out in the fourth line, the word "three", and inserting in place thereof the words: — two or more, — and by striking out in the same line,

the word "sitting", and inserting in place thereof the word:— term,— and by inserting in the fifth line, after the word "therefor", the words:— and in case of the death or disability of one of the justices sitting in such trial any other justice of said court may sit in the place of the justice so deceased or disabled,— so as to read as follows:— *Section 2.* In capital cases all proceedings except the trial of indictments may be had before a single justice. The trial of an indictment for a capital crime shall be before two or more justices, either at a regular term or at any time specially assigned therefor, and in case of the death or disability of one of the justices sitting in such trial any other justice of said court may sit in the place of the justice so deceased or disabled. Upon such trial exceptions may be alleged and taken as in other criminal cases, and may be entered and determined either at the law sitting of the supreme judicial court held for the county in which they arise, or, upon the order of the justices before whom the trial is had, at the law sitting of the supreme judicial court for the Commonwealth. After a decision upon exceptions, the judgment may be entered and sentence passed, or preliminary proceedings for a new trial may be had in the superior court held by a single justice.

Trials, etc.,
in capital cases.

Approved April 5, 1894.

AN ACT CONCERNING THE PRESERVATION OF BIRDS AND GAME.

Chap. 205

Be it enacted, etc., as follows:

SECTION 1. Whoever takes or kills a pinnated grouse at any time, or a woodcock, or a ruffed grouse, commonly called a partridge, between the first day of January and the fifteenth day of September, or a quail between the first day of January and the fifteenth day of October, or a wood or summer duck, black duck or teal, or any of the so-called duck species, between the fifteenth day of April and the first day of September; and whoever buys, sells or has in his possession any of the birds named in this act and protected thereby, during the time within which the taking or killing thereof is prohibited, whenever or wherever the aforesaid birds may have been taken or killed, shall be punished by a fine of twenty dollars for every bird so taken or killed, or had in possession: *pro-*

Penalty for
taking, etc.,
grouse, quail,
etc.

Proviso.

vided, however, that any person, firm or corporation deal-