

treasurer of the district and shall give to the district a bond, with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his duties as treasurer of the district in such sum and upon such conditions as said commissioner may require. The district treasurer shall disburse the money received under the provisions hereof upon warrants approved by the chief moth superintendent, or such other person as is designated in writing by the commissioner.

Persons engaged in such work shall be employees of the cities and towns in the district where they are domiciled and not employees of the district, and shall retain all their retirement and civil service rights, if any.

In the performance of any work authorized hereunder the employees of the cities and towns comprising the district shall have the same immunities and privileges as if performing the same within their respective cities and towns.

Any constituent city or town by vote may withdraw from the district at the end of any fiscal year of such city or town if such withdrawal is voted in the manner aforesaid not less than thirty days prior to the end of such fiscal year and notice of such vote is filed with the other municipalities comprising the district.

The director of accounts in the department of corporations and taxation shall cause an audit to be made annually of the accounts of all districts organized under the authority of this section and for such purpose he, and his duly accredited agents, shall have access to all necessary papers, books and records. Said director shall apportion the cost of each audit among the several municipalities comprising the district on the basis of the taxable valuation of said municipalities as last established by the general court for state and county taxes, and submit the amounts of each apportionment to the state treasurer, who shall issue his warrant requiring the assessors of the cities and towns which comprise the district to assess a tax to the amount so apportioned, and such amount shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine.

*Approved April 12, 1949.*

*Chap. 175* AN ACT AUTHORIZING THE CITY OF GLOUCESTER TO USE FOR PUBLIC SCHOOL PURPOSES A CERTAIN PORTION OF THE MAXWELL PARSONS PLAYGROUND, SO CALLED, IN SAID CITY.

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

SECTION 1. The city of Gloucester is hereby authorized to use for public school purposes the portion, hereinafter described, of the Maxwell Parsons playground, so called, in said city and to place same under the jurisdiction of the school committee thereof, instead of said portion of said playground being used for public playground purposes and being under the jurisdiction of the playground commission

of said city; said portion of said playground being as follows: —

A certain parcel of land in that part of Gloucester called East Gloucester and situated easterly one hundred feet from the easterly side line of Davis Street Extension, said street running northerly from Chapel street, and bounded and described as follows: — Beginning at a point at the southwesterly corner of the Maxwell Parsons playground, said point being situated one hundred feet easterly of the easterly side line of said Davis Street Extension and on the northerly side line of Division street, and thence running northeasterly by the land of the city of Gloucester, land now or formerly of Caswell and land of the city of Gloucester, three hundred twelve feet, to a point in the wall at land of Elizabeth Carroll Scott et ali; thence northeasterly by said land of Scott et ali by the wall, sixty-two feet, more or less, to a point at other land of the city of Gloucester, being the Maxwell Parsons playground; thence southwesterly by said land of said playground, three hundred thirty feet, more or less, to a point on the northerly side line of Division street; thence northwesterly by the northerly side line of said Division street, sixty feet, to the point of beginning.

SECTION 2. This act shall take full effect upon its acceptance during the current year by vote of the playground commission and the municipal council of said city, subject to the provisions of its charter, but not otherwise.

*Approved April 12, 1949.*

AN ACT PROVIDING FOR THE RECOVERY OF SALARY OR WAGES BY PETITIONERS IN CERTAIN MANDAMUS PROCEEDINGS.

*Chap. 176*

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

Section 5 of chapter 249 of the General Laws, as most recently amended by section 2 of chapter 374 of the acts of 1943, is hereby further amended by inserting after the word "damages", in line 19, the words: —, including any salary or wages to which the petitioner may be entitled, — so as to read as follows: — *Section 5.* A petition for a writ of mandamus may be presented to a justice of the supreme judicial court, and he may, after notice, hear and determine the same. Upon the return of the order of notice, the person required to appear shall file an answer showing cause why the writ should not issue, and the petitioner may demur thereto. Unless a demurrer is filed any affirmative allegation contained in the answer shall be considered to be denied by the petitioner without a replication, unless the court, upon motion by the respondent, requires him to reply thereto, and to state what part, if any, he admits or denies. The court may require a third person who has or claims a right or interest in the subject matter to appear and answer and to stand as the real party. If the respondent is the holder

G. L. (Ter. Ed.), 249, § 5, etc., amended.

Mandamus proceedings in the supreme judicial court for the recovery of wages.