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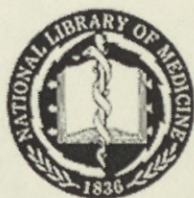
BY-LAWS
OF THE
TOWN OF MELROSE.

ADOPTED BY THE TOWN AT
MEETING, HELD MARCH 26, 1888.

APPROVED BY THE SUPERIOR COURT FOR THE COUNTY OF MIDDLESEX,
APRIL 19, 1888.

MELROSE:
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AMENDMENTS AND ALTERATIONS
IN THE
BY-LAWS OF THE TOWN OF MELROSE.

SECTIONS AS ALTERED AND AMENDED.

APRIL 25, 1889.

ARTICLE VII.

IN RELATION TO PREVENTION OF FIRES.

SECT. 1 Any person intending to erect any dwelling house,* stable, shop, store, or other building in the town of Melrose shall, before proceeding to erect the same or lay the foundations thereof, give notice in writing to the Board of Selectmen of such intention, and of the character and location of the proposed building.

SECT. 5. Hearths of fireplaces or grates shall be laid upon brick or other trimmer arches, or upon bars of iron supporting a bed of brick-work, and iron lintels shall be used instead of wood.

MARCH 12, 1890.

ARTICLE VIII.

IN RELATION TO PUBLIC HEALTH.

SECT. 2. No person shall keep any swine within a distance of fifty feet of any public way or place, or within a distance of one hundred feet of any dwelling house not his own, or within a distance of twenty-five feet of his own dwelling house, without a permit from the Board of Health previously obtained.

MARCH 24, 1890.

ARTICLE II.

IN RELATION TO TOWN AFFAIRS.

SECT. 4. No money shall be paid from the treasury except the State and county taxes, and notes and interest thereon, except upon the presentation of a proper voucher, which shall require the approval of a majority of the Selectmen; after such approval, it shall be the duty of the Town Clerk to draw a warrant upon the Treasurer for the required amount or amounts, and the bills or vouchers shall be delivered to the Treasurer, after payment of which he shall return them to the Town Clerk and receive the warrant before mentioned. And the said warrants so drawn upon the Treasurer shall, upon presentation to the Auditors, be considered his sufficient vouchers for the amounts which they severally represent.

SECT. 11. Regular and stated meetings of the different boards of Town Officers shall be held on the first and third Tuesdays of each month. All bills and pay-rolls shall be approved by a majority of the board contracting the same, and immediately thereafter shall be presented to the Board of Selectmen for final approval. Itemized bills shall at all times be required.

BY-LAWS
OF THE
TOWN OF MELROSE.

COMMONWEALTH OF MASSACHUSETTS,

MIDDLESEX, S S.

AT THE SUPERIOR COURT, WITHIN AND FOR THE COUNTY OF MIDDLESEX, ANNO DOMINI, 1888.

The following By-Laws of the Town of Melrose, in said County, are presented to this Court for approval, to wit:—

ARTICLE I.

SECTION 1. The Annual Town Meeting shall be on the first Monday of March, in each year, and all reports of Town Officers shall be made at that time.

SECT. 2. Notice of the annual Town Meeting shall be given by posting an attested copy of the Warrant at the Town Hall, each of the Post-Offices and Depots in the town not less than seven days before the day appointed for said meeting, and by leaving printed copies of the Warrant at the dwellings of the legal voters before the day of meeting.

SECT. 3. At the Annual Meeting, after the choice of Moderator, the polls shall remain open at least three hours, after which a vote may be passed to close them in not less than ten minutes. At any election after the balloting has begun, no vote fixing the time for closing the polls shall be reconsidered, except for the purpose of extending such time.

SECT. 4. When a question is under debate, motions shall be received, to adjourn, to lie on the table, the previous question, to postpone to a time certain, to commit or amend, or to postpone indefinitely. Which several motions shall have precedence in the order in which they are arranged. The first three and the last, shall be decided without debate.

SECT. 5. No final vote shall be reconsidered except upon notice for that purpose made within thirty minutes after such vote has been passed.

SECT. 6. No vote, fixing the period for closing a ballot, shall be reconsidered after such ballot shall have commenced; but it may be in order to extend the period without such reconsideration.

SECT. 7. No person shall speak more than twice, nor shall any person speak more than ten minutes upon any question without first obtaining leave of the meeting, except for the correction of an error, or to make an explanation; and not until others who have not spoken upon the question shall speak, if they desire to.

SECT. 8. All questions submitted for the consideration of the town, involving the expenditure of money, shall be in writing, and all other motions shall be reduced to writing, if required by the presiding officer.

SECT. 9. All motions for the appropriation of money shall be voted upon by the use of the Check List, at the request of one-fourth of the legal voters present.

SECT. 10. The duties of the presiding officer not prescribed by the Statutes, or by the foregoing By-Laws, shall be determined by the general rules of parliamentary law, so far as they may be adapted to the conditions and powers of the Town.

ARTICLE II.

TOWN AFFAIRS.

SECT. 1. The Selectmen shall have full authority as agents of the town, to institute and prosecute suits in the name of the town, and to appear and defend suits brought against it, unless it is otherwise specially ordered by a vote of the town.

SECT. 2. The Treasurer shall within ten days of the date of his election and before taking the oath or entering upon the duties of his office, file with the Selectmen a bond with satisfactory sureties in the penal sum of not less than thirty thousand dollars.

SECT. 3. The Treasurer when authorized by the Town may borrow money temporarily, in anticipation of the collection of taxes, and to give promissory-notes therefor in behalf of the town, the same to be signed by the Treasurer and countersigned by a majority of the Selectmen, and all promissory-notes of the town shall be executed in like manner.

SECT. 4. No money shall be paid from the treasury except the State and county taxes, and notes and interest thereon, except upon the presentation of a proper voucher which shall require the approval of a majority of the Selectmen; after such approval, it shall be the duty of the Town Clerk to draw an order upon the Treasurer for the required amount, retaining the voucher in his possession. And the said orders so drawn upon the Treasurer, shall, upon presentation to the Auditors, be considered his sufficient vouchers for the amounts which they severally represent.

SECT. 5. The Treasurer shall not issue any note in the name of the town, unless it is approved by a majority of the Selectmen.

SECT. 6. The Collector shall on or before the first of June in each year, file with the Selectmen a bond with satisfactory sureties, in the penal sum of not less than twenty thousand dollars.

SECT. 7. The Collector shall keep such accounts of collections of taxes as prescribed by Chapter 110, Acts of 1887, and on the first secular day of each month, or oftener if requested by the Town Treasurer, pay over to him all moneys collected up to such time and also deliver the coupons showing said collections.

SECT. 8. The Selectmen shall cause to be printed in one volume, and distributed ten days, at least, before the Annual Town Meeting, the reports of the officers of the various departments of the town, and when practicable, the reports of all committees, appointed by the town, shall be included therein, together with the warrant for said meeting.

SECT. 9. The Selectmen shall keep a record of all bills disapproved by them, and no such bill shall be considered by any subsequent board, except by a special vote of the town.

SECT. 10. There shall be chosen, at the Annual Meeting, three Auditors, who shall perform the duties prescribed by Statute (Chapter 295, Acts of 1886.)

ARTICLE III.

FINANCIAL AFFAIRS.

SECT. 1. All taxes shall be assessed and committed to the Collector, on or before the first day of August in each year, and tax-bills in the form as adopted by the town, July 22, 1875, shall be delivered by the Collector on or before the first day of September.

SECT. 2. All taxes shall be due whenever a bill of the same shall have been presented to any person taxed, or his agent, or the tenant of any non-resident proprietor of any property taxable in the town, or left at his usual place of abode, and interest, at the rate of six per cent per annum, shall be charged from Oct. 1, on all taxes not paid on or before that date ; provided, that nothing in this section shall prevent the Assessors, in case of doubtful credit, from exercising the powers given them in the fifth section of the twelfth chapter of the Public Statutes.

SECT. 3. In all cases where tax-bills for poll, or for poll and personal tax only, are not paid on or before the first day of October in each year, it shall be the duty of the Collector to forthwith issue a summons to each delinquent, and if such delinquent does not pay the amount with twenty cents added for the summons, within twenty days, the Collector shall issue a warrant to an officer, who shall forthwith proceed to collect the amount due in the manner provided by law.

SECT. 4. The delivery of a tax-bill as directed in the preceding section shall in all cases be deemed a demand for payment of the tax.

SECT. 5. The Collector shall complete and make up an account of the collection of all the taxes committed to him, and present the same to the Selectmen or Auditors on or before the first day of January in each year.

SECT. 6. The financial year shall begin with the first day of January in each year, and end with the last day of December current.

ARTICLE IV.

STREETS AND HIGHWAYS.

SECT. 1. No building shall be removed over a public street without a written permit from the Selectmen ; and no permit shall be given by the Selectmen when such removal will cause the destruction or injury of any tree or shrub standing on the street, or owned by

any person and projecting over the street, unless the written consent of the person on or in front of whose premises such tree or shrub may stand shall first be obtained.

If any building shall be removed over or through any public street or square, the owner of such building and the person or persons moving the same shall be jointly and severally liable to the town for all damages, costs and expenses for which the town may be liable, or which it may be compelled to pay in consequence of such removal.

SECT. 2. No person shall build sidewalks on any of the streets or ways of the town without a written permit from the Selectmen, which permit shall specify the width, material, and mode of construction of the same.

Any person violating this section shall, upon notice from the Selectmen, make the necessary alterations, and failing so to do, the Selectmen shall cause the requisite changes to be made and shall assess the cost upon the abutting estate.

SECT. 3. Whenever the Selectmen shall grant a permit and a sidewalk shall have been built in accordance therewith, they may allow toward the expense of building the same a sum not to exceed one half the cost thereof, provided, that in case of any violation of the permit the town shall pay no part of the cost. Nothing in this article shall prevent persons from building sidewalks at their own expense under the approval or permit of the Selectmen.

SECT. 4. No person except the Highway Surveyors or the water Commissioners, in the lawful performance of their duties, or those acting under their orders, shall obstruct any sidewalk or street, or any part thereof, or break or dig the ground of the same, without first obtaining a written license from the Selectmen; and all persons so obstructing any sidewalk or street or any part thereof, shall put and keep up a suitable railing around the parts so obstructed, and shall place a substantial and convenient walk around such obstructions, and keep lighted lanterns fixed at proper places through the night, as the Highway Surveyors or Selectmen shall direct.

SECT. 5. No person shall tie or fasten any horse to or have the same standing by any ornamental or shade tree in or near any of the streets, lanes or places of this town, so near as to injure any unprotected tree, or wrongfully injure or abuse such tree in any manner; and whoever violates the provisions of this section, shall forfeit and pay not less than one dollar and not more than ten dollars.

SECT. 6. Whenever complaint shall be made to the Selectmen

that coasting on any street or sidewalk in the town, has become dangerous to the public safety, they shall post up a notice in some conspicuous place on the side or corner of any such street or sidewalk, forbidding all persons to coast upon the same; and if any person shall be found coasting upon the same after such notice, he shall forfeit and pay not less than one dollar and not more than five dollars.

SECT. 7. No person shall suffer any gate to open outward over any sidewalk or highway of this town.

SECT. 8. Whoever shall suffer horses, goats, or grazing beasts, or swine to run at large in this town, or to feed by the roadside, either with or without a keeper, shall forfeit and pay the sum of five dollars for every such offense.

SECT. 9. No person shall ride or drive any horse or other animal, either alone or attached to a vehicle, at a rate exceeding seven miles per hour, along any public way; nor permit any dangerous animal to go at large.

SECT. 10. Whoever shall drive or draw any coach, cart or wheelbarrow, handcart, velocipede, bicycle, or any carriage of burden or pleasure (excepting children's carriages drawn by hand, or children's velocipedes) upon any sidewalk in the town, or permit any horse, cattle, swine, sheep or goats under his or her care, to go upon any sidewalk in the town so as to interfere with the convenient use of the same by all passengers, shall forfeit and pay a sum of not less than two dollars, or more than twenty dollars for every such offence.

ARTICLE V.

TRUANT AND ABSENTEES.

SECT. 1. Any child between the ages of seven and fifteen years, who shall absent himself from the public school to which he is assigned, three times, within the period of one month, without sufficient excuse from his parent or guardian, shall, in each case, be deemed to be an habitual truant.

SECT. 2. Any child convicted of offending under the preceding By-Law, shall be committed to the Institution of Instruction and House of Reformation of Juvenile Offenders, in the city of Lowell, for such time not exceeding two years, as the Court or Justice, having, by law, jurisdiction, may determine.

SECT. 3. The said Institution of Instruction and House of Reformation of Juvenile Offenders, in the city of Lowell, is hereby pro-

vided as the place for the confinement, discipline and instruction of habitual truants.

SECT. 4. It shall be the duty of every truant officer, before making any complaint for offenses under these By-Laws, to notify the offending child and his parent or guardian of the offense committed, and of the penalty thereof, and if the truant officer can obtain satisfactory pledges for the restraint and reformation of the child, he may in his discretion, forbear to prosecute, so long as such pledges are faithfully observed and kept.

SECT. 5. All children between the ages of seven and fifteen years, wandering about in the streets and public places of this town, having no lawful occupation or business, not attending school, and growing up in ignorance, shall be punished by a fine not exceeding twenty dollars, or by commitment to any institution of instruction, house of reformation, or suitable situation, provided for the purpose under the authority of the tenth section of chapter 48th, of the Public Statutes.

ARTICLE VI.

POLICE REGULATIONS.

SECT. 1. It shall be the duty of the Selectmen to appoint annually three or more Police Officers, who shall hold office one year, or until others are appointed, unless sooner removed by the Selectmen, and who shall receive such pay as the Selectmen shall determine.

It shall be the duty of these officers to notice all offences against the By-Laws of this town, and the Statutes of the Commonwealth, and to cause prosecution to be commenced forthwith against all offenders, under the direction of the Selectmen.

SECT. 2. It shall be the duty of the Chief of Police to report in writing, annually, to the Board of Selectmen.

SECT. 3. Whoever shall behave in a rude or disorderly manner, or use any indecent, profane, or insulting language, in any public place in the town, or near any dwelling house, or other building therein, or be, or remain upon any sidewalk, or upon any doorstep, portico, or other projection of any house or other building, not his own, to the annoyance or disturbance of any person, or by any noise, or other means, wantonly and designedly frighten any horse in any street, or other public place in the town, or shall throw stones, snowballs, sticks, or other missiles, or kick at football or play at any game in which a ball is used, or fly any kite in the public ways in the town,

shall forfeit and pay for each offence, not less than three dollars, and not more than twenty dollars.

SECT. 4. One or more persons standing on any sidewalk or street in such a manner as to obstruct the same shall move on immediately when ordered by any of the constables or police officers of the town.

SECT. 5. No person shall kindle any bonfire or other fire on the highways or lands belonging to this town, or on any other lands, street or ways not his own, without permission from the Selectmen or from the owners of said streets, ways, or lands.

SECT. 6. No person shall fire any gun, cannon, pistol, India crackers, torpedoes, or other explosive articles, in or near to any street or square in this town, under penalty of not more than five dollars for each offence; provided, however, that this section shall not apply to any firing, agreeably to law, at any military exercise or review, nor to any firing permitted by the Selectmen.

SECT. 7. Whoever posts, affixes, or in any way attaches any poster, handbill, notice, advertisement or placard to or upon any post, wall, fence, building or structure not his own, without the permission of the owner or proprietor of such post, wall, fence, building or structure, shall forfeit and pay for each offense, not less than three dollars and not more than twenty dollars.

SECT. 8. Whoever paints, draws, or stamps any letter, notice, figure, advertisement, or marks upon or into any wall, fence, post, tree, building, or structure not his own, without the permission of the owner of such wall, fence, post, tree, building or structure, or without said permission, mars, defaces, or disfigures in any way such wall, fence, post, tree, building or structure, shall forfeit and pay for each offence, not less than three dollars, and not more than twenty dollars.

SECT. 9. No person shall bathe or swim in Ell Pond. Swain's Pond, or in any public or exposed place in the town without wearing a proper covering for the body.

SECT. 10. On complaint being made to any constable or police officer of any dog that shall, by barking, howling, biting, or in any other manner, disturb the quiet of any of the inhabitants of the town, such officer shall give notice thereof to the owner or keeper of such dog; and if such owner or keeper shall neglect, for three days, to cause such dog to be removed from the neighborhood, or to take other effectual means to end such disturbance, he shall forfeit and pay one dollar for each day after said three days until such dog shall

be removed from the neighborhood : provided it shall be proved on the trial, that such complaint was well founded.

ARTICLE VII.

IN RELATION TO PREVENTION OF FIRES.

SECT. 1. Any person intending to erect any dwelling house, stable, shop, store or other building two stories or more in height within the town of Melrose, shall, before proceeding to erect the same or lay the foundations thereof, give notice in writing to the Board of Selectmen of such intention, and of the character and location of the proposed building.

SECT. 2. All chimneys in wooden buildings shall be built of brick, stone or other fire-proof non-conducting material. All brick flues shall be smoothly plastered inside with mortar from top to bottom or lined with earthen pipe, and shall be plastered outside below the roofing.

SECT. 3. In no case shall chimneys rest upon any flooring without a footing of masonry or iron supported by iron beams, having a secure bearing of masonry or iron at either end.

SECT. 4. All flues shall be topped out at least four feet above the roof of the buildings to which they belong. The brick topping out of chimneys shall not have more than two inches projecting unless covered by a cap of metal or stone properly secured.

SECT. 5. Hearths of fireplaces or grates shall be laid upon brick or other trimmer arches, or upon bars of iron supporting a bed of brick-work.

SECT. 6. No wood-work of any kind shall be placed at a less distance than one inch from the outside brick-work of any flue. In no case shall a nail be driven into the masonry of any flue.

SECT. 7. No wood-work shall be placed at a less distance than one inch from any tin or other metal flue or flues, pipe or pipes, used or intended to be used to convey heated air or steam in any building, unless such flues or pipes shall be cased with metal, leaving a free circulation of air around the same.

SECT. 8. No smoke-pipe in any such wooden or frame buildings shall hereafter enter any flue, unless the said pipe shall be at least twelve inches from either the floors or ceiling ; and in all cases where smoke-pipes pass through stud or wooden partitions of any kind, whether the same be plastered or not, they shall be guarded by either

a double collar of metal, with at least four inches of air space and holes for ventilation, or by a soapstone ring not less than three inches in thickness and extending through the partition.

SECT. 9. The Board of Selectmen shall cause to be examined all shops and other places where shavings or other combustible material may be deposited or collected, and at all times be vigilant in the removal of the same, whenever, in the opinion of a majority of them, the same may be dangerous to the security of the town from fires; and direct the owner, tenant, or occupant of said shops or other places, to remove the same; and in case such owner, tenant, or occupant refuses or neglects so to do, shall cause the same to be removed at the expense of such owner, tenant, or occupant.

SECT. 10. It shall also be the duty of the Board of Selectmen to take cognizance of all buildings in the town in which any steam engine shall be used, and of all buildings in town in process of erection or alteration, and to make a record of such buildings as in their judgment may from any cause be dangerous. And whenever in the opinion of a majority of the Board of Selectmen any chimney, hearth, oven, stove, stove-pipe, fire-frame, or other fixture, or any camphene or other explosive or inflammable fluid or material or whatever else may give just cause for alarm, should be altered, repaired or removed, they, the said Selectmen shall forthwith notify and direct the owner, tenant or occupant of the premises upon which the same are situated to alter, repair or to remove the same, as the said Selectmen shall direct. And in case such tenant, owner or occupant shall refuse or neglect so to do, the said Selectmen shall cause the same to be removed, altered or repaired at the expense of such owner, tenant or occupant. And any person who shall obstruct the Selectmen or any of them, in carrying out the provisions of this section, shall be liable to the penalty hereinafter stated.

SECT. 11. No person shall within one hundred feet of any other building erect or use any building for a planing mill, wood-working establishment, stable for more than four horses, hotel or public hall, or for any other manufacturing or hazardous business without first obtaining a permit in writing from the Board of Selectmen, and no such permit shall be granted until after such notice to owners of adjoining property as the Selectmen shall order and after a hearing pursuant to such notice.

SECT. 12. The removal, extension or essential alteration of any building, also the rebuilding, or repairing of any building which has

been partially destroyed by fire, shall be subject to the same restrictions as are imposed by the foregoing By-Laws on the erection of buildings.

SECT. 13. To aid them in the proper enforcement of the foregoing regulations the Board of Selectmen are hereby authorized to employ some suitable person to inspect all buildings in process of erection or alteration. His compensation shall be such as the Selectmen shall determine.

PENALTIES. Any person guilty of a violation of any of the foregoing provisions in relation to the prevention of fires and construction of buildings shall be punished by a fine not exceeding one hundred dollars.

ARTICLE VIII.

PUBLIC HEALTH.

SECT. 1. No person shall drive, or cause to be driven, any cart or wagon containing night-soil or offal, or any cart or wagon used for that purpose, through any public way in the town, between the hours of six, A. M., and nine, P. M., except an odorless tank, nor permit any such wagon or cart to stand, between said hours, in any street, lane or alley in the town.

SECT. 2. No person shall keep any swine within a distance of fifty feet of any public way or place, or within a distance of one hundred feet of any dwelling house not his own, or within a distance of twenty-five feet of his own dwelling house, without a permit from the Selectmen previously obtained.

SECT. 3. No person shall put or suffer to accumulate on his premises, any refuse, animal or vegetable matter, manure, rubbish or filth, whereby any offensive or noxious stench or effluvia shall be created, and the health or comfort of the citizens be injuriously affected, or shall throw any such substances into the ponds, streams or brooks of the town, or shall allow the contents of any vault or house drain, or the refuse of manufacturing or slaughtering process to drain into such ponds, streams or brooks.

SECT. 4. No person, without the license of the Board of Selectmen, shall throw into, or leave in, or upon any street, court, square, lane, alley, public square, public enclosure, vacant lot, or any pond or body of water within the limits of the town, any dead animal, dirt, manure, oyster, clam or lobster shells, ashes, cinders, waste water,

rubbish or filth of any kind, or any refuse animal or vegetable matter whatever.

SECT. 5. No vehicle used for collecting or conveying swill or house offal, shall be drawn over or allowed to stand upon any sidewalks in this town.

SECT. 6. If the Board of Health shall at any time be satisfied that any tenement, used as a dwelling-house, is not provided with a suitable privy, vault, and drain, or either of them, as aforesaid, they shall give notice in writing to the owner, agent, occupant, or other person having the care thereof; and in case of neglect or refusal to obey such notice the Board of Health shall cause such privy, vault, and drain to be made for such tenement or other building, at the expense of such owner, agent, occupant, or other person; and in case any such drain, vault, or privy is constructed as aforesaid, for the use of more than one house, then the owner, agent, occupant, or other person having the charge of each of such houses, shall be liable to pay a proportional part of such expense.

SECT. 7. Whenever any vault, privy, or drain becomes offensive or obstructed, the same shall be cleaned and made free, and the owner, agent, occupant, or other person having charge of the land in which any vault, privy, or drain is situated, the state or condition of which is in violation of the provisions of this ordinance, shall remove, cleanse, alter, amend, or repair the same within such reasonable time, after notice in writing to that effect given by the Board of Health, as shall be expressed in such notice. In case of neglect or refusal to do so, the Board of Health may cause the same to be removed, altered, amended, or repaired, as they may deem expedient, at the expense of the owner, agent, occupant or other person as aforesaid.

SECT. 8. No cesspool, vault, or privy situated within one hundred feet of any town-way or any public building shall be emptied in any other mode, or at any other time, than the Board of Health may direct and appoint, subject to such regulations as the Board from time to time shall make on the subject, and always at the expense of the owner, agent, occupant, or other person having charge of the tenement in which such vault is situated.

SECT. 9. Owners or occupants of stables where more than four horses or head of neat cattle are kept, situated within one hundred feet of a dwelling house, shall remove all manure from said premises

once a week between March 1, and November 1, of each year under a penalty of ten dollars for each offence.

ARTICLE IX.

Any person who shall violate any provision of these By-Laws, or who shall refuse or neglect to obey any order of the Board of Health, duly issued under these By-Laws, and directed to him and properly served on him, shall, in cases not otherwise provided for, forfeit and pay for each offense a fine not exceeding twenty dollars.

ARTICLE X.

Prosecutions for offenses under these By-Laws may be made by any Constable or Police Officer of the town, and all fines shall be paid into the Town Treasury.

ARTICLE XI.

SECT. 1. These By-Laws shall go into effect from and after their passage and approval by the Superior Court, or by a Justice thereof, and with such approval entered and recorded in the office of the Clerk of the Courts in the County of Middlesex.

Which said By-Laws being seen and understood by the Court, are, on this Nineteenth day of April, A. D. 1888, approved.

[SEAL.]

In testimony that the foregoing is a true copy of record, I hereto set my hand and affix the seal of said Court, this Twentieth day of April, A. D., 1888.

THEO. C. HURD, *Clerk.*

