

accruing or accrued, or any offence committed, or penalty or forfeiture incurred at the time when this act takes effect, or any suit or prosecution or other proceeding then pending, nor abridge the term of any office then filled, nor affect any ordinance then in force and not inconsistent with this act.

When to take effect.

SECTION 13. This act shall take effect for the election of municipal officers at the annual municipal election on the first Tuesday of December in the year eighteen hundred and eighty-two, and for all other purposes at the beginning of the municipal year in the following January: *provided*, that it shall be accepted by a majority of the legal voters of said city of Newton voting thereon by ballot at the annual state election in the year eighteen hundred and eighty-two, notice thereof having been duly given.

Approved May 10, 1882.

Chap. 211 AN ACT TO REVISE THE CHARTER OF THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

Charter revised.

SECTION 1. The inhabitants of the city of Taunton, for all purposes for which towns and cities are by law incorporated in this Commonwealth, shall continue to be a body politic and corporate under the name and style of the City of Taunton, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and appertaining to said city as a municipal corporation.

Government vested in mayor and city council.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in a mayor, one council of eight to be called the board of aldermen, and one council of twenty-four to be called the common council; which boards, in their joint capacity, shall be called the city council; and the members thereof shall be sworn to the faithful discharge of their duties. A majority of each board shall constitute a quorum for business.

To be divided into eight wards.

SECTION 3. The city of Taunton shall continue to be divided as heretofore into eight wards. The city council may, at any time before the year eighteen hundred and eighty-five, and not oftener than once in five years thereafter, alter, if needful, the boundaries of the wards so as to preserve, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward; and until such alteration shall be made the

boundary lines of the wards of said city shall remain as now established.

SECTION 4. On Tuesday after the first Monday in December in each year, there shall be chosen by ballot in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year and until others are chosen and qualified in their stead. Said wardens shall preside at all ward meetings, with the powers of moderators of town meetings; and if at any meeting the warden is not present, the clerk shall preside until a warden *pro tempore* is chosen by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside until a warden *pro tempore* is thus chosen; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is so chosen. When any ward officer is absent, or neglects to perform his duty, his office shall be filled *pro tempore*, by the voters present. The clerk shall record all the proceedings of such meetings and certify the votes cast and deliver to his successor in office all records, journals, documents and papers held by him in his official capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to the faithful discharge of their duties. The oath of office shall be administered by the clerk to the warden, and by the warden to the clerk and to the inspectors, or to either of said officers by any justice of the peace; certificate of such oaths shall be made by the clerk upon the ward records. The election of municipal officers shall take place on Tuesday next after the first Monday of December annually, and the municipal year shall begin on the first Monday of January following. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meeting shall be issued by the mayor and aldermen, and shall be in such form and served and returned in such manner and at such times as the city council shall by ordinance direct.

SECTION 5. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards. He shall be a qualified voter of the city, and shall hold his office for the municipal year next following his election, and until another shall have been elected and qualified in his place. One alderman and three common councilmen shall be elected by and from the voters of each ward, and shall at the time of their election be residents

Election of ward officers.

Ward officers to be sworn.

Warrants for meetings, etc.

Mayor to be elected at large.

One alderman and three councilmen from each ward.

of the wards respectively in which they are elected; they shall hold their offices for the municipal year next following their election and until a majority of the new boards respectively shall be elected and qualified in their places. The board of school committee shall consist of eleven persons; three members shall be chosen at each annual election, in the manner provided for the election of mayor, for the term of three years. The mayor and president of the common council shall be *ex officio* members of the board of school committee, with the same powers and duties as if severally elected thereto; and the mayor shall be chairman of said board. The persons heretofore elected as members of said board shall continue in office according to the tenure thereof. The board of school committee shall be the final judge of the qualification and election of its own members, and shall have all the powers vested in school committees by the laws of the Commonwealth. A majority of the members of said board shall constitute a quorum for the transaction of business. Any vacancy occurring in said board may be filled, for the remainder of the municipal year, by the joint ballot of the aldermen and school committee, and for the unexpired term thereafter shall be filled at the first municipal election after such vacancy occurs.

School committee.

Vacancies.

Annual election of officers.

SECTION 6. On Tuesday after the first Monday of December in each year when the qualified voters in each ward shall give in their votes for mayor, aldermen, common councilmen, school committee and ward officers, as herein before provided, all the votes so given in shall be assorted, counted, declared and registered in open ward meeting, and the name of each person voted for and the number of votes given for each person shall be recorded in words at length. The clerk of the ward, within twenty-four hours after such election shall cause to be delivered to each person elected as alderman and common councilman a certificate of his election, signed by the warden and clerk and a majority of the inspectors, and shall deliver to the city clerk a copy of the record of such elections certified in like manner: *provided*, that in all cases the persons receiving the greatest number of votes for their respective offices shall be declared to be elected. If two or more persons have received the same number of votes for any of said offices, the meeting may be adjourned from time to time until some person is elected. The board of aldermen shall, as soon as may be and in the manner provided by law, examine the copies of the records of the

Certificates of election.

several wards, certified as aforesaid, and shall cause the person who has received the greatest number of votes for mayor, and the persons who have received the greatest number of votes for school committee, respectively, to be notified in writing of their election; but if there shall appear to be a failure so to elect in any case, or if a person so elected shall refuse to accept his office, the board of aldermen shall issue their warrants for a new election, and the same proceedings as herein before provided shall thereupon be had and repeated until such officers shall be elected. In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the board of aldermen and the common council shall respectively, by vote, declare that a vacancy exists, and the cause thereof; whereupon the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus elected shall hold the office until the inability aforesaid is removed, or until a new election, which may be ordered by the board of aldermen. The oath of office shall be administered to the mayor by the city clerk or any justice of the peace. The aldermen and common councilmen elect shall, on the first Monday of January in each year at ten o'clock in the forenoon, meet in convention, when the oath shall be administered to them by the mayor or city clerk, a certificate whereof shall be entered on the journals of said boards by their respective clerks. The boards shall then separate and the common council shall be organized by the choice of one of their number as president, and also of a clerk, not one of their number, both of whom shall be sworn to the faithful discharge of their duties. In case of the absence of the mayor elect on the first Monday of January, or if the mayor shall not then have been chosen, the city government shall be organized in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office, at any time thereafter in convention of the two branches, may be administered to the mayor and any member of the city council who may have been absent at the organization. The board of aldermen shall elect one of their number to preside at all meetings of the board when the mayor does not preside, who shall be called the chairman of the board of aldermen, and who shall hold office during the municipal year for which he is elected. In the absence of both the mayor and chairman of the board of aldermen, the aldermen shall elect one of their members as chairman for

Vacancy in the office of mayor.

Organization of the government.

Chairman of the board of aldermen to be elected.

Each board to keep record of its own proceedings.

the time being. In the absence of the mayor, the chairman of the board of aldermen shall preside at all conventions of the city council. Each board shall keep a record of its own proceedings, and judge of the election of its own members; but in case of the failure of an election, or in case of any vacancy declared by either board, the mayor and aldermen shall order a new election.

Mayor to be chief executive officer.

SECTION 7. The mayor shall be the chief executive officer of the city; he shall be vigilant in causing the laws and regulations of the city to be enforced; he shall exercise a general supervision over the conduct of all subordinate officers, and shall cause their neglect of duty to be punished. He may call special meetings of the boards of aldermen and common council, or either of them, when he deems it necessary, by causing written notices thereof to be left at the places of residence of the several members. He shall from time to time communicate such information and recommend such measures as in his opinion the interests of the city may require. He shall preside in the board of aldermen, and in convention of the two boards.

Mayor to nominate, subject to confirmation, etc., by aldermen.

SECTION 8. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have exclusive power of nomination, being subject however to confirmation or rejection by the board of aldermen; but if a person so nominated shall fail of confirmation it shall be the duty of the mayor to make another nomination within one month from the time of such rejection or failure to confirm.

Executive power vested in mayor and aldermen.

SECTION 9. The executive power of said city generally, and the administration of the police, with all the powers formerly vested in the selectmen of the town of Taunton, and heretofore vested in the mayor and aldermen of the city of Taunton, shall continue to be vested in and exercised by the mayor and aldermen of said city, as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full exclusive power to appoint constables, and a city marshal or chief of police and assistants, with the powers and duties of constables, and all other police officers, and to remove the same when cause exists therefor. All other powers now vested in the inhabitants of said city, and all powers granted to them by this act, shall be vested in the mayor and aldermen and common council, except so far as different provisions are herein made, to be exercised by concurrent vote, each board to have a negative upon the other. The city council shall annually, as soon as may be after organization, elect by

Election of city clerk, treasurer, etc.

joint ballot a city treasurer, collector of taxes, city clerk, city solicitor, superintendent of streets, and city physician for the ensuing year, who shall hold their respective offices until others are elected and qualified in their stead, and the city council shall, in such manner as may be determined by ordinance, appoint or elect all other subordinate officers not herein otherwise provided for, define their duties and fix the compensation of all officers and subordinate officers so far as the same are not determined by the laws of the Commonwealth. The city council may fill a vacancy existing in any such office, and may remove any of said officers for cause. The sessions of the boards aforesaid shall be public when they are not engaged in executive business. The city council shall see that no money is paid from the city treasury unless granted or appropriated; they shall secure a just and prompt accountability by requiring bonds, with sufficient penalties and sureties, from all persons intrusted with the receipt, custody or disbursement of money, and from such other officers as they may think necessary; they shall have the care and superintendence of the city buildings, and the control and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property, real and personal, in the name and for the use of the city, whenever in the judgment of the city council it may be deemed expedient. The city council shall publish annually a particular account of the receipts and expenditures of the city, and a schedule of the property and debts of the same. The city council shall also fix the annual salary of the mayor.

Vacancies and removals.

Annual statement of receipts and expenditures to be published.

SECTION 10. No alderman or common councilman shall be appointed or elected by the city council, or either branch thereof, to any office the salary of which is paid by the city.

Members of city council not to hold salaried office.

SECTION 11. The city clerk before entering upon the duties of his office shall be sworn to the faithful performance thereof. He shall be clerk of the board of aldermen, shall attend said board when the same is in session, keep a journal of the acts and proceedings of said board, sign all warrants issued by them, and do such other acts in his capacity as may lawfully and reasonably be required of him; he shall deliver all journals, records, papers and documents, and other things intrusted to him as city clerk, to his successor in office immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereto required by the board of aldermen. He shall also be clerk of the city council when in convention.

City clerk to be clerk of the board of aldermen, and clerk of the city council when in convention.

He shall perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns in this Commonwealth, or by law belonging to the city clerk of the city of Taunton, as fully as if the same were particularly enumerated. In case of the temporary absence or sickness of the city clerk, or in case of his death, the mayor and aldermen may appoint a city clerk *pro tempore*, with all the powers, duties and obligations of the city clerk, until the city clerk resumes his duties, or his successor is elected; and said officer shall be sworn in the manner provided in the case of the city clerk.

Assessors and
assistant
assessors.

SECTION 12. The persons heretofore elected by the city council as members of the board of assessors shall continue in office according to the terms heretofore established, and as soon after the first Monday in January annually hereafter as conveniently may be, the city council shall by concurrent vote elect one person, a resident of said city, to serve as a member of said board for three years from said first Monday, and until his successor is chosen and qualified. The city council may in like manner fill any vacancy in said board; may elect such assistants and provide such clerical aid as it deems necessary, and define the duties and fix the compensation of all of said officers. The assessors chosen as aforesaid shall exercise the same powers and be subject to the same duties and liabilities as town assessors under the laws of the Commonwealth. They shall be sworn to the faithful discharge of their duties. All taxes shall be apportioned and collected in the manner prescribed by the laws of this Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Overseers of the
poor.

SECTION 13. As soon after the acceptance of this act as may be convenient, the city council shall by concurrent vote choose three persons to be overseers of the poor, — one for three years, one for two years, and one for one year, from the first Monday of January preceding said election, and until others shall be elected in their stead; and thereafter in the month of January annually said city council shall in like manner choose one person who shall hold his office for the term of three years next ensuing, and until another shall be chosen and qualified in his stead. The city council may, for cause, remove any member of said board, and shall fill any vacancy therein for the unexpired term, by election in the manner herein before provided, as soon as may be after the occurrence of such

vacancy. Annually in the month of January said board shall organize by the choice from their own number of a chairman and a secretary, who shall also act as agent of said board. The city council shall fix the compensation of said overseers of the poor.

SECTION 14. There shall be a board of health consisting of the city physician and two other persons, who shall be forthwith appointed in the manner provided in sections eight and fifteen of chapter eighty of the Public Statutes; and said board shall have all the powers and privileges and be subject to all the duties and provisions relating to boards of health so appointed, set forth in said chapter, and all the power and authority now vested in the board of health of said city shall be transferred to and be vested in the board of health appointed as above provided. Board of health.

SECTION 15. The city council shall establish a fire department for said city, and shall by ordinance determine of what officers and members said department shall consist, prescribe the time and mode of their appointment and removal, define their powers, duties and periods of service, fix their compensation and make such other regulations regarding their conduct and government as they deem expedient. The engineers or other officers of the department, appointed as aforesaid, shall have all the powers and authority conferred upon fire wards by the Public Statutes. The city council of said city may by ordinance make regulations concerning the management of fires, the conduct of all persons present at the same, the removal and protection of property, the examination of any building or place where combustible materials or substances are supposed to be kept or deposited, the removal of such materials and substances, and the adoption of other suitable safeguards against fires and the loss or destruction of property by reason of the same. Said city may procure and hold such land, buildings, furniture, engines and other apparatus as may be necessary for the purposes of the fire department; and the city council may by ordinance make regulations regarding the use, control and preservation thereof. The powers and duties mentioned in the preceding sections, or any of them, may be exercised and carried into effect by the said city council in any manner in which it may prescribe, and through the agency of any persons or any board or boards to whom it may delegate the same. Suitable penalties may be affixed to the violation of the regulations made under the authority of this act, not exceeding twenty dollars for any breach thereof. Said Fire department.

Powers may be exercised in manner prescribed by the city council.

city is authorized to expend a sum not exceeding five hundred dollars annually, under the direction of the city council, for the relief of such firemen as are disabled in the service of said city, and for the relief of the families of such firemen as are killed in the performance of their duties.

Mayor and aldermen, with concurrence of common council, may lay out streets, etc.

SECTION 16. The mayor and aldermen, with the concurrent vote of the common council, may lay out, alter or discontinue streets and town ways, fix the grades thereof and estimate the damages sustained by parties thereby; but all parties aggrieved by such action shall have the same right of application and complaint to the county commissioners that they now have when dissatisfied with the action of selectmen of towns.

Drains and common sewers.

SECTION 17. The mayor and aldermen, with the concurrence of the common council, may lay drains and common sewers through streets or private lands, paying the owners such damages as they sustain thereby. They may require any person opening a drain into such common drain or sewer to pay a reasonable sum for that privilege.

Election of representatives to the general court.

SECTION 18. The mayor and aldermen shall in each year issue their warrants for calling meetings for the election of the whole number of representatives to the general court, to which the said city is by law entitled, such number to be specified in such warrants.

Election of national, state and county officers.

SECTION 19. All elections of county, state and United States officers, who are chosen by the people, shall be held at meetings of citizens qualified to vote in such elections in their respective wards at the times prescribed by law; the votes given for such officers shall be received, assorted, counted, declared and registered in open ward meetings, as is herein provided in reference to city officers. The ward clerks shall forthwith deliver to the city clerk certified copies of the records so made; and all ballots and check lists shall be sealed and transmitted to the city clerk in the manner provided by the laws of the Commonwealth. The city clerk shall forthwith record such returns; and the mayor and aldermen shall, within the time provided by law, after every such election, examine and compare all such returns, and make out a certificate of the result of such election, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which certificate shall be transmitted, delivered and returned as by law required. If the whole number of representatives to the general court are not elected, the mayor and aldermen shall issue their warrants for a new election, conformably to the constitution and laws.

SECTION 20. Lists of voters in each ward shall be prepared by the mayor and aldermen in the manner provided by the laws of the Commonwealth, and for that purpose they shall have access to the assessors' books and lists, and be entitled to the assistance of all the city officers; and said lists, so prepared, they shall deliver to the clerks of the wards, to be used at such elections, and shall cause copies thereof to be posted in three public places in each ward the length of time required by law prior to such elections; and no person shall be entitled to vote in a ward whose name is not borne on such a list: *provided*, that any person whose name shall not be borne on the list of the ward in which he is entitled to vote when it shall be placed in the hands of the clerk of said ward shall have the right to have his name entered thereon at such time thereafter as is provided in like cases by the laws of this Commonwealth.

Lists of voters.

SECTION 21. General meetings of the citizens qualified to vote may be held according to the right secured to the people by the constitution of the Commonwealth. Such meetings shall be called by the mayor and aldermen on the petition of fifty qualified voters.

General meetings of citizens.

SECTION 22. The city council shall make by-laws or ordinances, with suitable penalties, for the inspection, survey, measurement, weighing and sale of lumber, wood, coal and bark brought into or exposed in the city for sale, and all such other by-laws as towns may make and establish; but no penalty for a breach thereof shall exceed twenty dollars. Such by-laws shall be presented to the mayor for his approval; if he approve, he shall sign them; if not, he shall return them to either branch of the city council, with his objections; if they are again passed by two-thirds of the members of each board present and voting thereon, the same shall become a law, otherwise not. All fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

Inspection of lumber, bark, etc.

SECTION 23. All fines, forfeitures and penalties accruing for the breach of any by-law of said city, or of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered before the first district court of Bristol in the manner in which fines, forfeitures and penalties have heretofore been by law prosecuted for and recovered; reserving however to the party prosecuted the right of appeal to the superior court. If any person refuses to pay such a fine imposed upon him, or refuses to recognize with sureties to

Fines and forfeitures may be prosecuted for, before the first district court of Bristol.

prosecute his appeal, the same proceedings shall be had as in any criminal prosecution.

Void, unless accepted within three months.

SECTION 24. This act shall be void unless accepted by the city council of Taunton within three months from its passage.

Approved May 11, 1882.

Chap. 212 AN ACT TO ESTABLISH AN AGRICULTURAL EXPERIMENT STATION.

Be it enacted, etc., as follows :

Experiment station established.

SECTION 1. An agricultural experiment station shall be established and maintained at the Massachusetts agricultural college in the town of Amherst.

Management vested in board of control.

SECTION 2. The management of said station shall be vested in a board of control of seven persons of which board the governor shall be president *ex officio*, and of which two members shall be elected from the state board of agriculture, by said board of agriculture ; two from the trustees of the Massachusetts agricultural college, by said trustees ; one from the Massachusetts society for promoting agriculture, by said society ; and the remaining member shall be the president of the Massachusetts agricultural college. The said board shall choose a secretary and treasurer.

Board to make report to the legislature.

SECTION 3. The said board of control shall hold an annual meeting in the month of January, at which time it shall make to the legislature a detailed report of all moneys expended by its order, and of the results of the experiments and investigations conducted at said station, with the name of each experimenter attached to the report of his own work, which detailed report shall be printed in the annual report of the secretary of the state board of agriculture.

Two members of board to retire each year.

SECTION 4. The said board of control shall at its first meeting arrange for the retiring of two members each year, and the successors of such retiring members shall be elected by the bodies respectively which such retiring members represent : *provided*, that in the years in which under such arrangement the president of the Massachusetts agricultural college would be retired, the said president shall remain and one member only shall be retired.

Board to appoint officers, and provide apparatus for experiments.

SECTION 5. The said board of control shall appoint a director, a chemist, and all necessary assistants, and shall provide suitable and necessary apparatus and appliances for the purpose of conducting experiments and investigations in the following subjects : — *First*, The causes, prevention and remedies of the diseases of domestic animals, plants and trees ; *Second*, The history and habits of insects destructive to vegetation, and the means of abating them ;