

BY-LAWS

OF THE

TOWN

OF

SOUTHBRIDGE

ADOPTED APRIL 1, 1878

SOUTHBRIDGE
SOUTHBRIDGE HERALD STEAM JOB PRINT
1887

BY-LAWS

OF THE

TOWN

OF

SOUTHBRIDGE

ADOPTED APRIL 1, 1878

SOUTHBRIDGE
SOUTHBRIDGE HERALD STEAM JOB PRINT
1887

BY-LAWS.

ANNUAL MEETINGS.

SECTION 1. The annual meeting of the Town shall be held on the first Monday in April.

CALLING MEETINGS.

SEC. 2. Every Town meeting shall be notified by publishing an attested copy of the warrant twice in a weekly newspaper, regularly printed within the Town, the first publication being not less than nine days next preceding the day of the meeting; or by posting up such attested copies in four conspicuous public places within the Town, at least nine days—including therein two Sundays—before the day for holding the meeting.

TOWN OFFICERS.

SEC. 3. The number of Town officers mentioned in this section shall be as follows:

Three Selectmen.

Three Assessors.

Three Overseers of the Poor.

Three or more Constables.

Seven Field Drivers.

Three Fence Viewers.

Three Surveyors of Lumber.

Three Auditors of Accounts.

The Town may at any annual meeting increase the number of Selectmen to five or seven, and the Selectmen may also be Overseers of the Poor under the provisions of the General Statutes. The Town shall also elect a Library Committee of nine persons, one-third of whom shall be chosen annually and continue in office three years, and serve without compensation.

FISCAL YEAR.

SEC. 4. The fiscal year of the Town shall close on the first day of March, and all accounts shall be made up to that time.

TREASURER.

SEC. 5. All moneys raised and received for the support of schools, for the support of the poor, for repairing highways and bridges, for constructing sidewalks, gutters and crossings, for repairing school-houses, for supporting the public library, for paying debts, interest and discount on taxes, for the payment of contingent expenses, for insurance of Town property, for the cemetery and for personal services of Town officers, shall be regarded as specific appropriations to be applied only to the purposes designated. But money may also be appropriated for other specific purposes. The Treasurer shall keep separate accounts with each appropriation of money voted by the Town, and no money shall be paid out except for the purposes for which it was appropriated, nor shall any transfer be made from one account to another except by vote of the Town. All moneys received by the Treasurer not specially appropriated shall be kept in an account of unappropriated funds, to be disposed of as the Town may direct. All notes of the Town for money borrowed by authority of the Town shall be signed by the Treasurer and approved by the Auditors in writing endorsed thereon.

The Overseers of the Poor, the School Committee, the Road Commissioners, when such officers exist, the Cemetery Committee, and the Library Committee shall have authority to draw orders on the Treasurer to pay the appropriations in their several departments after the bills or claims shall have been allowed by the Auditors; and for all other purposes, the Selectmen shall draw their orders on the Treasurer, after the bills have been audited; but no orders drawn on the Treasurer except by the Selectmen in settlement of suits and for the payment of the notes of the Town and interest thereon, as herein provided shall be paid by him until he shall be informed by the Auditors that the several amounts thereof have been allowed by them as hereinafter provided, and in no case shall money be paid out by the Treasurer except on the orders of the officer authorized by these by-laws, and for the purposes for which such orders may be legally drawn. The Treasurer of the Town shall prepare a report of all receipts and payments with a statement of the balances of each account, and of the notes and claims in his hands belonging to the Town, and of all notes or obligations given by him and outstanding against the Town, and an inventory of the personal property of the Town in the possession of the several departments, in writing or print, to be presented at each annual Town meeting.

SELECTMEN.

SEC. 6. The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for; they shall appear and act, institute suits, and may employ counsel in all suits at law or in equity in which the Town is a party; and

may audit and settle claims in suit against the Town and draw orders on the Treasurer in payment thereof, which the Treasurer shall pay without further auditing, if there be money in his hands therefor. They shall draw orders for the payment of all notes of the Town, and for interest thereon, which shall be paid by the Treasurer without being previously audited as above provided. And in all cases when not otherwise voted the Selectmen shall have charge of all new buildings erected for the Town and all special additions, improvements or repairs on the same. Whenever highway surveyors are appointed to take charge of highways, the Selectmen shall, so far as may be, examine and allow their accounts of expenditures on highways subject to the approval of the Auditors, and draw orders on the Treasurer in favor of the surveyor in payment thereof. The Selectmen shall, after making proper efforts to collect the same, commit all unpaid assessments for the construction of sidewalks established by them, with their warrant, to the collector of taxes, directing him to collect the same of the persons against whom they are assessed, according to the provisions of the law in such cases made and provided; they shall also, in establishing and grading sidewalks in the Town, keep a record thereof in their books and report the same with the measurement thereof to the Town clerk who shall record the same with the record of highways.

ASSESSORS.

SEC. 7. When the Assessors shall have committed any tax list to the collector, they shall immediately certify to the Selectmen, and to the Town Treasurer the amount of such tax list and of each appropriation, to whom committed, and at what time the collector is required to pay over the money collected thereon. But no tax list shall be committed to any collector until his bond, required by law, has been procured and accepted by the Selectmen, due notice thereof being given to the Assessors. The Assessors shall prepare the lists of taxes annually assessed by them, and commit the same with their warrant to the collector of taxes on or before the 15th day of July in each year.

OVERSEERS OF THE POOR.

SEC. 8. The Overseers of the Poor shall have the general charge and management of the farm and the property connected therewith, and may employ a superintendent and other necessary laborers, subject, however, to the specific vote of the Town in relation thereto and to the proper payments and expenditures of this department.

LIBRARY COMMITTEE.

SEC. 9. The Library Committee shall, subject to the special direction of the Town, have the care of the library rooms, the furnishing, warming, lighting, and repair of the same; the authority to select and purchase

books; to appoint and pay the librarian and assistants; have the general control of the library, with power to make all needful regulations for the management and use thereof. They may also accept any donations to the library upon such terms as they may judge proper, and do such other things as they may regard for the benefit and advantage of the institution. If any person elected a member of the Library Committee refuses or neglects to accept such office, or if any member dies, resigns, or from any change of residence or otherwise, becomes unable to attend to the duties of the committee, the remaining members may proceed to fill the vacancy for the remaining part of the year, and at the next annual Town meeting the Town shall choose some one to fill such vacancy for the remainder of the time, if any there be.

DUTIES OF OFFICERS.

SEC. 10. The several boards of Town officers herein authorized to draw orders on the Treasurer, shall pay all moneys belonging to the Town, received by them in their respective departments, from the sale of property, or from any other source whatsoever, to the Treasurer, and draw orders on him in payment of money on any contract, or for expenditures incurred by them. They shall, so far as practicable, transact all business coming under their supervision at meetings of the several boards at which a majority of the members are present, and also keep a record of all contracts, payments of money, and all other transactions had by them,— and at the close of each fiscal year prepare a report of all their doings, with a statement in detail of all their payments and expenditures, and all liabilities incurred by them, including all outstanding orders and claims against the Town, and also an inventory of all property of the Town in their hands, or under their care, and all debts due to the Town, and submit an estimate of the probable expenses of the Town for the ensuing year in their several departments. Whenever the Selectmen are made Overseers of the Poor, or have charge of the highways, they shall perform the same duties in each of such departments.

The inventories of the several boards aforesaid of all Town property in their possession shall be returned to the Treasurer annually in writing, showing the estimated value thereof. All bills or claims, before being presented to the Auditors for approval, shall be certified in writing thereon as correct, by a majority of the board contracting the same, if the board consists of three members, and by at least three in case such board consists of more than three members. The books of valuation and assessment of taxes, all deeds, bonds, policies of insurance on property, and other valuable papers shall be in the custody of the Town Clerk for safe keeping and preservation. Said Clerk shall also see to all insurance on Town property, and keep the same properly insured.

AUDITORS.

SEC. 11. The Auditors of Accounts shall meet at least once in each month, and except as herein provided, examine and audit all claims, bills and accounts against the Town, and shall allow all such as appear to be just and right, and shall endorse their approval thereon, or their rejection thereof; and they shall also report at once all claims, bills and accounts approved by them to the Town Treasurer; but no bills, claims or accounts shall be audited except at meetings when at least a majority of the Auditors are present. And the Auditors shall keep full accounts and records of all their proceedings and transactions. At the close of the fiscal year they shall examine the accounts of the Treasurer, and of each of the other boards of officers and all vouchers presented by them, and make a written or printed report thereon to be submitted to the Town at the annual meeting, the report to include the account of the Treasurer as prepared by him, and so much of the accounts of the other officers as the Auditors may deem expedient, with such statements and remarks in regard to the legality or propriety of any transaction or expenditures as, in their judgment, the interests of the Town require. Such report shall also contain a list of all taxes not paid during the fiscal year.

COLLECTOR OF TAXES.

SEC. 12. The Collector of Taxes shall at the end of the year from the date of his warrant, deposit his book of collections with the Clerk of the Town, who shall preserve the same for reference. He shall also, in making such return, certify that the payments shown therein are correct; and he shall not be entitled to his compensation or to a discharge upon his bond until his book with such certificate are returned to the Clerk as aforesaid.

PUBLIC CEMETERY.

The Cemetery Grounds shall be known as OAK RIDGE CEMETERY of Southbridge.

CEMETERY.

ART. 1. The avenues, paths, spaces and burial lots, as now located, arranged, graded and shown upon the plan of the Cemetery Grounds, prepared by Mr. D. M. Wheeler, and dated October 1st, 1877, so far as the same have been established therein, shall be and remain permanently the lay out of such grounds, and every additional lay out of avenues, paths, spaces and lots, and the grading thereof, and all improvements hereafter

made therein, shall be adapted to and in accordance with such plan and grades so established as the basis thereof and guide therefor.

ART. 2. Only exclusive right of burial and of erecting tombs and cenotaphs, and of ornamenting the same in any lots now or hereafter laid out, shall be granted to proprietors of lots, or to the proprietors of free burial lots provided as required by law—the fee of the land being always reserved to the Town—and all certificates of such sale and grants shall be subject to the terms, rules and regulations and conditions herein provided, and such as may be hereafter provided regarding the same.

ART. 3. The proceeds of the sales of lots in said Cemetery, and any sums paid to the Town for the partial or perpetual care of any lots, and any bequests to the Town for that purpose shall be paid into the Town treasury, and be kept by the Treasurer apart from other funds, and by him invested in safe and profitable stock, mortgages, notes and securities, and only the income derived therefrom shall be used for the improvement and embellishment of such Cemetery; and such income, and all appropriations made by the Town for the Cemetery, shall be used and expended also under the direction and upon the orders of the Cemetery Committee for bills, accounts and expenses incurred for such purposes, or as specially appropriated.

ART. 4. In prosecuting the work of laying out said Cemetery and grading and completing the avenues, paths, spaces and lots, and improving and embellishing the same, the natural features of the ground, so far as can be, shall be preserved; and all terrace work, steps, curbings, hedges, posts and chain fences around burial lots and mounds therein, or raising of the surface thereof above the surrounding grounds by filling shall not be allowed except as herein provided, and thereby a smooth surface maintained all over the grounds. Proprietors of lots shall not erect on their lots fences, posts and chains, live hedges, terrace work, curbings or steps, monuments, or stones, or set out trees or shrubs thereon, or make any filling or grading thereof, without the approval of the Cemetery Committee, and in such places as they shall designate; and all such work, when so done, shall be under the direction of said committee, and be subject to changes by their order, and such regulations and contracts as said committee may establish and make, under the authority and by the provisions hereof. But no reserved spaces shall be laid into burial lots except by a vote of the Town, at a meeting called to act thereon; nor in any case shall wood or slate be used in, upon or around burial lots or spaces.

ART. 5. Plans or maps of the Cemetery, with all avenues, paths, spaces and burial lots laid out, and marked, named, numbered, or designated thereon, shall be prepared, and one copy thereof shall be kept by the Treasurer and his successors in office, and at least one by the Cemetery Committee.

ART. 6. No grave or tomb shall be opened in the Cemetery for interment or removal without the consent and direction of the Cemetery Committee, or their superintendent.

CEMETERY COMMITTEE.

ART. A. At the next annual Town meeting after the adoption hereof the Town shall elect from its inhabitants a Cemetery Committee consisting of six members, one-third of whom shall be elected for three years, one-third for two years, and one-third for one year; and at each succeeding annual election thereafter two members shall be elected to serve for three years, and until others are chosen as aforesaid. If the Town fails or neglects to elect such committee, or any members thereof required to be chosen as aforesaid, an election at a subsequent meeting shall be valid.

ART. B. When a vacancy in such committee occurs by the death, resignation or removal from the Town of any of its members, the remaining members may elect any eligible person to fill such vacancy, but the term of service of any member so elected shall end with the municipal year in which he is chosen; and if the vacancy which he is chosen to fill is for a longer period, the Town shall at the next annual meeting thereafter, or at a subsequent meeting, elect some person to such unexpired term, to serve as aforesaid, and in the manner hereinbefore prescribed for original elections.

ART. C. Such committee shall serve without compensation. They shall have power to make such rules and regulations for their own organization and government, and for the performance of the duties of their office as herein prescribed, as they shall from time to time deem necessary and proper; and they may also appoint a superintendent of the Cemetery and fix his compensation and prescribe his duties; they shall keep a record of all their acts and doings in the discharge of their duties as herein provided, and of all contracts made by them.

They shall have the care, control and management of the Cemetery grounds, and of the avenues, paths, and burial lots therein, and of the laying out, limits, boundaries, location, grading and construction thereof, and of all the trees, shrubbery, hedges and fences therein, in determining what shall be used and in locating, changing, arranging, setting out, trimming, or removing the same for any cause which they shall regard reasonable and proper, for the purpose of using, improving or beautifying the grounds or the burial lots, avenues, paths or spaces therein; and when they shall lay out any new avenues, paths, spaces or burial lots as aforesaid, the same shall be properly marked by monuments in the ground, and be traced upon the plan aforesaid, and appropriately named, designated and numbered for their identification and use, provided that no new lots shall be laid out the boundaries of which shall be nearer than four feet from the external limits or boundaries of the Cemetery grounds.

They shall fix the prices of all burial lots sold, and have the supervision of all sales thereof, and the location, enlargement, changing of lines of such lots, or spaces within such grounds, and of all questions of right between the proprietors of lots, and shall have power in behalf of the Town to make and sign all reasonable contracts with the proprietors aforesaid, for the fitting up, or partial, or perpetual care thereof, as herein provided, and shall, at least once in each year, personally examine all lots for the care of which contracts have been made, and see that the terms thereof have been complied with. They shall superintend the general subject of interments in said grounds, and see that the provisions of the laws regarding the same are complied with.

They shall lay out a suitable part of said grounds into burial lots for the use of the inhabitants of the Town from time to time as they shall be required, free of charge therefor, and place the same upon the said plan, properly designated and numbered, and keep a separate record of all such lots taken up and all burials therein.

They shall have power to fix the fees for opening graves for burials, for depositing in vaults or in the receiving tomb, and for the superintendent for the use of the hearse and attending funerals, and his compensation for all work done by him for proprietors of lots in fitting up and improving the same. Such fees and compensation shall be uniform in amount, and required in all cases, unless said committee shall for good causes remit or abate the same or any part thereof.

They shall keep a record of all burials made in the Cemetery during each year, and the name of the person, the date and place of burial sufficiently clear to designate the same.

They may in making the sales of lots, upon a payment of a sum equal to that paid for the burial lot when purchased, in addition to the price thereof, in behalf of the Town, covenant and agree, and guarantee perpetual care of said lot to purchasers, with such monuments and stones as the proprietor may place therein, but not to supply new ones; or a partial care thereof for a stipulated sum. When lots are so sold, the same shall be indicated by a suitable monument marked "perpetual care" or "partial care" as the case may be, and such mark shall be kept constantly in view; and they may make like contracts with the proprietors of lots now occupied for such consideration as may be agreed upon, and all such guarantees shall be irrevokable, and binding upon the Town.

They shall prescribe forms for the conveyance of lots and all the certificates and guarantees necessary or required to be used by them of the general tenor herein stated.

They shall collect all moneys due to the Town for lots, fees, or services as aforesaid, and pay all such moneys received by them into the Town treasury, and keep a faithful record and account of all such money received and all expenses paid and all orders drawn, and make their

report thereof annually to the Town, with such recommendations as they deem proper for its consideration.

They shall have power to make rules and regulations regarding visitors to the grounds, the admission of horses and carriages or teams, and for the protection of the grounds and the shrubs, trees, flowers, tablets, monuments or ornaments therein from intrusion or injury, and to enforce the same, provided the same are not inconsistent with the provisions of the statutes.

They shall also have power to do such other acts, matters and things as may be necessary and proper under these By-Laws to enable them to do and perform all things regarding the Cemetery herein specified according to the spirit and intent hereof, the same as if specially named.

SUPERINTENDENT.

ART. 1. The Superintendent shall be at all times subject to the direction of the committee. He shall have the general care and keeping of the Cemetery, the control of all work done and all workmen and subordinates employed therein, and enforce all the rules, regulations and laws affecting the rights of proprietors and the conduct of visitors, prescribed for herein, and do such other duties appropriate to his position as the committee shall from time to time require of him. He may also discharge the duties of undertaker and sexton as required by law, and shall be eligible for appointment to that office.

ART. 2. The hearse, bier and pall and like property belonging to the Town shall be under his care and control, and be used by him alone, as directed by the committee.

TRUANT CHILDREN.

ART. 1. All children between the ages of seven and fifteen years residing in the Town, who may be found wandering about in the streets or public places of the Town having no lawful occupation or business, not attending school, and growing up in ignorance, shall be committed to the Monson almshouse or other place of confinement provided for that purpose, for confinement, instruction and discipline.

ART. 2. Two or more Truant Officers shall be appointed annually, whose duty it shall be to inquire into all violations of the Truant laws, and of the law relating to compulsory education, and to do all the acts required of them by the laws of the Commonwealth.

ART. 3. It shall be the duty of every Truant Officer, before making any complaint under these laws, to notify the truant or the absentee from

school, and his parent or guardian, of the offence committed, and of the penalty therefor; and if the Truant Officer can obtain satisfactory pledges for the restraint and reformation of the child, he may forbear to prosecute, so long as such pledges are faithfully kept.

ART. 4. It shall be the duty of the School Committee, the teachers of the public schools, and the citizens generally, to aid the Truant officers as far as possible in the discharge of their duty.

ART. 5. It shall be the duty of the Truant Officers to keep a full record of all their official acts, and make an annual report thereof to the School Committee, who shall publish the same with their own report.

Nothing in these By-Laws shall be so construed as to alter or impair the obligation and duty of teachers to enforce punctuality and regularity of attendance, and to preserve good order and discipline.

PENAL LAWS.

SEC. 1. No person shall play at any game of ball, or foot-ball, or throw balls or stones, or snow balls, within any of the streets or public places of either of the villages of the Town; nor shall any person deposit within any such streets or public places any ashes, cinders, offal, rubbish, or any waste matter whatever.

SEC. 2. No person shall course, coast, or slide down, across, in or along any of the streets or highways of the Town, upon any hand-sled, board, jumper or otherwise, except at such places and under such restrictions and regulations as the Selectmen shall designate and require.

SEC. 3. No owner or person having for the time the care and use of any horse shall ride, drive or permit the same to go at a faster rate of speed than eight miles an hour in any street way or public place in either of the villages of the Town, nor in such a manner as to endanger or unreasonably incommode persons passing therein; nor shall any person ride or drive any horse or horses, or cause the same to be ridden or driven for trial of speed in any street or highway of the Town, unless by permission of the Selectmen.

SEC. 4. No person shall drive any carriage or other vehicle upon or over any hose-pipe, or hose in use, when placed in any street or highway by order of the chief engineer or any other officer of the fire department.

SEC. 5. No person shall fire or discharge any gun, fowling-piece or fire-arm, or make any bonfire or other fire in any street or public place in any of the villages of the Town, unless by permission of the Selectmen.

SEC. 6. No person shall wheel, drive or draw any coach, cart, hand-cart, hand-barrow, sled, or other carriage of burden or pleasure, (except children's hand carriages drawn by hand,) or drive or permit any horse, neat cattle or sheep under his care to go or stand upon any sidewalk or stand upon any street crossing, so as to obstruct public travel.

SEC. 7. Three or more persons shall not collect, stand, or be together in a group, or near to each other on any sidewalk in such manner as to obstruct a free passage of foot passengers for a longer time than five minutes at any one time, nor after a request to move on or disperse, made by any of the Selectmen, constables or police officers of the Town.

SEC. 8. No person shall behave himself in a rude and disorderly manner, or use any indecent, profane, or insulting language in any street, highway, or public place in the Town, or near a dwelling-house, or other building not his own therein, or be or remain upon any sidewalk, or upon any doorstep, portico, or other projection from any such house or other building, nor in any church, meeting-house, public hall or entrance thereto, to the annoyance or disturbance of any person; nor shall any person at, near, or upon any such dwelling-house, building, sidewalk, doorstep, portico, or projection, or any such meeting-house, public hall, or entrance thereto, commit any nuisance, or by any noise, gesture or other means, wantonly and designedly frighten any horse in any street, highway or public place in the Town.

SEC. 9. No person shall allow any sink water or other impure water to run from a house, barn, or lot occupied by him or under his legal control, into any street or highway in the Town.

SEC. 10. No person shall expose or offer for sale from any stand in or upon any street, or in any public place in the Town, any article of merchandise or anything whatsoever, without the permission from the Selectmen of the Town: *Provided*, that this section shall not apply to any person offering for sale any products of the land or of his own industry, or of peddling from any wagon or cart from house to house.

SEC. 11. No person shall sit upon or occupy any fence of the Town, or any private fence bordering upon any sidewalk, in such a manner as to obstruct any sidewalk, or insult or annoy persons passing thereon.

SEC. 12. Any tenant or owner, occupying any building or any lot of land abutting on a sidewalk duly established by law, and in case such buildings or lands are unoccupied, the owner thereof, shall cause all snow and ice to be removed within twenty-four hours after the same shall have accumulated thereon.

SEC. 13. No person shall bathe or swim in any public or exposed place in the Town, in an indecent or nude condition.

PENALTIES.

SEC. 14. Any person violating any of the provisions of the preceding By-Laws shall be punished by a fine of not less than one nor more than

twenty dollars for each offense, to be recovered by complaint before any trial justice, police or district court having jurisdiction within the county, and forfeited and paid into the treasury of the Town, unless when different provision is made by the laws of the Commonwealth.

REPEAL AND ENACTMENT.

SEC. 15. These By-Laws shall take effect upon their approval by a Justice of the Superior Court; and all existing By-Laws from and after such approval are hereby repealed.

The foregoing is a true copy of the By-Laws reported to the Town by the committee appointed by vote of the Town to codify the By-Laws, and adopted by the Town Meeting held April 8th, A. D. 1878, and called to act thereon.

Attest.

HENRY A. MORSE,
Town Clerk of Southbridge.

The article in the warrant for the Town Meeting, dated March 19th, A. D. 1878, regarding By-Laws, was as follows:

"Article 17. To hear the report of the committee appointed to revise the By-Laws of the Town, or act thereon."

Said annual meeting was called for April 1st, by adjournment was held on the 8th day of April, A. D. 1878, at which meeting upon Article 17 of said warrant, it was

"Voted to accept and adopt the By-Laws of the Town as reported at this meeting."

"Voted, that the committee reporting the By-Laws be instructed to see that the same are presented to the Court for acceptance."

The foregoing are true copies taken from the Records of the Town of Southbridge.

Attest.

HENRY A. MORSE,
Town Clerk of Southbridge.

COMMONWEALTH OF MASSACHUSETTS.

WORCESTER, ss. SUPERIOR COURT, MAY TERM, 1878.

On the Twenty-seventh day of May, during said term, the foregoing
By-Laws are approved by the Court.

Attest.

WILLIAM T. HARLOW,
Assistant Clerk.

A Record.

Attest.

JOHN A. DANA,
Clerk.

A copy of Record.

Attest.

JOHN A. DANA,
Clerk.