

into effect the objects for which said company was organized.

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

*Approved May 29, 1888.*

*Chap.*428 AN ACT AUTHORIZING THE GAS COMMISSIONERS TO LICENSE CERTAIN GAS COMPANIES TO MAKE AND SELL WATER GAS FOR ILLUMINATING PURPOSES.

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

Gas commissioners may license gas company now authorized to make gas for illuminating purposes to make and sell water gas.

SECTION 1. The board of gas commissioners is hereby authorized to license any gas company now authorized to make gas for illuminating purposes to make and sell water gas for illuminating purposes containing any percentage of carbonic oxide that said board may determine : *provided*, that such board shall be of opinion and certify in any license granted by them that in their opinion the gas so authorized can be used with safety for such purposes, and after receiving such license said company shall be exempt from any penalty or prohibition provided in section fourteen of chapter sixty-one of the Public Statutes relating to carbonic oxide, provided the percentage of carbonic oxide shall not exceed the limit allowed by said board.

Proviso.

If water gas contains more than ten per cent. of carbonic oxide, statement of percentage to be furnished to consumer.

SECTION 2. Any company who shall under the provisions of the first section of this act be licensed to make and sell water gas for illuminating purposes containing an excess of ten per cent. of carbonic oxide, shall furnish to every actual consumer a copy of the gas commissioners' license which shall contain a statement of the percentage of carbonic oxide such gas contains as near as the same can be ascertained. And no company so licensed shall charge more for water gas in any locality than is charged in that locality by any company furnishing gas therein when the manufacture and sale of such water gas is so licensed.

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

*Approved May 29, 1888.*

*Chap.*429 AN ACT RELATING TO FRATERNAL BENEFICIARY ORGANIZATIONS.

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

Fraternal beneficiary corporations may be formed.

SECTION 1. Seven or more persons, residents of this Commonwealth, may form a fraternal beneficiary corporation for the purposes hereinafter provided.

SECTION 2. The agreement shall state that the subscribers thereto associate themselves with the intention of forming a corporation, the name of the corporation, the purpose for which it is formed, and the town or city, which shall be in this Commonwealth, in which it is located. The name shall be one not previously in use by an existing corporation, nor so similar as to be liable to be mistaken therefor; it shall indicate that it is a corporation or company, and may be changed only by act of the general court.

Agreement to state name of corporation, purpose and city, etc., in the Commonwealth where located.

SECTION 3. The first meeting of the associates shall be called by a notice signed by one or more of the subscribers to such agreement, stating the time, place and purpose of the meeting; a copy of which notice shall, seven days at least before the day appointed for the meeting, be given to each subscriber, or left at his usual place of business or place of residence, or deposited in the post office, post paid, and addressed to him at his usual place of business or residence. And whoever gives such notice shall make affidavit of his doings, which shall be recorded in the records of the corporation.

First meeting.

SECTION 4. At such first meeting, including any necessary or reasonable adjournment, an organization shall be effected by the choice by ballot of a temporary clerk, who shall be sworn, and by the adoption of by-laws and the election of directors, treasurer and clerk by ballot, and such other officers as the by-laws may provide; but at such first meeting no person shall be eligible as a director who has not subscribed the agreement of association. The temporary clerk shall make and attest a record of the proceedings until the clerk has been chosen and sworn, including a record of such choice and qualification.

Organization by election of officers, adoption of by-laws, etc.

SECTION 5. The corporation may prescribe by its by-laws the manner in which and the officers and agents by whom the purposes of its corporation may be carried out, and instead of the directors and other officers named in section four, it may have trustees or managers and financial and recording officers with similar powers and duties.

By-laws to prescribe manner in which, and the officers, etc., by whom purposes may be carried out.

SECTION 6. Officers chosen as required in section four shall hold office until the next succeeding meeting of the corporation for the election of officers, the date for which, within two years of the time of organization, shall be prescribed by the by-laws, at which, and thereafter at least biennially, the before mentioned officers shall be

Tenure of office.

chosen and shall hold office until their successors are elected and qualified.

Copy of agreement and declaration of purpose, etc., to be sworn to and submitted to the insurance commissioner.

SECTION 7. The presiding officer, treasurer, and a majority of the directors, or other officers, shall forthwith make, sign and swear to a certificate setting forth a true copy of the agreement and declaration of purpose of the association, with the names of the subscribers thereto, the date of the first meeting, and the successive adjournments thereof, if any, and shall submit such certificate and the records of the corporation to the insurance commissioner, who shall make such examination and require such evidence as he deems necessary; and if it appears that the purposes and proceedings of the corporation conform to law, he shall certify his approval thereof, and the certificate shall then be filed by said officers in the office of the secretary of the Commonwealth, who, upon payment of a fee of five dollars, shall cause the same, with the endorsements, to be recorded, and shall thereupon issue a certificate in the following form: —

Fee of five dollars to be paid.

Form of certificate to be issued by the secretary of the Commonwealth.

#### COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas [here the names of the subscribers to the agreement of association shall be inserted] have associated themselves with the intention of forming a corporation under the name of [here the name of the corporation shall be inserted], for the purpose [here the purpose declared in the agreement of association shall be inserted], and have complied with the provisions of the statutes of this Commonwealth in such case made and provided, as appears from the certificate of the officers of said corporation, duly approved by the insurance commissioner and recorded in this office: now, therefore, I [here the name of the secretary shall be inserted], secretary of the Commonwealth of Massachusetts, do hereby certify that said [here the names of the subscribers to the agreement of association shall be inserted], their associates and successors, are legally organized and established as and are hereby made an existing corporation under the name of [here the name of the corporation shall be inserted], with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto. Witness my official signature hereunto subscribed, and the seal of the Commonwealth of Massachu-

setts hereunto affixed, this                      day of                      in  
the year                      . [In these blanks the day, month  
and year of execution of the certificate shall be inserted.]

The secretary shall sign the same and cause the seal of  
the Commonwealth to be thereto affixed, and such certifi-  
cate shall be conclusive evidence of the existence of such  
corporation at the date of such certificate. He shall also  
cause a record of such certificate to be made, and a certi-  
fied copy of such record may be given in evidence with  
like effect as the original certificate.

Such certificate  
to be recorded.

SECTION 8. Any corporation duly organized as afore-  
said, and which does not employ paid agents in soliciting or  
procuring business, other than in the preliminary organi-  
zation of local branches, and which conducts its business  
as a fraternal society on the lodge system, or limits its  
certificate holders to a particular order, class or fraternity,  
or to the employces of a particular town or city, desig-  
nated firm, business house or corporation, may provide in  
its by-laws for the payment, from time to time, of a fixed  
sum by each member, and from this income may make  
weekly or other payments to any member during a period  
of disability of such member, or pay a benefit to the  
member or his family at the end of such period of time  
as shall be fixed by said by-laws and written in the ben-  
efit certificate issued to said member: *provided*, that the  
sum paid as sick benefits to a member may be deducted  
from the total amount to become due at the maturity of  
the certificate. Such corporation may also provide in its  
by-laws for the payment, from time to time, of a fixed  
sum by each member to be paid to the beneficiaries of  
deceased members, in such amount and manner as shall  
be fixed by said by-laws and written in the benefit certi-  
ficate issued to said member, and payable to the husband,  
wife, children, relatives of, or persons dependent upon  
such member; but no contract under this act shall be  
valid or legal which shall be conditioned upon an agree-  
ment or understanding that the beneficiary shall pay the  
dues and assessments, or either of them, for said mem-  
ber.

Payment of  
sick benefits.

Proviso.

Payment to  
beneficiaries of  
deceased  
members.

SECTION 9. Any such corporation may hold at any one  
time, as a death fund belonging to the beneficiaries of  
anticipated deceased members, an amount not exceeding  
one assessment from a general or unlimited membership,  
or an amount not exceeding in the aggregate one assess-

May hold  
death fund.



ment from each limited class or division of its members: *provided*, that nothing in this section shall be held to restrict such fund to less than twenty-five thousand dollars; and provided that corporations which pay benefits to members or their families at the end of fixed periods of time may hold, as a reserve fund, an amount not exceeding twenty per cent. of the amount received on assessments. Such fund while held in trust shall be invested in securities in which insurance companies are allowed by law to invest their capital, or deposited in safe banking institutions subject to sight drafts for distribution to the beneficiaries aforesaid.

Proviso.

Investment of fund.

Not to re-insure, etc., with organization not authorized to do business in this state.

SECTION 10. No such corporation shall re-insure with or transfer its membership certificates or funds to any organization not authorized to do business in this Commonwealth.

Existing associations under laws of another state, etc., may continue, etc.

SECTION 11. Fraternal beneficiary corporations, associations or societies organized under the laws of another state, now transacting in this Commonwealth business as herein defined, and which now report or which shall report when requested to the insurance department, may continue such business without incorporating under this act, by conforming in other respects to the foregoing provisions and to the requirements of section thirteen of this act.

To report] annually to insurance commissioner the location of office, names of officers, etc.

SECTION 12. Every corporation doing business under the foregoing provisions shall annually, on or before the first day of March in each year, report to the insurance commissioner the location of its principal office in this Commonwealth, and the names and addresses of its president, secretary and treasurer, or other officers answering thereto, and shall make such further statements of its membership and financial transactions for the year ending on the preceding thirty-first day of December, with other information relating thereto, as said commissioner may deem necessary to a proper exhibit of its business and standing; and the commissioner may at other times require any further statement he may deem necessary to be made relating to any such corporation.

Other statements may be required by commissioner.

Foreign corporation to appoint insurance commissioner its attorney upon whom process may be served.

SECTION 13. Every foreign corporation shall, before doing business in this Commonwealth, appoint in writing the insurance commissioner or his successor in office to be its true and lawful attorney, upon whom all lawful processes in any action or proceeding against it may be

served; and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served on the corporation, and that the authority shall continue in force so long as any liability remains outstanding against the corporation in this Commonwealth. A copy of the writing, duly certified and authenticated, shall be filed in the office of the commissioner, and copies certified by him shall be deemed sufficient evidence thereof. Service upon such attorney shall be deemed sufficient service upon the principal. When legal process against any such corporation is served upon the commissioner, he shall immediately notify the corporation of such service by letter prepaid and directed to its secretary, or, in the case of a corporation of a foreign country, to the resident manager, if any, in this country; and shall, within two days after such service, forward in the same manner a copy of the process served on him to such secretary or manager, or to any person previously designated by the corporation in writing. The plaintiff in each process so served shall pay to the commissioner at the time of such service a fee of two dollars, which shall be recovered by him as part of the taxable costs if he prevails in the suit. The commissioner shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

Corporation to be notified by commissioner when process has been served.

Plaintiff to pay fee to commissioner when service is made.

SECTION 14. Any person who shall solicit membership for, or in any manner assist in procuring membership in any corporation or organization not authorized to do business in this Commonwealth shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section eighteen of this act.

Membership not to be solicited, unless authorized, under penalty.

SECTION 15. The money or other benefit, charity, relief or aid to be paid, provided or rendered by any corporation authorized to do business under this act, shall not be liable to attachment by trustee or other process, and shall not be seized, taken, appropriated or applied by any legal or equitable process, nor by operation of law, to pay any debt or liability of a certificate holder, or any beneficiary named therein.

Benefit, etc., not liable to attachment.

SECTION 16. Any solicitor, agent or examining physician, who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of

Penalty on agent, solicitor or examining physician wilfully making false statement, etc.

obtaining any money or benefit, in any corporation transacting business under this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the discretion of the court; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury.

Existing corporations may re-incorporate under this act.

Proviso.

SECTION 17. Any fraternal beneficiary corporation existing under the laws of this Commonwealth and now engaged in transacting business as herein defined, may re-incorporate under the provisions of this act: *provided*, that nothing in this act contained shall be construed as requiring or making it obligatory upon any such corporation to re-incorporate, and any such corporation may continue to exercise all rights, powers and privileges conferred by this act or its articles of incorporation not inconsistent herewith, and shall be subject to the requirements and penalties of this act the same as if re-incorporated hereunder. No charter granted under the provisions of this act shall continue valid after one year from its date unless the organization has been completed and business begun thereunder.

Penalty on corporation, agent or officer for neglecting to comply, etc.

SECTION 18. Any such corporation, association or society transacting business in this Commonwealth, and any agent or officer of such corporation, association or society, neglecting to comply with, or violating any provision of this act shall be punished by fine of not less than fifty nor more than two hundred dollars.

Provisions of 1887, 214, not to apply.

SECTION 19. The provisions of chapter two hundred and fourteen of the acts of the year eighteen hundred and eighty-seven, shall not apply to corporations organized under or transacting business in conformity to this act.

Provisions as are the same as of existing laws are to be construed as a continuation.

SECTION 20. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability incurred, or any right

accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted to enforce any right or penalty or punish any offence under the authority of the repealed laws; and any person who at the time when said repeal takes effect holds office under any of the laws repealed, shall continue to hold such office according to the tenure thereof, unless such office is abolished or a different provision is herein made.

SECTION 21. Sections eight, nine, ten, eleven and twelve of chapter one hundred and fifteen of the Public Statutes, and section one of chapter one hundred and ninety-five of the acts of the year one thousand eight hundred and eighty-two are hereby repealed. Repeal.

SECTION 22. This act shall take effect upon its passage.

*Approved May 29, 1888.*

AN ACT TO AMEND THE CERTIFICATE OF INCORPORATION OF THE ORDER OF THE IRON HALL.

*Chap. 430*

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

SECTION 1. The certificate of incorporation of the Order of the Iron Hall, dated the sixteenth day of January eighteen hundred and eighty-two, is hereby amended so that the purpose therein expressed shall read as follows:— For the purpose of benevolence and charity, and to unite in bonds of union, protection and forbearance all acceptable persons of good character, steady habits, sound bodily health and reputable calling who believe in a supreme intelligent being, the creator and preserver of the universe; to improve the condition of its membership morally, socially and materially, by instructive lessons, judicious counsel and timely aid, by encouragement in business and by assistance to obtain employment when in need; to establish a relief fund of personal property from which members of the said order who have complied with all its rules and regulations, or the legal heirs of such members, may receive benefits in a sum not exceeding one thousand dollars, which shall be paid in such sums, and at such times as may be provided by the laws governing such payments, or in the certificate of membership and when all the conditions regulating such payment have been complied with. Certificate of incorporation amended.

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

*Approved May 29, 1888.*