

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

Approved February 28, 1882.

AN ACT RELATIVE TO THE APPOINTMENT OF SEALERS OF WEIGHTS
AND MEASURES IN CITIES.

Chap. 42

Be it enacted, etc., as follows :

SECTION 1. Section eight of chapter sixty-five of the Public Statutes is hereby amended by striking out the words "city council," in the first line, and inserting in their place the words "mayor and aldermen."

Sealers to be appointed by mayor and aldermen.

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

Approved February 28, 1882.

AN ACT RELATING TO THE DEATH, RESIGNATION, ABSENCE OR
DISABILITY OF THE JUSTICES OF CERTAIN MUNICIPAL COURTS
IN THE CITY OF BOSTON.

Chap. 43

Be it enacted, etc., as follows :

SECTION 1. Section forty-two of chapter one hundred and fifty-four of the Public Statutes is hereby amended by adding at the end thereof the following words: "In case of the death, resignation, absence or disability of all the justices of either of the said municipal courts (except the municipal court of the city of Boston), the duties of justice of such court may at the request of the clerk thereof, or, if there is no clerk, at the request of the constable or other officer in attendance thereon, be performed for the time being by the justice or by a special justice of either of the other of said municipal courts."

In case of death, etc., of justice, duties to be performed by justice of another court.

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

Approved March 1, 1882.

AN ACT TO PROVIDE FOR THE LAYING OUT OF PUBLIC PARKS
AND SQUARES IN THE CITY OF NEWTON.

Chap. 44

Be it enacted, etc., as follows :

SECTION 1. The city council of the city of Newton shall have power to take land from time to time by purchase, gift, devise or otherwise for public parks and squares in said city, and to take and to hold in trust, or otherwise, any devise, grant, gift or bequest for the purpose of laying out, improving or ornamenting any parks and squares in said city, and may provide by ordinances for the government, use, care and superintendence of such parks and squares, either by said city council, or if said council shall so decide by such persons as may be appointed by the mayor and aldermen of said city, and for breaches of such ordinances may affix penalties not exceeding twenty dol-

May take land for parks and squares.

No liability to be incurred except by a two-thirds vote of city council.

lars for one offence: *provided, however*, that no land shall be so taken or liability created or money expended therefor or upon any such park or square, except by a two-thirds vote of all members of each branch of said city council taken by yeas and nays.

Description of land taken to be filed in registry of deeds.

SECTION 2. Said city shall within sixty days after the taking of any land under this act file in the registry of deeds for the southern district of the county of Middlesex a description of such land sufficiently accurate for identifying the same. The title of lands so taken shall vest in the city of Newton. In case said city and the owner of any such land do not agree upon the damage of such taking, such damage shall be ascertained, determined and paid in the same manner as is provided for the assessment and payment of damages for the taking of land for high-ways.

Assessments for betterments.

SECTION 3. At any time within two years after any land is taken or purchased for a park or square under this act, the city council of said city of Newton, if in its opinion any real estate in said city receives any benefit and advantage from such taking or purchasing, or from the locating and laying out of a park or square under this act, beyond the general advantages to all real estate in said city, may adjudge and determine the value of such benefit and advantage to any such real estate, and may assess upon the same a proportional share of the cost of land so purchased or taken, and of the expense of laying out, grading and making such park or square; but in no case shall the assessment exceed one-half of the amount of such adjudged benefit and advantage.

Assessment to constitute a lien upon estate.

SECTION 4. Assessments made under the preceding section shall constitute a lien upon the real estate so assessed, and shall be collected and enforced, with the same rights to owners to surrender their estates, and the same proceedings thereupon, and with the same rights of and proceedings upon appeal, as are provided by chapter fifty-one of the Public Statutes of this Commonwealth.

"Public Park Loan."

SECTION 5. The city council of said city of Newton shall have authority to issue from time to time, and to an amount not exceeding the amount actually expended for the purchase or taking of lands for said parks and squares, bonds or certificates of debt, to be denominated on the face thereof "Public Park Loan," and to bear interest at such rates, and to be payable at such periods as said city council may determine. For the redemption of such loan, the said city council shall establish a sinking fund, suffi-

cient with the accumulating interest to provide for its payment at maturity. All sums paid for betterments shall be paid into said sinking fund until such sum shall amount to a sum sufficient with its accumulations to pay at maturity the bonds for the security of which the fund was established.

Sinking fund.

SECTION 6. This act shall not take full effect unless accepted by a majority of the legal voters of said city present and voting thereon at the annual state election in the present year, notice thereof being duly given, and ballots returned, as is provided for ballots at elections held in said city. Ballots shall be "yes" or "no" in answer to the question: "Shall an act passed by the legislature of the Commonwealth, in the year eighteen hundred and eighty-two, entitled 'An Act to provide for the laying out of public parks and squares, in the city of Newton,' be accepted?" It shall be the duty of the board of aldermen to certify as soon as may be after said meeting to the secretary of the Commonwealth, the number of ballots cast in favor of the acceptance of this act, and the number cast against its acceptance; and if it shall appear that a majority of the ballots have been cast in favor of acceptance, the secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

Subject to acceptance by majority vote of legal voters.

SECTION 7. So much of this act as authorizes and directs the submission of the question of its acceptance to the legal voters of the city of Newton, shall take effect upon its passage.

Secretary to publish certificate upon acceptance of act.

Approved March 1, 1882.

AN ACT TO INCORPORATE THE TRUSTEES OF THE JAMES W. HALE FUND.

Chap. 45

Be it enacted, etc., as follows:

SECTION 1. Edward P. Terhune, Courtland W. Anable, Francis J. Wagner and Robert O. Morris, all of Springfield in the county of Hampden, trustees of the funds created for charitable purposes by the will of James W. Hale, late of said Springfield, deceased, and their successors in said trust, are hereby made a corporation by the name of the Trustees of the James W. Hale Fund, for the purpose of managing said funds and dispensing said charities with greater facility and security; with all the powers and privileges and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force and applicable to such corporations.

Corporators.

Name and purpose.

SECTION 2. Said corporation may hold all such notes,

Corporate powers.