

the person so confined is not insane, he shall be discharged from such confinement.

Agent of board of state charities to investigate case, upon complaint of person confined in hospital.

SECTION 6. Upon complaint of any person confined in any lunatic hospital or other place for the treatment or custody of insane persons, public or private, or of any other person in his behalf, to the general agent of the board of state charities that such person ought not longer to be so confined, the agent shall have power to investigate the case, make report thereof to said board, and if they so direct, shall make application for the discharge of the person so confined to a judge of the supreme judicial court, as provided in section three of this act; and the proceedings upon such application shall be as ordered in section four and five of this act. And any district attorney, upon request of the agent, shall aid him and conduct the proceedings in his behalf.

Repeal.

SECTION 7. Section twenty-nine of chapter seventy-three of the General Statutes, sections fourteen and fifteen of chapter two hundred and twenty-three of the acts of the year eighteen hundred and sixty-two, and sections one, two, three, four and five of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and sixty-four are hereby repealed.

Approved May 23, 1871.

Chap. 322

AN ACT IN ADDITION TO "AN ACT RESPECTING THE SALE AND INVESTMENT OF ESTATES ENCUMBERED BY CONTINGENT REMAINDERS, EXECUTORY DEVISES OR POWERS OF APPOINTMENT."

Be it enacted, &c., as follows :

S. J. C. may appoint trustees of estate encumbered by contingent remainder, &c., and authorize him to mortgage estate.

SECTION 1. Whenever any real estate is encumbered by any contingent remainder, executory devise or power of appointment, the supreme judicial court may, upon petition of any party who has an estate in possession in such real estate, appoint a trustee for such estate, and authorize said trustee to mortgage the estate for such amounts, on such terms and conditions, and for such purposes as may seem to such court judicious or expedient, and shall fix the form and amount of the bond to be given by such trustee.

Notice to be given to all parties in interest.

SECTION 2. Notice of the proceedings shall be given to all persons who are or may become interested in the real estate, and to all persons whose issue, not in being, may become interested therein, as the court may order. The court shall, in all such cases, appoint a suitable person to appear and act in such proceedings as the next friend of all minors, persons not ascertained or persons not in being, who may be or may become interested in such real estate, the cost of whose appearance and services, including compensation of counsel, to be determined by the court, shall be paid as the

Next friend of minor, &c., to be appointed.

court may order, either out of the proceeds of the real estate or by the petitioners, in which latter case execution may issue in the name of such next friend. An order or decree made in any such proceedings, and a mortgage of real estate thereunder, shall be binding and conclusive.

SECTION 3. The probate court for the county in which any such encumbered estate may be situated, shall have concurrent jurisdiction with the supreme judicial court in all cases arising under this act.

Probate court to have concurrent jurisdiction.

SECTION 4. This act shall take effect upon its passage.

Approved May 23, 1871.

AN ACT TO INCORPORATE THE WOMEN'S ECONOMICAL GARDEN
HOMESTEAD LEAGUE.

Chap. 323

Be it enacted, &c., as follows :

SECTION 1. Aurora H. C. Phelps, Harriot R. Hunt, Elmira E. Gibson, their associates and successors, are hereby made a corporation under the name of the Women's Economical Garden Homestead League, to be located in the city of Boston, for the purpose of managing, adding to and administering the funds belonging to said corporation, for the benefit of working women and minors, by securing to them a liberal industrial education, and for the establishment of industrial homestead settlements in or near the several cities and towns.

Corporators.

SECTION 2. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to corporations for charitable, educational or religious purposes.

Powers and duties.

SECTION 3. Said corporation may invest any of the funds belonging thereto, in the stock of any coöperative association duly organized under the provisions of chapter two hundred and ninety of the acts of the year eighteen hundred and sixty-six, or of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy; and said subscription may be to the extent of five thousand dollars in any one association.

Investment of funds.

SECTION 4. Said corporation may hold by gift, grant and purchase, real or personal estate not exceeding in value the sum of one hundred thousand dollars, but no liability shall be incurred until property of the value of five thousand dollars shall have been acquired, or cash to that amount shall have actually been paid in, for the use of the league.

Real and personal estate.

SECTION 5. This act shall take effect upon its passage.

Approved May 23, 1871.