

Chap. 421. AN ACT PROVIDING THAT THE TENEMENT HOUSE ACT SHALL NOT APPLY TO THE TOWN OF STONEHAM.

Be it enacted, etc., as follows:

The provisions of chapter one hundred and forty-five of the General Laws, relative to tenement houses in towns, shall not apply in the town of Stoneham notwithstanding the acceptance of chapter six hundred and thirty-five of the acts of nineteen hundred and twelve by said town.

Approved June 21, 1971.

Chap. 422. AN ACT PLACING THE OFFICES OF TOWN HALL CUSTODIAN AND ASSISTANT TOWN HALL CUSTODIAN IN THE TOWN OF STONEHAM UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

The offices of town hall custodian and assistant town hall custodian in the town of Stoneham shall, upon the effective date of this act, be subject to the civil service law and rules; provided, however, that the incumbents of said offices on said effective date shall be subjected to a noncompetitive qualifying examination for said office by the division of civil service. If said incumbents pass said examination, they shall be certified for said office and shall be deemed to be permanently appointed thereto without serving any probationary period, and their tenure of office shall be unlimited, subject, however, to the provisions of said law. If one or both fails to pass said examination, they may continue to serve in said office, but shall not be subject to said civil service law and rules.

Approved June 21, 1971.

Chap. 423. AN ACT REVISING THE STATUTORY FORMS OF CERTAIN INSTRUMENTS BY OMITTING ANY REFERENCE TO DOWER, CURTESY AND HOMESTEAD.

Be it enacted, etc., as follows:

SECTION 1. The Appendix in chapter 183 of the General Laws is hereby amended by striking out forms (1), (2), (4), (5) and (6), as appearing in the Tercentenary Edition, and inserting in place thereof the following five forms:—

(1) *Warranty Deed.*

of _____ County, _____ for consideration
of _____ dollars paid, grant to _____ of _____ with warranty
covenants _____ the land in _____
_____ (description and encumbrances, if any)
Witness _____ hand and seal this _____ day of _____
(Here add acknowledgment.) (Seal.)

(2) *Quitclaim Deed.*

of _____, County, _____ for consideration
of _____ dollars paid, grant to _____ of _____ with
quitclaim covenants _____ the land in _____
(description and encumbrances, if any)
Witness _____ hand and seal this _____ day of _____
(Here add acknowledgment.) (Seal.)

(4) *Release.*

of _____ County, _____ for consideration
of _____ dollars paid, release to _____ of _____ the land
in _____
(description)
Witness _____ hand and seal this _____ day of _____
(Here add acknowledgment.) (Seal.)

(5) *Mortgage Deed.*

of _____, County, _____ for consideration paid, grant
to _____ of _____ with mortgage covenants, to secure the payment
of _____ dollars in _____ years with _____ per cent
interest per annum, payable semiannually, as provided in
note of _____ even date, the land in _____
(description and encumbrances, if any)
This mortgage is upon the statutory condition, for any breach of which
the mortgagee shall have the statutory power of sale.
Witness _____ hand and seal this _____ day of _____
(Here add acknowledgment.) (Seal.)

(6) *Co-operative Bank Mortgage.*

of _____, County, Massachusetts _____ for
consideration paid, grant to _____ Co-operative Bank, situated in
_____ County, Massachusetts, with mortgage covenants,
to secure the payment of _____ dollars, and interest and fines
as provided in _____ note of even date, the land in (description and
encumbrances, if any).
_____ hereby transfer and pledge to said
mortgagee _____ shares in the _____ series of its capital stock as

collateral security for the performance of the conditions of this mortgage, and said note upon which shares said sum of dollars has been advanced to by the mortgagee. The monthly payments under this mortgage are dollars. In the event of an assignment of this mortgage, interest on the unpaid balance of the principal shall be at the rate of per cent per annum.

This mortgage is upon the statutory co-operative bank mortgage condition, for any breach of which the mortgagee shall have the statutory co-operative bank power of sale.

Witness hand and seal this day of

(Here add acknowledgment.)

(Seal.)

SECTION 2. Section 26 of chapter 185 of the General Laws, as so appearing, is hereby amended by striking out, in lines 18 to 22, inclusive, the words “; nor shall a married woman petition without the written consent of her husband, unless she holds the land as her separate property or has a power to appoint the land in fee simple, or is living apart from her husband for a justifiable cause which has been established by a decree of court”.

SECTION 3. Section 28 of said chapter 185, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:—It shall contain a description of the land.

SECTION 4. Section 47 of said chapter 185, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:—If the owner is under disability it shall relate the nature thereof, and if a minor shall state his age.

SECTION 5. Section 61 of said chapter 185, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:—Every deed or other voluntary instrument presented for registration shall contain or have endorsed upon it the full name, residence and post office address of the grantee or other person acquiring or claiming an interest under such instrument.

SECTION 6. Chapter 188 of the General Laws is hereby amended by striking out section 7, as so appearing, and inserting in place thereof the following section:—

Section 7. No conveyance of property in which an estate of homestead exists, and no release or waiver of such estate, shall convey the part so held and exempted, or defeat the right of the owner or of his wife and children to a homestead therein, unless such conveyance is by a deed signed by the wife, she being competent so to act, or unless such right is released as provided in chapter two hundred and nine; but a deed duly executed without such signature or release shall be valid to pass, according to its terms, any title or interest in the property beyond the estate of homestead.

SECTION 7. Section seven A of said chapter one hundred and eighty-eight is hereby repealed.

SECTION 8. Sections one A and two of chapter one hundred and eighty-nine of the General Laws are hereby repealed.

SECTION 9. Said chapter 189 is hereby further amended by striking out section 3, as appearing in section 1 of chapter 91 of the acts of 1936, and inserting in place thereof the following section:—

Section 3. A widow shall not be entitled to dower, nor a widower to curtesy, in wild land, except woodlots or other land used with the farm or dwelling house of the deceased spouse.

SECTION 10. Said chapter 189 is hereby amended by striking out section 4, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:—

Section 4. If the heir or other person who claims under a husband redeems the land in which his widow has dower from a mortgage which was in force at his death, the widow shall either repay such part of the money which was paid by the person so redeeming as shall be equal to the proportion which her interest in the land mortgaged bears to the whole value thereof or, at her election, she shall be entitled to dower according to the value of the estate after deducting the money paid for redemption.

SECTION 11. Section five of said chapter one hundred and eighty-nine is hereby repealed.

SECTION 12. Section 26 of chapter 201 of the General Laws, as appearing in section 11 of chapter 314 of the acts of 1956, is hereby further amended by striking out, in line 3, the words "of dower or".

SECTION 13. Section 44 of said chapter 201, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 3, the words "dower or curtesy".

SECTION 14. Section 1 of chapter 209 of the General Laws, as so appearing, is hereby amended by striking out the second sentence.

SECTION 15. Section 14 of said chapter 209, as so appearing, is hereby amended by striking out, in line 3, the words "dower and".

SECTION 16. Section 16 of said chapter 209, as so appearing, is hereby amended by striking out, in line 1, the words "dower or".

SECTION 17. Said chapter 209 is hereby further amended by striking out section 18, as so appearing, and inserting in place thereof the following section:—

Section 18. The husband of an insane person desiring to convey his real estate absolutely or by mortgage may file a petition in the probate court describing such real estate and praying that homestead therein may be released and stating the facts and reasons why the prayer of the petition should be granted. The court may, after notice and a hearing, by a decree authorize the guardian of the insane person to make the release by joining in any deed or deeds, mortgage or mortgages of the whole or a part of said real estate which is or are made within five years after said decree by the husband of the insane person or by a trustee for such husband.

SECTION 18. Sections nineteen, twenty, twenty-two and twenty-three of said chapter two hundred and nine are hereby repealed.

SECTION 19. Said chapter 209 is hereby further amended by striking out section 24, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:—

Section 24. Proceedings under sections eighteen and twenty-one shall, if the husband of such insane person is an inhabitant of this

commonwealth, be in the county where he resides; otherwise in a county where any of his real estate is situated; and a certified copy of all final orders or decrees in such proceedings shall be recorded in the registry of deeds in every county or district where such real estate lies.

SECTION 20. Section fifty-five of chapter two hundred and thirty-six of the General Laws is hereby repealed.

SECTION 21. Section 13 of chapter 244 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 5 and 6, the words “, including a person having a right or possibility of curtesy or dower,”.

SECTION 22. Section sixteen of said chapter two hundred and forty-four is hereby repealed.

Approved June 21, 1971.

Chap. 424. AN ACT AUTHORIZING THE TOWN OF WILMINGTON TO APPOINT A CERTAIN PERSON AS A PERMANENT INTERMITTENT MEMBER OF THE POLICE DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

Notwithstanding any law or rule to the contrary regulating the maximum age of police officers, Emery G. Swindell, Jr. may be appointed as a permanent intermittent police officer in the town of Wilmington provided he meets all other requirements for certification and appointment to such position, and provided further that there is no person on the eligible list willing to accept appointment as a permanent intermittent police officer in the police department of said town on the effective date of this act.

Approved June 21, 1971.

Chap. 425. AN ACT CLASSIFYING THE INCUMBENT OF THE POSITION OF ADMINISTRATIVE SECRETARY TO THE MAYOR OF THE CITY OF CHICOPEE UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The incumbent of the position of administrative secretary to the mayor of the city of Chicopee shall, upon the effective date of this act, be subject to the civil service law and rules, provided, however, that said incumbent shall be subjected to a noncompetitive qualifying examination for said office by the division of civil service. If said incumbent passes said examination, she shall be certified for said position and shall be deemed to be permanently appointed thereto without serving any probationary period, and her tenure of office shall be unlimited, subject, however, to the provisions of said law. If she fails to pass said examination, she may continue to serve in her said position but shall not be subject to said civil service law and rules.

SECTION 2. This act shall take effect upon its acceptance by the city of Chicopee.

Approved June 21, 1971.