



Answer

ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEARS

1843, 1844, 1845;

TOGETHER WITH THE ROLLS AND MESSAGES.



PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH.



Boston:

DUTTON AND WENTWORTH, PRINTERS TO THE COMMONWEALTH.

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1843.

☞ The Legislature of 1843 assembled at the State-House, in Boston, on Wednesday, the fourth day of January, and was prorogued on Saturday, the twenty-fifth day of March. The President of the Senate was chosen on the fourth, and the Speaker of the House on the seventh, January. The oath of office was administered to His Excellency MARCUS MORTON on the 18th, and the Legislature was fully organized on the 20th, January.

GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS.

1843.

An Act to punish Larceny in a dwelling-house in the night time, and for other purposes. Chap. 1.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Every person who shall feloniously steal, take and carry away the money, goods, chattels or property of another in a dwelling-house, in the night time, shall be punished by solitary imprisonment in the State prison or house of correction, not exceeding five days, and by confinement afterwards to hard labor not exceeding five years, or by fine not exceeding three hundred dollars, and imprisonment in the common jail not exceeding two years. Nature and term of punishment.

SECT. 2. Whenever, in any complaint, indictment or other criminal process, the offence of larceny is alleged to have been committed on any particular day, it shall be deemed and taken to have been committed in the day time, unless there be an express averment that it was committed in the night time. [Approved by the Governor, Feb. 18, 1843.] Indictment, how to be construed.

An Act giving further time to the President, Directors and Company of the Bank of Norfolk to close their concerns. Chap. 2.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The President, Directors and Company of the Bank of Norfolk are hereby continued a body corporate for the period of two years from the twenty-fourth day of April, in the year one thousand eight hundred and forty-three, with all the powers and privileges, and subject to the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [Approved by the Governor, Feb. 20, 1843.] Extended two years.

Chap. 3. An Act giving further time to the President, Directors and Company of the Middlesex Bank to close their concerns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Extended two years.

The President, Directors and Company of the Middlesex Bank are hereby continued a body corporate, for the period of two years from the fourth day of April, in the year one thousand eight hundred and forty-three, with all the powers and privileges, and subject to the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, Feb. 20, 1843.*]

Chap. 4.

An Act relating to the Probate Court in the County of Nantucket.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

When to be holden.

SECT. 1. The probate court for the county of Nantucket shall be hereafter holden on the first Saturday of every month.

Repeal of former acts.

SECT. 2. All acts inconsistent with this act are hereby repealed. [*Approved by the Governor, Feb. 21, 1843.*]

Chap. 5.

An Act relating to Marriages between individuals of certain races.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

So much of the fifth section of the seventy-fifth chapter and of the first section of the seventy-sixth chapter of the Revised Statutes, as relates to marriages between white persons and negroes, indians and mulattoes, is hereby repealed. [*Approved by the Governor, Feb. 25, 1843.*]

Chap. 6.

An Act to change the name of the Institution for Savings in the town of Salem and vicinity.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

The Institution for Savings, in the town of Salem and vicinity, may take and hereafter be known by the corporate name of the Salem Savings Bank. [*Approved by the Governor, Feb. 25, 1843.*]

Chap. 7.

An Act relating to the Court of Common Pleas, and the Municipal Court of the City of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Duties of judge of municipal court, by whom performed.

SECT. 1. All the duties now required by law to be performed by the judge of the municipal court of the city of Boston, shall hereafter be performed within and for the county of Suffolk by the justices of the court of common

pleas, or by some one of them; *provided, however*, that no one of said justices shall hold more than three monthly terms of said municipal court in succession.

SECT. 2. Whenever hereafter a vacancy shall happen in the office of clerk of said municipal court, such vacancy shall be filled by an appointment thereto, to be made by the said judges of the court of common pleas; and the records of the said municipal court are to be kept separate and distinct from those of the court of common pleas.

Respecting clerk and records of said court.

SECT. 3. The name, style and caption of the said municipal court, and its powers, duties and jurisdiction shall continue the same as now prescribed by law.

Name, &c. continued.

SECT. 4. There shall hereafter be one additional judge of the court of common pleas, thereby making the number of judges five instead of four, as now prescribed by law.

Additional judge of common pleas.

SECT. 5. All actions, suits, processes, indictments, recognizances and proceedings now pending or before said municipal court, shall have day and be heard and acted upon by one of the said justices of the court of common pleas, sitting as aforesaid as judge of said municipal court.

Actions, &c. to have day, &c.

SECT. 6. The city of Boston shall pay into the treasury of the Commonwealth, on the first Monday in January in each and every year hereafter, the same sum that has heretofore been paid by said city towards paying the salary of the judge of the said municipal court, which said sum shall be appropriated to the payment of the salaries of the justices of the court of common pleas.

City of Boston to pay the usual quota.

SECT. 7. All precepts, warrants, venires and processes issued from said municipal court shall be tested like similar processes from the court of common pleas, and shall be under the seal of the municipal court, and signed by its clerk.

Respecting processes, &c. issued from municipal court.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, March 1, 1843.*]

When to take effect.

An Act to incorporate the New Bedford Orphans' Home.

Chap. 8.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Rebecca W. Rodman, Abby S. Robinson, Lucy C. W. Shaw, and their associates and successors, are hereby made a corporation, by the name of the New Bedford Orphan's Home, for the purpose of relieving, educating and improving the condition of destitute children; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SECT. 2. The said corporation may take and hold real and personal estate for the purposes aforesaid, to an amount not exceeding fifty thousand dollars. [*Approved by the Governor, March 3, 1843.*]

Estate.

Chap. 9.

AN ACT establishing the Salaries of certain Public Officers.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Specification of salaries.

SECT. 1. The several public officers herein named shall receive for their services an annual salary as specified, that is to say : The governor, the sum of twenty-five hundred dollars. The lieutenant-governor, the same allowance for travel as a counsellor, and twice as much for attendance. The secretary, the sum of sixteen hundred dollars. The treasurer, the sum of sixteen hundred dollars. The chief justice of the supreme judicial court, the sum of three thousand dollars. The associate justices of the supreme judicial court, each the sum of twenty-five hundred dollars. The chief justice of the court of common pleas, the sum of eighteen hundred dollars. The associate justices of the court of common pleas, each the sum of seventeen hundred dollars. The attorney of the Commonwealth for Suffolk county, the sum of fifteen hundred dollars. The district attorneys of the Commonwealth, each the sum of seven hundred dollars. The reporter of decisions, the sum of three hundred dollars. The judge of probate for the county of Suffolk, the sum of eight hundred dollars. The judge of probate for the county of Essex, the sum of six hundred dollars. The judge of probate for the county of Middlesex, the sum of seven hundred dollars. The judge of probate for the county of Worcester, the sum of six hundred dollars. The judges of probate for the counties of Hampshire, Hampden and Franklin, each the sum of two hundred and forty dollars. The judge of probate for the county of Berkshire, the sum of three hundred and seventy-five dollars. The judge of probate for the county of Norfolk, the sum of four hundred dollars. The judge of probate for the county of Plymouth, the sum of three hundred and fifty dollars. The judge of probate for the county of Bristol, the sum of four hundred dollars. The judge of probate for the county of Barnstable, the sum of three hundred dollars. The judge of probate for the county of Nantucket, the sum of one hundred and fifty dollars. The judge of probate for the county of Dukes, the sum of one hundred dollars. The register of probate for the county of Suffolk, the sum of fifteen hundred dollars. The registers of probate for the counties of Essex, Middlesex and Worcester, each the sum of twelve hundred dollars. The registers of probate for the counties of Hampshire, Hampden, Franklin and Barnstable, each the sum of four hundred dollars. The register of probate of the county of Berkshire, the sum of five hundred dollars. The registers of probate of the counties of Norfolk, Plymouth and Bristol, each the sum of six hundred dollars. The register of probate of the county of

Nantucket, the sum of two hundred and fifty dollars. The register of probate of the county of Dukes, the sum of one hundred dollars. The land agent, the sum of one thousand dollars. The first clerk in the secretary's office, the sum of one thousand dollars. The second clerk in the secretary's office, the sum of eight hundred dollars. The first clerk in the treasurer's office, the sum of one thousand dollars. The second clerk in the treasurer's office, the sum of eight hundred dollars. The sergeant-at-arms, the sum of eight hundred dollars, and the rent of the house occupied by him. The messenger to the governor and council, the sum of five hundred dollars. The watchman of the state-house, the sum of six hundred dollars. The two assistant watchmen of the state-house, each the sum of four hundred and fifty dollars.

SECT. 2. The said salaries shall be paid in quarterly payments, out of the treasury of the Commonwealth, on the first days of January, April, July and October, in every year, and in the same proportion for any part of a quarter. When to be paid.

SECT. 3. All laws inconsistent with the provisions of this act are hereby repealed. Repeal of former laws.

SECT. 4. This act shall take effect from and after the first day of April next. [*Approved by the Governor, March 7, 1843.*] When to take effect.

An Act relating to the preservation of the Bonds and Mortgages from the several Rail-roads to the Commonwealth.

Chap. 10.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The treasurer and receiver-general of the Commonwealth is hereby directed, forthwith, to cause all bonds and mortgages, given to the Commonwealth by the several rail-road corporations in this Commonwealth, not already recorded, to be recorded in the registry of deeds of each county through which the rail-road giving the bond and mortgage may pass. [*Approved by the Governor, March 10, 1843.*]

An Act to repeal an Act to defray the Expenses of the Probate Courts.

Chap. 11.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act entitled An Act to defray the expenses of the Probate Courts, passed on the eighteenth day of March, in the year eighteen hundred and forty-one, is hereby repealed: Repeal.
provided, nothing herein contained shall prevent a recovery against any executor, administrator, guardian or trustee for any liability already incurred under said act. Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 13, 1843.*] When to take effect.

Chap. 12. An Act in addition to an Act to incorporate certain persons into a Company, by the Name of the South Boston Association.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Continuation of former act. **SECT. 1.** An act passed on the fourteenth day of June, in the year one thousand eight hundred and five, entitled “An Act to incorporate certain persons into a company, by the name of the South Boston Association” shall continue in force until the fourteenth day of June in the year one thousand eight hundred and forty-six ; any thing in the original act, and the acts in addition to the same, to the contrary notwithstanding. And the said corporation shall have every legal remedy in regard to their lands and property, and may maintain any suits or other legal proceedings concerning the same in the same manner as if all the provisions in the acts to which this is in further addition were hereby expressly revived and continued in force.

And of legal remedies therein provided.

Authorizing sales at auction.

SECT. 2. The said association may, at any regular meeting, by a major vote, authorize sales to be made at public auction, of the whole, or any part of their property, and pass deeds in conformity to such sales. [*Approved by the Governor, March 14, 1843.*]

Chap. 13. An Act to reduce the Expenses of the Office of Adjutant General.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Salary. **SECT. 1.** The salary of the adjutant general of this Commonwealth, from and after the passage of this act, shall be at the rate of twelve hundred dollars a year, payable quarterly, which shall be in full for all his services.

No clerk allowed. **SECT. 2.** The adjutant general shall not be allowed to employ in his office an assistant or clerk, whose salary shall be paid out of the treasury of the Commonwealth.

Office of military store-keeper abolished. **SECT. 3.** The office of military store-keeper is hereby abolished.

Further compensation to adjutant general. **SECT. 4.** The adjutant general shall receive the further sum of three hundred dollars a year, payable quarterly, which shall be in full for all services performed by him, as keeper of the public magazines, munitions of war, entrenching tools, and all other implements of war belonging to the Commonwealth.

Repeal of former acts. **SECT. 5.** All laws inconsistent with this act are hereby repealed. [*Approved by the Governor, March 14, 1843.*]

An Act giving further time to the President, Directors and Company of the East Bridgewater Bank to close their concerns. *Chap. 14.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The President, Directors and Company of the East Bridgewater Bank are hereby continued a body corporate, for the period of two years from the first day of January, in the year one thousand eight hundred and forty-three, with all the powers and privileges, and subject to the limitations set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, March 14, 1843.*]

Extended two years.

An Act authorizing Adam W. Thaxter and Jacob Hall to extend their Wharf. *Chap. 15.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Adam W. Thaxter and Jacob Hall, proprietors of a certain wharf in the northerly part of the city of Boston, lying westerly of Causeway street and of Charles river bridge, and bounded easterly by said bridge and immediately adjoining the same, are hereby authorized to extend and maintain their said wharf into the harbor channel, as far as the line established by an act entitled "An Act to preserve the harbor of Boston and prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven; and shall have the right and privilege of laying vessels at the sides and end of said wharf, when extended, and of receiving dockage and wharfage therefor: *provided*, that so much of said wharf as shall be erected under this act shall be built on piles, and that this grant shall in no wise interfere with the legal rights of any person or persons whatever. [*Approved by the Governor, March 14, 1843.*]

Extension of wharf.

Proviso.

An Act to incorporate the Holyoke Mutual Fire Insurance Company in Salem. *Chap. 16.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

John S. Williams, Caleb Smith, and William Sutton, their associates and successors, are hereby made a corporation, by the name of the Holyoke Mutual Fire Insurance Company in Salem, in the county of Essex, for the term of twenty-eight years, for the purpose of insuring buildings, stock in trade, and all other kinds of personal property; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, March 14, 1843.*]

Persons incorporated.

Chap. 17.

An Act relating to the Office of Adjutant General.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Appointment and its duration.

SECT. 1. The adjutant general shall be appointed by the commander in chief, and shall hold his office for the space of one year from the date of his commission, and until his successor be appointed and qualified: *provided, however,* the commander in chief shall have power to remove him at any time within said period of one year.

Proviso.

SECT. 2. All laws inconsistent with this act are hereby repealed.

Repeal of former acts.

Bond to be given.

SECT. 3. The adjutant general shall give a bond, with two sureties at least, to be approved by the Governor, with the advice and consent of the council, in the sum of twenty thousand dollars, payable to the said Commonwealth; and the condition of it shall be in substance as follows; that is to say:—that the adjutant general shall faithfully discharge all the duties and trusts of said office; that he shall use all necessary diligence and care in the safe-keeping of all military stores and other property of said Commonwealth, committed by law to his care and custody; shall, when thereunto required by any provisions of law, account for the same; and shall deliver over to his successor in said office, or to any other person authorized to receive the same, all of said military stores and other property belonging to said Commonwealth which hath come to his hands and possession; and, in default thereof, the said bond shall be forfeited.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1843.*]

Chap. 18.

An Act to establish a Fire Department in the town of Chelsea.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Establishment of the department.

A fire department is hereby established in the town of Chelsea, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in the act entitled “An Act to regulate Fire Departments,” passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. [*Approved by the Governor, March 20, 1843.*]

Chap. 19.

An Act in relation to Trusts created by Deed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Provisions of R. S. extended to trusts created by deed.

The provisions of the seventh and eighth sections of the sixty-ninth chapter of the Revised Statutes are hereby extended, so as to apply to all trusts which have been, or may

be, created by deed. [*Approved by the Governor, March 20, 1843.*]

Chap. 20.

An Act concerning Alewives in Herring River in the Town of Barnstable.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The selectmen of the town of Barnstable for the time being, or a major part of them, are hereby empowered, in the month of February, March or April annually, to prescribe the time, place or places, and manner of taking alewives in Herring River, by the name of Marstons' Mills Herring River, in the town of Barnstable; such time not to exceed five days in a week; and they shall appoint some suitable person or persons to take the same, and fix the compensation to be paid therefor, if thought proper by the said selectmen.

Powers given to selectmen.

SECT. 2. The owners or occupants of dams across said river shall annually, during such time, not exceeding sixty days in each year, as shall be prescribed by the selectmen of said town, or the major part of them for the time being, keep constantly open, and maintain through, over or around their respective dams, a passage sufficient and proper for the passing of said fish to the satisfaction of said selectmen, under a penalty not less than ten, nor more than sixty dollars, for each and every twenty-four hours they shall neglect to open a passage-way as aforesaid; and the said selectmen shall, thirty days at least before the commencement of said period, notify in writing the owners or occupants of said dams, of the time when said passage-ways shall be opened, and the manner in which they shall be constructed and regulated; *provided, however,* that if any such owner or occupant shall, at any time, be dissatisfied with the determination of said selectmen in relation to the construction or regulation of such passage-way or passage-ways, such owner or occupant may, by application in writing to the selectmen of the town of Sandwich for the time being, in said county of Barnstable, who are hereby constituted a committee for that purpose, cause such passage-way or passage-ways to be fixed, prescribed and regulated in writing by said committee; and such passage-way or passage-ways shall thereafter be, by the owners or occupants of said dam or dams, kept open and regulated in width and depth, and in all other respects, pursuant to said written determination of said committee, under the same penalty as is herein before provided. And the expense of said committee shall be paid by the owners or occupants of said dam or dams, or by the said town of Barnstable, as said committee shall judge.

Passage-way for the fish to be kept open—

—under certain penalties.

Notification to owners and occupants.

Proviso.

Respecting committee of selectmen of Sandwich:—

their compensation.

SECT. 3. The said selectmen of the town of Barnstable

Further authority of selectmen of Barnstable. shall have full power and authority to cause the natural course of the stream through which said fish pass to be kept open and free of obstructions, except the dams aforesaid, and to remove all such obstructions except as aforesaid, and for that purpose, as well as for the other purposes of this act, shall have authority to go upon the land or meadow of any person through which said stream runs, without being deemed trespassers; and if any person or persons shall molest the said selectmen or either of them, in the execution of his or their duties under this act, or shall obstruct the passage of said fish, except as aforesaid, the person or persons so offending shall, on conviction thereof before any justice of the peace in the county of Barnstable, pay a fine for every such offence not exceeding twenty nor less than ten dollars.

Fine imposed.

Fine for taking fish unauthoriz- edly.

SECT. 4. If any person or persons shall take any of the fish aforesaid in said river, or the ponds in which said fish cast their spawn, at any time, or in any place or manner other than shall be allowed by said selectmen as aforesaid, each person so offending shall, for each and every such offence, on conviction thereof, pay a fine not exceeding twenty dollars, nor less than one dollar.

Establishment of prices for fish.

SECT. 5. From and after the passing of this act, the inhabitants of said town, at their annual February meeting, or any meeting called for the purpose, shall determine the quantity of said fish that each family in said town shall receive, and establish the price they shall pay therefor.

Legal witnesses.

SECT. 6. All persons not otherwise disqualified shall be taken to be competent and legal witnesses, in any prosecution upon this act, they being inhabitants of said town of Barnstable notwithstanding.

Appropriation of forfeitures.

SECT. 7. All the forfeitures incurred by virtue of this act shall be two thirds to the use of the said town of Barnstable, and one third to the person or persons giving information, to be recovered in an action of debt, in any court proper to try the same, to be brought by the treasurer thereof. [*Approved by the Governor, March 20, 1843.*]

Chap. 21.

An Act concerning the Sale of Rail-road Stock at Auction.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Respecting tax upon sale of shares.

The fifth section of the ninth chapter of the Revised Statutes is hereby so amended, that the tax upon the sale of any of the shares of any rail-road company, incorporated under the authority of any of the United States, shall be one tenth of one per cent. on the amount of the sales, and so much of the said section as is inconsistent herewith is hereby repealed. [*Approved by the Governor, March 21, 1843.*]

An Act concerning the House for the Reformation and Employment of Juvenile Offenders in the city of Boston. *Chap. 22.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city of Boston is hereby authorized to establish, in any building or buildings, or part of any building, used by said city, as a house of industry, or for any other purpose, a separate branch or branches of said house of reformation and employment for females, or for the separate classification of such females. Establishment of branches of House of Reformation.

SECT. 2. The municipal or police court of said city, upon the complaint, under oath, of the mayor, or any alderman thereof, or of any of the directors of the house of industry, or of the said house of reformation and employment, or of the overseers of the poor of said city, that any child or children live an idle and dissolute life, and that their parents are dead, or, if living, do, from vice, or any other cause, neglect to provide suitable employment for, or to exercise salutary control over, such child or children, shall have power, upon conviction thereof, to sentence such child, or children, to such house of reformation and employment, to be kept and governed according to law. Power of committing children by municipal or police court.

SECT. 3. Nothing herein is to be construed to take away the right of appeal, in the cases aforesaid, from the police court to the municipal court aforesaid. *[Approved by the Governor, March 21, 1843.]* Right of appeal continued.

An Act to incorporate the Greenfield Institute for the Education of Young Ladies. *Chap. 23.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Alpheus F. Stone, Titus Strong, John J. Pierce, their associates and successors, are hereby made a corporation by the name of the Greenfield Institute for the Education of Young Ladies, to be established at Greenfield, in the county of Franklin, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. Persons incorporated.

SECT. 2. The corporation may hold real and personal estate to the amount of twenty thousand dollars, to be devoted exclusively to purposes of education. *[Approved by the Governor, March 21, 1843.]* Estate.

An Act authorizing Hathaway Brightman to construct Wharves in the town of Fall River. *Chap. 24.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Hathaway Brightman is hereby authorized to build two

Construction of wharves specified.

wharves from his land, near Slade's ferry, in the town of Fall River, and to extend said wharves into Taunton River, so that there shall be six feet of water at their heads, at common low tides; and the said Hathaway Brightman shall have and enjoy all the powers and privileges, and be subject to all the liabilities and restrictions common to proprietors of wharves in said town; *provided*, that this act shall in no wise interfere with the legal rights of any other person or persons. [*Approved by the Governor, March 21, 1843.*]

Proviso.

Chap. 25. An Act authorizing the North Congregational Society in the East Parish in Barnstable to appropriate the Income of their Ministerial Fund to the Support of Hired Preachers in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Permission to appropriate income specified.

The North Congregational Society in the East Parish in Barnstable are hereby authorized to appropriate the income of their Ministerial Fund to the support of the ministry in their parish, when they have a hired or temporary preacher, as well as when they have a settled pastor; any thing contained in an act passed February fourth, in the year one thousand eight hundred and twenty-eight, "incorporating the North Congregational Society in the East Parish in the town of Barnstable" to the contrary notwithstanding. [*Approved by the Governor, March 21, 1843.*]

Chap. 26.

An Act to establish a Fire Department in the town of Barre.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

A Fire Department is hereby established in the town of Barre, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in the act entitled "An Act to regulate fire departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. [*Approved by the Governor, March 22, 1843.*]

Chap. 27. An Act in addition to the several Acts incorporating certain persons for the purpose of building a Bridge over Neponset River, between Dorchester and Quincy, and for supporting the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Rates of toll established.

SECT. 1. The rates of toll for passing over said bridge and the road connected therewith shall, from and after the twenty-eighth day of October, eighteen hundred and forty-three, be as follows, to wit: For each horse and rider, two cents; for each cart, wagon or sleigh, drawn by one horse, four cents; for each coach, chariot, phaeton, or other carriage, drawn by two or more beasts, twelve cents; for each sleigh, drawn by more than one horse, eight cents; for each

cart or wagon, drawn by more than four beasts, ten cents; for each chaise or sulkey, drawn by one horse, six cents; for horses and neat cattle, exclusive of those in teams or ridden on, one cent each; for sheep and swine, per dozen, one cent; for each cart or wagon, drawn by three beasts, six cents; for each cart or wagon, drawn by two beasts, five cents.

SECT. 2. The said corporation shall, on the first day of January, eighteen hundred and forty-five, and yearly thereafter, make returns into the office of the Secretary of the Commonwealth, of all their receipts, expenditures and disbursements; and if the net income received by said corporation, after deducting all necessary and reasonable expenses and disbursements, shall exceed six per centum per annum on the sum of thirty-five thousand dollars, the Legislature may regulate said tolls in such manner that said net income shall not exceed six per centum on said sum of thirty-five thousand dollars.

Returns to be made to Secretary of Commonwealth.

Net income.

SECT. 3. The said corporation shall have power, at any time hereafter, to reduce the rates of tolls heretofore established, so far as they may deem expedient, and continue said toll, so reduced, as long as they shall deem expedient.

Reduction of tolls provided for.

SECT. 4. The Legislature may, at any time hereafter, regulate the tolls on said bridge and turnpike, as they may deem expedient. [*Approved by the Governor, March 22, 1843.*]

Regulation of tolls.

An Act to incorporate the American Oriental Society.

Chap. 28.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Pickering, William Jenks, John J. Dixwell, their associates and successors, are hereby made a corporation, by the name of the American Oriental Society, for the purpose of the cultivation of learning in the Asiatic, African, and Polynesian languages.

Persons incorporated.

SECT. 2. The said corporation is authorized to hold real or personal estate, the clear annual income of which shall not exceed the sum of three thousand dollars. [*Approved by the Governor, March 22, 1843.*]

Estate.

An Act concerning Probate Courts in the county of Hampden.

Chap. 29.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A probate court shall be holden in the county of Hampden, at the times and places following, in each year, to wit: At Springfield, on the first Tuesdays of January, February, March, April, May, July, September, November, and December. At Westfield, on the second Tuesdays of March and December, and the first Tuesdays of June

Times and places of holding court enumerated.

and October. At Monson, on the second Tuesday of June : and at Palmer, on the second Tuesday of September.

Repeal.

SECT. 2. So much of the fifty-fifth section of the eighty-third chapter of the Revised Statutes as relates to the times and places of holding the probate court for the county of Hampden, is hereby repealed. [*Approved by the Governor, March 22, 1843.*]

Chap. 30.

An Act concerning Charles River Bridge and Warren Bridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Duties of agent.

SECT. 1. The agent of the Charles River and Warren Bridges shall pay over to the treasurer of the Commonwealth, the balance of all receipts over and above the expenditures remaining in his hands, monthly ; and shall render to the governor and council a quarterly account of all receipts of tolls, and of all other receipts on account of said bridges, and of all expenditures in relation thereto, the whole of which receipts and expenditures, of both bridges, may be embraced in one account.

Investment by treasurer.

SECT. 2. The treasurer, after providing for the payment of the scrip issued to the proprietors of Charles River Bridge, shall cause to be invested, from time to time, in notes secured by mortgage of real estate in this Commonwealth, the balance of the fund to be raised for the future repairs of said bridges, as provided in the eighth section of the act of one thousand eight hundred and forty-one, chapter eighty-eight.

Repeal of former acts.

SECT. 3. All acts, or parts of acts, inconsistent with the foregoing provisions, are hereby repealed.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 22, 1843.*]

Chap. 31.

An Act to incorporate the South Yarmouth Academy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. John Larkin, Zeno Kelley, Isaiah Crowell, their associates and successors, are hereby made a corporation, by the name of the South Yarmouth Academy, to be established in Yarmouth, in the county of Barnstable, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

May hold real and personal estate not exceeding \$10,000.

SECT. 2. The corporation may hold real and personal estate to the amount of ten thousand dollars, to be devoted exclusively to purposes of education. [*Approved by the Governor, March 22, 1843.*]

An Act authorizing the First Congregational Society in Douglas to sell lands belonging to their Society, and to appropriate the avails thereof with other funds of said Society.

Chap. 32.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The first congregational society in Douglas is hereby authorized to sell, and convey by deed, the whole of the lands belonging to said society.

SECT. 2. The said society may, at any legal meeting called for that purpose, choose a committee to make sale of the whole of said lands, in such way and manner as will best promote the interest of said society ; and the committee thus chosen shall have authority to execute and deliver deeds accordingly.

May choose committee to make sale—

—who shall have power to execute and deliver deeds.

SECT. 3. The said society is hereby authorized to appropriate all the money received from the sale of said lands, together with all the funds belonging to said society, in the purchase or procuring of a parsonage for the use of the minister of said society, for the time being ; *provided*, that nothing in this act shall be construed to interfere with, or in any way contravene, the rights of the donor or donors of said funds. [*Approved by the Governor, March 22, 1843.*]

The proceeds of these sales, and all other funds, may be appropriated by the society in conformity with donors' rights.

An Act to incorporate the Proprietors of the Third Universalist Meeting-house in Lowell.

Chap. 33.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Joshua Merrill, A. B. Willoughby, Otis Bulard, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Third Universalist Meeting-house in Lowell, with all the powers and privileges, and subject to the restrictions, duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold real and personal estate, the annual income of which, exclusive of such meeting-house as they may build, shall not exceed the sum of two thousand dollars ; and said corporation may divide their whole capital stock into shares not exceeding four hundred in number ; *provided*, that no share shall ever be assessed to a larger sum in the whole than fifty dollars.

May hold property and estate, the income of which shall not exceed \$2000 annually.

Capital stock may be divided into shares, not exceeding 400 in number.

Assessments not to exceed \$50 per share. Power to sell, mortgage and alien real estate, and to lease and sell pews.

Proceeds to be used for parochial purposes alone.

SECT. 3. Said corporation may have power to convey, sell, alien or mortgage any such portions of their real estate as may be judged for the interest of said corporation, and said corporation may sell, lease, or otherwise dispose of the pews in their meeting-house as they may think proper ; *provided*, that the proceeds of the same shall be applied exclusively to parochial purposes. [*Approved by the Governor, March 22, 1843.*]

Chap. 34.

An Act concerning the First Congregational Society in Dudley.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Record of their proceedings confirmed and made valid.

The proceedings of the First Congregational Society in Dudley, as recorded in their books of record in reference to the past, are hereby confirmed and made valid, notwithstanding any defects which may appear to exist in regard to the administration of an oath to the clerks of said society, or in regard to the notification of the meetings of the same. [*Approved by the Governor, March 22, 1843.*]

Chap. 35.

An Act to incorporate the Lowell Irish Benevolent Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That Michael Cassidy, Patrick Byrne, and John Quinn, their associates and successors, are hereby made a corporation, by the name of the Lowell Irish Benevolent Society, for charitable and benevolent purposes; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

May hold real and personal estate not exceeding \$20,000.

SECT. 2. The said corporation may take and hold real and personal estate for the purposes aforesaid to an amount not exceeding twenty thousand dollars. [*Approved by the Governor, March 22, 1843.*]

Chap. 36.

An Act authorizing the County Commissioners for the County of Barnstable to lay out a Road and construct a Bridge across Mill Creek, in the town of Barnstable.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The county commissioners for the county of Barnstable are hereby empowered, if in their opinion the public necessity and convenience require it, to lay out a highway, and cause to be constructed a sufficient bridge across Mill Creek, or over the causeway which crosses said creek, commencing at the termination of the road laid out by the county commissioners, near the wharf of Joseph W. Crocker and others, and running across said Mill Creek or causeway to the shore, in the town of Barnstable; and said commissioners, in carrying into effect the provisions of this act, shall in all respects conform to the existing laws relating to laying out common highways. [*Approved by the Governor, March 22, 1843.*]

An Act continuing the Commercial Bank, in the city of Boston.

Chap. 37.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The President, Directors and Company of the Commercial Bank, in the city of Boston, are hereby continued a body corporate for the period of one year from the twenty-first day of April, in the year one thousand eight hundred and forty-three; with all the powers and privileges, and subject to the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, March 22, 1843.*]

Continued one year from April 21, 1843.

An Act in relation to the Subsistence of Convicts in the State Prison.

Chap. 38.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

That when the warden of said prison shall judge the same to be necessary, he may make an addition to the daily rations provided for in the forty-fourth section of the one hundred and forty-fourth chapter of the Revised Statutes, of a quantity of meal not exceeding ten ounces to each convict, or the value thereof in rice or vegetables. [*Approved by the Governor, March 22, 1843.*]

Warden may add further allowance to the daily rations of convicts.

An Act requiring Returns from Clerks of the Courts.

Chap. 39.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The clerks of the several courts in this Commonwealth, except police courts, shall, on or before the fifteenth day of January, annually, return to the Secretary of the Commonwealth, under oath, a true account of all moneys received by them from all sources, by virtue of their office, for the year ending with the thirty-first of December preceding, designating the amount received for fees at the several courts, for such copies as they are not required by law to furnish, and from all other sources; also the amount paid to the county treasurers, or the deficiency of fees to pay their annual salary, agreeable to the seventeenth and eighteenth sections of the eighty-eighth chapter of the Revised Statutes, and the amount paid for the service of clerks in their respective offices. And the Secretary shall lay said return before the Legislature.

Clerks of all courts (except police) to make annual returns to the Secretary of the Com'th in January, under oath, of all moneys received by virtue of their office. Returns to December 31st, of each year, and shall designate the amount rec'd for fees for copies not required by law, &c.

SECT. 2. If the clerk of any court shall neglect to make the return required in the preceding section, he shall forfeit the sum of two hundred dollars. [*Approved by the Governor, March 22, 1843.*]

Penalty for failure to make returns, \$200.

Chap. 40.

An Act concerning the Probate Courts in the County of Hampshire.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Court heretofore held on 2d Tuesday of Nov. shall be holden on 2d Tuesday of October.

SECT. 1. The probate court which is now required by law to be holden at Belchertown, in the county of Hampshire, on the second Tuesday of November, shall hereafter be holden at said Belchertown on the second Tuesday of October.

Act of 1836, April 16, in regard to this matter, repealed.

SECT. 2. The act in addition to the eighty-third chapter of the Revised Statutes, concerning the probate courts, passed on the sixteenth day of April, in the year eighteen hundred and thirty-six, establishing additional probate courts, to be holden in Amherst and Belchertown, in said county of Hampshire, is hereby repealed. [*Approved by the Governor, March 22, 1843.*]

Chap. 41.

An Act relating to the Court of Common Pleas.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The term of C. C. Pleas now holden at Lowell, on the 2d Monday of September, shall be held on the 1st Monday of said month.

SECT. 1. The term of the court of common pleas now holden for and within the county of Middlesex, on the second Monday of September, in each year, at Lowell, shall hereafter be holden at the same place on the first Monday of September, in each year.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 22, 1843.*]

Chap. 42.

An Act to incorporate the Union Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

Edward A. Raymond, Simon W. Robinson and David Kimball, their associates and successors, are hereby made a corporation, by the name of the Union Mutual Fire Insurance Company in Boston, for the purpose of making insurance upon any building, stock, tools and furniture whatsoever within this Commonwealth, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, and to continue for the term of twenty-eight years. [*Approved by the Governor, March 22, 1843.*]

Powers and privileges.

Chap. 43.

An Act to repeal the Act establishing the Board of Bank Commissioners.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Bank Com'rs abolished.

The act passed the twenty-third day of February in the

year eighteen hundred and thirty-eight, entitled An Act providing for the appointment of Bank Commissioners, is hereby repealed. [*Approved by the Governor, March 23, 1843.*]

An Act to incorporate the St. Vincent's Orphan Asylum.

Chap. 44.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thomas Murphy, Lawrence Nichols and Wm. J. McDonell, their associates and successors, are hereby made a corporation by the name of the St. Vincent's Orphan Asylum, for the purpose of maintaining destitute female orphans, with all the powers and privileges, and subject to all the liabilities, restrictions and requirements, set forth in the forty-fourth chapter of the Revised Statutes.

—to maintain destitute female orphans.

SECT. 2. The said corporation may take and hold real and personal estate, for the purpose aforesaid, to an amount not exceeding fifty thousand dollars. [*Approved by the Governor, March 23, 1843.*]

May hold real and personal estate not to exceed \$50,000.

An Act to establish a Fire Department in the town of Newton.

Chap. 45.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The selectmen of the town of Newton are hereby authorized to establish a fire department in said town, in the manner and according to the provisions prescribed in an Act to regulate Fire Departments, passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine; and the said fire department, when so established, and the several members thereof, and all the officers and companies appointed by them, and the said town of Newton and the inhabitants thereof, shall be subject to all the duties and liabilities, and be entitled to all the privileges and exemptions, specified in said act, so far as the same relate to them respectively. [*Approved by the Governor, March 23, 1843.*]

An Act relating to a Highway and Bridge over Powow River.

Chap. 46.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The second proviso in the first section of an act entitled an Act authorizing a Highway and Bridge over Powow River, passed on the third day of March, in the year one thousand eight hundred and forty-two, is hereby repealed. [*Approved by the Governor, March 23, 1843.*]

Chap. 47. AN ACT to authorize Jonathan T. Carlton to erect and maintain a Bridge across the North River, in Salem, being navigable waters.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Said Carlton may erect and maintain a bridge over the North River, in Salem, in the county of Essex, beginning at the foot of Dean street, on land of the city, first obtaining their assent, and to terminate on said Carlton's land, on the opposite side of the river.

Assent of Salem to be first obtained.

Said Carlton to maintain a draw and waste-way—

SECT. 2. Said Carlton shall make and maintain a draw, at the channel of said river, of the width that the draw is at the foot of Central street, over the South river, in Salem, and shall leave an open space each side of the draw, of the width of twenty feet, for the passage of the water, and shall be at the expense of opening the draw at all times, for the passage of vessels, and shall raise the same immediately on being thereto reasonably requested.

—and be at the expense of opening the draw, at all times, for passage of vessels.

Without cost to Salem—

SECT. 3. The city of Salem shall not be responsible, in any manner, for the maintenance of the same, or at any charge or expense on account of said bridge, unless by the express assent of the city council.

—and may remove or discontinue the bridge when he pleases.

SECT. 4. Said Carlton, or his assigns, may cause the said bridge to be taken away, or the use of it to be discontinued, whenever he or they may judge proper. [*Approved by the Governor, March 23, 1843.*]

Chap. 48.

An Act to change the name of the Stockbridge Academy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

The institution erected in the town of Stockbridge, in the county of Berkshire, by an act of the eleventh day of March, eighteen hundred and twenty-eight, by the corporate name of the Stockbridge Academy, may, on and after the passage of this act, take the corporate name of the Williams Academy, and by that name shall be known and called. [*Approved by the Governor, March 23, 1843.*]

Chap. 49.

An Act to incorporate the Boston Society for the diffusion of information among Emigrants.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. James Boyd, J. W. James, Samuel A. Eliot, their associates and successors, are hereby made a corporation, by the name of the Boston Society for the diffusion of information among Emigrants, for the purpose of disseminating information, and giving useful advice, to foreigners who have arrived, or are desirous of emigrating to the United States. with all the powers and privileges, and sub-

ject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, so far as the same are applicable to said corporation.

SECT. 2. The said corporation may take and hold real and personal estate, for the purpose aforesaid, to an amount not exceeding forty thousand dollars. *[Approved by the Governor, March 23, 1843.]* Estate.

An Act in addition to an Act to incorporate certain persons for the purpose of building a bridge over Merrimack River, in the County of Middlesex, between the towns of Dracont and Chelmsford. Chap. 50.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The proprietors of Central Bridge, their successors and assigns, are hereby authorized to reconstruct their bridge over Merrimack river, in the manner and of the materials and dimensions prescribed in the act to which this is in addition, and that when said bridge is completed, the clerk of said proprietors shall make a return of the actual expenses incidental to the reconstruction thereof, into the office of the Secretary of this Commonwealth. Reconstruction of bridge.

SECT. 2. Said proprietors, for the purpose of reconstructing said bridge and defraying the expenses incidental thereto, are hereby authorized to assess upon the stockholders of said corporation, a sum not exceeding nine thousand dollars, or to create new stock to that amount, as may be determined by a majority of said proprietors, at a legal meeting specially notified for that purpose. Expenses, how to be defrayed.

SECT. 3. The sum of ten thousand dollars, being a portion of the cost of the original bridge, not yet reimbursed and repaid to said proprietors under said original act, together with the sum that shall be expended in and about the reconstruction thereof, shall hereafter constitute the capital stock of said proprietors, deducting, from said ten thousand dollars, such sums as may be received for tolls, exclusive of expenses, between the time of their dividend, in January, eighteen hundred and forty-three, and the time this act shall take effect, and shall be divided into two hundred shares. Capital stock.

SECT. 4. For the purpose of remunerating and repaying to said proprietors, their successors and assigns, said sum of ten thousand dollars, and the money to be by them expended in the reconstruction and maintenance of said bridge, a toll is hereby granted for and during the term of twenty years, for the sole use and benefit of said proprietors, at the following rates, to wit: For two oxen and a cart, waggon or sled, four cents; for four oxen, with the same, six cents; for a horse and cart, or sled, three cents; for two or three horses, with a cart, waggon or sled, four cents: for four or five horses, with a cart, waggon or sled, Rates of toll.

six cents; for a horse and rider, two cents; for a waggon, cart or sled, with two oxen and one horse, four cents; for the same with four oxen and one horse, six cents; for the same, with six oxen or horses, seven cents; for the same, with seven oxen or horses, eight cents; for the same, with eight oxen or horses, nine cents; for a horse and gig, waggon or sleigh, three cents; for two horses with a gig, waggon or sleigh, four cents; for horses driven or led, per head, one cent; for horned cattle, per score, twelve cents; for sheep or swine, per score, three cents; and for all other kinds of travel, the same rates which are now taken at said bridge, except that persons on foot shall be wholly free of toll; which toll the said proprietors are hereby authorized to collect from and after the time when this act takes effect: *provided, nevertheless*, that whenever the tolls collected under this act shall have amounted to a sum equal to the capital stock of said proprietors, as herein constituted, together with interest thereon, at the rate of nine per centum per annum, and the repairs, and expenses of maintaining the said bridge, the said bridge shall revert to the Commonwealth for public use, unless, prior thereto, the said proprietors shall be reimbursed, and said bridge opened according to the terms, and by the authority granted in the original charter; and said proprietors shall be forever after free from any liabilities or responsibilities in relation thereto.

Proviso.

Rights of the Legislature.

SECT. 5. The Legislature shall have the right, at the expiration of said term of twenty years, to regulate anew the rates of toll established by this act: *provided, however*, that the said tolls shall not be reduced, so as to yield to said proprietors an annual income of less than nine per centum upon said capital stock, in addition to the expenses of repairs and maintenance of said bridge.

Other rights preserved.

SECT. 6. This act shall not impair the rights of any person or corporation acquired under any contract made with said proprietors; and the said proprietors shall not, by reason of any existing contract, require any person to pay any higher rate of tolls than that hereby established.

SECT. 7. The provisions of said original act of incorporation, so far as the same are inconsistent with this act, are hereby repealed.

When to take effect.

SECT. 8. This act shall take effect when accepted by the said proprietors, and the city of Lowell, at legal meetings of the respective corporations, to be holden within thirty days from the final passage of this act. [*Approved by the Governor, March 23, 1843.*]

An Act to incorporate the First Christian Baptist Society, in Westport.

Chap. 51.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William Taylor, Howland Tripp, Benjamin Tripp, Jeremiah J. Thomson, William Taber, Christopher A. Church, their associates and successors, are hereby made a corporation, by the name of the First Christian Baptist Society, in Westport, with all the powers and privileges, and subject to all the duties, restrictions and liabilities contained in the twentieth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

SECT. 2. Said society shall have power to hold real and personal estate to an amount not exceeding ten thousand dollars, the annual income of which shall be appropriated to parochial purposes. [*Approved by the Governor, March 23, 1843.*]

Estate.

An Act to incorporate the Harvard Street Baptist Society, in the city of Boston.

Chap. 52.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. From and after the passage of this act, the religious society in Boston, heretofore known as the Boylston Street Baptist Society, shall be known and called by the name of the Harvard Street Baptist Society, and as such, are hereby made a body corporate, and authorized and empowered to take by purchase and hold a certain piece or parcel of real estate, situate at the corner of Harrison avenue and Harvard street, in said Boston, whereon the church is now built, for the use of said society, and the same again to sell, mortgage, or otherwise dispose of as they may see fit.

Name changed.

SECT. 2. Said society shall have power to hold real and personal estate not exceeding ten thousand dollars in amount, (exclusive of the cost or value of their meeting-house and land on which it stands :) *provided* the income thereof be appropriated to parochial purposes.

Estate.

SECT. 3. Said society shall have all the powers and privileges, and shall be subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth. [*Approved by the Governor, March 23, 1843.*]

An Act to incorporate the Proprietors of the Chelmsford Centre Meeting-house.

Chap. 53.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Eli F. Webster, Amos Carlton, John C. Bart-

Persons incorporated.

lett, their associates and successors, are hereby made a corporation, by the name of "the Proprietors of the Chelmsford Centre Meeting-house," with all the powers and privileges, and subject to all the restrictions, duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate.

SECT. 2. Said corporation may hold real and personal estate, the annual income of which, exclusive of their meeting-house, shall not exceed the sum of one thousand dollars; and may divide their capital stock into shares not exceeding three hundred in number: *provided*, that no share shall ever be assessed to a larger sum in the whole than thirty dollars.

Proviso.

SECT. 3. Said corporation may have power to sell, convey, alien, or mortgage any such portions of their real estate as may be judged for the interest of said corporation; and may sell, lease, or otherwise dispose of the pews in their meeting-house as they may think proper: *provided*, that the proceeds of the same shall be applied to parochial purposes. [*Approved by the Governor, March 23, 1843.*]

Chap. 54.

An Act relating to the Norfolk and Bristol Turnpike Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Surrender of charter.

The Norfolk and Bristol Turnpike Corporation are hereby authorized to surrender their charter granted by the act of March eighth, in the year one thousand eight hundred and two, and the same is hereby repealed accordingly. And the said corporation are no longer authorized to receive any tolls on the road which they made under and by virtue of said act, or to claim any right or interest whatever in the soil and freehold of the land over which said road passes, and they are relieved from their obligation to keep the same in repair: *provided*, that this act is not to interfere with the right of the county commissioners for the county of Norfolk to lay out that part of said road as a common highway, which they have already adjudged that the public convenience requires should be so laid out, between Dedham court-house and the northerly line of Foxborough, and for which they are to allow the said corporation certain damages by agreement, and that the other towns or the counties through which said road passes between the northerly line of Foxborough and Pawtucket bridge may, if they see fit, at any time within one year from the passage of this act, respectively, lay out the same through their respective towns or counties as a common highway, and the said corporation are to claim no damages therefor. [*Approved by the Governor, March 23, 1843.*]

Proviso.

An Act relating to Costs in Civil Actions.

Chap. 55.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

In all civil actions now pending, or which may be hereafter entered in any court of this Commonwealth, in which the bankruptcy of the defendant shall be pleaded, and such action shall be discontinued, or the plaintiff nonsuited solely in consequence of such plea, the defendant shall recover no cost against the plaintiff. [*Approved by the Governor, March 23, 1843.*]

An Act concerning Sureties in Probate Bonds.

Chap. 56.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Any surety in a bond given to the judge of probate may, at any time, upon his petition to the supreme judicial court, or the probate court, be discharged from all further responsibility upon such bond, if the court, after due notice to all persons interested, shall think it reasonable and proper to discharge him; and the principal shall thereupon give a new bond, with such surety or sureties as the court shall judge sufficient.

May be discharged on petition to probate court—
—after due notice, if the court think reasonable.
Principal to give new sureties—

SECT. 2. If, in any case, the principal shall not give such new bond, within such time as shall be ordered by the court, he shall be removed from his trust, and some other person may be appointed in his stead, as the circumstances of the case may require.

—or be removed and new trustee appointed

SECT. 3. When a new bond shall be required, as above provided, the sureties in the prior bond shall nevertheless be liable for all breaches of the condition committed before the new bond shall be approved by the judge of probate. [*Approved by the Governor, March 23, 1843.*]

Old sureties to remain liable until new bond is accepted.

An Act to incorporate the New England Fire and Marine Insurance Company.

Chap. 57.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James Hall, Robert B. Storer, Andrew Cunningham, their associates, successors and assigns, be, and they are hereby made a body politic, by the name of the New England Fire and Marine Insurance Company, for the purpose of making maritime loans, and insurance against maritime losses, and losses by fire, in the usual and customary manner, with all the privileges and subject to all the duties and obligations contained in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-fifth and one hundred seventy-eighth chapters of the acts of the year one thousand eight hundred and

Persons incorporated.

thirty-eight, for the term of twenty years after the passing of this act.

Estate. SECT. 2. The said corporation may hold any estate, real or personal, for the use of said company, provided that the real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due said company.

Capital stock. SECT. 3. The capital stock of said company shall be one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint. [*Approved by the Governor, March 23, 1843.*]

Chap. 58. An Act to incorporate the Boston Roman Catholic Mutual Relief Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor- SECT. 1. Thomas Murphy, Patrick Donahoe, John
porated. Rowan, their associates and successors, are hereby made a corporation, by the name of the Boston Roman Catholic Mutual Relief Society, for the purpose of affording mutual charitable relief, with all the powers and privileges, and subject to all the liabilities, restrictions and requirements set forth in the forty-fourth chapter of the Revised Statutes.

Estate. SECT. 2. The said corporation may take and hold real and personal estate to an amount not exceeding fifty thousand dollars for the purpose aforesaid. [*Approved by the Governor, March 23, 1843.*]

Chap. 59. An Act to incorporate the Proprietors of the First Universalist Meeting-house in Worcester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor- SECT. 1. Samuel D. Harding, Joseph Pratt, Edward B.
porated. Rice, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the First Universalist Meeting-house in Worcester, with all the powers and privileges, and subject to all the restrictions, duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate. SECT. 2. Said corporation may hold real and personal estate, the annual income of which, exclusive of their meeting-house, shall not exceed the sum of one thousand dollars, and said corporation may divide their whole capital stock into shares not exceeding four hundred in number; *provided* that no share shall ever be assessed to a larger sum in the whole than fifty dollars.

SECT. 3. Said corporation may have power to sell, con-

vey, alien, or mortgage any such portions of their real estate, as may be judged for the interest of said corporation, and said corporation may sell, lease, or otherwise dispose of the pews in their meeting-house as they may think proper; *provided*, that the proceeds of the same shall be applied exclusively to parochial purposes. [*Approved by the Governor, March 23, 1843.*]

Powers of corporation.

An Act to authorize the Equitable Safety Insurance Company to divide the interest upon their invested funds.

Chap. 60.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Equitable Safety Insurance Company are hereby authorized to divide the interest or income that may accrue from the investment of their funds, made according to law, whenever and so long as those funds shall amount to one hundred and fifty thousand dollars, among those who are or may be entitled to the same, agreeably to the by-laws of said corporation. [*Approved by the Governor, March 23, 1843.*]

An Act in addition to an Act entitled an Act relating to the Court of Common Pleas and the Municipal Court of the city of Boston.

Chap. 61.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All costs arising in criminal prosecutions, in the said municipal court shall be taxed by the prosecuting officer according to law, and the allowance thereof shall be certified by the clerk, under the direction of the court, and copies thereof transmitted to the county treasurer, as now prescribed by law, and said treasurer shall pay the same upon such certificate and copies.

Costs in municipal court to be taxed by prosecuting officer, and certified by clerk—

—copies to be sent to county treasurer, who shall pay the same.

SECT. 2. The judges of said court of common pleas shall not, nor shall either of them, be required to do that part of the duty prescribed by law to be done by the judge of the municipal court, either as a member of the board of accounts, or as one of the inspectors of prisons in the county of Suffolk.

Judges of the C. C. P. not to be members of the board of accounts nor inspectors of prisons in Suff. Co.

SECT. 3. All acts and parts of acts inconsistent with this act, and the act to which this is in addition, are hereby repealed. [*Approved by the Governor, March 23, 1843.*]

Repeal of prior acts, &c.

An Act to continue in force an Act to incorporate the Washington Fire and Marine Insurance Company.

Chap. 62.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act of the year one thousand eight hundred and twenty-four, incorporating the Washington Fire and Marine Insurance Company, shall be and remain in force

for the term of twenty years from the seventh day of February, in the year one thousand eight hundred and forty-four; and the said corporation, with the title of the Washington Insurance Company, shall be continued through that term, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-fifth and one hundred and seventy-eighth chapters of the acts of the year one thousand eight hundred and thirty-eight. [*Approved by the Governor, March 23, 1843.*]

Chap. 63. An Act in addition to an Act to incorporate the Trustees of the Ministerial Fund in the First Parish in Cambridge, passed December ninth, eighteen hundred and sixteen.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Appropriation
of income au-
thorized.

From and after the passing of this act, the trustees incorporated by the act to which this is additional, and their successors are hereby authorized and required to appropriate the whole of the annual income, or interest of those parts of the said fund, in relation to which the donor or donors have not prescribed or shall not prescribe the manner of appropriation, in like manner, and for like purposes as they are now authorized in and by the act to which this is additional, to appropriate two thirds of the annual interest or income of the said fund, any thing in the said act to the contrary notwithstanding. [*Approved by the Governor, March 23, 1843.*]

Chap. 64. An Act to authorize the First Parish in Methuen to tax the Pews in their Meeting-house.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Specification of
assessment.

The first parish or congregational society in Methuen is hereby authorized to assess upon the pews in the meeting-house of said society (the proprietors of said pews having assented thereto), according to a valuation of said pews which shall first be agreed upon by said parish, and recorded, any sum or sums of money which shall hereafter be voted to be raised by said parish for the support of public worship and for the repairs of their meeting-house; and all such assessments may be collected in the manner provided by the thirty-second, thirty-third and thirty-fourth sections of the twentieth chapter of the Revised Statutes. [*Approved by the Governor, March 23, 1843.*]

An Act to establish an Aqueduct for the State Lunatic Hospital.

Chap. 65.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Trustees of the State Lunatic Hospital, to supply that institution with pure and wholesome water, may establish and maintain an aqueduct in the town of Worcester; and for that purpose they are hereby authorized and empowered to enter upon, take possession of, and hold, so much of the lands situate on the westerly side of Mill Stone Hill, owned by Frederick W. Paine, his wife and children, and all such springs of water in said lands, and to dig and make such wells and reservoirs thereon, and to lay and maintain such pipes and conductors of water through and across all lands, streets and ways between said springs, wells and reservoirs and the State Lunatic Hospital, for the conveyance of water to said hospital, as may be necessary to carry into effect the objects of this act. And if any proprietor of, or person interested in, any lands, springs, or water, which may be taken by said trustees for all or any of the purposes aforesaid, do not agree with said trustees on the price to be paid therefor, such proprietor or person interested may have his damages assessed in the manner provided in the one hundred and sixteenth chapter of the Revised Statutes. And the said trustees, in all cases when they do not acquire title to the lands for the purposes aforesaid or to a privilege or easement therefor by conveyance, shall cause a certificate, describing the land or the privilege or easement so taken and signed by them, to be recorded in the registry of deeds for the county of Worcester.

Lands to be appropriated.

Compensation to proprietors provided for.

SECT. 2. Any person who shall wilfully or maliciously defile, corrupt or make impure any spring or other source of water or reservoir, used by said trustees as aforesaid, or destroy or injure any pipe, conductor of water or other property pertaining to such aqueduct, and any person who shall aid or abet in any such trespass, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding one year. [*Approved by the Governor, March 23, 1843.*]

Punishment of trespassers.

An Act in relation to the Support of Convicts.

Chap. 66.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever any person shall be committed to the house of correction in any county for any offence mentioned in the fifth section of the one hundred and forty-third chapter of the Revised Statutes, and the person so committed shall have a legal settlement in any town in this Commonwealth, it shall be the duty of the master, keeper,

or overseers of such house of correction immediately to notify the selectmen of such town in writing, by mail or otherwise, of such commitment.

SECT. 2. Whenever any person shall be committed to any house of correction in this Commonwealth for any offence not mentioned in the fifth section of the one hundred and forty-third chapter of the Revised Statutes, the expense of his safe keeping, support and maintenance shall not be recoverable against any town in this Commonwealth, but shall be paid in the manner provided by law.

SECT. 3. Not more than one dollar per week shall be recoverable of, or demanded against any town for the safe keeping, support and maintenance of any person committed to any house of correction.

SECT. 4. All acts inconsistent with the provisions of this act are hereby repealed. [*Approved by the Governor, March 23, 1843.*]

Chap. 67.

An Act in relation to the Stoneville Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Reorganization
of the Compa-
ny.

The stockholders of the Stoneville Manufacturing Company are hereby authorized and empowered to call a meeting of said corporation, and elect officers of said company, and do all acts and things necessary to reorganizing said corporation, which meeting may be called by Rufus Hastings, by personal notice to each stockholder of said company, seven days at least, unless all of said stockholders shall, in writing, assent to a shorter notice than said time of seven days. And all acts and proceedings heretofore done by said corporation, or which shall be done at said meeting, according to the by-laws of said corporation heretofore made by them, shall be legal and valid, notwithstanding any omission of said corporation to hold their annual meeting for the election of their officers. [*Approved by the Governor, March 24, 1843.*]

Chap. 68.

An Act concerning Proxies.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proxies held in
rail-road corpo-
rations to bear
date within six
months of the
meeting where
used.

No share pledg-
ed to the corpo-
ration shall be
represented by
a vote in any
case.

SECT. 1. All proxies held by any individual, director, treasurer, or other officer of any rail-road corporation, chartered under the authority of this Commonwealth, shall be dated within six months previous to the meeting of said corporation.

SECT. 2. No share-holder in any rail-road corporation, whose shares are in any form pledged to such corporation, or for the benefit thereof, shall be permitted to vote on said shares at any meeting of the stockholders, and no vote shall

be given by such corporation, or by any officer thereof, or any other person, on said shares; nor shall any vote be given by any person for any share actually owned by said corporation.

No vote to be given for any share owned by the corporation.

SECT. 3. No individual, at any meeting of the stockholders of any rail-road corporation, shall be allowed, by virtue of any power of attorney, proxy or proxies held by him and made by any shareholder, to cast more than fifty votes; and no director, treasurer or other officer of such corporation shall be allowed, by virtue of any power of attorney, proxy or proxies held by him, to cast more than twenty votes. [*Approved by the Governor, March 24, 1843.*]

No individual stockholder to be allowed more than 50 proxy votes.

No officer of the corporation to be allowed more than 20 proxy votes.

An Act further to protect Personal Liberty.

Chap. 69.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. No judge of any court of record of this Commonwealth, and no justice of the peace, shall hereafter take cognizance or grant a certificate in cases that may arise under the third section of an act of Congress, passed February twelfth, seventeen hundred and ninety-three, and entitled "an Act respecting fugitives from justice and persons escaping from the service of their masters," to any person who claims any other person as a fugitive slave within the jurisdiction of the Commonwealth.

No judge or justice to take cognizance of any case under Act of Congress, Feb. 12, 1793.

SECT. 2. No sheriff, deputy-sheriff, coroner, constable, jailer, or other officer of this Commonwealth, shall hereafter arrest or detain, or aid in the arrest or detention or imprisonment in any jail or other building belonging to this Commonwealth, or to any county, city or town thereof, of any person for the reason that he is claimed as a fugitive slave.

No sheriff or other officer shall arrest or detain, or aid in arresting or detaining, in any public building belonging to the Commonwealth, &c. any person claimed as a fugitive slave.

SECT. 3. Any justice of the peace, sheriff, deputy-sheriff, coroner, constable, or jailer, who shall offend against the provisions of this law, by in any way acting directly or indirectly under the power conferred by the third section of the act of Congress, afore-mentioned, shall forfeit a sum not exceeding one thousand dollars for every such offence, to the use of the county where said offence is committed, or shall be subject to imprisonment not exceeding one year in the county jail. [*Approved by the Governor, March 24, 1843.*]

Any justice, &c. violating this act to forfeit a sum not exceeding \$1000, to the use of the county, or be imprisoned not exceeding one year.

An Act to repeal an Act concerning Town Ways and Private Ways.

Chap. 70.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

An act entitled "an Act concerning Town Ways and Private Ways," passed on the third day of March, in the year one thousand eight hundred and forty-two, is hereby repealed. [*Approved by the Governor, March 24, 1843.*]

Repeal.

Chap. 71.

An Act in relation to Fees of Justices of the Peace.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Only one travel shall be allowed to a justice of the peace for returning papers to the supreme judicial court, or to the court of common pleas, at the same term. [*Approved by the Governor, March 24, 1843.*]

Chap. 72.

An Act concerning Mortgages of Personal Property.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Equity of redemption to continue till 60 days after, written notice of intention to foreclose,—

—for breach of condition—
—notice to be recorded.

When mortgagor retains possession, the mortgage shall be recorded in the town where he lives, and also in the town where he does business.

The demand, pursuant to R. S., c. 90, § 79, to be under oath, and at least 4 days before return day of writ—

—or at such time as court may order—
—or in certain cases, within 3 months after such attachment comes to mortgagee's knowledge—
—in no case to exceed one year after rendition of judgment—

SECT. 1. In all mortgages of personal property, the right of the mortgagor or his assigns to such property, shall not be forfeited until sixty days after the mortgagee or his assigns shall have given written notice to the mortgagor or the person in possession of said property, claiming the same, of his or their intention to foreclose said mortgage, for a breach of the condition thereof, and caused a copy of the same notice to be recorded in the town clerk's office, where the mortgage is recorded.

SECT. 2. Every mortgage of personal property, whenever the mortgagor shall retain the possession thereof, shall be recorded as well by the clerk of the town where the mortgagor resides, as by the clerk of the town in which he principally transacts his business, or follows his trade or calling.

SECT. 3. Every mortgagee, pawnee, or holder of personal property, as collateral security, shall, when demanding payment of the money due to him, pursuant to the seventy-ninth section of the ninetieth chapter of the Revised Statutes, make oath that the statement subscribed by him is just and true, and he shall in all cases make the demand therein mentioned, at least four days before the return day of the writ, upon which such property shall have been attached, *provided* the mortgagee shall know of the existence of such attachment; but if the mortgagee shall not know of the existence of such attachment, until after the time aforesaid, he shall make his statement, under oath, at such time as the court, before whom the writ is pending, shall direct; but if the mortgagee does not know of such attachment till after the final adjournment of the court, at the term when judgment shall be rendered in the action in which the attachment shall be made, such statement may be made by the mortgagee or his assigns, within three months after such attachment shall come to his knowledge; such time, however, not to exceed one year from the rendition of such judgment.

SECT. 4. All laws inconsistent herewith, are hereby re-

pealed, saving to all persons, however, all rights accruing or accrued, and all proceedings pending or commenced, under or by virtue of the laws hereby repealed. [*Approved by the Governor, March 24, 1843.*]

—repeal, reserving accrued rights.

An ACT to regulate the Fishery in Taunton Great River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Chap. 73.

SECT. 1. From and after the passage of this act, it shall not be lawful for any person or persons, except as is hereinafter provided, to catch shad and alewives with seines or nets, in Taunton Great River, from the first day of March to the fifteenth day of June, in each year, *provided* that it shall and may be lawful for the inhabitants of the several towns situated on said river, to catch shad and alewives with twelve seines or nets only, in the manner following, to wit : the towns of Somerset, Freetown and Fall River shall each have the right of disposing, at public auction, for their own benefit, of the privilege of catching shad and alewives, with one seine or net only ; the towns of Berkley and Raynham and Dighton, shall each have the right of disposing, at public auction, for their own benefit, of the privilege of catching shad and alewives with two seines or nets, only ; and the town of Taunton shall have the right of disposing, at public auction, for their own benefit, the privilege of catching shad and alewives with three seines or nets only, in the river aforesaid ; and the purchaser or purchasers of the privileges which shall be located in the towns of Raynham and Taunton, shall not have a right to sweep with a seine or net, more than fifteen rods in length, and the towns of Berkley and Dighton shall have the right to sweep with a seine or net not more than twenty rods in length above Rocky Point, and but four days in each week, beginning at four o'clock on Monday morning, and ending at four o'clock on Friday morning ; the purchaser or purchasers of the privilege or privileges which shall be located in the towns of Berkley and Dighton below Rocky Point, shall have the right to sweep with a seine or net, thirty-four rods in length, and no more, five days in each week, beginning at four o'clock on Monday morning, and ending at four o'clock on Saturday morning ; and the purchaser or purchasers of the privilege or privileges which shall be located in either of the towns of Somerset, Freetown, or Fall River, shall have a right to sweep with a seine or net forty rods in length, and no more, four days in each week, beginning at four o'clock on Monday morning, and ending at four o'clock on Friday morning and *provided, also*, that each of said towns shall, at a legal meeting between the first day of September and the last day of December, in each year, dispose and make sale

Shad and alewives not to be taken by seine, &c., between March 1 and June 15—
—except, &c.

The towns of Somerset, Freetown and Fall River, to have the right to take with one seine each, and to sell said right.

Berkely, Raynham and Dighton, with two each, &c.

Taunton with three.

Limitation of fishing ground

—and number of days.

of, at public auction, for the next year, and so from year to year, their privilege of catching shad and alewives with seines or nets, in the river aforesaid, for the time aforesaid, to such person or persons, as shall offer the most for the same, and give sufficient security for the payment of the purchase monies, at such time and in such manner as the respective towns shall order.

SECT. 2. The several purchasers of the privileges aforesaid, shall select the place where they intend to use their seine or net, for the purpose of catching shad and alewives, and shall file a certificate thereof with the clerk of the town within which they have determined to exercise their said privilege as aforesaid, on or before the first day of March in each year; *provided*, that the privilege which shall be purchased of the said town of Somerset, shall be exercised within the limits of said town, and the person or persons so purchasing and locating the privileges aforesaid, shall have the right to catch shad and alewives in the river aforesaid for the time aforesaid, and no other persons.

SECT. 3. No purchasers of a privilege aforesaid shall make use of a seine or net, for the purpose aforesaid, at any other place on said river, than the place so selected and certified as aforesaid, during the time aforesaid, and no seine or net shall be located or swept within one mile of the dam located near King's Bridge, across Taunton Great River, in the town of Raynham; and no seine or net shall be located or swept within one and a half miles of the said dam, in the town of Taunton, and no seine or net shall be swept more than forty rods on said river, above Rocky Point, and not more than forty-five rods in length below Rocky Point, and no person shall be permitted to set any seine, net, ware, or other obstructions, in or across said river, or any part thereof, or any waters connected with the said river, for the purpose of taking shad or alewives, or obstructing their passage along said river, during the time aforesaid.

SECT. 4. If any person or persons shall draw or sweep with any seine or net, on any day or time other than those before expressed, or at any other place than those selected as aforesaid, or shall, on any day or at any place, set any seine or net, ware, or other obstructions in or across said river, or any part thereof, or any waters connected with the same, with the intention to catch or destroy any of the fish called shad or alewives, within the time limited in the first section of this act, or shall at any time or any place drive with boat or boats in said river, or use any other implements whatsoever, with intention to catch or destroy said fish, or hinder their passage up said river, or by any means whatsoever shall impede or hinder the passage of said fish up said river or any part thereof, with intention

to drive, hinder, disturb or destroy any of the fish called shad or alewives, in the waters of said river, or shall whip with poles or any other instrument in the waters of said river, or throw into said river loam or any other thing whatsoever, with the intention to hinder the passage of said fish up said river, he, and each, and every individual, who shall violate this act, or any part thereof, shall each and every one forfeit and pay a sum not less than five dollars nor more than twenty dollars for each and every such offence, to be recovered by action of debt, in any court proper to try the same, for the use and benefit of him who shall prosecute or sue for the same, or shall be imprisoned in the county jail or in the house of correction, for a term of time not exceeding sixty days.

SECT. 5. If any person or persons be found fishing with any seine or net, or other machine or instrument or instruments, which shall be used by any person or persons in taking or carrying away any of the fish called shad or alewives, contrary to the true intent and meaning of this act, it shall be lawful for any fishwarden or inspector chosen by virtue of this act, or the law regulating the fishery in the town of Middleborough, to seize and take such seine or net, or fish, or implements as before mentioned, and convert and retain the same to his or their own use and benefit, without any process of law whatever, and if prosecuted therefor, to give this act in evidence of his authority for so doing.

SECT. 6. The several towns aforesaid, shall, at their annual meetings, in the months of March or April, choose by ballot three or more persons, being freeholders in said town, as fishwardens, whose duty it shall be, jointly and severally, to see that this act is enforced, and prosecute for all breaches thereof, and each fishwarden so chosen shall be sworn to the faithful discharge of his duty, and cause a record to be made of his oath in the town where said fishwarden is chosen, within ten days after his election; and said fishwarden and inspectors, when sworn, are authorized to measure seines and nets, and to pursue and execute the duties of their office, in any place, where fish can be taken within the towns aforesaid, and to enter any building where they suppose that this act or any parts of it are violated; and if any person chosen as fishwarden or inspector as aforesaid, shall refuse or neglect to be sworn as aforesaid, for the space of five days after he shall be duly notified of his election, as aforesaid, he shall forfeit and pay a fine of ten dollars to the use of said town, to be recovered by action of debt, by the treasurer thereof, and such town shall proceed to a new choice, and so on, as often as circumstances shall require; and if any of the towns aforesaid shall neglect to choose fishwardens as aforesaid, or to make sale of their privileges

aforesaid, within the time limited therefor, according to the meaning of this act, such town shall forfeit and pay a fine of one hundred dollars for the use of him or them who shall prosecute therefor.

SECT. 7. The laws heretofore made for the regulation of the fishery and for the passage-way for fish in Taunton Great River, except so far as respects the town of Middleborough, be, and the same are hereby repealed; *provided, however,* that any prosecutions which have been or may be commenced, for the recovery of any forfeitures recovered by virtue of the laws hereby repealed, may be prosecuted to final judgment and execution, in the same manner as if this act had not been passed, and *provided, also,* that all contracts made prior to the passing of this act, by any of the towns aforesaid, by virtue and in pursuance of the laws hereby repealed, shall be valid to all intents and purposes, this act to the contrary notwithstanding. [*Approved by the Governor, March 24, 1843.*]

Chap. 74.

An Act to continue the Marblehead Marine Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act of the year one thousand eight hundred and twenty-three, incorporating the Marblehead Marine Insurance Company, shall be and remain in force for the term of twenty years from the fourth day of March, in the year one thousand eight hundred and forty-three; and the said corporation shall be continued during that term, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-fifth and one hundred and seventy-eighth chapters of the laws of the year one thousand eight hundred and thirty-eight.

Continued for
20 years from
March 4, 1843.

With liberty to
any stockholder
to withdraw,
&c. before this
act is accepted.
Deficiency of
stock thus arising
to be filled
by new sub-
scriptions.

SECT. 2. Any stockholder may withdraw his proportion of the assets of the company, the value of which shall forthwith be ascertained by arbitration before the acceptance of this act; and any deficiency thus created in the capital stock shall be made up by new subscribers before this act shall go into operation. The arbitrators herein provided for shall be appointed, one by the president of the company and one by the claiming stockholder; and in case the two persons so appointed are unable to agree as to the value of the assets, they shall appoint a third arbitrator, to act with them.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1843.*]

An Act regulating the Compensation of Sheriffs.

Chap. 75.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. From and after the first of April next, the sheriffs of the several counties shall retain, for their own use, out of all moneys received by them from their deputies, if they shall have received so much, the sums following, namely : The sheriff of Suffolk, fourteen hundred dollars. The sheriff of Essex, seven hundred and fifty dollars. The sheriff of Middlesex, seven hundred and fifty dollars. The sheriff of Worcester, seven hundred and fifty dollars. The sheriff of Hampden, four hundred dollars. The sheriff of Hampshire, four hundred dollars. The sheriff of Franklin, four hundred dollars. The sheriff of Berkshire, five hundred dollars. The sheriff of Norfolk, five hundred and fifty dollars. The sheriff of Bristol, six hundred dollars. The sheriff of Plymouth, five hundred dollars. The sheriff of Barnstable, three hundred and fifty dollars. The sheriff of Nantucket, two hundred and fifty dollars. The sheriff of Dukes county, one hundred and fifty dollars.

Amount allowed as salaries.

SECT. 2. The sheriffs of the several counties shall receive, for attending any court of record, or any meeting of the county commissioners, the sum of three dollars a day, to be paid out of the county treasury. But no sheriff shall receive more than five dollars a day for attending all the courts which may be in session at the same time.

\$3 a day, and never more than \$5 for attendance on all courts.

SECT. 3. The several sheriffs of the Commonwealth shall receive no compensation from the State or county treasury, for any services rendered by them in the distribution of proclamations, precepts or other documents, or in returning votes to the office of the secretary of the Commonwealth. And if any sheriff shall neglect or refuse to return any votes committed to him by the selectmen of any town, he shall forfeit a sum not exceeding two thousand dollars.

Not allowed fees for distribution of, &c.

SECT. 4. All sheriffs shall, on or before the fifteenth day of January, annually, return to the secretary of the Commonwealth, under oath, a true account of all moneys received by them from all sources, by virtue of their office, for the year ending the first Wednesday of the same January, designating the amount received from their deputies ; from the county treasurer, and from all other sources ; including, also, a statement of the number of days they have attended all courts of record, and of the county commissioners ; and the secretary shall lay the same before the Legislature.

Penalty for refusing to return votes.

To make annual returns to secretary,

who shall lay the same before the Legislature.

SECT. 5. If any sheriff shall neglect to make the return required by the preceding section, he shall forfeit the sum of two hundred dollars.

SECT. 6. All laws inconsistent with this act are hereby repealed. [Approved by the Governor, March 24, 1843.]

Chap. 76.

An Act to incorporate the Spot Pond Aqueduct Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James C. Odiorne, George Odiorne, Jr., Isaac Warren, their associates and successors, are hereby made a corporation, by the name of "The Spot Pond Aqueduct Company," with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in the forty-fourth chapter of the Revised Statutes.

Capital stock,
\$500,000.

SECT. 2. The capital stock of said company shall be five hundred thousand dollars, to be increased to one million dollars, if found to be necessary ; the same to be divided into shares of one hundred dollars each ; and the stockholders shall be individually liable for all debts of the corporation.

May hold real
estate not ex-
ceeding
\$200,000.

SECT. 3. The said corporation may purchase, take and hold, in fee simple, or for any less estate, any lands necessary for the objects of this act, and for the convenient management of the concerns of said company, not exceeding in value the sum of two hundred thousand dollars, and may purchase Spot Pond, so called, in Stoneham, for the purpose of conducting water therefrom into the city of Boston ; and to this end may take and hold any lands necessary for laying aqueducts, forming reservoirs, and any flats flowed by tide-waters, which may be required to carry the objects of this act into effect ; and if the proprietors of such lands as the corporation may take, for the purpose of laying pipes or aqueducts, and constructing reservoirs, do not agree with said company on the price to be paid therefor, any such proprietor may have the damages assessed in the same manner as is provided in the one hundred and sixteenth chapter of the Revised Statutes ; and the said corporation, in all cases where it does not acquire title to any land by voluntary conveyance, shall cause a certificate, describing the land so taken, to be signed by the president of said company, and recorded in the registry of deeds in the county in which the land lies.

Powers of the
corporation.

Same.

SECT. 4. The said corporation is hereby authorized and empowered to lay its pipes, or aqueducts, under or over any rail-road, canal, highway or street, *provided, always,* that the same be done in such manner as not to obstruct or impede the passing thereon ; and said corporation may lay its pipes or aqueducts across Mystic and Charles rivers, by tunnel or otherwise, *provided* that said pipes and aqueducts be so laid in said rivers as not to rise above the bed of the channel of said rivers. Said corporation may also carry its pipes or aqueducts to South Boston, *provided,* as above, that said pipes or aqueducts be so laid as not to rise above the bed of the channel.

SECT. 5. The said corporation, in laying its pipes,

aqueducts, or other apparatus, through the highways and streets of the town of Charlestown and in the city of Boston, and in repairing such pipes or aqueducts, from time to time, shall not unnecessarily obstruct such highways and streets; and in every case of the removal of any earth or pavement, in any such highway or street, the said corporation, at its own expense, shall cause the earth to be replaced and the pavement to be laid anew, so that such highway or street shall be in as good condition as the same were in before such removal. The breaking up of the pavement, or any part of the streets of the city of Boston, and the times at which the same shall be done, shall be under the direction of the mayor and aldermen, or such person as they shall appoint.

Not to occasion needless obstructions, &c.

SECT. 6. In the laying and construction of the pipes or aqueducts which may be laid in the town of Charlestown, and in the city of Boston, the same shall be so laid and constructed, that water can be drawn therefrom for the extinguishment of fires, and used by the persons thereto authorized by the town of Charlestown, and by the city of Boston respectively, and free access to the water in such pipes and aqueducts shall be had whenever the same shall be laid within the town of Charlestown and within the city of Boston; and the said town and city shall have the right, at their own cost respectively, to place fire-plugs and all proper and necessary fixtures therefor upon any pipes or aqueducts of said corporation, and at as many different places, in the several highways and streets, as the selectmen of the said town, and the mayor and aldermen of the said city shall deem needful for the purpose of drawing water for the extinguishment of any fires which may happen in said town or city; *provided* that the said fire-plugs and fixtures shall not be used for the purpose of drawing water from said pipes for any other use than for the extinguishment of fires, and shall be so constructed as to prevent the water in the pipes from running to waste; and the said corporation shall not demand nor receive any compensation for water taken for the extinguishment of fires as aforesaid. The city of Boston shall also have the right, on such reasonable terms as shall be agreed upon, to draw water from said aqueduct for the use of the public buildings and establishments, and for ornamental purposes.

To be arranged for use in case of fire, with plugs, &c.

SECT. 7. If any person shall wilfully and maliciously defile, corrupt, or make impure the pond or reservoirs used by said corporation as aforesaid, or destroy or injure any dam, pipe, aqueduct, machinery, or other property of said corporation, such person, and all who shall aid or abet in such trespass, shall forfeit to the use of said corporation, for every such offence, treble the amount of damages which shall appear, on the trial, to have been sustained thereby,

Penalty for corrupting the pond, reservoirs, &c.

and may further be punished by a fine not exceeding one thousand dollars, or may be imprisoned for a term not exceeding one year.

SECT. 8. The said corporation is hereby empowered to sell the privilege of using the water which may be conducted from the said Spot Pond to any corporation, person or persons; *provided* that no compensation shall be taken for the use thereof for the extinguishment of fires as aforesaid.

SECT. 9. Whenever said corporation shall have purchased Spot Pond, and shall have purchased or taken any lands, which it may deem necessary and proper for carrying the purposes of this act into effect, no other corporation, person or persons, shall enter upon such pond or lands, for the purpose of drawing the waters from said pond, for any purpose whatever; but such waters shall be and remain to and for the use of said corporation. And said corporation shall furnish for the city of Boston all the water which the capacity of said pond shall be able to furnish, excepting so much as may be distributed in Charlestown, and the same shall be conveyed to the city in one or more iron pipes, each not less than twenty inches in diameter.

SECT. 10. The city of Boston shall have a right to subscribe, in common with others, for one third part of the shares in said corporation, or any less proportion thereof. And the said city may, at any time, purchase of the said corporation their franchise, and all their personal and real property, by paying to said corporation the cost and charges for the construction of said aqueduct, and the source thereof, together with ten per cent. thereon, with six per cent. interest, first deducting from said interest any amount received by said corporation for the use of the water of said aqueduct, or the sources thereof. And from and after the execution and delivery of the conveyance and transfer aforesaid, the said city of Boston shall have all the right, and be subject to all the duties in this act expressed, as to said corporation.

SECT. 11. The said corporation shall construct one or more reservoirs, within two miles of said city of Boston, at an elevation of not less than one hundred feet above high tide, which together shall contain not less than five hundred thousand gallons of water.

SECT. 12. Said aqueduct shall be completed to Boston within three years; and one mile, at least, of iron pipes, of the diameter of twenty inches, shall be laid within one year and a half after the passage of this act.

SECT. 13. The said corporation shall make a report annually to the Legislature, of the amount of its receipts and expenditures.

SECT. 14. Nothing herein before provided shall be construed to restrain the Legislature from hereafter regulating the prices of the water to the inhabitants of said city of

Corporation may sell the right of using the water :

—to have the exclusive right of using the waters of the pond.

City of Boston may take one third of the stock.

Reservoirs.

Time within which work must be completed.

Annual report.

Legislature reserves the right of regulating price of water—

Boston and town of Charlestown, if the Legislature shall judge fit. Nor shall any thing before expressed in this act be construed to prevent the Legislature from granting any act of incorporation to any other company or corporation, now or hereafter to be established, to convey water into the city of Boston from other sources. [*Approved by the Governor, March 24, 1843.*]

—and of incorporating other aqueduct corporations.

An Act relating to Divorce.

Chap. 77.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows, to wit :

SECT. 1. The justices of the supreme judicial court shall have power to grant divorces for the causes now allowed by law, whether those causes occurred in this Commonwealth or elsewhere, if the libellant shall have resided in this Commonwealth for five successive years next preceding the time of filing the libel therefor: *provided, however,* that in all cases where it shall be made to appear to the court, upon the hearing of any libel, that the libellant has removed into this State from any other state or country, for the purpose of procuring a divorce under the laws of this Commonwealth, the libel shall thereupon be dismissed by the court, with costs against the libellant.

Justices of S. J. C. to grant divorces.

Proviso.

SECT. 2. All provisions of law inconsistent with this act are hereby repealed. [*Approved by the Governor, March 24, 1843.*]

Repeal of former provisions.

An Act to incorporate the American Hosiery Company.

Chap. 78.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Joel Woodbury, Horatio G. Somerby and Jonas W. Thaxter, their associates and successors, are hereby made a manufacturing corporation, by the name of the American Hosiery Company, for the purpose of manufacturing hosiery of all descriptions in the town of Watertown, in the county of Middlesex; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate not exceeding the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred and fifty thousand dollars.

SECT. 3. The stockholders in the company hereby created, shall be held liable in their individual capacity for all the debts and liabilities of the said corporation. [*Approved by the Governor, March 24, 1843.*]

Chap. 79.

An Act concerning the Police Court of New Bedford.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Justice's salary.

SECT. 1. The justice of the police court of New Bedford shall receive, as justice of said court, and for services as clerk, in full for all services which by law he is or may be required to perform in said offices, the sum of seven hundred and fifty dollars annually, in equal quarterly payments, from the treasury of the county of Bristol.

His duties as clerk.

SECT. 2. The justice of said police court shall, in addition to the services required, or that may by law be required of him, exercise and perform all the duties of clerk of said court, and shall, on the second Monday of March, June, September and December of each year, make out a true and faithful account of all fees taxed by law in said court, of every criminal prosecution entered in said court, of every warrant issued, the name of the person, and the offence alleged, and the decision of the court in each case; the amount of fine in each case imposed, the number of persons committed for examination, the alleged offence and amount of fine and costs in each case; which said statement shall be filed in the treasurer's office for the county of Bristol on the days last named, and shall be inspected and examined by the county commissioners of the county of Bristol; and said clerk shall, on said days, pay into the treasury of the county of Bristol all such sums of money as shall be by him received, as justice or clerk, for all civil processes, warrants, fines, penalties and fees, and for all services in said official duties.

Meeting of county commissioners.

SECT. 3. The county commissioners of the county of Bristol shall assemble at New Bedford, in the months of July and December annually, for the purpose of examining the accounts and statements of said clerk, and a statement of such examination shall be filed in the office of the county treasurer.

Repeal of former acts.

SECT. 4. All acts inconsistent with this act are hereby repealed. [*Approved by the Governor, March 24, 1843.*]

Chap. 80.

An Act concerning the additional Punishment of Convicts recommitted to the State Prison.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Terms of additional sentence.

SECT. 1. No convict recommitted to the State prison shall be liable to receive an additional sentence under the one hundred and thirty-third, and one hundred and forty-fourth chapters of the Revised Statutes, as amended by the act of amendment passed on the thirteenth day of February, in the year one thousand eight hundred and thirty-six, exceeding the term of three years for his second com-

mitment, nor exceeding the term of seven years for his third or subsequent commitment.

SECT. 2. If, in the opinion of the justice of the court of common pleas, or other person lawfully acting as the judge of the municipal court of the city of Boston, when any convict is before him to receive an additional sentence, there be ground for doubting the legal validity of any former judgment rendered against him, and which judgment is material to the sentence under consideration, he may suggest the same to the district attorney, or other lawful prosecuting officer, who shall thereupon file a writ of error in the name of the Commonwealth, to bring the record before the supreme judicial court, and all proceedings in relation to such additional sentence shall thereby be suspended till the opinion of the supreme court can be made known, affirming or reversing said judgment; and the said convict may also file a writ of error, and on a certificate of the judge, acting as judge of the said municipal court, that the same is not, in his opinion, frivolous, immaterial, or intended for delay, the necessary process shall be furnished at the expense of the Commonwealth, in the same manner as is now provided in the one hundred and thirty-eighth chapter of the Revised Statutes in the case of bills of exception.

Writ of error, when to be filed by prosecuting officer—

—and by convict—

—at Commonwealth's expense.

SECT. 3. The provisions of all laws inconsistent herewith are hereby repealed. [*Approved by the Governor, March 24, 1843.*]

Repeal of former provisions.

An Act to incorporate the State Mutual Fire Insurance Company.

Chap. 81.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William Dall, Holmes Hinkley, John Green, Jr., their associates and successors, are hereby made a corporation, by the name of the State Mutual Fire Insurance Company, to be located in the city of Boston, for the purpose of making insurance upon any building, stock, tools, machinery, merchandise, or any other property whatever, with all the powers and privileges, and subject to all the duties and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-fifth chapter of the Acts of the year one thousand eight hundred and thirty-eight, and to continue for the term of twenty-eight years.

Persons incorporated.

Act to continue for 28 years.

SECT. 2. Every policy made by said corporation shall of itself create a lien on the interest of the person insured in any building thereby insured, and in the land under or belonging to the same, and upon the personal property thereby insured, for securing the payment of his or her deposit note, and of any sums for which he or she may be assessed

Each policy to create a lien on interest of person insured, &c.

Proviso. in consequence of effecting such policy; *provided*, the extent of such liability, and the intention of said corporation to rely upon such lien, shall be set forth in the policy; and that, upon the alienation of the property to a *bona fide* purchaser, the lien shall terminate, unless such policy shall be continued in force, by the desire and consent of the purchaser. [*Approved by the Governor, March 24, 1843.*]

Chap. 82. An Act authorizing Trustees to insure Property held in trust in Mutual Fire Insurance Companies.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Trustees may assume liabilities, and create liens—

SECT. 1. Any person holding property in trust may effect insurance on such property in any mutual fire insurance company incorporated within this Commonwealth, and, for that purpose, may, as such trustee, assume all the liabilities, and create all the liens upon the property so insured, which other persons, on becoming members of such insurance companies, assume and create.

—but are not answerable as individuals.

SECT. 2. No person, so insuring property held in trust, shall be liable, in his individual capacity, upon such contract of insurance. [*Approved by the Governor, March 24, 1843.*]

Chap. 83. An Act to change the Names of the Persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Names changed.
Suffolk.

Joseph Eames may take the name of Joseph Ames; John Cunningham may take the name of John Adams Cunningham; Antonio Jacinth may take the name of Antonio Jacinth Francis; Desire Jacinth may take the name of Desire Francis; Hannah Jacinth may take the name of Hannah Francis; Margaret Rebecca Vaugh may take the name of Margaret Rebecca Henry; James Carlton may take the name of John D. Roach; Horace Gardner Smith may take the name of Horace Gardner Berry Smith; Dorothy Harris Faxon may take the name of Mary Harris Faxon; Eliza White may take the name of Eliza Stodder; Betsy Davis may take the name of Betsy Alds; William Tolman may take the name of William George Tolman; John Rogers may take the name of John Webster Rogers; Charles Veazie, Jr. may take the name of Charles Stewart Veazie; Elizabeth Veazie may take the name of Mary Elizabeth Veazie; Edward Darley Baker may take the name of Darley Baker; Charles Augustus Munroe may take the name of Charles Augustus Bartlett; John Harleston Parker may take the name of Harleston Parker; Susan Lane may take the name of Susan Douglas; David C. Pearson may take the name of Edward Sewall Pearson;

Elizabeth Hewes, of Chelsea, may take the name of Elizabeth Brown Hewes; Abigail Elizabeth Lunt may take the name of Abby Lunt Tewksbury; Roger McGowan may take the name of William Roger McGowan; Tryphena Van Buskirk may take the name of Frances Elizabeth Coffin; Ephraim Baker McLaughlin may take the name of Ephraim Baker Mason; Mary Thomas McLaughlin may take the name of Mary Thomas Mason; Henry Wainwright McLaughlin may take the name of Henry Wainwright Mason; Mary Elizabeth McLaughlin may take the name of Mary Elizabeth Mason; Joseph Hastings McLaughlin may take the name of Joseph Hastings Mason; Ephraim Baker McLaughlin, Jr. may take the name of Ephraim Baker Mason, Jr.; William Hague McLaughlin may take the name of William Hague Mason; Sarah Wilson may take the name of Sarah Caroline Morse; Philander C. Jacobs may take the name of Philander Jacobs Forrestall; John Moffet Robinson may take the name of John Holton Moffett; Benjamin Field may take the name of Benjamin Franklin Field; Charles Brown may take the name of Charles H. Brown; Jonathan Houghton may take the name of John Coolidge Houghton; Ossian Doolittle may take the name of Ossian Doolittle Ashley; Cristy Gregg may take the name of Charles C. Gregg; Henry Rice may take the name of Henry Marshall Rice,—all of the county of Suffolk. Nathan Eames, of Saugus, may take the name of Nathan Ames; Jeremiah Sawyer, Jr., of Salisbury, may take the name of Jeremiah Hayden Sawyer; Joseph Blake Prescott, of Rowley, may take the name of Joseph Warren Prescott; John Pickard, of Rowley, may take the name of Daniel Webster; Caleb Brown, of Newburyport, may take the name of John Caleb Brown; Betsey Gould, of Topsfield, may take the name of Elizabeth Maria Gould; George F. Hawkes, of Lynn, may take the name of William Warren Hawkes; Rachel Hawkes, of Lynn, may take the name of Almira Aurelia Hawkes; Daniel Millett, of Salem, may take the name of Daniel Caldwell Millett; John Goodwin, of Marblehead, may take the name of Samuel John Goodwin; Horace Fish, his wife Ruhamah Fish, and their children, Eliza Dutton Fish and Julia Anna Fish, of Amesbury, may severally take the surname of Tremont; Ira Beckford, of Lynn, may take the name of William Ira Beckford; Anthony Leon, of Ipswich, may take the name of Charles Leon Willcomb; William Straw may take the name of William Niles; his wife, Hannah Straw, may take the name of Hannah Niles; Hannah Maria Straw may take the name of Hannah Maria Niles; Charles Otis Kimball Straw may take the name of Charles Niles; William Eustis Straw may take the name of William Eustis Niles; John Calvin Straw may take the

Essex.

name of John Niles; George Dighton Straw may take the name of George Niles; Cynthia Sophila Straw may take the name of Sophila Niles; Orestus Herbert Straw may take the name of Orestes Niles,—all of Georgetown; Joseph Smith, 4th, of Salem, may take the name of Joseph Augustus Smith; Warren Hartwell Johnson, of Lynn, may take the name of Charles Warren Johnson; Junius Augustus Noble, of Salem, may take the name of Augustus Noble; Enoch Chase, of Newbury, may take the name of Enoch Pilsbury Chase; Elizabeth Ann Long, of Andover, may take the name of Elizabeth Ann McNamara; Joseph Page, of Bradford, may take the name of Rufus Holmes Page; Charity Dennis, of Gloucester, may take the name of Mary Frances Dennis; Samuel Osgood Baker may take the name of Samuel B. Osgood; Sarah B. Baker may take the name of Sarah R. Osgood; Sarah Ellen Baker may take the name of Sarah Ellen Osgood; Josephine Augusta Baker may take the name of Josephine Augusta Osgood, and Anna Elizabeth Baker may take the name of Anna Elizabeth Osgood,—severally of Salem; Levi Hutchinson, Jr., of Danvers, may take the name of Levi Hutchinson Russell; Nathan Fellows, Jr., of Ipswich, may take the name of Nathan Warren Fellows; John Hoyt Henry, his wife Margaret Henry, and their children, Mary Jane Henry and John William Henry, of Danvers, may take the surname of Bean; Jeduthan C. Calden, of Amesbury, may take the name of Albert Nelson Edwards; James Kimball, of Boxford, may take the name of James K. Henry; Samuel Noyes Coker, of Newburyport, may take the name of George Edward Byron,—all of the county of Essex.

Middlesex.

John Boyd, Jr., of Marlborough, may take the name of John Merrick Boyd; Thomas Colley, of Marlborough, may take the name of Thomas Corey; Josiah Kemp, of Westford, may take the name of Greenville Pike; Nathaniel Mead, Jr., of Boxborough, may take the name of Adelbert Mead; Charles Hartwell may take the name of Charles Belknap Hartwell, and Catharine Hartwell may take the name of Catharine Adair Hartwell, both of Framingham; Jonathan Nelson, of Woburn, may take the name of John Nelson; Jonathan Brigham Cunningham, Sarah Cunningham, Lydia Ann Cunningham, and Sarah Cunningham, Jr., all of Marlborough, may severally take the surname of Brigham; Maria Antoinette Gavazone, of Charlestown, may take the name of Maria Antoinette Gavazone Doyle; Charles Courtsworth Babcock, of Marlborough, may take the name of Charles Dana Elliot; William Helstone, of Lowell, may take the name of William Elston; Mercy Doane, of Charlestown, may take the name of Elizabeth Freeman Doane; Andrew Clark may take the name of Andrew Jackson Clark; Levi Clark may take the name of

Levi Flint Clark; Sarah Clark may take the name of Sarah Brooks Clark; Rebecca Clark may take the name of Rebecca Lydia Clark, severally of Concord,—all of the county of Middlesex. Semantha Adams, of Northborough, Worcester. may take the name of Abba Maria Adams; Dolly Wheelock Oakes, of Southbridge, may take the name of Catharine Wheelock Oakes; Silas Pierce, of Sutton, may take the name of Silas Austin Pierce; Abel Houghton, of Bolton, may take the name of Edward Elliot Houghton; Joseph Burley, of Northbridge, may take the name of Joseph Crocker; Ann Walkins, of Warren, may take the name of Ann Elizabeth Watson; Hannah Hacket, of Douglas, may take the name of Hannah Aldrich; Lewis McIntyre, of Charlton, may take the name of Lewis Trumbull Mason; James Bailey, Jr., of Holden, may take the name of James Hamilton Bailey; Joseph Eaton, of Fitchburg, may take the name of Joseph Myron Rensselaer Eaton; Charles Robbins, of Millbury, may take the name of Charles Birney Robbins; Alvira Hubbard, of Millbury, may take the name of Elvira Calista Hubbard; John Lawrence, 2d, of West Boylston, may take the name of Jacob George Washington; Coridon Marsh, of Spencer, may take the name of George Brigham Marsh; Israel Wheeler, of Milford, may take the name of George Israel Evelyn Wheeler; George Edward Knowles Bancroft, of Auburn, may take the name of George Bancroft; Albertson Watkins, of Warren, may take the name of Albert Watson; his wife, Mary E. Watkins, and their daughter, Mary I. Watkins, may severally take the surname of Watson,—all of the county of Worcester. Lyman Dwight Marshall, of Enfield, Hampshire. may take the name of Lyman Dwight Walker; Harvey Holland, of Northampton, may take the name of James Harvey Holland; William Warren Lee, of Northampton, may take the name of Samuel Warren Lee; Abner Kingsley Burnell, of Northampton, may take the name of Kingsley Abner Burnell; John Taft, of Ware, may take the name of John Edward Taft; Eunice Ramsdell, of Belchertown, may take the name of Eunice Smith; Chrissa Smith, of Granby, may take the name of Chrissa Kinsley Moody, all of the county of Hampshire. Nancy Tarbox may take the name of Nancy Taber, Hampden. Eliza Ann Tarbox may take the name of Eliza Ann Taber; Almeda Tarbox may take the name of Almeda Taber; Julia Abby Tarbox may take the name of Julia Abby Taber, severally, of Springfield; Franklin Andrews Whipple, of Monson, may take the name of Franklin Whipple,—all of the county of Hampden. Frederick Franklin. Curtis Squires, of Sunderland, may take the name of Samuel Pomroy Montague; George Allen, of Sunderland, may take the name of George Allen Morse; David Manson Daniels, of Montague, may take the name of Manson Wells

Braynard; John Bangs, of Montague, may take the name of John Cushman Bangs; Sylvia Johnson Goddard, of Orange, may take the name of Sarah Johnson Goddard; Elvira Wrisley, of Gill, may take the name of Elvira Jackson; Levi Goodnow, of Charlemont, may take the name of Joseph Watson Goodnow; Diana Goddard, of Orange, may take the name of Amelia Elizabeth Goddard,—all of the county of Franklin. Rufus Temple, 2d, of Williamstown, may take the name of Munroe Temple; Harriett Atwood White, of Williamstown, may take the name of Harriett White Young; John Wesley Haxford and Sarah Watson Haxford, of Lenox, may severally take the surname of Butler,—all of the county of Berkshire.

Berkshire.

Norfolk.

Hannah Foster, of Dorchester, may take the name of Anna Elizabeth Foster; Eliza Clapp Thayer, of Dorchester, may take the name of Eliza Thayer Clapp; Charles Bates, of Dorchester, may take the name of Charles Bates Pierce; Benaiah Prescott Spaulding, of Randolph, may take the name of Benjamin Prescott Spaulding; Sarah Howard Wales Curtis, of Stoughton, may take the name of Martha Mary Worcester Curtis; George Washington Bull may take the name of George Washington Webster: his wife, Hannah Leach Bull, may take the name of Hannah Leach Webster; Frances Ann Bull may take the name of Frances Ann Webster; George Henry Bull may take the name of George Henry Webster; Charlotte Louisa Bull may take the name of Charlotte Louisa Webster, all of Roxbury; James Henry Hodgkins, of Weymouth, may take the name of George Brooks; Albert Stoddard, of Weymouth, may take the name of Albert Austin Stoddard,—all of the county of Norfolk.

Bristol.

Harriet Isabel Crocker, of Taunton, may take the name of Harriet Burling Crocker; George Bedon, of Dartmouth, may take the name of George Butts; Julia Marvin Coggeshall, of New Bedford, may take the name of Julia Marvin Parker; Rebecca Pierce Selee, of Easton, may take the name of Catharine Rebecca Pierce Selee; Harriet G. Parks, of Taunton, may take the name of Harriet G. Richmond,—all of the county of Bristol.

Plymouth.

Joseph Warren Maglathlin, of Pembroke, may take the name of Joseph Warren Way; Calvin Shaw, 2d, of Abington, may take the name of Calvin Holmes Shaw; Brackley Shaw, 4th, of Abington, may take the name of Brackley White Shaw; Betsey Dyer, of Abington, may take the name of Elizabeth Lavinia Dyer; Mary Ann Hollis, of Halifax, may take the name of Eliza Jane Waterman,—all of the county of Plymouth.

Barnstable.

Zoheth Smith, 2d, of Truro, may take the name of Zoheth Manlius Smith; Alvan Cobb, of Truro, may take the name of Richard Alvan Cobb; Edward S. Howes, of Dennis, may take the name of Jotham Howes; Joshua D. Knowles, of Truro, may take the name of Daniel A.

Knowles; Ermina Townley Phinney, of Falmouth, may take the name of Sophronia Wicks Phinney; Zenas Eldridge, of Harwich, may take the name of Zenas D. Eldridge; Patty Myric, of Harwich, may take the name of Lucy Myrick,—all of the county of Barnstable. And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names which by this act they are respectively allowed to assume as aforesaid, and the same shall hereafter be considered as their only and proper and legal names. [*Approved by the Governor, March 24, 1843.*]

An Act in addition to the several Acts concerning the Militia.

Chap. 84.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The return of the mayor and aldermen of cities, and of the selectmen of towns, required by the fifth section of an act entitled an act concerning the militia, passed on the seventeenth day of March, in the year one thousand eight hundred and forty-one, to be made to the adjutant general, on or before the thirty-first day of December, annually, shall be made on or before the fifteenth day of January, annually; and the return of the adjutant general, required by the above-named act, to be made to the governor of the Commonwealth, shall be made on or before the twenty-fifth day of January, annually.

Annual returns of mayor and selectmen.

SECT. 2. Every commanding officer of a company raised at large, shall parade his company on the last Wednesday in May, annually, at one o'clock in the afternoon; any thing in the act entitled an act in addition to the several acts concerning the militia, passed on the twenty-fourth day of March, in the year one thousand eight hundred and forty, to the contrary notwithstanding.

Annual parade.

SECT. 3. The thirtieth section of an act, entitled an act in addition to the several acts concerning the militia, passed on the twenty-fourth day of March, in the year one thousand eight hundred and forty, is hereby revived; any thing in the ninth section of an act, entitled an act concerning the militia, passed on the seventeenth day of March, in the year one thousand eight hundred and forty-one, to the contrary notwithstanding.

Revival of former act.

SECT. 4. The commander-in-chief is hereby authorized to grant petitions for raising companies at large, *provided* that the whole number of said companies in the Commonwealth shall not exceed one hundred and twenty.

Companies at large.

SECT. 5. All acts and parts of acts inconsistent with the foregoing provisions, are hereby repealed. [*Approved by the Governor, March 24, 1843.*]

Repeal.

Chap. 85.

An Act concerning the property of Common School Districts.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same :

Property of school districts not taxable.

All property belonging to common school districts, the income of which is appropriated to the purposes of education, is hereby exempted from taxation. [*Approved by the Governor, March 24, 1843.*]

Chap. 86.

An Act to incorporate the Atlantic Mutual Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Mark Healy, John Henshaw, Joshua Sears, Robert G. Shaw, William Ward, their associates and successors, and all persons who shall become holders of policies of the associates hereafter, are hereby made a corporation, by the name of the Atlantic Mutual Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses and insurance against fire, on the principle of a mutual insurance company, and for this purpose shall have all the powers and privileges, and be subject to all duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created, to continue for the term of twenty years.

Assured not liable beyond the amount of premium.

SECT. 2. No person effecting insurance with the said company on any marine risk, shall be liable in any court beyond the premium paid by him or secured to be paid.

No policy to issue until—

SECT. 3. No marine policy shall be issued, until application shall be made for marine insurance, for the sum of five hundred thousand dollars; and no fire policy, until application shall be made for insurance against fire, to the amount of fifty thousand dollars.

Mode of investing funds.

SECT. 4. All funds received by or remaining with said company shall be invested in such stocks or securities as are now required by law of insurance companies already incorporated, and no division thereof shall be made among the stockholders until the same shall exceed the sum of two hundred thousand dollars; and when it shall exceed that sum, the surplus may be divided among the parties legally entitled thereto, and, in making such division, the assured of the first year, or their legal representatives, shall be first paid, and then those of the second year, and in this order from year to year; and the assured of any particular year shall be paid rateably and without preference. [*Approved by the Governor, March 24, 1843.*]

Dividend.

An Act relating to the Poll Tax.

Chap. 87.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A poll tax shall be assessed upon every male inhabitant of this Commonwealth, between the ages of twenty and seventy years, whether a citizen of the United States or an alien, except upon persons now exempt by law from taxation, in the manner heretofore provided by law. Poll tax on citizens between 20 and 70 years old.

SECT. 2. All acts inconsistent with this act are hereby repealed. [*Approved by the Governor, March 24, 1843.*]

An Act relating to the Boston and Providence Rail-road Corporation.

Chap. 88.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston and Providence Rail-road Corporation is authorized to own and maintain, in whole or in part, a ferry-boat, to ply across Providence river, between the road of said corporation, and the road of the New York, Providence and Boston Rail-road Company, for the transportation of passengers and goods from one rail-road to the other. May maintain a ferry-boat.

SECT. 2. So much of the act passed on the twenty-third day of March, in the year one thousand eight hundred and forty, entitled "An Act relating to the Boston and Providence Rail-road Company," as limits the amount to be paid under the contract thereby authorized, to the sum of six thousand dollars, is hereby repealed. [*Approved by the Governor, March 24, 1843.*]

Repeal.

An Act to set off Willard Newton and others with their estates from Southborough and annex them to Marlborough.

Chap. 89.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of Southborough as is situated northerly of the following boundary line, viz. beginning on the line of said towns, at bound number three, near the house of Barnabas Brigham, in said Marlborough, thence easterly to bound number five, at Tunnecog bridge, is hereby annexed to Marlborough.

SECT. 2. Until the next State valuation, the town of Marlborough shall be holden to pay to the town of Southborough one nineteenth part of all the State or county taxes, which may, before that time, be assessed on said town of Southborough.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1843.*]

Chap. 90. AN ACT to unite the Boston and Maine Rail-road Corporation, and the Maine, New Hampshire and Massachusetts Rail-road Corporation.

Preamble.

WHEREAS the Boston and Maine Rail-road Corporation in this Commonwealth, and the Boston and Maine Rail-road in the state of New Hampshire, have been united into one corporation agreeably to the acts of the Legislature of the respective states; and whereas the same line of rail-road is now extended into the state of Maine by virtue of an act of incorporation in that state, and it is expedient that the whole be placed under one organization, and under the control of one board of directors; therefore,

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Particulars of union described.

SECT. 1. The stockholders of the Boston and Maine Rail-road, as now constituted, by virtue of acts of the Legislature of this Commonwealth, and of the Legislature of the State of New Hampshire, are hereby constituted stockholders of the Maine, New Hampshire and Massachusetts Rail-road, a corporation created by the Legislature of the state of Maine, in the year of our Lord one thousand eight hundred and thirty-six; and the stockholders of the Maine, New Hampshire and Massachusetts Rail-road are hereby constituted stockholders in the said Boston and Maine Rail-road; and the said two corporations are hereby made one corporation by the name of the Boston and Maine Rail-road; and all the franchises, property, powers and privileges granted or acquired under the authority of the said states respectively, shall be held and enjoyed by all the said stockholders in proportion to the number of shares, or amount of property held by them respectively in either or both of said corporations.

One or more officers to be inhabitants of this Commonwealth.

SECT. 2. One or more of the directors or other officers of said Boston and Maine Rail-road shall be an inhabitant of this Commonwealth, on whom processes against said company may be legally served, and said company shall be held to answer in the jurisdiction where the service is made and the process is returnable.

Separate accounts of expenditures in each state to be kept.

SECT. 3. The said company shall keep a separate account of their expenditures in Massachusetts, New Hampshire and Maine, respectively, and three commissioners shall be appointed, one by the governor of each state, to hold their offices for the term of four years, and to be compensated by said company, who shall decide what portion of the expenditures of said company, and of its receipts and profits, properly pertain to those parts of the road lying in Massachusetts, New Hampshire and Maine respectively; and the annual report required to be made by the directors to the Legislature of this Commonwealth shall be approved by the said commissioners.

SECT. 4. The said company, and the stockholders therein, so far as they are situate in Massachusetts, shall be subject to all the duties and liabilities of the Boston and Maine Rail-road, and the general laws of this Commonwealth, to the same extent as the Boston and Maine Rail-road, and the stockholders thereof, would have been, if this act had not been passed.

Within Massachusetts, the liabilities, &c. of the Boston and Maine Rail-road are preserved.

SECT. 5. This act shall not take effect until the Legislature of the state of Maine shall have passed an act authorizing the uniting of the said corporation, nor until said acts, and also an act of the Legislature of the state of New Hampshire, passed for the same purpose, in the year of our Lord one thousand eight hundred and forty-one, shall have been accepted by the stockholders of the said two corporations respectively, at legal meetings called for that purpose. [*Approved by the Governor, March 24, 1843.*]

When to take effect.

An Act authorizing the Proprietors of Chelsea Point Bridge to take toll thereon.

Chap. 91.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The proprietors of Chelsea Point Bridge, in the town of Chelsea, are hereby authorized to take toll at said bridge; any thing in the act passed on the first day of April, in the year one thousand eight hundred and thirty-five, entitled "An Act to incorporate the Proprietors of Chelsea Point Bridge," to the contrary notwithstanding.

SECT. 2. The rates of toll shall be as follows: For each foot-passenger, one cent; *provided always*, that all scholars, while going to and returning from school, shall be permitted to pass free of toll; for each horse and rider, five cents; for each horse and chaise, chair or sulkey, ten cents; for each coach, phaeton, chariot, or other four-wheeled carriage, drawn by two or more horses, seventeen cents; for each cart or wagon drawn by one or two horses, eight cents; if drawn by more than two horses, ten cents; for each cart, wagon or other machine drawn by two oxen, six cents; if drawn by more than two oxen, eight cents; for each truck or dray, drawn by one horse, six cents; if drawn by more than one horse, eight cents; for each sleigh drawn by one horse, eight cents; if by more than one horse, ten cents; for each sled, drawn by two oxen, six cents; if drawn by more than two oxen, eight cents; for each sled drawn by one horse, five cents; if by more than one horse, two cents for each additional horse; for all horses, mules and neat cattle, two cents each; and for all sheep and swine, six cents for each dozen, and in the same proportion for a single sheep or swine;—and the right of taking said toll shall commence on the first day of April next, and shall

Rates of toll, &c.

continue for the term of ten years therefrom; and at the place where the said toll shall be taken or received, there shall be erected and kept constantly exposed to view, a sign-board, with the rates of toll fairly and legibly written thereon in large letters.

Regulation.

SECT. 3. The Legislature shall have the power to regulate the rates of toll to be taken at said bridge, to amend, alter, or repeal this act at their discretion; any thing herein before contained to the contrary notwithstanding. [*Approved by the Governor, March 24, 1843.*]

Chap. 92.

An Act concerning Foreign Wills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Wills duly made abroad, by inhabitants of this State, may be proved, &c., in this state.

SECT. 1. Any will of an inhabitant of this State made in any other of the United States, or in any foreign country, and which might be proved and allowed according to the laws of such State or country, may be proved and recorded in this State, and may be proceeded in, and have the same effect, as if it had been executed conformably to the provisions of section sixth, of chapter sixty-second of the Revised Statutes.

So of wills of inhabitants of other States.

SECT. 2. Any will of an inhabitant of any other State or country not made in this State, and which might be proved and allowed according to the laws of the State or country where the will was made, may be proved and recorded in this State, and any estate of the testator found in this Commonwealth shall be disposed of according to said will and the laws of this Commonwealth in the same manner as if said will had been executed according to the laws of this State.

Repeal.

SECT. 3. All laws inconsistent with the provisions in this law are hereby repealed. [*Approved by the Governor, March 24, 1843.*]

Chap. 93.

An Act to regulate Banks and Banking.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Respecting surrenders of charter, &c.

SECT. 1. In every case in which the stockholders of a bank may desire, under existing laws, to surrender their charter, and in every case in which a bank has been authorized to reduce its capital stock, the governor, with the advice of the council, shall appoint a special commissioner, who shall exercise the powers and perform all the duties conferred upon and required of bank commissioners by the acts passed February twenty-third, and April thirteenth, in the year one thousand eight hundred and thirty-eight, so far as the same relates to the surrender of bank charters;

and the said special commissioners shall receive for their services five dollars per day, to be paid by the bank for which the said services are performed.

SECT. 2. No cashier of a bank, nor any officer under him shall be permitted to hire money of the bank in which he is employed.

No officer of a bank to hire money of the bank.

SECT. 3. At the annual meeting of the stockholders in the several banks, they shall choose a committee of examination, to consist of not less than three persons who are stockholders, and not directors therein, who shall perform the duties hereinafter specified.

Committee of examination—

SECT. 4. Said committee or a majority of them shall, whenever they may consider it necessary, at least once in every six months, and within thirty days before every dividend is paid, visit their bank and thoroughly inspect and examine all its affairs, and make any and all such inquiries as may be necessary to ascertain the true condition of the institution. They shall then make a statement in the form of the annual return required by the sixty-fifth section of the thirty-sixth chapter of the Revised Statutes, which statement the said committee shall sign, and make oath to the truth of the same, according to their best knowledge and belief, before a justice of the peace; and said statement shall be kept in the bank, subject, during bank hours, to the inspection of any stockholder thereof.

—to make stated visits, and examine all the affairs of the bank, and state the same under oath.

SECT. 5. A book shall be kept in every bank, in which shall be entered all notes and bills offered for discount to the board of directors, specifying all that are discounted.

Discount book.

SECT. 6. At the semi-annual meetings of the examining committee, all the books of the bank shall be opened under their direction, to the inspection of any stockholder therein, who may desire to examine them. And reasonable notice of the time of these meetings, and also of the provisions of this section, shall be given to each and every stockholder by the committee.

Semi-annual meetings.

SECT. 7. No dividend shall be paid by any bank to its stockholders, until the aforesaid committee have certified, under oath, that, according to the best of their judgment and belief, the bank can pay the proposed dividend out of the profits on hand; and have filed the certificate with the town clerk of the town or city wherein the bank is located.

Dividends, when payable.

SECT. 8. Every bank neglecting to comply with the provisions of this act, shall be subject to the forfeiture of five hundred dollars.

Forfeiture.

SECT. 9. One eighth of the stockholders, in number or value, in any bank, may, whenever they consider it necessary, choose a committee of their own number, to make an investigation of its concerns; and if, upon examination, said committee shall be of opinion that the bank is insolvent, or that its condition is such as to render its further

One eighth of the stockholders may choose from themselves a committee of investigation—

—who may report the condition of the bank to the superintendent.

Injunction, when may issue thereon—

—hearing on said report—

—receivers may be appointed.

Respecting days of annual meeting.

Banks to pay no bills but their own.

progress hazardous to the public, or to those having funds in its custody, or that the bank has exceeded its powers, or has failed to comply with all the rules, restrictions and conditions provided by law, they shall forthwith report the facts in the case to one of the justices of the supreme judicial court, and if, upon inquiry into the circumstances of the bank, the said justice shall consider it necessary, he may issue an injunction to restrain such corporation, in whole or in part, from further proceeding with its business, until a hearing of the said corporation can be had; and said justice shall forthwith issue such process, and after a full hearing of said corporation upon the matters aforesaid, may dissolve or modify the said injunction, or make the same perpetual and make such orders and decrees to suspend, restrain or prohibit the further prosecuting of the business of such corporation as may be needful in the premises, according to the course of chancery proceedings; and at his discretion may appoint agents or receivers to take possession of the property and effects of the corporation, subject to such rules and orders as may, from time to time, be prescribed by the supreme judicial court, or any justice thereof in vacation.

SECT. 10. In all cases where more than one bank is established in the same town or city, the annual meeting for choice of directors shall be held on different days in the different banks, beginning on the first Monday in October, and continuing on successive days, taking the banks in the order in which they are arranged in the bank abstract, published by the secretary of the Commonwealth in the year preceding the time of said annual meeting.

SECT. 11. No bank shall be allowed to pay out from their own counters any bills excepting their own. [*Approved by the Governor, March 24, 1843.*]

Chap. 94.

An ACT in addition to an Act concerning Elections.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Sunset law repealed.

So much of the second section of the act concerning elections, approved on the ninth day of March, in the year one thousand eight hundred and thirty-nine, as provides for closing the polls at sunset on days of election, is hereby repealed. [*Approved by the Governor, March 24, 1843.*]

Chap. 95.

An ACT authorizing the Treasurer to receive the money to be paid to Massachusetts, under the provisions of the Treaty of Washington.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Receipt of money under the late treaty.

SECT. 1. The treasurer and receiver general of this Commonwealth is hereby authorized and directed to receive from the treasury of the United States such sum or sums

of money as is provided to be paid to Massachusetts, by the act adopted at the third session of the twenty-seventh Congress of the United States, which provides for carrying into effect the treaty between the United States and Great Britain, concluded at Washington on the ninth day of August, in the year one thousand eight hundred and forty-two.

SECT. 2. The treasurer is hereby directed to appropriate the money, when received, according to standard laws. Its appropriation.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1843.*]

An Act to incorporate the Steam-tow and Relief-boat Company.

Chap. 96.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Robert B. Forbes and his associates, are hereby made a corporation, by the name of the Steam-tow and Relief-boat Company, for the purpose of keeping the harbor of Boston clear of ice, for towing vessels from place to place, for assisting vessels in distress, and for attending to the interest and requirements of the mercantile community, within the waters of New England, on such terms and conditions as the parties interested may agree, and for such other purposes as the shareholders may deem expedient. Persons incorporated.

SECT. 2. It shall be lawful for any insurance company, now incorporated, or to be incorporated by the laws of this Commonwealth, to invest so much of their capital stock, or of their surplus capital, not exceeding two per cent. on the amount of their capitals, respectively, as they may deem expedient, in the stock of the steam-tow and relief-boat company. Objects of the company.

SECT. 3. The capital stock of the said corporation shall not exceed sixty thousand dollars, and for the purposes above recited, this corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the forty-fourth chapter of the Revised Statutes. And this act shall continue in force for the term of twenty years. Insurance companies may invest therein a portion of their capital.

SECT. 4. The stockholders in the corporation hereby created, shall be liable in their individual capacity for the debts of the company. [*Approved by the Governor, March 24, 1843.*]

Capital stock not to exceed \$60,000.

Powers and privileges, &c.

Act to continue 20 years.

Stockholders individually liable.

An Act concerning Executors and Administrators.

Chap. 97.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any executor or administrator may, upon his request, be allowed to resign his trust, when it shall appear to the judge of probate proper to allow the same; and upon such resignation, the judge of probate shall grant letters of ad- Resignation of trusts.

ministration, with the will annexed, or otherwise, as the case may require, to some suitable person, to administer the goods and estate of the deceased, not already administered. [*Approved by the Governor, March 24, 1843.*]

An Act for the more equal Assessment of Taxes.

Chap. 98.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Returns to be made to assessors, by cashiers, &c.—

—in May.

SECT. 1. For the purposes of taxation, it shall be the duty of the cashiers of the several banks, the clerks of the several rail-road corporations, and the clerks of all insurance companies (except mutual insurance companies,) and the clerks of manufacturing, bridge, turnpike and canal corporations, in this Commonwealth, annually, between the first and tenth day of May, to make returns in person or by mail to the assessors of every city or town in this Commonwealth, in which any shareholder in such corporation may reside, in manner following, viz. The return shall state the name of each owner residing in such town, with the number of shares belonging to each, on the first day of May of that year, and the par value of such shares.

Forfeiture for neglect, refusal or falsification—

SECT. 2. If any cashier or clerk mentioned in the first section of this act shall refuse or neglect to make such return, or shall wilfully falsify such return, he shall forfeit the sum of fifty dollars for every such offence, to the use of the city or town in which such shareholder may reside, to be recovered by the treasurer of such city or town in any court of competent jurisdiction.

—and for fraudulent transfers.

SECT. 3. If any shareholder shall fraudulently transfer any share in either of the corporations mentioned in the first section of this act, for the purpose of avoiding taxation, he shall forfeit one half of the par value of the shares thus transferred, to be recovered in any court of competent jurisdiction, by the treasurer of the city or town in which such shareholder may reside; one-half of the amount so recovered for the use of the town, and the other half for the use of the person or persons furnishing the necessary evidence in the case. [*Approved by the Governor, March 24, 1843.*]

An Act abolishing the office of Attorney General.

Chap. 99.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Office abolished.

SECT. 1. The office of attorney general of this Commonwealth, as the same is now constituted and established by law, is hereby abolished.

SECT. 2. The Commonwealth's attorney for the county of Suffolk, and the several district attorneys within their respective districts, shall appear for the Commonwealth, in all prosecutions for crimes punishable with death: and the several reports which they are now required by law to make in the month of November in each year, to the attorney general, shall hereafter be made in the same manner to the Secretary of the Commonwealth; abstracts of which the secretary shall make and submit to the Legislature, at the commencement of the annual session thereof.

Attorney for Suffolk and district attorneys to appear in capital prosecutions, and their reports to be made to secretary of the Commonwealth, who shall submit abstracts thereof to the Legislature.

SECT. 3. The Commonwealth's attorney for the county of Suffolk, shall also, when required by the governor, or either branch of the Legislature, appear in all causes in which the Commonwealth may be a party or be interested, and shall, when required, give his opinion upon questions of law submitted to him by the Legislature, or the governor and council. [*Approved by the Governor, March 24, 1843.*]

Attorney for Suffolk to appear for Commonwealth, in all causes wherein the latter is interested.

An Act to incorporate the Mutual Marine Insurance Company.

Chap 100.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows, viz:

SECT. 1. Andrew Robeson, Thomas Nye, Jr., Edward M. Robinson, their associates, successors, and all persons who shall become holders of policies of the associates hereafter, are hereby made a corporation, by the name of the Mutual Marine Insurance Company, to be established in the town of New Bedford, for the purpose of making maritime loans, and insurance against maritime losses, on the principle of a mutual insurance company; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created; to continue for the term of twenty years, and until all risks then outstanding shall terminate and be adjusted.

Persons incorporated.

SECT. 2. No person effecting insurance with the said company, shall be liable in any court beyond the premium paid by him or secured to be paid.

To continue for 20 years.

No insurer liable beyond premium paid or secured by him.

SECT. 3. No policy shall be issued by the said company until application shall be made for insurance for the sum of five hundred thousand dollars.

When policies shall be issuable.

SECT. 4. All funds received by, or remaining with, said company, shall be invested in such stocks or securities as are now required by law of insurance companies already incorporated, and no division thereof shall be made among the stockholders, until the same shall exceed the sum of two hundred and fifty thousand dollars; and when it shall

Stock.

exceed that sum, the surplus may be divided among the parties legally entitled thereto, and in making such division, the assured of the first year, or their legal representatives, shall be first paid, and then those of the second year, and in this order from year to year; and the assured of any particular year shall be paid rateably and without preference. [*Approved by the Governor, March 24, 1843.*]

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

RESOLVE for the payment of sundry Pauper Accounts.

Chap. 1.

Resolved, That there be allowed and paid, out of the public treasury, to the several corporations and persons mentioned in the accompanying roll, the sums set against their respective names, amounting in all to the sum of fifty-three thousand five hundred and forty-five dollars and eighty-seven cents; the same being in full discharge of the accounts and demands to which they refer; and that a warrant be drawn accordingly. [*Approved by the Governor, Feb. 18, 1843.*] (*For the roll, see the latter part of the volume.*)

\$53,545 87 allowed, in full discharge of demands.

RESOLVE to extend the provisions of a Resolve passed at the adjourned session of the General Court, in the month of September, A. D. 1842, relating to Prisoners in the County Jail at Lenox.

Chap. 2.

Resolved, That the provisions of a resolve, passed at the adjourned session of the General Court, holden in the month of September, A. D. eighteen hundred and forty-two, and approved by his excellency the Governor, on the sixteenth day of said September, authorizing the removal of prisoners charged as criminals, confined in jail at Lenox, in the county of Berkshire, to the jail at Springfield, in the county of Hampden, be and the same are hereby extended to the first day of February, A. D. eighteen hundred and forty-four. [*Approved by the Governor, Feb. 20, 1843.*]

Provisions of prior resolve extended to Feb. 1st, 1844.

RESOLVE on the Petition of Stephen Corey.

Chap. 3.

Resolved, for reasons set forth in said petition, that Stephen Corey, of Ashburnham, in the county of Worcester, guardian of Jonathan Samson, of said Ashburnham, an insane person, be and he is hereby authorized to sell and convey, in such manner as he shall deem expedient, all the right, title and interest which the said Samson has in and unto a certain farm, situated in said Ashburnham, contain-

Proviso.

ing about ninety acres, it being the same conveyed in mortgage by the said Samson to one Hosea Stone, to secure the payment of six hundred dollars; *provided*, that said conveyance shall be so made as to secure a comfortable support and maintenance for said Samson and his wife Susanna, during their natural lives, in a manner to be approved of by the judge of probate for the county of Worcester. [*Approved by the Governor, Feb. 22, 1843.*]

Chap. 4.

RESOLVE in relation to the Militia Bounty.

Towns which have not made due returns to be nevertheless reimbursed by Commth for payments to the militia, under certain conditions.

Resolved, That the several towns in this Commonwealth which have not, the past year, made their returns to the adjutant general of the amount paid by said towns to the volunteer militia, in conformity to the fifth section of "an Act concerning the Militia," passed on the seventeenth day of March, in the year one thousand eight hundred and forty-one, be, nevertheless, reimbursed by the Commonwealth, upon condition that the mayor and aldermen, or the selectmen of said towns, shall produce satisfactory evidence to the Governor and Council, that the amount has been actually paid by said towns. [*Approved by the Governor, Feb. 25, 1843.*]

Chap. 5.

RESOLVE authorizing the Treasurer to borrow money in anticipation of the Revenue.

Treasurer may borrow money.

Resolved, That the treasurer of this Commonwealth be, and he is hereby authorized to borrow, in anticipation of the receipts of the present year, of any of the banks of this Commonwealth, or any corporation therein, or of any individual or individuals, such sum or sums of money as may, from time to time, be necessary for the payment of the ordinary demands on the treasury, at any time before the meeting of the next General Court; and that he repay any sum he may borrow as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided, however*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall not, at any time, exceed the sum of two hundred and fifty thousand dollars. [*Approved by the Governor, March 2, 1843.*]

Loan not to exceed \$250,000.

Chap. 6.

RESOLVES in addition to a Resolve concerning School District Libraries.

Resolve of March 3d, 1842 extended.

Resolved, That the provisions of the Resolve of March third, eighteen hundred and forty-two, concerning school district libraries, be, and the same are hereby extended to every city and town in the Commonwealth, not heretofore divided into school districts, in such manner as to give as many times fifteen dollars to every such city or town as the number sixty is contained, exclusive of fractions, in the number of children between the ages of four and sixteen years in said city or town; *provided* evidence be produced

Proviso.

to the treasurer, in behalf of said city or town, of its having raised and appropriated, for the establishment of libraries, a sum equal to that which, by the provision of this Resolve, it is entitled to receive from the school fund.

Resolved, That the treasurer be instructed, under the advice and direction of the Governor and Council, to make sales, from time to time, of notes of hand, bank stock, and other securities belonging to the school fund, to such amount as shall enable him to comply with the provisions of the above Resolve, and with those of the Resolve of March third, eighteen hundred and forty-two, concerning school district libraries. [*Approved by the Governor, March 7, 1843.*]

Treasurer of Commonwealth to make sale of various securities belonging to school fund.

RESOLVE on the Petition of S. Abbott Lawrence.

Resolved, for reasons set forth in the said petition, that the city of Boston is hereby authorized to pay to S. Abbott Lawrence, the sum of three dollars and seventy-five cents for each member of company K, first regiment, first brigade, first division of Massachusetts volunteer militia, for services rendered according to law, for three fourths of the year eighteen hundred and forty-two, upon his establishing his claim to the same, in manner and form as if said company had performed the requisite duties for the full year, and he had made his return within the term specified by law; and that the amount so paid be reimbursed to said city by the treasurer of this Commonwealth in the manner provided by law. [*Approved by the Governor, March 10, 1843.*]

Chap. 7.

City of Boston to pay certain sums to S. Abbott Lawrence, for specified purposes—

—and to be reimbursed from treasury of Commonwealth.

RESOLVE on the Petition of William Washburn.

Resolved, for reasons set forth in the said petition, that the city of Boston is hereby authorized to pay to William Washburn the sum of five dollars for each member of company G, first regiment, first brigade, first division of Massachusetts volunteer militia, for services rendered according to law, in the year eighteen hundred and forty-two, upon his establishing his claim to the same, in manner and form as if his return had been made within the time specified by law; and that the amount so paid by said city be reimbursed by the treasurer of this Commonwealth in the manner provided by law. [*Approved by the Governor, March 10, 1843.*]

Chap. 8.

City of Boston to pay certain sums to W. Washburn for specified purposes—

—and to be reimbursed from treasury of Commonwealth.

RESOLVE relating to the removal of the Public Offices of the County of Berkshire.

Resolved, That the selectmen of the several towns in the county of Berkshire are hereby authorized and directed to warn, in due form of law, the inhabitants of their respective towns qualified to vote in town affairs, to bring in their ballots on the first Monday of April next, expressing their wishes as to the propriety and expediency of removing said public buildings from Lenox to Pittsfield, and making Pitts-

Chap. 9.

Inhabitants to vote as to the removing public buildings from Lenox to Pittsfield, and making P. the shire town.

field the shire town; and at said meetings, the said selectmen shall receive, sort and count said votes, and make certified returns of the same, distinguishing the number of votes for, and the number of the votes against said removal, to the county commissioners at Lenox, in said county, within ten days from said first Monday of April next. And said commissioners are hereby required to certify the number of votes for, and the number of votes against said removal, to the secretary of the Commonwealth, on or before the first Monday of January next. [Approved by the Governor, March 14, 1843.]

Return of votes to be made to county commissioners.

Chap. 10.

RESOLVE on the Petition of Martin Wheelock.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to Martin Wheelock, of Gardner, in the county of Worcester, the sum of thirty dollars a year, for the term of three years from the twelfth day of June, in the year one thousand eight hundred and forty-two, should he live so long, and that warrants be drawn therefor accordingly. [Approved by the Governor, March 14, 1843.]

\$30 a year for 3 years from June 12, 1842.

Chap. 11.

A RESOLVE for the pay of the Clerks of the Legislature.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the clerk of the Senate, the sum of eight dollars per day, and to the assistant clerk of the Senate the sum of five dollars per day, and to the clerk of the House of Representatives, the sum of eight dollars per day, for each and every day's attendance they have been or may be employed in that capacity during the present session of the Legislature; and that there be further paid to the clerk of the Senate, and to the clerk of the House of Representatives, the sum of one hundred dollars each, for copying the journals for the library, as required by the orders of the two houses, and that warrants be drawn accordingly. [Approved by the Governor, March 14, 1843.]

\$8 per day to clerks of the two Houses.
\$5 per day to assistant clerk.

\$100 to each clerk for copy of journal.

Chap. 12.

RESOLVE on the Petition of William Kidder.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to William Kidder, of Tyngsborough, in the county of Middlesex, the sum of fifty dollars a year, for the term of three years from the twenty-third day of September, in the year one thousand eight hundred and forty-one, should he live so long, and that warrants be drawn therefor accordingly. [Approved by the Governor, March 14, 1843.]

\$50 a year for 3 years, from Sept. 23d, 1841.

Chap. 13.

RESOLVE on the Petition of Derastus Clapp.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Com-

monwealth, to Derastus Clapp, of the city of Boston, the sum of sixty dollars, in full for services rendered in apprehending Benjamin Harford, charged with the crime of having in his possession tools and implements designed for counterfeiting the current silver coin, with intent to use the same in counterfeiting; and that a warrant be drawn therefor. [Approved by the Governor, March 14, 1843.]

§60 for arresting Benj. Harford.

RESOLVE on the Petition of the Selectmen of the town of Northampton.

Chap. 14.

Resolved, for reasons set forth in the said petition, that there be paid, out of the treasury of this Commonwealth, to the town of Northampton, the sum of one hundred and thirty-two dollars and sixty-four cents, in full for expenses incurred for the support of Jonathan H. Kendrick, a lunatic state pauper, and that a warrant be drawn therefor accordingly. [Approved by the Governor, March 14, 1843.]

§132 64 to town of Northampton, for support of J. H. Kendrick, a lunatic pauper.

RESOLVE on the Petition of Lemuel Pitts.

Chap. 15.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to Lemuel Pitts, of Charlestown, in the county of Middlesex, the sum of thirty dollars, in full for damages sustained by him on account of his horse breaking through the Warren bridge, owing to a defect in said bridge, and that a warrant be drawn therefor. [Approved by the Governor, March 14, 1843.]

§30 to Lemuel Pitts for damages sustained by him.

RESOLVE on the Petition of the City of Boston.

Chap. 16.

WHEREAS it has been made to appear to this Legislature that some of the islands and head-lands in the harbor of Boston are in danger of being seriously injured, if not entirely destroyed, by the action of the sea, and by the removal from said islands and head-lands of great quantities of stone and gravel; and, in consequence thereof, the principal channel of said harbor, called the Narrows, is gradually becoming filled up, to the great detriment of the commercial interests and the naval establishment of the United States in said waters, and the commerce and navigation of this Commonwealth: Therefore,

Preamble.

Resolved, That it is expedient that the necessary measures be taken, without delay, for the prevention of further injury to said islands, head-lands, harbor and channel; and that the senators of this Commonwealth in Congress be instructed, and the representatives requested, to apply to Congress for such aid from the government of the United States as shall be necessary and proper in the premises.

Prevention of injuries from action of the sea in Boston harbor.

Application to Congress.

Resolved, That his excellency the Governor be requested to transmit to the senators and representatives of this Commonwealth in Congress copies of the foregoing Resolve.

Governor to transmit.

Chap. 17.

RESOLVE on the Petition of Daniel Herring.

\$50 a year for
four years from
March 12, 1843.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of this Commonwealth, the sum of fifty dollars per annum, for four years from the twelfth day of March, one thousand eight hundred and forty-three, to Daniel Herring, if he live so long, for injury sustained by him while performing military duty, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 16, 1843.*]

Chap. 18.

RESOLVE on the Petition of Hugh R. Kendall.

Authority to
convey title.

Resolved, for reasons set forth in the petition, that the said Hugh R. Kendall, in his capacity of guardian of the minor children of Charles Seaver, late of Boston, in the county of Suffolk, merchant, deceased, be and he hereby is authorized to convey the said minors' title in the following described real estate, situated in Cambridge, in the county of Middlesex, viz.: beginning at a stake at the southeasterly side of South Third street, and running southwesterly thirty-five feet to a stake; thence southeasterly on a street twenty feet wide, sixty feet to a stake; thence northeasterly thirty-five feet to a stake; thence northwesterly sixty feet to the place of beginning on South Third street, unto John Marston, upon receiving from said Marston the residue of the purchase money due from him for the price of said minors' title in said premises: *provided, always*, that said Kendall shall be charged with and accountable for said purchase money, as if the same had been received and the deed delivered within a year after he obtained a license to sell the said real estate of said minors from the probate court. [*Approved by the Governor, March 16, 1843.*]

Proviso.

Chap. 19.

RESOLVE on the Petition of John Levy.

Empowered to
hold real estate.

Resolved, for reasons set forth in the petition, that said John Levy is hereby authorized and empowered to receive a deed or deeds of real estate in this Commonwealth, and hold the same in fee simple, in as full and ample manner as if he were a naturalized citizen of the United States. [*Approved by the Governor, March 16, 1843.*]

Chap. 20.

RESOLVES against the annexation of Texas to the Union.

Resolved, That, under no circumstances whatsoever, can the people of Massachusetts regard the proposition to admit Texas into the Union in any other light than as dangerous to its continuance in peace, in prosperity, and in the enjoyment of those blessings which it is the object of a free government to secure.

Resolved, That the senators and representatives of Massachusetts in the Congress of the United States be requested to spare no exertions to oppose, and if possible to prevent, the adoption of the proposition referred to.

Resolved, That his excellency the Governor be requested to transmit one copy of these resolutions to the executive of each of the United States, and a like copy to each senator and representative in Congress from Massachusetts.

RESOLVE on the Petition of William Miller and Josiah Pomeroy, Jr.

Chap. 21.

Resolved, for reasons set forth in said petition, that there be paid to William Miller and Josiah Pomeroy, Jr., out of the treasury of this Commonwealth, the sum of thirty dollars, in full for services rendered by them in arresting one James M. Wilson, a fugitive from justice, and that a warrant be drawn therefor. [*Approved by the Governor, March 17, 1843.*]

§30 for arresting James M. Wilson.

RESOLVE on the Petition of Elizabeth B. Swett.

Chap. 22.

Resolved, for reasons set forth in said petition, that the said Elizabeth B. Swett, guardian of Elizabeth L. Swett, Joseph C. Swett, and William B. Swett, minor children of Tasker H. Swett, deceased, or her successors in that trust, be, and is hereby authorized to convey to Aaron D. Williams, his heirs or assigns, in fee simple, by a good and sufficient deed, all the right, title, interest and estate of the said minors in and to one undivided half of a piece of land in Roxbury, in the county of Norfolk, conveyed by the South Cove Corporation to William B. Swett, since deceased, by deed dated the first day of April, in the year eighteen hundred and thirty-six, recorded in Norfolk Registry of Deeds, Book 109, Leaf 283, and of two pieces of marsh land in said Roxbury, conveyed to said William B. Swett by William H. Sumner and Aaron D. Williams, by deed of the same date, recorded as aforesaid, Book 110, Leaf 262, and of another piece of marsh land in said Roxbury, conveyed to said William B. Swett by the same grantors, by deed, dated the twenty-second day of September, in the year eighteen hundred and thirty-six, recorded as aforesaid, Book 112, Leaf 222. [*Approved by the Governor, March 17, 1843.*]

Guardian authorized to convey minors' interest in certain land.

RESOLVE on the Petition of Josiah Sawtell.

Chap. 23.

Resolved, for reasons set forth in said petition, that Josiah Sawtell, of Lowell, in the county of Middlesex, administrator on the estate of Luke Manning, of Townsend, in said county, deceased, be and he is hereby authorized to file, in the probate office for said county, an affidavit of the notice given by him, as administrator of the sale of the real estate of said Manning; and the said affidavit shall have the same legal effect as if the same had been filed in said office within one year after the time of said sale; *provided*, that said affidavit shall be so filed within three months from the passage of this resolve. [*Approved by the Governor, March 18, 1843.*]

Administrator authorized to file affidavit of notice of sale of certain real estate, *nunc pro tunc*.

Proviso.

Chap. 24.

RESOLVE on the Petition of David C. Wood and others.

\$3 75 to each member of the Upton Light Infantry, for services in 1842.

Resolved, for reasons set forth in the said petition, that the treasurers of the several towns in which the members of the Upton Light Infantry company reside, are hereby severally authorized to pay to each member of said company, who is a resident in their respective towns, the sum of three dollars and seventy-five cents, for services rendered in three fourths of the year one thousand eight hundred and forty-two, upon certificate of the same, in the same manner and form as if said company had performed duty the whole year, and the return had been made within the time specified by law; and the several sums so paid shall be reimbursed to the several towns respectively, out of the treasury of the Commonwealth, as provided by law. [*Approved by the Governor, March 18, 1843.*]

To be reimbursed to towns from treasury of Commonwealth.

Chap. 25.

RESOLVE on the Petition of Benjamin Seaver.

Trustees to be appointed for Sarah Seaver, an insane person, to protect her interest in sales of land, &c.

Resolved, for reasons set forth in said petition, that the judge of probate for the time being, in the county of Suffolk, be and he is hereby authorized and directed to appoint some suitable person or persons, to be trustee or trustees for and in behalf of Sarah Seaver, wife of Benjamin Seaver, of Boston, in said county, merchant, so long as the said Sarah shall not be of sane mind; and that, whenever the said Benjamin Seaver, his heirs or representatives, shall sell all or any of the real estate in said Boston, conveyed to him by John F. Priest, by deed recorded with Suffolk deeds, book 355, leaf 196; and by Edmund Wright, by deed recorded as aforesaid, book 390, leaf 240, or any other real estate in this Commonwealth, which the said Benjamin Seaver may own or hold, such trustee or trustees shall release and convey to the purchaser or purchasers thereof, all the said Sarah's dower, and right and title to dower therein: *provided*, that upon any and every sale that shall be made as aforesaid, the value of her dower, or right of dower in the land so sold, at the time of such sale, shall be paid to such trustee or trustees, who shall carefully invest the same, apply the net income thereof to her support and maintenance, during her natural life; and, upon her decease, shall pay and transfer the principal money so received, and the funds in which it may be vested, and any income then accrued, and not paid over, to her heirs at law. And *provided, also*, that the trustee or trustees so appointed, shall first give bond to the said judge of probate, with sufficient surety or sureties, for the faithful performance of the trusts and duties aforesaid. [*Approved by the Governor, March 18, 1843.*]

Proviso.

RESOLVE in favor of George H. Balch, a deaf and dumb person.

Resolved, That George Henry Balch, son of William S. Balch, of Bradford, aged ten years, be placed on the list of beneficiaries supported by this Commonwealth, at the American Asylum for the Deaf and Dumb, at Hartford, and that the governor be authorized to grant him a certificate of admission. [*Approved by the Governor, March 18, 1843.*]

Chap. 26.

May be placed
in Hartford
Asylum.

RESOLVE concerning the establishment of a Light House on Minot's Ledge.

Resolved, That the establishment of a Light House upon Minot's Ledge, in Massachusetts Bay, is essential to the safety of the commerce of this Commonwealth, and of the lives of seamen upon our coast.

Resolved, That his excellency the governor be requested to transmit a copy of these resolves to the president of the United States.

Chap. 27.

RESOLVE on the Petition of the Inhabitants of the town of Carver.

Resolved, for reasons set forth in the said petition, that James Shurtleff, an inhabitant of the said town of Carver, who is now held at the Lunatic Hospital, at Worcester, be discharged therefrom, and delivered to an agent of said town, upon the condition that said town first give a sufficient bond to the judge of probate, in and for the county of Plymouth, in the sum of one thousand dollars, conditioned for the safe keeping of said Shurtleff, and pay all damages which any person may suffer by the acts of said James Shurtleff. [*Approved by the Governor, March 18, 1843.*]

Chap. 28.

J. Shurtleff to
be discharged
from State L.
Hospital.

Town of Carver
to give
bond.

RESOLVE providing for a Survey of the Arsenals.

Resolved, That his excellency the governor be authorized to appoint two suitable persons to survey the ordnance, ordnance stores, muskets, military equipments, and other property in the arsenals at Boston and Cambridge, and to report an inventory of the same, with particular statements of their present condition. His excellency the governor is hereby authorized to draw a warrant for the payment of the expenses of this survey. [*Approved by the Governor, March 18, 1843.*]

Chap. 29.

Two suitable
persons to be
appointed by
Governor to
make survey.

RESOLVE on the Petition of Ozias Goodwin.

Resolved, for reasons set forth in said petition, that the said Ozias Goodwin, trustee under the will of John Bray, deceased, or his successor in said trust be, and he is hereby authorized to sell and convey, in such manner, on such terms, and for such prices as he shall deem expedient, at public auction or private sale, the whole or any part or parts of a certain tract of land, with the buildings thereon, situate in the city of Boston, and to which the said Ozias Goodwin, in his said capacity, is entitled, bounded southerly by Cambridge street, westerly by Blossom street, northerly

Chap. 30.

Trustee author-
ized to sell—

—and convey. appurtenances thereto belonging; and to make and execute good and sufficient deeds thereof in fee simple to the purchaser or purchasers; *provided*, that the said trustee shall first give bond, with sufficient surety or sureties, to the judge of probate, to account for the proceeds according to law, and faithfully to execute the power granted by this Resolve. [*Approved by the Governor, March 18, 1843.*]

Chap. 31.

RESOLVE on the Petition of Jonathan C. Clary.

\$5 for militia services of Erastus H. Humes in 1842.

To be reimbursed to town of Montague, from treasury of Comm'th.

Resolved, for reasons set forth in the said petition, that the treasurer of the town of Montague is hereby authorized to pay to Jonathan C. Clary, the sum of five dollars for the militia services (in the year eighteen hundred and forty-two) of Erastus H. Humes, upon his establishing his claim to the same, in the same manner and form as if his return had been made within the time specified by law, and that the amount so paid shall be reimbursed to the said town out of the treasury of this Commonwealth in the manner provided by law. [*Approved by the Governor, March 18, 1843.*]

Chap. 32.

RESOLVE on the Petition of George B. Loring and others.

\$5 each to certain persons for militia services in 1842.

To be reimbursed to town of Andover.

Resolved, for reasons set forth in the said petition, that the treasurer of the town of Andover is hereby authorized to pay to George B. Loring, surgeon, George Hodges, Jr. paymaster, George H. Kittridge, acting adjutant, and J. H. Clark, colonel, staff officers attached to the seventh regiment of infantry, fourth brigade, second division of Massachusetts volunteer militia, the sum of five dollars each, for militia services in the year one thousand eight hundred and forty-two, upon their establishing respectively their several claims to the same, in the same manner as if their return of said service had been made within the time specified by law; and that the several sums so paid shall be reimbursed to the said town in the manner provided by law. [*Approved by the Governor, March 20, 1843.*]

Chap. 33. RESOLVE on the Petition of the County Commissioners of the County of Norfolk.

\$390 for support of John Asher, a state lunatic pauper.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the county of Norfolk, the sum of three hundred and ninety dollars, in full for the support of John Asher, a state lunatic pauper, to January first, eighteen hundred and forty-three; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 21, 1843.*]

RESOLVE on the Petition of William Thomas Carroll, of Washington, in the District of Columbia. *Chap. 34.*

Resolved, for reasons set forth in the said petition, that there be paid, out of the Warren bridge fund, to William Thomas Carroll, clerk of the supreme court of the United States, the sum of two hundred and ninety-eight dollars and ninety-four cents, being the amount of his legal fees, accrued to him in the suit of the proprietors of the Charles river bridge against the proprietors of the Warren bridge and others, in the supreme court of the United States; and that the Governor be authorized to draw his warrant therefor accordingly. [*Approved by the Governor, March 21, 1843.*]

\$298 94 for legal fees.

RESOLVE on the Petition of the County Commissioners for the County of Berkshire. *Chap. 35.*

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the county of Berkshire, the sum of two hundred and twenty-one dollars and eighty-four cents, in full for expenses paid for the support of Halsey Simonds and Rowland Perkins, two insane state paupers, to the first day of January, eighteen hundred and forty-three; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 21, 1843.*]

\$221 84 for support of two insane State paupers.

RESOLVE for the payment of sundry Military, Sheriffs', Printers' and Miscellaneous Accounts. *Chap. 36.*

Resolved, That there be allowed and paid, out of the public treasury, to the several persons mentioned in the accompanying roll, the sums set against their respective names, amounting in all to the sum of three thousand five hundred eighty-five dollars and fifty-six cents, the same being in full discharge of the accounts and demands to which they refer; and that a warrant be drawn accordingly. [*Approved by the Governor, March 21, 1843.*] (*For the roll, see the latter part of the volume.*)

\$3585 56 for certain accounts and demands.

RESOLVE in favor of John V. Low.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to John V. Low, assistant messenger to the Governor and Council, two dollars for each and every day he has been or may be employed in that capacity during the sessions of the council for the present year; and that warrants may be drawn accordingly. [*Approved by the Governor, March 21, 1843.*]

Chap. 37.

\$2 a day during sessions of Council for 1843.

RESOLVE on the Petition of Daniel Herring.

Resolved, for reasons set forth in the said petition, that there be paid to Daniel Herring, out of the treasury of this Commonwealth, the sum of fifty dollars, being in full for the amount of an annual pension granted to him, for the

Chap. 38.

\$50 for an annual pension for 1842, omitted in a former resolve.

year one thousand eight hundred and forty-two, which pension was accidentally omitted in a former resolve; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 22, 1843.*]

Chap. 39. RESOLVE on the Petition of Joseph Carleton, James Neuson and William H. Elliot.

\$5 each to certain persons for military services during 1842.

Resolved, for reasons set forth in the said petition, that the selectmen of the town of Andover are hereby authorized to pay to Joseph Carleton, James Neuson, and William H. Elliot, each, the sum of five dollars for services during the year one thousand eight hundred and forty-two, in a volunteer company of infantry, marked C, commanded by Capt. John K. Cole; and that the said town be reimbursed by the State. [*Approved by the Governor, March 22, 1843.*]

Chap. 40. RESOLVE on the Petition of the President, Directors and Company of the Amherst Bank.

\$123 for payment of a certain claim.

Resolved, for reasons set forth in the said petition, that there be paid, out of the treasury of the Commonwealth, to the President, Directors and Company of the Amherst Bank, the sum of one hundred and twenty-three dollars, the same to be in full payment for a claim which said bank has made on the treasury by reason of paying a check for that amount, drawn by David Wilder, Esq., late treasurer of the Commonwealth, in favor of Asa L. Field, upon the City Bank, in Boston, bearing date on the twenty-fourth day of February, A. D. eighteen hundred and thirty-seven: *provided, however*, that said President and Directors of the Amherst Bank, in behalf of the bank, shall file with the treasurer of this Commonwealth a satisfactory obligation to indemnify the treasury against any claim which shall or may be hereafter made thereon by the presentation of said check for payment; and when such obligation shall have been filed, a warrant shall be drawn in their favor accordingly. [*Approved by the Governor, March 22, 1843.*]

Proviso.

Chap. 41. RESOLVE for opening a Road and surveying certain Townships in the State of Maine.

Land agent (in concurrence with land agent of Maine) to extend location of State road, &c.

Resolved, That the land agent of this Commonwealth, in concurrence with the land agent of Maine, be, and he is hereby directed, to extend the location of the State road from the Aroostook river, in township letter G, second range, northerly, in the most direct and best route to the river St. John. To run the boundary lines of townships which lie between those already marked out and the St. John river, and to survey and assign to the inhabitants on the south side of said river, the lots of land to which they are respectively entitled; *provided* that the same can be done for a sum not exceeding three thousand dollars, and *provided*, that no charge therefor be made on the treasury of the Commonwealth. [*Approved by the Governor, March 22, 1843.*]

Proviso.

RESOLVE on the Petitions of Samuel Meserve and others, and Abel B. Jones and others.

Chap. 42.

Resolved, for reasons set forth in the said petitions, that his excellency the governor be, and hereby is, authorized to grant the petition of Samuel Meserve and others, citizens of Lowell, praying to be organized as a company of artillery. And also the petition of Abel B. Jones and others, citizens of Sudbury, praying to be organized as a company of riflemen;—if, in his opinion, it may be deemed expedient. [Approved by the Governor, March 22, 1843.]

Organization of a company of artillery—

—and one of riflemen.

RESOLVE on the Petition of Ebenezer Jones.

Chap. 43.

Resolved, That the treasurer be, and he is hereby authorized and directed to surrender to William Tuckerman, Gustavus Tuckerman, James Read, Hall J. How, Ebenezer Jones, and Samuel W. Waldron, the notes now in his possession, signed by them jointly and severally, upon receiving from each and all of them a good and sufficient release to the Commonwealth of all their claims to township number five in the seventh range of townships in the State of Maine. [Approved by the Governor, March 22, 1843.]

Surrender of certain notes of hand, upon condition.

RESOLVE on the Petition of the County of Hampden.

Chap. 44.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of this Commonwealth, to the county of Hampden, the sum of twenty-eight dollars and fifty-seven cents, in full for the support of Catharine Ryan, a lunatic pauper, from the 13th day of October, 1842, to the 1st day of January, 1843; and that a warrant be drawn therefor accordingly. [Approved by the Governor, March 22, 1843.]

\$23 57 for support of Catharine Ryan, a lunatic pauper.

RESOLVE concerning the Quarter Master General's Department.

Chap. 45.

Resolved, That the sum of three thousand dollars is hereby appropriated to defray the expenses of the quarter master general's department for the current year, and that warrants be drawn therefor. [Approved by the Governor, March 22, 1843.]

\$3000 for expenses of department, the current year.

RESOLVE concerning Standard Weights and Measures.

Chap. 46.

Resolved, That His Excellency the Governor be authorized and requested to appoint two commissioners to consider and report to the next Legislature, what alterations, if any, are expedient in the existing laws in relation to standard weights and measures, and to the sealing of weights and measures in this Commonwealth, *provided* the same can be done without expense to the State. [Approved by the Governor, March 22, 1843.]

Two commissioners to consider and report upon alterations, &c.

Proviso.

RESOLVE concerning certain Documents relating to Revolutionary Services.

Chap. 47.

Resolved, That the secretary of the Commonwealth be, and he hereby is, directed to receive such muster rolls and other evidences of revolutionary services, now belonging

\$500 for indexing and arranging evidences

of revolution-
ary services.

to individuals or societies, as it may be in his power to obtain ; and to cause the same, together with all which may already be in his possession, to be indexed and arranged in the manner prescribed in the resolve passed on the twelfth day of March, in the year one thousand eight hundred and forty ; and the governor is authorized, by and with the advice and consent of the council, to draw his warrant to defray the expense thereof, for an amount not exceeding five hundred dollars. [*Approved by the Governor, March 22, 1843.*]

Chap. 48.

RESOLVE on the Accounts of the Land Agent.

Land agent dis-
charged from
payment of a
certain sum.

Resolved, That George W. Coffin, land agent of the Commonwealth, be, and he hereby is discharged from the payment of the sum of thirty-five thousand eight hundred and ninety-seven dollars and fifty-six cents, the receipt of which is acknowledged in his account with the Commonwealth to the twenty-first day of January, one thousand eight hundred and forty-three. [*Approved by the Governor, March 22, 1843.*]

Chap. 49.

RESOLVE to pay the Doorkeepers and Messengers of the Senate and House of Representatives.

Specification of
payments.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to three doorkeepers and three assistant doorkeepers of the House of Representatives, also to the doorkeeper of the Senate, each the sum of two dollars per day, for each and every day's attendance, during the present session of the Legislature ; also to one assistant messenger the sum of one dollar and fifty cents for each day's attendance during the same, and to two pages of the Senate, one eighty cents, and one seventy cents, for each day's attendance during the same, and to the page of the House of Representatives, the sum of one dollar per day for each day's attendance during the same ; and that warrants be drawn accordingly. [*Approved by the Governor, March 22, 1843.*]

Chap. 50.

RESOLVE to pay the Chaplains of the Legislature.

\$60 and 30, re-
spectively, to
chaplains of
Senate and
House.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the chaplain of the Senate the sum of sixty dollars ; and to the chaplains of the House of Representatives the sum of thirty dollars each ; and that warrants be drawn accordingly. [*Approved by the Governor, March 22, 1843.*]

Chap. 51.

RESOLVE on the Petition of Lucy Elliot.

\$50 for revolu-
tionary services
of Daniel
Campbell.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to Lucy Elliot, of Dublin, in the State of New Hampshire, the sum of fifty dollars, in full for the revolutionary services of her husband, Daniel Campbell ; and that

a warrant be drawn therefor accordingly. [*Approved by the Governor, March 22, 1843.*]

RESOLVE on the Petition of Jonas Melville.

Resolved, for reasons set forth in said petition, that there be paid to Jonas Melville, out of the treasury of this Commonwealth, the sum of twenty-five dollars, in full for damages sustained by him, by the discharge of a musket while performing military duty in September last; and that a warrant be drawn therefor. [*Approved by the Governor, March 22, 1843.*]

Chap. 52.

\$25 for damages sustained while on military duty.

RESOLVE on the Petition of Cyrus Lovell.

Resolved, for reasons set forth in the said petition, that Cyrus Lovell, of Worcester, in the county of Worcester, trustee under the last will and testament of John Temple, late of West Boylston, in said county, deceased, is hereby authorized and empowered to sell, at public or private sale, a part of the real estate held under said will, to wit: one undivided third part of one undivided half of a certain farm, consisting of about one hundred and fifty acres, situate partly in Worcester aforesaid, and partly in West Boylston aforesaid, and to convey the same by deed duly executed and acknowledged; and the said trustee shall hold and invest the proceeds of such sale, and the same shall descend in the same manner that said real estate would otherwise be held or descend under said will; *provided*, that said trustee shall first give bonds to the judge of probate for the county of Worcester, that he will faithfully execute the power hereby granted to him. [*Approved by the Governor, March 22, 1843.*]

Chap. 53.

Trustee empowered to sell part of certain real estate.

Proviso.

RESOLVE on the Petition of Timothy T. Fisher and another.

Resolved, That, for reasons set forth by the petitioners, the public administrator on the estate of Nancy Fisher, late of Foxborough, in the county of Norfolk, deceased, intestate, is hereby authorized and directed to pay and deliver over to the heirs at law of Hannah Dunham, late of said Foxborough, deceased, all the goods, effects and credits of every description, which belong to said estate, or may hereafter come into his hands as the administrator thereof, after payment of the debts and charges of administration. [*Approved by the Governor, March 22, 1843.*]

Chap. 54.

Public administrator to deliver to the heirs-at-law, all property belonging to a certain estate.

RESOLVE granting Taxes for the several Counties.

WHEREAS the treasurers of the following counties have laid their accounts before the Legislature, which accounts have been examined and allowed, and the clerks of the county commissioners have exhibited estimates made by said commissioners, of the necessary charges which may arise within the respective counties for the year ensuing,

Chap. 55.

Preamble.

and of the sums necessary to discharge the debts of said counties :

The sums granted respectively.

Therefore, resolved, that the sums placed against the names of the several counties, in the following schedule, are hereby granted as a tax for each county respectively, to be assessed, paid, collected and applied, according to law, viz: county of Essex, thirty-two thousand six hundred dollars; county of Middlesex, thirty-eight thousand five hundred dollars; county of Worcester, twenty-seven thousand dollars; county of Hampshire, ten thousand dollars; county of Hampden, fourteen thousand five hundred dollars; county of Franklin, seven thousand dollars; county of Berkshire, fifteen thousand dollars; county of Norfolk, ten thousand dollars; county of Bristol, twenty-two thousand dollars; county of Plymouth, fourteen thousand dollars; county of Barnstable, six thousand dollars; county of Dukes, six hundred dollars. [*Approved by the Governor, March 23, 1843.*]

Chap. 56.

RESOLVE on the Petition of the Selectmen of Hawley.

§50 for militia duty performed in 1842.

Resolved, for reasons set forth in said petition, that there be paid from the treasury of this Commonwealth to the treasurer of the town of Hawley, the sum of eighty dollars, in full for money paid by said treasurer to certain soldiers for militia duty performed in the year eighteen hundred and forty-two; and that a warrant be drawn therefor. [*Approved by the Governor, March 23, 1843.*]

Chap. 57.

RESOLVE on the Petition of the Heirs of Thomas Jamison.

§63 5, amount of deceased's estate, paid to his heirs.

Resolved, That there be paid out of the public treasury of this Commonwealth, to Helen McEwen and Catherine Jamison, heirs of Thomas Jamison, late of Salem, in the county of Essex, deceased, or to Benjamin Merrill, Esq. their attorney, the sum of sixty-three dollars and five cents, the amount of the estate of the deceased, deposited with the treasurer of this Commonwealth, by the public administrator for said county; and that a warrant be drawn accordingly. [*Approved by the Governor, March 23, 1843.*]

Chap. 58.

RESOLVE on the Petition of the Selectmen and Treasurer of the town of Orange.

§15 23 for bounty on wheat in 1841.

Resolved, for reasons set forth in the said petition, that there be paid to the treasurer of the town of Orange, from the treasury of this Commonwealth, the sum of fifteen dollars and twenty-three cents, in full for money paid from the treasury of said town, in the year eighteen hundred and forty-one, for bounty on wheat; and that a warrant be drawn therefor. [*Approved by the Governor, March 23, 1843.*]

RESOLVE in favor of John Willey.

Chap. 59.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of this Commonwealth, to John Willey, the sum of twenty-nine dollars and sixty-seven cents, for printing the laws in one thousand eight hundred and forty; and that a warrant be drawn accordingly. [*Approved by the Governor, March 23, 1843.*]

\$29 67 for printing the Laws in 1840.

RESOLVES concerning an Amendment to the Constitution of the United States.

Chap. 60.

Resolved, That the following amendment to the Constitution of the United States be, and hereby is recommended to the consideration of Congress, to be acted on according to the fifth article. The third clause of the second section of the first article shall read in the words following: Representatives and direct taxes shall be apportioned among the several states which are or may be included within this Union, according to their respective numbers of free persons, including Indians not taxed. The actual enumeration shall be made within two years from the date of the adoption of this amendment in the manner provided by the constitution, and within every subsequent term of ten years, in such manner as the Congress shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative.

Amendment.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolve, and the proposed amendment, to each of the senators and members of the House of Representatives of this Commonwealth in the Congress of the United States.

Copies to the senators and representatives from this State in Congress;

Resolved, That his excellency the governor be requested to transmit a copy of the same resolve and amendment to the executive of the United States and of the several states.

and to the executives of the Union, and the several states.

RESOLVE concerning the Winthrop Bank.

Chap. 61.

Resolved, That the tax on the capital stock of Winthrop Bank, of Roxbury, which has become due to this Commonwealth since the fourth day of December of the year one thousand eight hundred and forty-one, be remitted, and that said bank be wholly discharged from the payment of the same. [*Approved by the Governor, March 24, 1843.*]

Tax on capital stock remitted.

RESOLVE to pay for Fuel and for other purposes.

Chap. 62.

Resolved, That there be paid out of the treasury, to Benjamin Stevens, sergeant-at-arms to the General Court, the sum of eighteen hundred dollars, to enable him to purchase fuel and other necessary articles for the use of the General Court and the several public offices in the State House. [*Approved by the Governor, March 24, 1843.*]

\$1800 for fuel, &c. for State House.

Chap. 63. RESOLVES in favor of the establishment, by the General Government, of a National Foundry and Yard for building Steam Ships of War and Floating Steam Batteries, upon the extensive lands belonging to the United States, opposite the Navy Yard, in the harbor of Boston.

Resolved, That the very valuable and extensive landed property, belonging to the United States, opposite the Navy Yard in Boston harbor, is capable of being improved to great and permanent advantage for the public service, and should no longer be allowed to remain in its present comparatively neglected and useless condition.

National Foundry and building-yard demanded by the state of the Navy, &c.

Resolved, That the establishment by the United States of a national foundry and yard, for the building of steam ships of war and floating steam batteries upon said premises, is demanded by the state of the navy, for the additional protection of the people at the north and the east, and by the new and extraordinary improvements adopted by other nations in the construction of their military engines, and for offensive and defensive operations upon the sea and the sea-coasts.

Respecting petitions already transmitted to Congress.

Resolved, That the several petitions of our fellow-citizens already transmitted to the general government, praying for the establishment, by the United States, of the national foundry and steam-ship yard aforesaid, deserve the serious consideration of Congress, and, it is hoped, will be favorably acted upon by that body at the earliest possible period.

Delegation in Congress to urge the measure.

Resolved, That the attention of our senators and representatives in Congress be directed to the magnitude and importance of the subject of the foregoing resolves; and the said senators be instructed and said representatives be requested to give their most earnest support to the same, and use all necessary and proper means for the effective and speedy accomplishment of the naval improvements aforesaid.

Copies to be transmitted.

Resolved, That his excellency the governor be requested to transmit an attested copy of the foregoing preamble and resolves to the President of the United States, and to each of the senators and representatives in Congress from Massachusetts and the other New England States.

Chap. 64.

RESOLVE on the Petition of Leonard Parks.

\$5 for military services in 1842.

Resolved, for reasons set forth in the petition, that the treasurer of the town of Cambridge is hereby authorized to pay to Leonard Parks the sum of five dollars for military services, performed in the year one thousand eight hundred and forty-two, as drum-major in the first regiment, third brigade, second division of Massachusetts volunteer militia, upon his establishing his claim to the same in the same manner as if his return had been made within the time specified by law; and the amount so paid shall be reimbursed to said town, as provided by law. [*Approved by the Governor, March 24, 1843.*]

RESOLVE for the payment of sundry Printers', Coroners', Paupers' and Miscellaneous Accounts.

Chap. 65.

Resolved, That there be allowed and paid, out of the public treasury, to the several corporations and persons mentioned in the accompanying roll, the sums set against their names respectively, amounting in the whole to the sum of nine thousand one hundred and seventy-three dollars and forty-one cents; and that a warrant be drawn accordingly. [*Approved by the Governor, March 24, 1843.*] (*For the roll, see the latter part of the volume.*)

\$9173 41 for various accounts.

RESOLVES in relation to the duty of the State Directors in the Western Railroad Corporation.

Chap. 66.

Resolved, That the State Directors of the Western Railroad Corporation are hereby directed to use their exertions to reduce all excessive salaries, to abolish all useless offices, and to introduce and maintain a system of practical economy in the management of the road.

State Directors to enforce all practicable retrenchment and economy—

Resolved, That the State Directors of the Western Railroad Corporation should represent the shares of the State in all meetings of the stockholders, and act therein, except for the choice of directors.

—and to represent the shares of the State.

Resolved, That the Secretary of the Commonwealth be directed to furnish a copy of these resolves to each of the directors of the corporation.

A copy to be sent to each director of the corporation.

RESOLVES relating to the Imprisonment of Citizens of this Commonwealth in other States.

Chap. 67.

Resolved, That the perseverance of many of the States in the Union, against all remonstrance on the part of Massachusetts, in seizing and imprisoning her citizens without the allegation of any crime, is calculated to weaken the confidence which she has in the good disposition of those States to maintain their engagements to the constitution of the United States inviolate.

Injurious effects of this system on the part of southern States.

Resolved, That his excellency the Governor, with the advice and consent of the council, be authorized to employ an agent in the ports of Charleston, in South Carolina, and New Orleans, in Louisiana, for a term of time not to exceed one year, for the purpose of collecting and transmitting accurate information respecting the number and the names of citizens of Massachusetts who have heretofore been, or may be during the period of his engagement, imprisoned without the allegation of any crime. The said agent shall also be enabled to bring and prosecute, with the aid of counsel, one or more suits in behalf of any citizens that may be so imprisoned, at the expense of Massachusetts, for the purpose of having the legality of such imprisonment tried and determined upon in the supreme court of the United States.

Governor authorized to appoint an agent in Charleston, S. C. and New Orleans.

Resolved, That his excellency the Governor be hereby

Comm'th to defray all necessary expenses.

authorized to draw his warrant to cover any necessary expenses incurred in carrying into effect the foregoing resolves, after the same shall have been audited and allowed by the council, to be paid out of the public treasury. [*Approved by the Governor, March 24, 1843.*]

Chap. 68.

Number of commissioners to be reduced to three.

Their report to be presented to the Legislature by 2d Wednesday of Jan., 1844.

600 copies to be printed.

RESOLVE on the Codification of the Criminal Law.

Resolved, That the number of the commissioners appointed to codify the criminal law of Massachusetts be, and the same hereby is, reduced to three, who shall reside in or near the city of Boston, and who shall be required to present a full and final report to the next Legislature, on or before the second Wednesday of January, one thousand eight hundred and forty-four. And that his excellency the Governor, whenever a vacancy shall occur in the said reduced board of commissioners, be, and he hereby is, authorized and requested to fill such vacancy by the appointment of such person, residing in Boston or its vicinity, as he may deem proper; and that the commissioners cause six hundred copies of their report to be printed, by the printers of the Legislature, and lay the same before the Legislature at the time above mentioned. [*Approved by the Governor, March 24, 1843.*]

Chap. 69.

\$2 a day to each senator and representative during the political year; and \$2 for every 10 miles travel from home. Same allowance to members of the council.

\$2 a day extra to president of senate and speaker of house.

RESOLVE for the pay of the Council, Senate and House of Representatives.

Resolved, That there be paid, out of the treasury of this Commonwealth, to each member of the Senate and House of Representatives, two dollars for each and every day's attendance the present political year, and the sum of two dollars for every ten miles' travel from their respective places of abode, once in each session, to the place of the sitting of the General Court; and also to each member of the Council two dollars for each and every day's attendance at that board, at every session thereof during the present political year, and the like sum of two dollars for every ten miles' travel from their respective places of abode, once in each session thereof; and to the President of the Senate and to the Speaker of the House of Representatives, two dollars for each and every day's attendance as such, in addition to their pay as members; and the Governor is authorized to draw his warrants accordingly. [*Approved by the Governor, March 24, 1843.*]

Chap. 70.

Governor and council authorized to contract with some party for sale of copyright.

Purchaser to furnish 1000

RESOLVES relating to the Map of the Commonwealth.

Resolved, That the governor and council are hereby authorized to contract with some publishing house or individual for the transfer and sale of the copyright of the State map on terms that may be most advantageous to the Commonwealth, requiring from such purchaser or purchasers a guarantee that the map shall be completed and printed in a proper manner, and further stipulating, that one thou-

sand finished copies, (the same being mounted, colored and varnished.) be furnished to the Commonwealth free of charge, for distribution; *provided*, that the engraved plate shall remain the property of the Commonwealth, and that the right shall be reserved to the Commonwealth of resuming said plate, and preparing and publishing copies of the said map, with or without alterations, at any time after the expiration of ten years from the date of said contract.

copies to Commonwealth free of charge. Proviso.

Resolved, That the aforesaid copies, when finished, be committed to the care of the secretary of the Commonwealth, and that he cause them to be delivered as follows, viz: one copy each to be furnished to the governor and lieutenant governor, and each member of the executive council, the Senate and House of Representatives, and the clerks and chaplains of the two branches: one to the executive department, and one for each of the departments of the secretary of state, treasurer and receiver general, adjutant general and land agent: one to the library of Congress, to the state department at Washington, and one to each city and town in the Commonwealth.

Secretary of Commonwealth to distribute the copies as specified.

Resolved, That the remaining copies not distributed agreeably to the above resolve, shall remain in the hands of the secretary of the Commonwealth, subject to future legislative action. [*Approved by the Governor, March 24, 1843.*]

Surplus copies to remain in secretary's hands.

RESOLVE on the Petition of Edward Swan.

Resolved, for reasons set forth in the petition, that the treasurer of this Commonwealth, is hereby authorized to surrender to Edward Swan his note, dated May 18, 1837, for one thousand dollars, upon his paying into the treasury, on or before the first day of May next, the sum of five hundred dollars. [*Approved by the Governor, March 24, 1843.*]

Chap. 71.

Surrender of note on condition.

RESOLVE for the payment of sundry Printers', Coroners', and Miscellaneous Accounts.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the several persons mentioned in the accompanying roll, the sums set against their respective names, amounting in all to the sum of four hundred forty-seven dollars and ninety-one cents, the same being in full discharge of the accounts and demands to which they refer; and that a warrant be drawn accordingly. [*Approved by the Governor, March 24, 1843.*] (*For the roll, see the latter part of the volume.*)

Chap. 72.

\$447 91 in full for certain accounts.

RESOLVES for the Enlargement of the State Lunatic Hospital.

Resolved, That the trustees of the State Lunatic Hospital, at Worcester, together with the superintendent and treasurer thereof, are hereby authorized to erect in such

Chap. 73.

Additional buildings to be erected for 150 patients.

manner as they shall deem most expedient, additional buildings, adjoining or near to the existing buildings of said hospital, sufficiently large for the accommodation of one hundred and fifty insane patients, and to provide all necessary accommodations and furniture for the same.

Expenses to be defrayed from principal of Martha Johonnot's legacy.

Resolved, That, to defray the expenses of erecting such additional buildings, and all the requisite appurtenances thereto, and of providing the necessary accommodations and furniture for the same, the trustees aforesaid are hereby authorized and directed to appropriate and make use of the principal of the devise and bequest made by Martha Johonnot, late of Salem, deceased, to the trustees of said hospital, and placed under the control of said trustees by resolves approved March eighteenth, in the year one thousand eight hundred forty-one; and, for this purpose, to sell and convey the stocks and property, and to collect and convert into money the obligations or securities in which the fund of said devise and bequest now exists or is invested; *provided*, that the said trustees shall, after the first day of April next, charge, for the support of each patient at said hospital, who is not maintained there at the expense of the Commonwealth, or of any city or town of the State, a sum not less than three dollars per week; *and provided*, the same shall not interfere with any existing contract between the trustees and patients; and that, after the first day of December next, no private patients shall be retained in the hospital to the exclusion of any insane pauper, the uninterrupted duration of whose insanity is less than four years, and for whose admission application may be made by the authorities of any city or town of this Commonwealth; *and provided further*, that the cost of such building or buildings, and the furnishing of the same, is not to exceed the Johonnot fund, and any funds which may be placed in the hands of the trustees for that purpose by individual gift.

Each patient, not a State or town pauper, to pay at least \$3 per week, but not to be retained in preference to insane paupers.

Limitation of cost.

Repeal.

Resolved, That so much of the resolves concerning the will of Martha Johonnot and the State Lunatic Hospital at Worcester, passed on the eighteenth of March, in the year one thousand eight hundred and forty-one, as is inconsistent with these resolves, is hereby repealed.

These resolves, upon what contingent.

Resolved, That, previous to the execution of these resolves, the governor and council be requested to obtain the opinion of the justices of the supreme judicial court of the Commonwealth, whether the use of the Johonnot fund as herein contemplated, can be made without a forfeiture of the said fund to the heirs at law of the late Martha Johonnot, and, if said opinion be adverse, then these resolves shall be of no effect. [*Approved by the Governor, March 24, 1843.*]

RESOLVES concerning French depredations on American Commerce previous to the Convention of Eighteen Hundred.

Chap. 74.

Resolved by the Senate and House of Representatives, in General Court assembled, That the depredations on American commerce, committed by the authority of the French Republic, previous to the month of September, eighteen hundred, were in violation of the law of nations, and of existing treaties, and created a claim which the government of the United States was bound, by its duty of affording protection to its peaceable citizens, to sustain and enforce.

Laws of nations, and existing treaties, violated thereby.

Resolved, That the government of the United States, having, by the ratification of the convention of September thirtieth, eighteen hundred, with amendments, released the French nation from said claim, for a valuable consideration, assumed the obligations of said claim upon itself, and is bound to discharge it, alike by the obligations of equity, and by the injunction of that provision of the federal constitution which declares that "private property shall not be taken for public use without just compensation."

United States, having assumed the obligations arising therefrom, are bound to discharge the claim.

Resolved, That it is due alike to the honor of the American name, and to the support of that confidence which citizens should feel in the wisdom and rectitude of their rulers, that speedy provision should be made by act of Congress for the rendering of justice, so long delayed.

Speedy provision for that purpose due.

Resolved, That his excellency the Governor be requested to transmit copies of these resolves, and of the accompanying report, to the senators and representatives from this Commonwealth in Congress, and to the executives of the several states.

Copies to be transmitted.

RESOLVE providing for the Repair of the State Arsenal, in Cambridge.

Chap. 75.

Resolved, That his excellency the Governor, with and by the advice of the council, be hereby authorized to appoint some suitable person or persons, to make such repairs in the State Arsenal, in Cambridge, as shall be deemed necessary to the preservation of the public property in and pertaining to said arsenal, and that the expense thereof be paid out of the treasury of the Commonwealth; and that warrants be drawn accordingly, *provided* the expense shall not exceed three hundred dollars. [*Approved by the Governor, March 24, 1843.*]

\$300 appropriated for necessary repairs.

RESOLVES in relation to the Munitions of War and the State Arsenal in Boston.

Chap. 76.

Resolved, That the adjutant general cause the munitions of war, in the arsenals in Boston and Cambridge, to be repaired and cleaned without delay; that a sum not exceeding six hundred dollars be appropriated for the above objects, and that the Governor be authorized to draw his warrant accordingly.

\$600 for repairing and cleaning munitions of war.

Resolved, That his excellency the Governor, with advice of the council, be authorized to cause to be sold, at public

State arsenal in Boston, &c. to be sold.

or private sale, the State arsenal, in Boston, and the interests of the State in the soil on which it stands, and all that portion of the munitions of war therein, which may not be deemed worth preservation and repair; and in case of a sale of the buildings and land, to remove the arms and munitions of war to the arsenal at Cambridge. [*Approved by the Governor, March 24, 1843.*]

Chap. 77.

RESOLVE for Repairs upon the State House.

\$1000 for repairs and other incidental expenses.

Resolved, That the sum of one thousand dollars be appropriated for making necessary repairs upon the State House, and for other incidental expenses, and that the same be expended under the direction of the sergeant-at-arms, the accounts thereof to be audited and paid agreeably to the provisions of the act passed on the 18th day of March, in the year one thousand eight hundred and forty-one, entitled an act relating to the State House. [*Approved by the Governor, March 24, 1843.*]

Chap. 78.

RESOLVE for the payment of William Jackson.

\$51 for certain specified services.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth to William Jackson, the sum of fifty-one dollars, the same being in full for services as director in the Western Rail-road Corporation, for the year one thousand eight hundred and thirty-six, if his account, after being audited by the Governor and council, shall be found to be correct; and that a warrant be drawn therefor. [*Approved by the Governor, March 24, 1843.*]

Chap. 79.

RESOLVE respecting Deaf and Dumb Persons.

Former provisions in favor of deaf mutes to be preserved.

Resolved, That all deaf and dumb persons between the ages of eight and twenty-five years, who possess the qualifications, and shall conform to the requisitions specified in the resolves respecting deaf and dumb persons, passed on the eighteenth day of February, in the year one thousand eight hundred and twenty-five, shall be, and hereby are, entitled to the benefit of all the provisions and appropriations heretofore passed and now in force, for the relief and education of the deaf and dumb within the Commonwealth; and his excellency the Governor is authorized, with the advice and consent of the council, to continue pupils at the institution for the term of six years. [*Approved by the Governor, March 24, 1843.*]

Pupils to be continued at the institution for six years.

Chap. 80.

RESOLVES authorizing the appointment of Commissioners to locate Grants and determine the extent of possessory Claims, under the late Treaty with Great Britain.

Preamble.

WHEREAS, by the late treaty between the United States and Great Britain, it is provided that all grants of land made by either party, within the limits of the territory which by the treaty falls within the domain of the other party, shall be held valid, ratified and confirmed to the persons

in possession, under such grants, to the same extent as if such territory had by the treaty fallen within the dominions of the party by whom said grants were made, and all equitable possessory claims arising from a possession and improvement of any parcel of land by the person actually in possession, or by those under whom such person claims for more than six years before the date of the treaty, shall in like manner be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land so described, as best to include the improvements made thereon; and in all other respects the two contracting parties to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them respectively, which has heretofore been in dispute between them; *and whereas*, there are numerous inhabitants on and near the rivers St. John and Aroostook, claiming lands under grant from the British government, and also by virtue of possession and improvement:—Now, therefore, in order to determine the extent of several claims and do justice to the claimants,

Resolved, That his excellency the Governor, by and with the advice and consent of the council, be and he hereby is authorized to appoint one or more commissioners, to act in conjunction with commissioners on the part of the State of Maine, in carrying into effect the provisions of the treaty, whose duty it shall be to set off, by metes and bounds, all grants as aforesaid; and also to set off to each settler, so much land as he may be entitled to, not exceeding, however, two hundred acres to any one individual, unless his actual improvements are such that it is necessary to set off a large quantity in order to include them; and the said commissioners are authorized to procure the necessary supplies, and such assistance as may be necessary to enable them to carry into effect the object of this resolve. The said commissioners shall make a report to the Governor and council of all their doings, who are hereby authorized to audit their accounts and allow them such compensation for their services, as to them shall appear reasonable and proper, not exceeding three dollars per day; and the land agent is hereby authorized to pay said commissioners the amount so allowed. And said commissioners shall return to the land office full field-notes and correct plans of all surveys made by them, or under their direction. The name of the occupant of each lot claimed by possession shall be given in the field-notes of the survey of the lot; and if the occupant be not the owner, the evidence by which the commissioners determine the ownership, shall be entered with the field-notes, and the name of each owner to be legibly written on the plan upon the lot set off to him. They shall

Commissioners to be appointed, to act with commissioners of Maine, in carrying into effect the provisions of the treaty.

Not more than 200 acres to any one settler, unless, &c.

Report to be made to governor and council—

—with field-notes, and plans to land office.

Authenticated copies to be obtained of grants made by British government.

Land agent authorized to convey lands set off to settlers.

Account of expenses to be presented to Congress for allowance.

obtain authenticated copies of all grants made by the British government within the territory which has heretofore been in dispute within the State of Maine, and return them to the land office with the survey.

Resolved, That the land agent be, and he is hereby authorized, in concurrence with the said land agent of Maine, to convey to said settlers by deed, such lands as may be set off to them by the commissioners as aforesaid, upon the undivided lands; and if there be any found on the lands held by Massachusetts in severalty, the land agent shall convey in like manner to them.

Resolved, That the governor be requested to present to Congress for allowance, an account of all expenses incurred by this Commonwealth, by virtue of the provisions of this resolve. [*Approved by the Governor, March 24, 1843.*]

ROLL OF PAUPER ACCOUNTS.

[SEE RESOLVE OF FEBRUARY 18, AT PAGE 89.]

Abington, for the support of James Robinson and Enoch Hall, and funeral expenses of E. Hall,	\$52 53
Adams, for the support of Lydia Townsend, Philana Hill, Sarah Goodrich, Amy and Lydia A. Pettis, Polly and Sally Martin, Eliza, Henry, Isaac and Frederick W. Crossett, Singleton, Nancy, Clarisa, and Elias Williams, and Lillis Hamtington,	299 90
Amesbury, for the support of Ebenezer Fullington and Margaret Buchanan, and funeral expenses of E. Fullington,	14 38
Amherst, for the support of Peter and Sarah Jackson, and funeral expenses for Margaret Jackson, B. F. Mack, and Jane Newbury,	69 95
Andover, for the support of Sukey Hornsby, Mary Nutter, Mary Sigourney, Rosanna and Elizabeth Coburn, Caroline Ide, Lucy Fostin, William and George Perkins, Thomas McKennon and Thomas McKennon, Jr., Jane and William McKennon, William A., Jane, Edgar A. and Mary A. M. Ballard, James Donehue, John Crosby, Mary Moreland, and a female, name unknown,—funeral expenses of Mary Nutter,	164 20
Ashby, for the support of John Bennett,	25 55
Ashburnham, for the support of William Stineker,	12 88
Attleborough, for the support of Louisa Bacon, William P. Adams, Thomas Roberts, and Patrick Lafraw,	30 17
Auburn, for the support of Sarah Wiser,	25 55
Barre, for the support of Sophronia, Josiah and Albert Gigger,	14 72
Becket, for the support of James Thompson,	1 52
Bedford, for the support of Violet Moore, Ezra L. Johnson and Ezra L. Johnson, Jr., and funeral expenses for Violet Moore,	22 70
Belchertown, for the support of Hannah Levens,	25 55
Berkley, for the support of James Cuddy and Mary Lindell,	51 10
Beverly, for the support of John Kelley, Sarah, Mehitable and Rhoda Byors, William Dougherty, John Dickinson, William Leighton, and Robert Hutson,—funeral expenses of John Kelley,	25 18

Billerica, for the support of Jane Dana, John Odlin, and William P. Harrison,	\$23 17
Blandford, for the support of Mary Bradlee, Susan and Polly Burdick, and Jared Cables,	102 20
Boston (city of,) for the support and burial of sundry State paupers,	5,196 62
for the support of do. in the House of Reformation,	572 76
for the support of do. in the House of Industry,	9,308 76
for the support and burial of State paupers (lunatics) in Lunatic Hospital, up to Nov. 1, 1842,	8,357 14
for burials and funeral expenses,	412 50
for support and nursing small-pox patients,	145 71
	—————\$23,993 49
Boxborough, for the support of Abel Davis and Andrew Jackson,	40 98
Bradford, for the support of W. Patten, Samuel Tuck, Ellen and Henry Coe, Samuel Dale, Daniel and Mary Chesley,	70 12
Braintree, for the support of Titus, Jacob Blackman, Thomas Evans, George and Eunice Quinn, Reuben Smith, and William O. Neale,	94 22
Bridgewater, for the support of Benjamin Maham,	25 55
Brighton, for the support of John E. Baker, Samuel Sherburn, and E. Smith,	33 95
Brimfield, for the support of Thomas Corbin, Sarah Winter, George Parker, Steven Evans, Benjamin and Sophia Jenkins, Elizabeth Saesar, Lucretia Jones, and Harriet Moore,—funeral charges of Levi Saesar,	141 94
Brookfield, for the support of Charles E. Phelps,	14 60
Brookline, for the support of George Thompson,	25 55
Burlington, for the support of Venus Roe,	25 55
Cambridge, for the support of sundry State paupers, assistance rendered to sundry paupers out of the almshouse and funeral expenses,	1,391 35
Canton, for the support of Patrick and John McGinnis, Catharine and Margaret Sherwood, William Keith, Nathan Fuller, James, Esther, Martha J., Mary, Albert M. and Lucy Crossman, Thomas Baldwin, John O. Brian, Joanna Hardin, and funeral expenses of Bright Driscoll and Catharine Sherwood,	176 32
Carver, for the support of Cuff Collins,	25 55
Carlisle, for the support of Aaron Stearns,	25 55
Charlestown, for the support and burial of sundry State paupers,	3,636 89

Charlton, for the support of William Hampton, Stephen Brooks, Catharine, George H., Pamela A. and Leonard F. Green,	\$74 81
Chatham, for the support of Jacob Olson,	25 55
Chelmsford, for the support of George H. Smith,	18 37
Cheshire, for the support of Levi Pierce, Polly Cooper, Manly Randall, and Smith Hix,	85 68
Chester, for the support of Sophia and Elizabeth Freeman, Hannah, Benjamin and Jenny Hardy, Leonard Cone, George H. Magee, and Sylvester Hardy,	148 20
Chesterfield, for the support of Janette Gillmon,	25 55
Colerain, for the support of Kate Vanvottinburgh, Hannah Cole, and John Willis, and funeral expenses of Hannah Cole,	60 30
Cohasset, for the support of Peggy Damon,	9 87
Concord, for the support of John Garrison, Margaret Carroll, Frances and Jane Quinn, John Francis, Henry Carolin, and John Gould,	28 49
Conway, for the support of Sally and Anna McMurphy, Ephraim Sampson, and Eunice Clark,—funeral expenses of Sally McMurphy and Ephraim Sampson,	39 37
Cummington, for the support of Brister Peirce and Samuel P. Luther,	38 22
Dalton, for the support of Abigail Rider, Sylvia McIntyre, Patrick Austin, Mary Hoose, William and Alouzo Clark, and funeral charges of Mary Hoose,	105 65
Dana, for the support of Nicolos, Sarah Roswell, Harriet and Benjamin Aldrich,	29 52
Danvers, for the support of Joel Wesson, Thomas Heron, Edward Shehen, Joseph Currier, Elizabeth Lyon, Patrick Barry, Patrick Martin, Richard Tracy, Daniel Mahegan, David Sullivan, Theresa Lynch, William Dorrity, John, Betsey and Elizabeth Arlin, John Arlin, Jr., Isabella McKenney, and Mary Hosier,	140 26
Dartmouth, for the support of James McMoneyman, William Carl, Mary Daniels, Diana Peck, Lucy Fields, and John C. Martin,	68 81
Dedham, for the support of William P. Adams and John Mathews,	77
Deerfield, for the support of Nelson Morse, Thomas and Mahitable Sowabee, and Daniel Carver,	62 93
Dighton, for the support of Rhoda Fuller,	14 60
Douglas, for the support of Julia Waterman,	14 60
Dorchester, for the support of Joseph Simmons, Mary Hart, Ann Reed, Walter McCarney, Jeremiah Birch, Sarah Hague, Adaline Townsend, and William C. Smith,	51 77
Dracut, for the support of Robert Cashley, George	

Elluback, Isabella Lemere and child, Lucy M. Dillon, and funeral charges of a child,	\$34 32
Duxbury, for the support of Sarah Simmons and John Carnes,	44 17
Dudley Indians, (Nathaniel Hunt, guardian,) his account to Dec. 31, 1842,	151 97
East Bridgewater, for the support of Robert Sever, Elisha Stevens, Caroline Sizer, and funeral expenses of Caroline Sizer,	54 89
Easthampton, for the support of Submit and Rheuma Bailey,	51 10
Easton, for the support of James Quinley, John Carroll, and John Dady,	57 40
Egremont, for the support of Betsey Daly, Reuben Van Guilders, Daniel C. Gunn, Nancy Bundy, Israel and Sarah Doleby, Amos Randall, and Sarah Williams,	134 33
Essex, for the support of John Coleman and Rebekah Kimball,	29 19
Essex County, for the support of lunatics in the House of Correction up to Dec. 31, 1842,	1,409 71
Fairhaven, for the support of William and Margaret Wilson, Abigail, Christopher, Margaret, Warnack, Betsey, Thomas, William H. H., and Almira Tue, Catharine Cox, James and Robert Wilson, Phebe Talbot, John Dickson, John W. and Hannah Jettee,	263 30
Fall River, for the support of sundry State paupers and funeral charges,	573 03
Framingham, for the support of Phineas Titus, Francis Bagan, James Hand, Obrien O. Collins, Thomas O. Connel, Thomas Hailey, and Jane Blake,	37 67
Franklin, for the support of Elizabeth F. S. Gray, William and Hannah Sargent, and Charles Neal,	15 16
Fall River Indians, (Holder Wardell, guardian,) for supplies,	132 69
Gayhead, for the support of Thomas Morse,	25 55
Georgetown, for the support of William, Orna and William H. Davis, Michael, Sally, John and Joseph Delano, Julia Simmo, John Wood, Louisa Price, Sally, Mehitabel and Rhoda Bias, Richard and Catharine Dorin, John Vesselstauks and Ruth Thomas,	277 94
Gill, for the support of Mary Lawson and Mary Lawson, Jr., and Isaac Wilson,	53 83
Gloucester, for the support of Elizabeth Dade, Nancy Youkin, George Gardner, Rachel Sharp, Abigail Grover, Ann E., and Susan E. Hunt, Almira Jones, Wesell Tafts, John McDonalds, Daniel Brown, James Black, Moses B. Russell, and funeral charges of Moses B. Russell,	204 23

Grafton, for the support of Cornelius Johnson, William Rockwood, Ellen Barrett, and Elizabeth Graftum, and funeral charges for William Rockwood, and expenses for removing Elizabeth Graftum to Leeds, in the state of Maine,	\$66 45
Granville, for the support of Sally Stewart, Frank Powers, and Peter Bailou,	31 15
Great Barrington, for the support of John McGeorge, Joanna and Lucy Porter, Ebenezer Ayers, Thomas McDonald, and Hannah Sherman.	100 28
Greenfield, for the support of Mary Taggart and Susan Fuller,	51 10
Groton, for the support of Abigail Simpson, and funeral charges,	6 54
Hancock, for the support of Nicholas and Clarrisa Johnson, Philetta Bebee, William Johnson, Henry, Adaline M., Alonzo H., Charlotte A., Rufus H., and Francis A. Williams, and Polly Stone,—funeral expenses for Nicholas Johnson and Henry Williams,	95 45
Hanover, for the support of Sarah Daily, Rebecca H. and Lydia Maria Franks,	21 97
Hanson, for the support of William Bisby,	9 45
Hardwick, for the support of Fidelia Maria Treat,	14 60
Haverhill, for the support of Mary Witham, Charles Witham, Charles and Mary M. Durant, Jonathan Welch, Ann Reed, Ezekiel Cleasby, Charles F. Woodbury, James Wilson, Ruth Collins, Elizabeth Elwell, Mary Turner, Jane McDonald, and funeral charges of Jane McDonald,	123 60
Heath, for the support of Lydia Lamphin, and funeral charges,	20 96
Plantation of Herring Pond, for the support of John Oliver and Dinah Reed, and funeral expenses of John Oliver,	26 70
Hinsdale, for the support of John Bloomer, and funeral expenses,	3 02
Hingham, for the support of Mrs. Overton, Sohia, Charles A. and M. Kramer,	8 43
Hopkinton, for the support of Nathaniel Viles, Joseph W., Hannah C. and George W. Bruce, Susan Gilman, Gilman George, William, Winnifort, and Robert White and William White, Jr., John, Mercy, Henry C. and Lucretia N. Bunway, and Samuel Fisk,	70 32
Holliston, for the support of John Ford,	25 55
Hubbardston, for the support of Daniel Mundell,	25 55
Kingston, for the support of Sophia Holmes,	25 55
Lancaster, for the support of George W. and Betsey Smith,	15 12
Lanesborough, for the support of Rachel Sherman,	

Mary Vansickle, Lucy H. Goman, John and Dean Gabriel, Eunice Foot, Asa Lane, John Berry, Chester Shepherd, Robert Goman, James, Lucy, and James F. Williams and Mary Squaus;—funeral expenses for Eunice Foot and Moses Shepherd,	\$262 08
Lee, for the support of John Marble, Elizabeth Martin, Cinthia Richmond, Margaret R. Baker, Jane Loisa, James Davis, Huldah, Ellen, and Edwin Leland, Timothy, John, Mary Ann and Louisa Prout, Mary E. Walker, Martha and Andrew Dunckam, Hannah Crosby, Eliza Caswell and Edward White, and funeral charges of John Marble,	292 35
Leicester, for the support of Mary Ann Conroy, Jack Cambridge, Honora Campion, Ann, Peter, David, Charles and Robert Miller, and funeral expenses of Honora Campion,	61 11
Lenox, for the support of Moses McGraw, Mary Bishop, Jack Van Buren, Betsey Kinman, Margaret Freeman, Gabriel Fetean, Mary Smith, and Nancy Flemming,—funeral expenses of Jack Van Buren, Gabriel Fetean, and Betsey Kinman,	110 90
Lexington, for the support of Rhoda and Mary Keniston, Mary Ann, John and George Holmes, William Clark, and James Anderson,	80 68
Leyden, for the support of Sarah Stanton, Ruth and Joseph Abel, and Henry W. Sampson,	91 25
Littleton, for the support of Olive, Martha, Sophia, Sally and Susan Freeman, William Jordan, Abel Hildreth, William P. Adams, Thomas, Abigail and William Ridley, and Thomas Ridley, Jr.	100 19
Ludlow, for the support of Timothy Haskell, Lavina Powers, Harvey Olds, and George Darrick,—funeral charges of Philip Andrews,	87 32
Lowell (city of,) for the support of sundry State paupers,	\$1,944 80.
Removals of do,	292 83
Burials,	147 50
	————— \$2,385 13
Lynn, for the support and burial of sundry State paupers,	308 68
Malden, for the support of William Granger, Sarah Braynard, William F., Eleanor, and John Adams, Catharine Mullen, Caroline Love, Patrick Kennedy, and Enoch Davis,	88 92
Manchester, for the support of Henry Lindon and Joseph B. Wheaton,	33 85
Marshfield, for the support of John Quarker and Abel Gibson,	32 11
Marblehead, for the support of Leander Bickford and John Patterson,	12 38

Medfield, for the support of William Cann,	\$1 61
Medford, for the support of Lydia Brooks, Maria Hemenway, F. Dufferrey, W. Riddle and wife, C. French Davis and others,	36 33
Mendon, for the support of Eliza Cummings, Mary Williams, James, Elizabeth, Edward, Henry and George A. Buckley, Albert Cummings, Sarah Ball, Patrick Handley,	26 09
Methuen, for the support of Martha Howard, Eunice Marble, and Ruth Tarbox, and funeral charges of Eunice Marble,	50 99
Marshpee (district of,) for the support of sundry State paupers and funeral expenses,	321 11
Middleborough, for the support of Elizabeth Briggs, Amy Robinson, Fanny Williams, Clarrissa Dick, Augustus and Esther Wells, Sylvia, Jane Ann, and Stephen D. Montgomery, Mary E., Lydia R., and Malinda Deck, Susan Kingley, and William McCarter,—funeral expenses of Susan Kingley and William McCarter,	164 53
Milton, for the support of John Drew, Archibald McDonald, Mary and Andrew McGuire, Caroline and Charles H. Rogers, Martha Biggins, Martha Smith, Mary A. and Emily W. Leonard,	147 27
Monson, for the support of John Williams, Seth and Abiah Thrasher, and Mary Kimball,	102 20
Montgomery, for the support of Joel Bradley and funeral expenses,	7 59
Mt. Washington, for the support of Henry Tyler,	25 55
Nantucket, for the support of Isabella and Mary Winslow, Sophia Beebe, William Hutchins, Abial Davis, Antonia Moshar, John Wilson, Francis Beebe, Lorenzo Drew, Joseph Alucum, Hannah Harding, John Eastwood, Richard Wait, Mary Brooks, Sarah Whitney, Frances Phinney, Catharine Tasco, Henry Davis, Geo. Scarborough, Pitman Morse, Scotman Wing, Jane Roberts, and funeral expenses,	268 78
Natick, for the support of Emily Thompson,	14 60
New Bedford, for the support and burial of sundry State paupers,	1,661 32
Newbury, for the support of sundry State paupers,	299 46
Newburyport, for the support of sundry State paupers,	837 67
New Braintree, for the support of Andrew Barrett and Theophilus Freeman,	29 75
New Marlborough, for the support of John, Leroy, Levi and Grove Huntley,	58 40
Newton, for the support of George French, William Pickering, Rebecca Smith, and Michael Ryan,	54 04

Northampton, for the support and burial of sundry State paupers,	\$252 60
Northbridge, for the support of Daniel, Margaret, Joanna, Michael and Catharine Eagen, Margaret, Mary, Thomas, Catharine Augusta, James, Margaret, Eliza J. and John Donovan,	305 03
North Brookfield, for the support of Mary Moulton and Esther Johnson,—funeral expenses for Esther Johnson,	49 31
Northborough, for the support of Jacob West,	25 55
North Bridgewater, for the support of Charlotte and Elizabeth Wood,	40 15
Norwich, for the support of Ruth Sanford,	25 55
Otis, for the support of Abigail Hawley, Hannah Pearl, and Sampson Cuff, and funeral expenses of Sampson Cuff,	72 83
Orleans, for the support of Keziah Libbey,	25 55
Oxford, for the support of Ann, Ellen E., Ann Maria and Richard M. Hefferon, Jonas Dutton, and Margaret Carroll,	49 78
Palmer, for the support of Amos and Hanuah Brown, William and Lois Fosket, Moses Marsh, Sophia Randolph, Daniel Donohugh, and — Stone,—funeral expenses of — Stone,	181 68
Pawtucket, for the support of Abby Farmer, Mrs. Longlin and six children,	18 74
Pembroke, for the support of Billy Sambo,	25 55
Pepperell, for the support of Ellen Kelley,	7 14
Peru, for the support of Martin Joy, Margaret, Catharine, Edward, Mary and Ellen Joy and Margaret Joy, Jr.,	101 00
Petersham, for the support of Samuel Berry and wife, and E. Himes,	59 50
Pittsfield, for the support and burial of sundry State paupers,	306 16
Plainfield, for the support of Paul McCoy,	25 55
Plymouth, for the support of Chloe Scott, Daniel Deacon, James Chickering, Sarah Ann, Benjamin F., and Sarah E. Chickering, James Duff, and Charles Fuller,—removing Chickering and family to Portland, Maine,—funeral charges of Daniel Deacon, James Duff, Charles J. McMahon, and a stranger,	57 66
Prescott, for the support of Edward Himes,	6 00
Provincetown, funeral charges of four adults and one child (strangers),	22 50
Quincy, for the support of Margaret Butler, Sophia Schyler, Mary O. Donald, Jacob Thompson, Elisha Hayden, Roxanna Carroll, and Rebecca M. Smith,	52 15
Randolph, for the support of Patrick B. and Christian Short, Sybil, William, and Rasanna Abbot, Ellen	

Fagan and Elisabeth Clapp, Dorothy, George, Joseph, Mary, Sarah and William Loud, Mary Mahon, Nancy and Frances Noonon, Thomas Baldwin, Timothy, Ann, John, Margaret and Catharine Driscoll, and Catharine Driscoll, Jr., John, Margery, Robert, William, Ann, Mary and Charles R. Boyle,	\$374 03
Raynham, for the support of Galanthus Leonard,	16 24
Rehoboth, for the support of Lucy Kelley, Chloe Tanner, Hannah Gardner, Nancy, Dinah and Amory Hill, Mary, Ann Brown, Benjamin Walker, Eliza Whitaker, Catharine Gardner, Julia Ann Kerns, William H. and James B. Dunkin, Ann Eliza, and Edward E. Kearns, Betsey and Sarah Whitaker,	248 30
Richmond, for the support of Merriam M. C. Key, Dorcas Burt, Sarah Rathbone and Eunice Walker,	73 58
Rochester, for the support of Peter and Martha Pedro, Dorcas, Charles H. and Melinda Howland,	48 42
Rockport, for the support of William, Mary, Sarah B. and Mary W. Hawley, Mary, Philip, Margaret, Brainaid, and John Connelly,	34 27
Rowley, for the support of Margaret J. Torrant, and Mary A. Torrant,	1 54
Roxbury, for the support and burial of sundry State paupers,	640 53
Russell, for the support of Sally M. Harrington and Norman Sears,—funeral charges of Abner Clark,	56 10
Salem, for the support and burial of sundry State paupers,	1,355 98
Sandisfield, for the support of John G. Edwards, Cezar and Chloe Shelton, Melissa King, Nancy and Alfred Titus,	102 29
Sandwich, for the support of Susan Barney, Mary Goodwin, and John Johnson,	32 62
Saugus, for the support of Thomas Wise,	3 22
Scituate, for the support of Zilpah Scott, Theresa Freeman and Roxanna Freeman,—funeral charges of Octavia Trask, Lucretia Trask, John S. Tuttle, Levi Papham, Mahala Moody, and Jefferson Howard,	94 87
Seekonk, for the support of Charles Neal, Russell Whittemore, and Susan Broocking,	2 31
Sharon, for the support of Edward and Betsey Ellis, Ellen Driscoll, and funeral expenses of Edward Ellis,	41 82
Sheffield, for the support of Huldah Boat, and the Colby family, and John McCarty,	15 40
Shelburne, for the support of Petee Young,	25 55
Shirley, for the support of Sally Freeman, George Mitchell, Jane Cooley, and Andrew White,	46 52

Shutesbury, for the support of John and Susannah Vanauler, Michael and Mary Vermont, Peter Severance,—funeral charges of Peter Severance,	\$115 32
Shrewsbury, for the support of Anthony, Sally and Catharine Ryon and Lewis Hill,	3 66
Southampton, for the support of William M., Mary Ann, William, James, Rebecca S., and Richard Carpenter, and funeral expenses of William M. Carpenter,	88 14
Somerset, for the support of Mary Hill,	25 55
Southbridge, for the support of Thomas Benoit, and Thomas Benoit, Jr., Mary B., Sarah, Solomon, Paul and William Benoit,	65 62
South Reading, for the support of George Campbell,	6 68
Springfield, for the support and burial of sundry State paupers,	459 72
Spencer, for the support of Peter and Frederic Bourne and Abigail Severance,	65 75
Sterling, for the support of Anthony, Mary Ann, and Catharine Ryne, and John Lovekin,—funeral expenses of John Lovekin,	16 41
Stockbridge, for the support of Dorcas Webster, Rosanna Jackson and infant child, James Armstrong, Mary, Mary A., and John Ratigan, Lucretia Rood, William, Martha, Martha A., William Rogers, Jr., Willis and Leverett Rogers, Samuel and Cornelia Peterson, Samuel Peterson, Jr.,	95 03
Stoneham, for the support of Nancy Freeman, Asa Foster, and Enoch P. Davis,	32 55
Stoughton, for the support of Isaac Williams, Emeline Brown, Francis Barnard, and John Gallaway,—funeral expenses of John Gallaway,	72 24
Sturbridge, for the support of George and Rhoda Thompson, Samuel Weldon, and John Jackson,—funeral charges of Rhoda Thompson,	85 92
Sudbury, for the support of John Wilkins,	22 19
Swansey, for the support of Judy Mc Carter, Timothy O. Brien, William Cann, Amanda Watson, Joseph McCarter, Eliza Mason, Isaac G. Perry, and Lucy Watkins,—funeral expenses of Isaac G. Perry,	114 68
Taunton, for the support of sundry State paupers, and funeral expenses,	693 80
Topsfield, for the support of Phillis Emerson, Mary Jane Tenant, Thomas O. Bryant, Judith and Elizabeth A. Bryen,	52 34
Townsend, for the support of Jack Hall, Phineas P. Cummings, William P. Adams, and Margaret Cumrough,—funeral charges of Phineas P. Cummings,	32 02
Truro, for the support of Rachel Hatch,	25 55
Tyngsborough, for the support of William Tarbox and John Thompson,	46 34

Tyringham, for removing three State paupers out of the Commonwealth,	\$25 00
Upton, for the support of Mary Bryant,	25 55
Uxbridge, for the support of John Kenyon, Isaac Lock, Benjamin Woodcock, Sylvia Moore, and Louisa Davis,—funeral expenses of Sylvia Moore,	24 04
Walpole, for the support of Charles and Mary Stuart, and George Manter,	26 11
Waltham, for the support of Daniel North, Elizabeth Heathcott, Samuel Hildreth, and Joseph Orne,—funeral expenses of Samuel Hildreth and Joseph Orne,	61 10
Ware, for the support of Thomas Dennison and Caroline Olney,	15 19
West Bridgewater, for the support of George and Sally Stimpson, Jacob Talbot, and Lawrence McGlew,—funeral expenses of L. McGlew,	43 31
Wareham, for the support of Martin Grady, Mary Canfry and daughter, Mary Gooding,	75 54
Washington, for the support of John Thompson, Dennis Delany, John, Mary, Mary Ann, Patrick, William and Ellen Manciell, Isaac and Mary Miner, Mary and William Steward, Charles Vishen, Patrick McDonald, and Michael Parker,	238 08
Watertown, for the support and burial of sundry State paupers,	237 30
Webster, for the support of James Jones and Ezekiel Davis,	51 10
Wenham, for the support of Nicholas Street,	25 55
Westborough, for the support of Elizabeth Brown and Henry Burleigh,	23 63
West Cambridge, for the support of Joseph W. Lemmon, Mrs. Campbell, and Enoch P. Davis,—funeral expenses of Joseph W. Sherman and Mrs. Campbell,	10 63
Westfield, for the support of Eleazor Harris, Betsey Harris, Asenath Lane, Betsey Prose, Laura Chapin, Rufus, Ruth and Nancy Mory, Jeremiah Sullivan, Sally Baker, William Hanson, and John Richardson,—funeral expenses of three adults,	275 25
Westhampton, for the support of George Watts,	3 99
West Newbury, for the support of Jonathan Stevens, Charles Smith, William P. Adams, Thomas Burlingham, Lucy and Margaret Burlingham, Mary Getchell, and Sarah Slanson,	42 07
Westport, for the support of Hannah Francis, Mary Ann Sucerrich and Mary Jennings,—funeral expenses of Mary Jennings,	63 94
West Springfield, for the support of Alanson Baxter, Henry Cuff, Mary E. and Mary Fletcher, Eunice Marble, Benjamin McNaughton, Alfred White, Ira	

PAUPER ACCOUNTS.

Fletcher, and Thomas Sparks,—funeral charges of Henry Cuff and Alfred White,	\$166 29
West Stockbridge, for the support of Lucy Lane, Clarissa Oaks, Henry A. Lyons, Charles Loree, Lucretia Burghart, Samuel Reed, Mary and Martha Reed, Frederick and Lucretia Carter, Philis Burr, —funeral expenses for four adults and two children,	141 64
Weymouth, for the support of Bridget, Sarah, Mary Ann, Susan and Jane F. Carney, Henry Lawler, — White, George Parker, William P. Sargent, and Sarah Sargent,	109 04
Whately, for the support of Jesse Jewett,	25 55
Wilbraham, for the support of John Amadon,	25 55
Williamstown, for the support of John Henderson, Joseph Stevenson, Charles Winnakin, Rachel Galusha, Cecelia Pope, Cynthia Collins, Charles Mc Kenney, Jacob and Amy Plummer, and George Brown,—funeral expenses of Abigail Tod,	145 04
Woburn, for the support of Sarah Large, Isaac Cheesley, William Ormsby, Charlotte Foreman, John Dougherty,	33 78
Worcester, for the support and burial of sundry State paupers,	476 28
Wrentham, for the support of William Donilson and Robert Hartley, William Purdy, Charles Neal, James Hopkins, and John Ryans,	24 95
Yarmouth, for the support of William Freeman,	14 60
Total amount,	\$53,545 87

ROLL OF ACCOUNTS, audited by the Treasurer of the Commonwealth, February 23, 1843.

[SEE RESOLVE OF MARCH 21, AT PAGE 73.]

PROPRIETORS OF NEWSPAPERS.

NAMES.	PAPERS.		Advertising.	Publishing Laws.	Total.
	Papers—1841.	Papers—1842.			
Joseph Breck & Co.	\$7 15	\$4 46	-	-	\$11 61
Boston Wesleyan Association,	-	11 70	-	-	11 70
Albert Morgan,	-	-	\$1 50	\$16 66	18 16
Proprietors of	-	-	3 50	-	3 50
Proprietors of	-	-	-	-	2 16
Proprietors of	-	2 16	-	-	2 16
P. Allen & Son,	-	7 00	-	-	7 00
E. Anthony,	-	-	3 59	16 67	20 26
D. F. Ashley,	-	-	2 50	16 66	19 66
T. W. Butterfield,	-	50	4 50	33 34	39 34
W. A. Bryant,	-	1 75	8 25	16 66	26 66
Samuel Bowles,	-	-	5 25	16 67	21 92
J. D. Cushing,	-	-	2 75	16 66	19 41
S. O. Dearborn,	-	-	3 00	16 67	19 67
H. B. Dennis,	-	-	18 50	33 33	51 33
W. B. Ewer,	-	3 33	6 63	33 33	43 29
J. E. Fields,	-	-	1 50	16 66	18 16
John Fuller,	-	-	2 75	16 67	19 42
F. R. Gourgas,	-	6 00	-	-	6 00
D. S. Hubbard,	-	-	3 50	16 66	20 16
C. C. Hazewell,	-	5 62	-	16 67	22 29
J. W. D. Hall,	-	-	2 50	-	2 50
Charles Montague,	-	-	1 00	16 67	17 67
Morss & Brewster,	-	2 00	4 75	33 33	40 08
Apollon Munn,	-	-	10 00	33 34	43 34
Springfield Democrat,	-	-	3 00	16 67	19 67

NEWSPAPERS—Continued.

NAMES.	PAPERS.	Papers—1841.	Papers—1842.	Advertising.	Publishing Laws.	Total.
S. B. Phinney, -	Barnstable Patriot, -	-	-	\$2 00	-	\$2 00
W. Stowe, -	Springfield Gazette, -	-	\$0 50	3 25	\$16 67	20 42
Jonathan Slade, -	Fall River Argus, -	-	-	1 00	-	1 00
Wm. Schouler, -	Lowell Journal and Courier, -	-	4 20	3 00	33 32	40 52
J. W. Smith, -	Northampton Courier, -	-	-	1 00	16 66	17 66
James Thurber, -	Old Colony Memorial, -	-	-	2 50	16 67	19 17
Tripp & Pratt, -	Fall River Monitor, -	-	-	2 00	16 67	18 67
Henry Tilden, -	Gloucester Telegraph, -	\$2 87	4 50	2 00	-	9 37
Hiram Tozer, -	Merrimack Journal, -	-	-	3 00	16 66	19 66
John Willey, -	Woburn Sentinel, -	-	-	3 00	16 67	19 67
G. W. Young, -	Plymouth Rock, -	-	-	3 68	16 67	20 35
Proprietors of, -	Salem Gazette, -	-	-	3 50	16 66	20 16
Proprietors of, -	Salem Mercury, -	-	-	3 50	16 66	20 16
Proprietors of, -	Freeman and Whig, -	-	-	5 00	16 66	21 66
		\$10 02	\$57 72	\$127 40	\$583 29	\$778 43

SHERIFFS.

NAMES.	COUNTIES.	FROM	TO	Distributed Blanks and Documents.	Returning Votes.	Total.
Joseph E. Sprague,	Essex, -	March, 1842,	Feb. 1843,	\$98 87	\$9 20	\$108 07
Samuel Chandler,	Middlesex, -	Feb. "	Jan. "	127 25	4 64	131 89
Calvin Willard,	Worcester,	March, "	Dec. 1842,	134 85	20 24	155 09
C. Rice, -	Hampden,	March, "	Nov. "	31 39	29 00	60 39
John Nevers,	Franklin,	Feb. "	Jan. 1843,	50 46	29 00	79 46
Thomas Twining,	Berkshire,	March, "	Feb. "	77 43	64 40	141 83
Horatio Leonard,	Bristol,	April, "	Nov. 1842,	42 10	11 60	53 70
Nathan Hayward,	Plymouth,	March, "	Dec. "	45 50	11 60	57 10
David Crocker,	Barnstable,	Feb. "	Nov. "	45 50	20 30	65 80
J. D. Pease,	Dukes,	Sept. "	Nov. "	13 00	29 00	42 00
Elisha Starbuck,	Nantucket,		Dec. "	-	34 80	34 80
				\$666 35	\$263 78	\$930 13

MISCELLANIES.

Eben. Shute, services of Police Officers, 4 days,	-	\$78 00
William Learned, use of Old South Church, 4 days,	-	48 00
I. S. Withington, organist of do., and Choir, 4 days,	-	80 00
David Homer, use of carriages to Cambridge, &c.	-	37 09
James Loring, fifteen copies of Register of 1843,	-	13 12
O. C. Greenleaf, stationery for Attorney General,	-	16 75
Eayrs & Fairbanks, do. for Treasury Office,	-	30 04
Roberts & Thaxter, binding for Library,	-	13 50
J. G. Roberts & Co. do.	-	11 62
William A. Wells, do.	-	75 42
		\$403 54

AGGREGATE.

Proprietors of Newspapers,	-	-	-	\$778 43
Sheriffs,	-	-	-	930 13
Miscellanies,	-	-	-	403 54
				\$2112 10

ROLL OF MILITARY ACCOUNTS, 1842.

DIVISION INSPECTORS. \$25 per annum.

Ebenezer W. Stone, 1st Div. Jan. 1 to Dec. 31, 1842,	\$25 00
Thomas J. Adams, 2d Div. Jan. 1 to Dec. 31, 1842,	25 00
James O. Leach, 3d Div. Jan. 1 to Feb. 16, 1843,	28 12
	<hr/>
	\$78 12

BRIGADE INSPECTORS. \$25 per annum.

Newell A. Thompson, 1st Brig. 1st Div. Sept. 17, 1841, to Feb. 17, 1843,	35 42
Edward Potter, 2d Brig. 1st Div. July 27, 1841, to April 1, 1842,	16 80
Augustus L. Barrett, 3d Brig. 2d Div. Jan. 1 to Dec. 31, 1842,	25 00
Nathaniel Conant, 4th Brig. 2d Div. Jan. 1 to Dec. 31, 1842,	25 00
James M. Freeman, 5th Brig. 3d Div. Jan. 1, to June 1, 1842,	10 42
Parley Gould, 5th Brig. 3d Div. July 4 to Dec. 31, 1842,	12 20
Samuel A. Shackford, 6th Brig. 3d Div. Jan. 1 to Dec. 31, 1842,	25 00
	<hr/>
	\$149 84

ADJUTANTS. \$25 per annum.

Francis Allen, 1st. Batt. Art. Sept. 16, 1841, to Dec. 31, 1842,	32 29
Thomas T. Law, 2d Batt. Art. Jan. 1 to Dec. 31, 1842,	25 00
B. Franklin Edmands, 1st Reg. L. Inf. Sept. 20, 1841, to Dec. 31, 1842,	31 94
Joseph Sprague, 2d Reg. L. Inf. Jan. 1 to Dec. 31, 1842,	25 00
Samuel P. Smith, 1st Batt. L. Inf. pro tem., Jan. 1 to Dec. 31, 1842,	25 00
Francis I. Noyes, 3d Batt. Art. Aug. 29 to Dec. 31, 1842,	8 40
Woodbridge Brown, 3d Reg. L. Inf. pro tem., Nov. 10, 1840, to March 10, 1842,	33 33
Do. March 10 to Dec. 31, 1842,	20 13

George S. Pearce, 2d Batt. L. Inf. pro tem., Aug. 2, 1841, to May 2, 1842,	\$18 75
Isaac W. Vincent, 2d Batt. L. Inf. May 2 to Dec. 31, 1842,	16 59
Stephen Parker, 5th Reg. L. Inf. Jan. 1 to Sept. 8, 1842,	17 27
Gilbert Ferren, 5th Reg. L. Inf. Sept. 19 to Dec. 31, 1842,	7 00
Gardner A. Burbank, 2d Reg. Art. Jan. 1 to Dec. 31, 1842,	25 00
William Brown, 6th Reg. L. Inf. Jan. 1 to Aug. 18, 1842,	15 75
Jonathan L. Kimball, 6th Reg. L. Inf. Aug. 18 to Dec. 31, 1842,	9 30
Bradstreet P. Woodman, 7th Reg. L. Inf. Jan. 1 to July 2, 1842,	12 50
George H. Kitteridge, 7th Reg. L. Inf. pro tem., July 24 to Dec. 31, 1842,	10 00
John G. Gilbert, 8th Reg. L. Inf. Jan. 1 to Dec. 31, 1842,	25 00
Joseph W. Magee, 1st Batt. Cav. Aug. 17, 1841, to Dec. 31, 1842,	34 30
William F. Arnold, 3d Reg. Art. Sept. 8, 1841, to Dec. 31, 1842,	32 55
Hiram Scripture, 4th Batt. Art. Jan. 1 to Dec. 31, 1842,	25 00
Charles A. Mann, 10th Reg. L. Inf. pro tem., Jan. 1 to Dec. 31, 1842,	25 00
Lansford Batchelder, 11th Reg. L. Inf. Jan. 1 to April 23, 1842,	7 80
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	\$482 90

HAULING ARTILLERY.

Hiram Davis, of Boston Artillery, 1842, inspection and review, \$10. Exper. gunnery, \$10,	20 00
Richard Hennessey, of Columbian Artillery, 1842, inspection and review, \$11 50. Exper. gunnery, \$11 50,	23 00
Ephraim B. Richards, of Washington Artillery, 1842, inspection and review, \$12 50. Exper. gunnery, \$12 50,	25 00
Andrew Chase, Jr. of Roxbury Artillery, 1842, inspection and review, \$15,	15 00
Benjamin Stone, Jr. of Dorchester Artillery, 1842, inspection and review, \$16. Exper. gunnery, \$15,	31 00
Henry A. Torrey, of Weymouth Artillery, 1842, inspection and review, \$11. Exper. gunnery, \$5,	16 00
Wendell Hall, of Plymouth Artillery, 1842, inspection and review, \$25,	25 00

MILITARY ACCOUNTS.

James Brooks, of Hanover Artillery, 1842, inspection and review, \$25. Exper. gunnery, \$3,	\$28 00
Ira C. Root, of Norton Artillery, 1842, inspection and review, \$34. Exper. gunnery, \$6,	40 00
Richard Barrett, of Concord Artillery, 1842, inspection and review, \$40,	40 00
Jonathan S. Parker, of Lexington Artillery, 1842, inspection and review, \$40,	40 00
Horace Hammond, of Waltham Artillery, 1842, inspection and review, \$30. Exper. gunnery, \$15,	45 00
Charles K. Tucker, of Charlestown Artillery, 1842, inspection and review, \$25. Exper. gunnery, \$15,	40 00
Stephen Ilsley, of Newburyport Artillery, 1842, inspection and review, \$45. Exper. gunnery, \$15,	60 00
Thomas Baker, of Gloucester Artillery, 1842, inspection and review, \$20. Exper. gunnery, \$15,	35 00
William T. Gale, of Lynn Artillery, 1842, inspection and review, \$15. Exper. gunnery, \$15,	30 00
Caleb Jones, of Salem Artillery, 1842, inspection and review, \$30. Exper. gunnery, \$15,	45 00
Artemas B. Vant, of Milford Artillery, 1842, inspection and review, \$19,	19 00
Luther Chapin, of Buckland Artillery, 1842, inspection and review, \$30. Exper. gunnery, \$12,	42 00
Joseph Green, of Greenfield Artillery, 1841, inspection and review, \$36. Exper. gunnery, \$12,	48 00
Daniel Crosby, of Greenfield Artillery, 1842, inspection and review, \$7. Exper. gunnery, \$5 60,	12 60
Franklin K. Hitchcock, of Northampton Artillery, 1842, inspection and review, \$28,	28 00
Leonard Campbell, of Plainfield Artillery, 1842, inspection and review, \$29,	29 00
Theodore Bridgman, of Belchertown Artillery, 1842, inspection and review, \$5,	5 00
Rufus M. Pease, of Monson Artillery, 1842, inspection and review, \$21,	21 00
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	\$762 60
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ADJUTANT GENERAL'S OFFICE,
Boston, Feb. 28, 1843.

I hereby certify, that I have examined the accounts contained in the foregoing roll, and that they are correctly vouched and cast.

H. A. S. DEARBORN,
Adjutant and Acting Quarter Master General.

ROLL OF ACCOUNTS, audited by the Committee on Accounts, March 20, 1843.

[SEE RESOLVE OF MARCH 24, AT PAGE 81.]

PROPRIETORS OF NEWSPAPERS.

ALLOWED TO	PAPERS.	Papers—1842.	Papers—1843.	Advertising.	Publishing Laws.	Total.
Boston Wesleyan Association,	Zion's Herald,	\$1 80	\$19 50	-	-	\$21 30
George W. Bazin,	Trumpet and Magazine,	10 21	16 92	-	-	27 13
Joseph Breck & Co.,	New England Farmer,	-	40 36	-	-	40 36
J. N. Bradley & Co.,	Mail and Yankee Nation,	24 96	45 54	\$7 50	\$33 32	111 32
Clark & Woodbridge,	New England Puritan,	4 37	28 13	-	-	32 50
Beals & Greene,	Post, Press, and Statesman,	99 37	474 28	19 42	50 00	643 07
David Clapp, Jr.,	Medical Journal,	3 10	20 77	-	-	23 87
W. W. Clapp & Son,	Evening Gazette,	9 24	73 60	25 25	16 66	124 75
James B. Dow,	Christian Witness,	-	5 00	-	-	5 00
Dutton & Wentworth,	Evening Transcript,	-	6 45	-	-	6 45
J. B. Hall,	Literary Souvenir,	15 24	-	-	-	15 24
Hayden & Brewer,	Atlas,	-	290 80	9 12	33 34	333 26
William Nichols,	Christian Watchman,	-	20 50	-	-	20 50
Thomas F. Norris,	Olive Branch,	16 94	67 90	-	-	84 84
Proprietors of -	Daily Advertiser,	26 84	95 15	6 63	50 00	178 62
" " -	Bay State Democrat,	42 32	169 90	8 88	49 98	271 08
" " -	Boston Courier,	57 68	165 01	6 63	50 01	279 33
" " -	Cultivator,	-	65 00	-	-	65 00
" " -	Liberator,	-	23 00	-	-	23 00
R. L. Porter & Co.,	American Traveller,	21 59	120 52	7 75	16 66	166 52
David Reed,	Christian Register,	1 96	21 34	-	-	23 30
Proprietors of -	Times and Notion,	16 20	69 60	-	-	85 80
Sleeper & Rogers,	Mercantile Journal,	24 48	92 45	11 60	50 00	178 53
G. A. Williams,	Uncle Sam,	3 42	13 14	-	-	16 56
D. F. Ashley,	Hampden Post,	-	2 00	-	-	2 00
E. Anthony,	Bristol County Democrat,	-	2 00	-	-	2 00
W. V. Bell,	Westfield Palladium,	2 33	1 85	5 50	16 67	26 35

NEWSPAPERS—Continued.

ALLOWED TO	PAPERS.	Papers—1842.	Papers—1843.	Advertising.	Publishing Laws.	Total.
Samuel Bowles,	Springfield Republican,	\$6 00	\$6 75	-	-	\$12 75
Chapman & Palfrey,	Salem Register,	-	16 50	-	-	16 50
J. M. Earle,	Massachusetts Spy,	-	7 50	\$4 50	\$16 67	28 67
S. S. Eastman,	Greenfield Gazette and Courier,	-	2 00	4 00	16 67	22 67
John Fuller,	New Bedford Register,	-	3 68	2 00	-	5 68
F. R. Gougas,	Concord Freeman,	-	4 51	-	-	4 51
W. A. Hawley,	Hampshire Gazette,	-	7 00	2 00	16 67	25 67
J. W. D. Hall,	Taunton Whig,	1 00	-	-	-	1 00
J. S. C. Knowlton,	Worcester Palladium,	2 52	-	4 50	16 67	23 69
Benj. Lindsay,	New Bedford Mercury,	-	1 85	9 00	33 34	44 19
Morris & Brewster,	Newburyport Herald,	-	4 50	-	-	4 50
Apollos Munn,	Springfield Democrat,	-	18 27	-	-	18 27
S. B. Phinney,	Barnstable Patriot,	6 00	6 50	-	-	12 50
Elijah Porter,	Westfield News-Letter,	-	-	5 00	16 67	21 67
Proprietors of	Yarmouth Register,	-	6 00	-	-	6 00
"	Anesbury Transcript,	-	-	3 50	16 66	20 16
"	Salem Advertiser and Argus,	-	7 33	4 50	16 67	28 50
W. E. P. Rogers,	Haverhill Gazette,	-	1 00	1 25	16 67	18 92
John S. E. Rogers,	Gloucester Telegraph,	-	1 00	-	-	1 00
Caleb Rand,	Charlestown Chronicle,	-	-	1 25	-	1 25
Christopher Robinson,	Essex County Washingtonian,	-	-	3 50	16 67	20 17
E. G. Robinson,	Norfolk Democrat,	-	11 25	3 50	16 67	31 42
J. W. Smith,	Northampton Courier,	3 00	3 50	3 50	6 50	6 50
Slade & Almy,	Fall River Argus,	-	1 50	-	-	1 50
James Thurber,	Old Colony Memorial,	-	2 50	-	-	2 50
William Taggart,	Essex Banner,	1 50	-	2 00	33 32	36 82
W. W. Whieldon,	Bunker Hill Aurora,	2 75	2 25	5 50	-	10 50
G. W. Young,	Plymouth Rock,	-	11 60	-	-	11 60
		404 82	2077 60	164 38	599 99	3246 79

CORONERS.

NAMES.	COUNTY OF	ACCOUNT UP TO	
William Andrews,	Suffolk,	July 14, 1842,	\$30 24
Nehemiah Brown,	Essex,	Jan. 26, 1843,	3 90
Asa French,	Norfolk,	March 17, 1842,	17 38
William Gordon,	Bristol,	Nov. 6, 1842,	18 78
William Hamilton,	Barnstable,	Feb. 20, 1843,	14 00
Luther Hinkley,	"	August 3, 1842,	15 98
E. M. Hinkley,	Nantucket,	Feb. 6, 1843,	19 90
Abel Moore,	Middlesex,	July, 1842,	3 50
Jabez Pratt,	Suffolk,	Sept. 5, 1842,	28 08
Mace Smith,	"	Jan. 8, 1843,	78 08
Thomas Sumner,	Middlesex,	June 28, 1842,	12 00
Ebenezer Shute,	Suffolk,	May 9, 1842,	13 72
William Spear,	Norfolk,	Aug. 18, 1842,	14 27
			269 83

SHERIFFS.

Joseph E. Sprague,	Essex,	Further account to March 3, 1843,	\$14 00
Joseph Lyman,	Hampshire,	" "	108 01
			122 01

MISCELLANEOUS.

Gillam B. Wheeler,	Book cases for Council chamber,	•	•	•	\$151 83	
	Desks for Reporters in Senate chamber,	•	•	•	157 34	
	“ “ in Representatives' do.	•	•	•	181 66	
	Repairs of State House, bills of lumber and other materials,	•	•	•	139 58	
	Labor about do. do. during session,	•	•	•	380 27	\$1010 68
S. H. Gilman,	For putting up two of Espy's ventilators,	•	•	•	122 10	
J. T. Stevenson,	Committee to attend to procuring the above,	•	•	•	12 00	
S. J. Thomas,	“ “ “ “ “ “	•	•	•	12 00	146 10
Eayrs & Fairbanks,	Stationary for Secretary's office, (J. A. Bolles,)	•	•	•	22 79	\$1156 78
	“ “ “ “ (J. P. Bigelow,)	•	•	•	497 30	
	“ “ Adjutant General's office,	•	•	•	17 99	
	“ “ Land office,	•	•	•	8 00	
	“ “ Senate and House,	•	•	•	\$201 88	
	“ “ “ “ “ “	•	•	•	452 03	
Charles Stimpson,	“ “ Senate,	•	•	•	29 13	1199 99
	“ “ “ “ “ “	•	•	•	10 56	
	“ “ House,	•	•	•	39 69	
	“ “ “ “ “ “	•	•	•	18 66	
John Marsh, Jr.	“ “ Senate,	•	•	•	•	58 35
Charles A. Wells,	Binding for Senate,	•	•	•	•	50 06
G. G. Smith,	Engraving District Map of Commonwealth,	•	•	•	•	18 00
Beals & Greene,	Printing for Legislature,	•	•	•	•	199 18
Ivers Phillips,	Serving notice on petition of Trustees of Lunatic Hospital,	•	•	•	•	140 50
						1666 08
						13 00

SMALL POX.

Charlestown, expenses on account of Leverett Daniels,	\$31 94
Canton, expenses on acc't of Wm. Curtis,	129 19
Fall River, expenses on acc't of a foreigner,	6 50
Seekonk, expenses on acc't of Wm. Hopkins and R. Burdick,	69 67
	<hr/> 237 29

PAUPERS.

Middlesex County, support of 21 lunatic state paupers,	\$1933 57
Norton, support of Anna Williams,	14 60
Upton, support and removal of Julia Hoit and child,	21 65
	<hr/> 1969 82

RECAPITULATION.

Newspaper accounts,	\$3246 79
Coroners' "	269 83
Sheriffs' "	122 01
Miscellaneous "	3327 67
Small Pox "	237 29
Pauper "	1969 82
	<hr/> \$9173 41

ROLL OF SUNDRY ACCOUNTS.

[SEE RESOLVE OF MARCH 24, AT PAGE 83.]

PRINTERS' ACCOUNTS.

Chapman & Palfrey, for Salem Gazette,	\$20 67
John A. Green, for Quincy Patriot,	17 00
William Ives & Co., for publishing the Laws, and copies of the Salem Observer,	21 67
Publishers of the Emancipator and Free American, for sundry copies,	39 00
William Buckminster, for publishing the Laws, and Massachusetts Ploughman,	55 69
N. Willis, for the Recorder,	80 56
	<hr/>
	\$234 59

CORONERS' ACCOUNTS.

Benjamin Drew, for taking sundry Inquisitions,	\$33 20
Nehemiah Brown, for do.	3 90
Samuel Viall, for do.	52 16
	<hr/>
	\$89 26

MISCELLANEOUS.

O. C. Greenleaf, stationary for the Senate,	\$42 30
B. C. Davis, for delivering packages of books and carting boxes, by order of the secretary of the Com- monwealth,	81 76
	<hr/>
	\$124 06

RECAPITULATION.

Printers,	\$234 59
Coroners,	89 26
Miscellaneous,	124 06
	<hr/>
	\$447 91

INAUGURAL ADDRESS
OF
HIS EXCELLENCY MARCUS MORTON.

REPRESENTATIVES' CHAMBER, JAN. 20, 1843.

At 12 o'clock; His Excellency Marcus Morton, accompanied by the Council, Secretary, and Sheriff of the County of Suffolk, met the two branches of the Legislature in Convention, and delivered the following

A D D R E S S :

*Gentlemen of the Senate
and of the House of Representatives,—*

IN assuming the trusts confided to us, and while impressed with our obligations to our fellow-citizens, it becomes us, for ourselves and our constituents, with reverence, humility and gratitude, to acknowledge our dependence upon that benevolent Providence which has filled our country with health and abundance.

Never before was the industry of man, throughout the world, rewarded with such universal plentifulness. Yet we have reason to fear that privation and distress never were greater or more widely spread. While some are burdened with superfluities, many others are pining in want. And while some are rejoicing in freedom, others bow under the oppressor's yoke, or reluctantly submit to the despot's chain. Can such a state of civil society be in harmony with the will of Him who created us all of one flesh and blood? Does it not cry aloud for melioration? And although all these evils do not exist in their most aggravated form in this country, yet even here, in our own favored Commonwealth, we have abundant evidence that the great Christian precept, "Whatsoever ye would that men should do unto you, do ye even so to them," and the corresponding political doctrine of the equality of man, are not duly and practically regarded.

While a munificent Father has most bountifully supplied every thing which can contribute to the comfort and happiness of the great human family, the short-sighted selfishness of his ungrateful and erring children, has so appropriated his bounties and abused his blessings, as to oppress one portion without benefiting another, and to mar the harmony and happiness of the whole. Have we not, then, continually before us, and around us, plenary proof that, however the present state of man may compare with his state in former ages, his actual condition in reference to his possible condition shows that there is ample room for improvement and reform.

The identity of the human race and the fraternity of mankind, are the bases of the great religious and political principle of equality. On this the philanthropist and the statesman found their hopes of the progressive improvement of humanity. All men are equal before God. And that state of civil society which approximates the nearest to general equality among its members, is most promotive of contentment and happiness; while that which departs most widely from it, is most productive of evil passions and wretchedness. Where there are some very rich, there will be many very poor. And those civil institutions which have the greatest tendency to prevent or mitigate the extremes of conditions, are the best adapted to secure the high object for which government is instituted—the greatest happiness of the whole.

Perfect equality, moral, social or pecuniary, is not attainable. God created men with unequal physical and intellectual powers, and thereby the better adapted them to the ever-varying duties and employments of life. This diversity of talents, operating throughout the infinite variety of human affairs, produces the greatest harmony of action; and is doubtless the best calculated to promote the general happiness. Civil institutions should aim to encourage each one faithfully to employ his talents in that sphere of action to which they are best adapted, and in which they will contribute the most to the welfare of himself and his fellow-creatures. And this end can best be attained by securing to every one the fruits of his own industry. This, with an equal distribution of intestate property among heirs, furnishes the most effectual guaranty against that gross inequality of social condition which is not only inconsistent with the principles of human brotherhood, but subversive of those equal political rights which are the basis of our civil institutions. Could the acquisitions of individuals be limited to the value of their contributions, there would be little danger of those extremes which are alike unfavorable to the Christian, moral and political well-being of society. And although too much interference of government in private transactions is dangerous, yet general laws, silently operating in favor of these principles, would be alike safe and salutary.

To a people depending upon themselves for the management

of their own public affairs, the universal diffusion of knowledge and the prevalence of virtue, are indispensable. The promotion of morality and education is the first and highest duty of a free government. But with the suppression or punishment of overt crimes, should terminate the direct action of government in favor of religion and good morals.

Religion, resting upon the relation which a dependent creature sustains to an Almighty Creator, exists anterior to civil society, and is independent of human institutions. As its duties cannot be created, so neither can they be increased, diminished or modified, by civil laws; and any attempt to regulate or enforce them, would be a usurpation which might retard, but never would promote, the growth of genuine piety. Based on these high principles, our constitution and laws wisely leave the obligations of religion to the responsibility of every individual to his own conscience, and to his God; carefully abstaining from any further interference with its external observances, than is necessary to protect every one in the enjoyment of that mode of worship which is most congenial to his own notions and feelings, and best accords with the dictates of his own conscience.

Morality also, like religion, from which indeed it flows as from its source, shrinks from the touch of power, and instinctively resists the heavy hand of coercion. Its growth must be spontaneous; and though it may be increased by gentle cultivation, yet compulsive action invariably retards it. Among the moral reforms which have distinguished the age in which we live, no one has been so prosperous or useful as that of temperance. Wherever its advocates have placed their reliance upon moral influences, its progress has surpassed the highest hopes of its most sanguine friends. Kindness and persuasion have penetrated hearts callous to shame and hardened against punishment. Those principles of human brotherhood which comprehend within their benevolent embraces all conditions and states of human existence, have rescued from degradation and pollution, and restored to moral life and usefulness, thousands heretofore supposed to be beyond the reach of reformation or the power of restraint. Whether the few laws now in force regulating the sale of spirituous liquors, retard or promote the progress of this great reformation is a question upon which its friends are divided. But if no legislative action can be beneficial, we may exert our individual influence, enhanced by the official stations with which we are entrusted, to promote a moral improvement so important to the welfare and happiness of the human family.

A democratic government seeks the preservation and protection of the political rights of the people. Power naturally increases by possession; and, though granted for the benefit of the whole, it must be exercised by a few, and is ever prone to encroach on the rights of the many. Constant vigilance and

energy must therefore restrain it within its legitimate bounds. The fathers of our republic, apprehensive that the fundamental principles of our government might be forgotten or disregarded, and anxious that they should be preserved in all their freshness, in the most solemn act of their lives enjoined a frequent recurrence to them. Recent events, which have filled with anxiety and grief and mourning a neighboring state, and stained with blood the soil of our own Commonwealth, have brought in review and quickened in recollection those great and living principles of freedom which caused and justified our glorious revolution, and which are the foundations of the blessed government under which we live. And although we should deeply deplore the malignant passions which they engendered, the violation of rights which they caused, and the deep and general suffering which they inflicted on the people, we cannot fail to draw from them, as from other afflictive dispensations of Divine Providence, instruction and improvement. They should rekindle the flame of liberty in every patriotic breast. They should develop, more distinctly and vividly, the essential principles of free government. They should stamp, more clearly and indelibly, on every heart, the inalienable rights of man.

Among the elements of a democratic government are the right of the people to govern themselves—the right to establish and maintain such form of government as they shall deem most conducive to their own safety and happiness—the right of every man to an equal voice in the formation and administration of the government under which he lives—and the right to an equal representation of the people. These fundamental doctrines, which our revolutionary fathers deemed worthy of that memorable struggle, nerved their arms for the desperate conflict. But even that holy cause did not command perfect unanimity; as some then doubted the truth or the sanctity of these natural rights, so now there are some who are unable to comprehend their import or to appreciate their value. But, in the revision and discussion of them, which has been promoted by the deplorable occurrence referred to, it is worthy of joy and congratulation that there has been so great an approximation to unanimity. Although some have denied the right of the people, without the authority of their rulers, to change their form of government, and have maintained the rightful power of a privileged minority to restrain, by military force, the action of the majority, yet, with the exception of those blinded by a selfish interest, the proportion who deny the right of self-government, of free suffrage and of equal representation, is very inconsiderable.

The right of every man to a voice, and an equal voice, in the government over him, is a natural and innate right. It does not depend upon the accident of birth, or the possession of property. It is not the grant of his fellow-man, but the immediate gift of God, who created, in his own image, all men.

Upon the preservation of the freedom and purity of the elective franchise depends the continuance of our free governments and the just and wise administration of them. They should therefore be watched with untiring vigilance, and maintained with unshrinking energy. Every attempted invasion of them should be looked upon with indignation and punished with severity.

For the proper exercise of the right of suffrage, the elector is accountable only to his God, and he who should attempt to inquire into it with a view to restrain its freedom, would usurp authority and do injustice to his fellow-citizen. It is as sacred and as valuable as any other personal right, and he who should deprive any one of its free use, would be as guilty, and as much deserve punishment, as he who robbed him of his property or maimed his body. What can be more abhorrent to the benevolence, or repugnant to the laws, of the Deity, than for a man raised to wealth or placed in business by his favor, to take advantage of the control or influence which these give him over his less fortunate neighbor, to compel him to act against his own convictions of religious, moral or political duty? The most effectual guaranty against this abuse, consists in the secrecy of the ballot. A regulation of the manner of voting, so as to prevent abuses of it and at the same time preserve its entire secrecy, may be attended with difficulty. But unrighteous and oppressive interferences with the personal rights of voters, by overbearing partizans, have become so frequent and are so dangerous, that some further legislation is needed to protect the just rights of poor and dependent electors.

Another encroachment upon the purity of our elections, which, by the frequency of its occurrence, calls for further legislative action, is the abuse of the elective franchise by the voter, in depositing in the ballot-box more than one vote. This is already punishable by our statute, but not with sufficient severity to prevent its commission. Voters sometimes take advantage of that provision of the statute which requires the vote to be "deposited in the ballot-box by the voter in person," to introduce several at the same time. While the vote is protected from the inspection of any one, the presiding officers must have the right and it must be their duty to prevent the elector from depositing more than one ballot. The evils and inconveniences resulting from such abuses, even when detected, are so great that it is much more desirable to prevent than punish them. But the punishment should be certain and severe. As the elector has the means of knowing whether he offers more than one ballot, and cannot give in more than one unless it be intentionally or negligently, I recommend that the statute be so amended, that every one who puts in, or offers to put in, more than one vote, be at all events subject to the penalty.

The frequency with which, of late, frauds upon the ballot-box have been committed or attempted, has led me to apprehend

that this was the point upon which the opponents of free elective governments would be most likely to make their attacks, and upon which their assaults would be the most dangerous; I have therefore deemed it my duty to recommend the subject to your grave consideration.

But we must not forget that the surest and most effectual means of preserving the purity of elections, and the beauty and excellence of our government, is the universal diffusion of mental and moral light. Education is better than penal statutes, and will, in a great measure, supersede prisons and penitentiaries. But this has so often been the theme of executive recommendation, and of legislative deliberation and supervision, that little remains to be urged in its favor. And yet, so important is it to the moral and political welfare of the community, that every returning year should bring with it a renewal of the recommendation, and a revision of the subject. Our great object should be to make the spread of knowledge general and equal; to cause the streams to flow as purely and copiously in the extremities as at the heart; to take care that the light of public instruction illuminate the obscurest corner as thoroughly as the centre.

While much has been done for our public schools, and great improvements made in all of them, I fear that the common town schools have not kept pace with other institutions of learning. And, although the genius of our government requires the greatest practicable degree of equality in the education of our citizens, by elevating, and more thoroughly diffusing, the instruction of our common schools, yet I fear that the inequality, instead of diminishing, increases with the advancement of knowledge and science. If it be so, our efforts should be directed to its counteraction.

All our institutions, being essentially popular, must necessarily depend on the will of the people for their success. This is emphatically true of our town schools. And nothing will so much promote their improvement, and the advancement of general education, as to excite the interest of the people in them. The best method to accomplish this object, is to devolve upon each school district the control and management of its own school. Let the inhabitants realize that it is their own institution; that they alone are responsible for its success; that it is the child of their own little community, to prosper by their care, or pine through their neglect; and it would excite an interest, a pride, and an emulation, which would improve and benefit both parents and children.

The power which the cheapness of modern publications has given to school districts, to procure useful libraries, and the facilities of increasing them by arrangements between contiguous districts for interchanges, will promote a taste for reading, and a spirit of inquiry, which will prove powerful auxiliaries in the cause of education. The provision made by the Legislature of

last year, to aid school districts in the purchase of libraries, has proved partial and unjust in its operation, and failed to accomplish all the objects in view. But a very small proportion of the districts have availed themselves of the bounty of the government. While the more wealthy and populous districts, which least needed public aid, have obtained the bounty, the poorer and less populous ones, which stood in the greatest need of assistance, not having the ability or inclination to perform the condition, have failed to derive any benefit from the grant. Those corporations which have not availed themselves of the district system of instruction, do not come within the provisions of the statute, and are not entitled to any portion of the gratuity. This grant of money from the school fund, which, should all the districts avail themselves of it, would materially impair the fund, has been made, and in part executed, and cannot now be recalled. Not intending to express any approbation of this encroachment upon the principal of the fund, I will suggest the inquiry whether some further legislative action be not needed to render the distribution more general and equal.

“The Massachusetts school fund,” established “for the encouragement of common schools,” and made “a permanent fund,” having been created for an object so important and so essential to the well-being of the community, should be held sacred and inviolable. Its principal should never be encroached upon, nor exposed to loss, and its annual income should be used only for the purpose for which the fund was established. If diverted for one object, the precedent may be used to justify some other encroachment upon it. I cannot refrain from the expression of my apprehension, that the investment of it in the scrip of the Commonwealth may endanger its ultimate safety. Should any of the corporations, to whom this scrip has been loaned, fail to pay the interest or the principal when due, the only security which the school fund would have, would consist in the will of the Legislature to impose an annual tax, to be paid to the several towns for the support of town schools; and the only benefit which the towns would derive, would consist in having the State impose the tax instead of imposing it themselves. I will, therefore, submit to the wisdom of the Legislature to determine whether some more specific direction for the investment of this fund would not increase its safety.

Government being instituted for the common benefit, its support should be a common burden. But the best method of apportioning this burden and deriving this support from the people, is a problem of some difficulty, and one which requires the careful consideration of the political economist. The contributions should undoubtedly bear some proportion to the benefits derived; and those who have most under the protection of the government, should contribute most towards its support. But as its protecting power is necessary to all, and as the benefits derived are incomparably greater than the burdens

imposed, the most practicable rule is, that each one should contribute in proportion to his ability to pay. However obvious the justice of this rule may be, and however great the desire to adhere to it, yet, in practice, even an approximation is a difficult attainment.

Although, in imposing charges upon the people, equality should be the leading and paramount object, yet other considerations are entitled to weight. The facility or expensiveness of the collection of taxes, their influence upon the habits, the industry and the morals of the community, their operation upon the luxuries or necessities of life, and their openness to the observation and knowledge of those who pay them, are considerations which should be regarded.

Those who pay, and those who receive as well as pay, taxes, have adverse interests, and form a check upon each other. But for this restraint, there would be great danger that unnecessary and oppressive burdens would be laid upon the people. This has ever been the case where their voice was heard but partially, or not at all. That mode of taxation, therefore, which exhibits most clearly and distinctly to the tax-payer the exact amount which he pays, has, at least, one very strong recommendation in its favor. And that system of appropriation which shows most plainly the objects for which taxes are imposed, is most consonant to the principles of a free government. It is the right and the duty of the people to know how their agents expend the funds which are placed in their hands—whether for the common benefit of all, or the especial advantage of a part—whether judiciously and economically, or improvidently and profligately. And where the call of the tax-gatherer annually or oftener admonishes the people of the exact amount of their contributions to the public treasury, there is very little danger that they will neglect to investigate the nature and extent of the public expenditure, or to call their agents to account for any waste or misapplication.

In the distribution of powers between the national and state governments, the power of taxation necessarily exists in both. The former have the exclusive authority to impose duties on imports, and the paramount nature of all their powers necessarily gives them the exclusive right over most subjects of internal taxation, when they choose to exercise it. The power of the States to impose indirect taxes, is circumscribed, and in some measure dependent upon the action of the federal government. The system of taxation by a tariff of duties, furnishes great facilities for the collection of a national revenue. And although it operates insidiously, taking from the people contributions, the nature and extent of which they cannot well understand; and inequitably, exacting from the poor nearly as much as from the rich; yet, as by a wise discrimination it tends to the preservation of American industry, and has so many other and great advantages, it never will be abandoned.

A democratic government is called the cheapest government which can be maintained. It truly is so. The disparity between the expenses of our own and those of any other government, is very great. But we should not deceive ourselves, nor overvalue our political advantages, great as they are. The power of taxation is divided among so many different authorities, that, with the United States taxes, the State taxes, the county taxes, and the town taxes, without mentioning other occasional taxes, the whole amounts to no inconsiderable burden. Let provident management and practical economy so reign in all these departments, as to prevent any unnecessary burdens in any of them.

The sources of revenue which have been principally relied upon, of late, for the support of our State government, are the tax upon banks, and the duty on sales at auction. It should not be forgotten that all taxes, however imposed, necessarily fall upon the people; some with more and some with less equality and justice. The abundance of the income derived from these sources, and the indirect and imperceptible manner in which it has been drawn from the people, have been the principal causes of that improvident expenditure which has involved the financial affairs of our Commonwealth in embarrassment.

The State, as well as the nation, having derived its revenue from other sources, has left the subject of direct taxation to towns and counties. But if the State should never have occasion to resort to it again, it is not the less our duty to prescribe just and equitable rules of assessment. From my observation of the operation of the existing laws, I fear that the burdens fall with unequal weight upon different portions of the community. Real estate, which is not the most productive species of property, being incapable of concealment, receives more than its just share of taxation; while personal property, and especially shares in joint-stock companies and money at interest, being less tangible and visible, in some measure escapes the notice of the assessors. The agricultural interest is not only the first and greatest interest, but the basis of all other branches of industry. It comprehends three times as many persons as any other pursuit, and more than all others united. As a class, they ask less and contribute more than any other class. And while they seek no special privileges or exclusive advantages for themselves, they are peculiarly liable to be preyed upon by them in the hands of others. If any remedy for the unequal burdens imposed upon them can be devised, it will be our duty, as I am sure it will be our pleasure, to adopt it.

Another remark which, doubtless, has occurred to every one conversant with the practical course of direct taxation, is that the assessments are almost invariably heavier upon the poorer than upon the wealthier classes. As the property diminishes, the ability to pay taxes more rapidly diminishes. Yet it is

feared that, in practice, the proportion of the taxes to the estate increases as the ability to pay decreases. This tendency should be strenuously counteracted, especially as, in our complicated system, the indirect taxes, depending on consumption, take nearly as much from the poor man as the rich one. And, if we cannot countervail the inequality of indirect taxation, we should be cautious not to increase it by a corresponding inequality in our direct taxes. It is worthy of your consideration, whether some relief may not be found by transferring the assessment on mortgaged estates, to the extent of the amount secured, from the mortgagor to the mortgagee. This would prevent the same property from being twice taxed, or the money at interest from escaping taxation.

Another measure of relief to the poor tax-payer, which I recommend to your favorable regard, is the reduction of the poll-tax. This would accomplish two objects, the one affecting essential political rights, and both worthy of earnest consideration.

I hold that every man has a natural right to a voice, and an equal voice, in the government under which he lives—a voice which, like other essential rights, he may forfeit by his own misconduct, but of which he cannot rightfully be deprived without his fault. This right is not derived from the government. It cannot be bought of it by the payment of a price; nor can it be withheld by an omission to call for, or a refusal to receive money. Every man, whether he pays taxes or not, owes duties to the government over him; is entitled to protection from it; is bound by its decrees, and has a right to be heard in making them.

The political axiom so much venerated in the days of the revolution, that “representation and taxation go together,” was used only to deny the liability to taxation of those who had no voice in imposing the taxes; but never was relied upon to exclude any from the right of suffrage, because they were omitted from the tax-bills. But, in any sense, it is broad enough to support universal suffrage. For every man who consumes dutiable articles, pays a tax. And who is there that does not, every year, in the duties on the goods consumed by him, contribute to the revenue, many times the amount of a single poll-tax? I therefore recommend that the poll-tax be reduced to a very small sum, and that it be imposed upon every male between the ages of twenty and seventy years “excepting paupers and persons under guardianship.”

In assuming the government of the Commonwealth, we find its pecuniary affairs in an embarrassed condition. It is deeply involved in debt. Its credit is impaired. It has been compelled to sell its own notes under par, to meet its obligations. It has become a partner in a joint-stock company controlled by individuals. Its stock will take from the earnings of the people more than fifty thousand dollars a year, without any present

prospect of a return in dividends. And it has also involved its fiscal liabilities with numerous private corporations, upon whose ability and punctuality may depend the public faith and the honor of the Commonwealth.

The income of the State, derived principally from the sources above referred to, gradually increased for a number of years, till from two hundred thousand, it rose to five hundred and fifty thousand dollars per annum. And although it is now somewhat reduced, still it is more than double what it was twenty years ago. But notwithstanding the rapid increase of our revenue, our expenditures increased more rapidly; and the State now owes a debt of one million two hundred thousand dollars, for money which, during the last eight years, it has expended over and above its receipts; and five million dollars on the scrip or notes which it has issued, and for which it holds the securities of several rail-road corporations.

These expenditures never would have been incurred by the government, had it been under the necessity of raising the amount expended, directly, and in a perceptible form, from the people. They would have scrutinized the objects and the necessities of the expenditures, and would have condemned many of them as unnecessary and extravagant. They would have required a course of retrenchment and reform, and would have holden their agents to a system of economy which would have saved the State from its present indebtedness.

When, three years ago, it became my duty to address the Legislature on the subject of our finances, I urged upon them, in language as strong as official decorum and my respect for the coördinate branches of the government would permit, the retrenchment of expenses and a course of rigid economy. Then, in my judgment, it would not have been impracticable or even difficult, to have reduced our expenditures within our income, and to have made a gradual reduction of our debt; so that, in a short time, our State would have been raised to the financial condition it was in a few years ago—free of debt, with a full treasury. But in the last three years, our revenue has diminished, while the increase of our debt has caused, by the increase of interest, a great addition to our annual expenses. The interest which we are now obliged to pay, amounts to sixty thousand dollars a year. But for this, the yearly reduction and eventual extinction of the direct debt of the State might be easily accomplished.

Fellow-citizens—we have been selected for the purpose of reforming supposed abuses—of substituting a wise economy for improvidence, and a reduction of expenses for a system of borrowing. Much is expected at our hands. The responsibility is onerous, but it must be met. The honor of the Commonwealth must be maintained with untarnished lustre. The public faith must, in all events, be preserved inviolate. We must adopt and firmly adhere to the position, that our income must

exceed our expenses. The latter must be so reduced, or the former so increased, that, after meeting all necessary demands upon the treasury, there shall remain a surplus to be applied towards the extinction of our debt.

The first effort to accomplish this object should be the adoption of a system of retrenchment. Let this be thorough and effectual. The people expect and demand it. The times favor it. The depression of prices and the stagnation of business justify it. The most rigid economy, public and private, presents the only relief from the disorders under which we labor, and the only means of a restoration of prosperity. But as the present time is favorable to retrenchment, so is it unfavorable to taxation. We should submit to almost any privation, not unjust or dishonorable, rather than resort to it. But if no other resources sufficient to meet the exigency can be found, we must do our duty. An enlightened constituency will prefer a present burden to a perpetual round of new loans to pay old ones, and the continual accumulation of debt. We may safely rely upon their intelligence to distinguish between those whose improvidence rendered the imposition necessary, and those who resorted to it to rescue the credit and preserve the honor of the State.

But seeing our great embarrassments, perceiving the cause of them, and feeling the extreme difficulty of removing them, let us, if possible, provide a remedy against their recurrence.

Of all the contrivances ever invented to impoverish the people, to eat out their substance, and bind upon them perpetual burdens grievous to be borne, that of a public debt is the most effectual and unfailling. How many unnecessary and profligate expenditures have been incurred—how many useless and pernicious enterprises have been undertaken—how many unrighteous and bloody wars have been waged, by nations and states, on resources derived from loans! But for these, how many crimes against humanity would have been restrained or wholly avoided!

Great Britain, which boasts of her love of liberty and justice, and claims to be the most enlightened nation of the old world, now owes a debt of more than thirty-five hundred millions of dollars, upon which she is obliged to pay every year an interest of at least one hundred and thirty millions of dollars. What an oppressive and grinding burden upon the people of that nation! This debt is the accumulation of ages. How many millions of industrious people are reduced to the lowest poverty and extremest privation, to pay the interest on a debt contracted by some former generation!

Public debts, in the course of time, become merely a mode of making the whole people, for a consideration received by their remote ancestors, tributary to a part, and of taxing labor for the benefit of capital. Sometimes, as in England, the interest is paid to inhabitants of the same nation; and sometimes, as in

the states of this Union, it is paid to foreigners. In both cases it is highly injurious to the industry and prosperity of the people; but in the latter it is peculiarly so, as it constitutes a continual drain of the specie and other valuable property of the country. Notwithstanding the apparent injustice of one generation's imposing burdens on other generations, the power of borrowing is undoubtedly an incident of sovereignty. But in free governments, where those who pay the expenses hold the sovereign power, and where authority is exercised by delegation, there can be no difficulty in restraining and limiting this dangerous power. And although, in the national government, the wisdom of imposing such a restriction may not be so apparent, yet, in a state government, whose powers are principally employed in domestic regulations and internal legislation, it would seem to be peculiarly proper, and experience has already shown its utility and necessity. I therefore present to your consideration, restricting the power of the Legislature to borrow money, except in case of invasion or insurrection, to a limited and certain sum. Should an emergency arise, or an object be presented, which should seem to require the use of the credit of the State, it would be easy to obtain the opinion of the people upon it, and their authority for it, should they approve of the measure. This appears to me to be a salutary restriction, and one which, had it been a part of our constitution, would have saved us from the extent of our present indebtedness. I can hardly doubt that, should it be proposed to the people, they would readily adopt it.

My views of the evils of an inflated and fluctuating currency, and of the vices of our banking system, were very fully communicated to the Legislature on a former occasion. These vices and evils seem to be, though slowly, and unfortunately through the sufferings of the people, working out their own cure. Most of them have, undoubtedly, been caused by a course of legislation tending to aid the few at the expense of the many, and by an abuse or evasion of the laws conferring special privileges. The aggravating cause of the failure of so many of our banking institutions has been the abuse of the power of bank officers in making extravagant loans to themselves, and swallowing up the capitals of the banks in their private speculations. The relations of borrower and lender, like those of buyer and seller, are so incompatible, that they never can be safely joined in the same persons. Their union should be effectually prohibited or properly restrained. Although the statute of 1838, chapter 196, doubtless was intended to limit the amount of loans to directors, yet many banks have entirely disregarded it. And the inspections of the Bank Commissioners do not appear to have had any influence in restraining them. From the number of failures which have occurred since the establishment of that board, and the extent of the losses which

have thereby been sustained, it would seem that the object of their creation had failed. The Legislature will, therefore, consider whether the expenses of that board may not be one item in the system of retrenchment, which we trust it is about to commence. A statute provision opening, under proper regulations, the books of the banks to the inspection of stockholders, and requiring bank officers to state in their returns the amount loaned to each director, would furnish a more effectual safeguard against excessive loans to bank officers, and a better security against losses, to the public and stockholders, than the examinations of any board of commissioners.

Upon the subject of capital punishments, and of incorporations for the transaction of private business, I ask your attention to the views heretofore presented by me. My conviction of their soundness and justness has been confirmed by reflection and observation.

The history of criminal jurisprudence shows that the mitigation of punishment does not increase crime. On the contrary, crimes are found to be most numerous where penalties are most severe. All unnecessary severity is vengeance rather than punishment. Not only benevolence and humanity, but justice and expediency, enforce the argument in favor of lenity. I therefore renew my former recommendation, that the punishment of death be abolished in all cases, unless the Legislature should deem it more wise to commence the experiment with the exception of aggravated murder. I am also of opinion that a general melioration of the criminal code would better comport with the present spirit of penal legislation, and tend to diminish, rather than increase, the commission of offences.

If joint-stock companies derive any advantage from the possession of corporate powers, equal justice requires that all partnerships, when sufficiently numerous, should be entitled to the same. A general authority to this effect, would take from corporations their character of monopoly; and if the members were made personally liable for debts, as partners now are, the exclusive privileges which they possess would be removed. I can perceive no valid reason for exempting corporators from liabilities to which they would be subject if they transacted the same business as private individuals. Wisdom and sound policy, in my opinion, recommend a general statute provision authorizing all persons who may wish to associate as a corporation for the transaction of business, to avail themselves of the powers conferred on such corporations, by recording in some suitable office their articles of association, and giving such other publicity as may be thought advisable. This would relieve the Legislature from much labor, tend to reduce the length of their sessions, and save expense to the Commonwealth. I can discover no objection to the measure. Experience is in its favor. Religious societies, proprietors of libraries, members of lycæums, proprietors of general fields, tenants in common of

lands, wharves and other real estate, when sufficiently numerous, have long possessed and exercised the right of acquiring corporate powers by their own acts, and no inconvenience has arisen from it.

To the wisdom of our patriot fathers, are we indebted for that wonderful scheme, unknown to the ancients, of a federal union of numerous independent sovereignties into one general government, combining for foreign purposes the concentration and power of a mighty empire, with all the freedom, the rights, privileges and benefits of a genuine democracy. Though composed of many parts, and capable of comprehending any extent and variety of territory, population, wealth and business, it is a beautiful and symmetrical machine. And as long as each member shall keep within its proper sphere of action, and perform its legitimate functions, the whole will move in perfect harmony.

Although there are many subjects, within the jurisdiction of the general government, now exciting a deep public interest and calling for marked animadversion, yet, on the present occasion, in the discharge of my official duty to you and the people of the Commonwealth, I have supposed that, by confining my remarks to matters within the range of our own jurisdiction, I should better serve our common constituents.

And now, in conclusion, allow me with earnestness and deep solicitude, but with great deference and respect for the more immediate representatives of the people, to counsel and urge you to a prompt dispatch of the public business, and an early termination of the session. Public laws, rather than private, local, or special acts, should command our attention. Statutes, to be useful, should be few, simple, and intelligible. There is more danger of too much, than of too little legislation.

Every change is of itself a positive evil; and should not be adopted unless overbalanced by the remedy of a serious defect, or the introduction of a material improvement. Our statutes have recently been revised with great learning and care, and it is believed require but little amendment. Let us then immediately enter upon such important subjects of general interest as may require legislative action. Diligence, assiduity, and the addition of a few hours to our daily labor, will enable us, in the shortness of our session, to set an example of retrenchment and economy. And in any measure calculated to improve our general laws, to secure the rights of the people, to protect the weak, to relieve the distressed, to promote industry, economy, education and good morals, and to increase the comforts, the happiness and the prosperity of the people of the Commonwealth, it will be my pleasure to cooperate.

MARCUS MORTON.

COUNCIL CHAMBER, *January 20, 1843.*

M E S S A G E S .

To the Senate :

In compliance with the request of the Senate, I transmit a report of the Adjutant General, containing all the information in the possession of the Executive, touching the inquiries contained in the order of the Senate of the 24th instant.

MARCUS MORTON.

Council Chamber, Jan. 26, 1843.

To the Senate :

I herewith transmit to the Honorable Senate, for the information of the two Houses, the following documents received from my predecessor :

1—A communication of the Attorney General relative to a writ of error now pending before the supreme court of the United States, involving the constitutionality of the license law of this Commonwealth.

2—The annual report of the Adjutant General, in relation to the militia.

3—The report of Joseph B. Felt, relative to the preservation of the ancient documents and papers of the Commonwealth.

4—The annual report of the agent of Charles River and Warren Bridges.

5—The annual reports of the inspectors, warden and chaplain of the State Prison.

6—The annual report of the trustees and officers of the State Lunatic Hospital.

7—The annual report of the Bank Commissioners.

8—Resolutions of the Legislature of New Hampshire, recommending a reduction of postage, and the suppression of bank notes of a less denomination than five dollars.

9—Resolutions of the Legislature of Tennessee, recommending the admission of Texas into the United States.

10—Resolutions of the Legislature of Illinois, recommending the reimbursement of a fine paid by General Andrew Jackson.

11—Resolutions of the Legislature of Vermont, relating to the franking privilege, and a reduction of postage.

12—Resolutions of the Legislature of New Jersey, relative to a revision of the Tariff.

13—Resolutions of the Legislature of Kentucky, recommending certain Amendments to the Constitution of the United States.

14—Resolutions of the Legislature of Maryland, denying the power of Congress to abolish slavery in the District of Columbia.

15—Resolutions of the Legislature of Connecticut, recommending the repeal of the Bankrupt Law; the abolition of the Military Academy at West Point; a repeal of the act distributing the proceeds of the public lands, and a modification of the tariff.

16—Resolutions of the Legislature of New York, recommending a reduction of letter postage and of the franking privilege.

17—Resolutions of the Legislature of Maine, recommending a repeal of the act distributing the proceeds of the public lands.

18—Resolutions of the Legislature of Mississippi, recommending the admission of Texas into the Union.

19—Resolutions of the Legislature of Missouri, relative to the establishment of Marine Hospitals on the western waters.

20—The annual report of the Board of Education, with the reports of their Secretary and Treasurer.

MARCUS MORTON.

Council Chamber, January 26, 1843.

To the House of Representatives :

In compliance with the request of the House of Representatives, I transmit to them a copy of all the correspondence between "the Governor or authorities of the State of Virginia," and "the Executive Department" of this Commonwealth, "touching the case of George Latimer." As there is no pending application or demand from that State for the arrest of said Latimer, or any other citizen or inhabitant of this State, I perceive no reason for withholding the correspondence or any part of it.

MARCUS MORTON.

Council Chamber, Feb. 3, 1843.

To the House of Representatives :

I herewith transmit to the Honorable House, for the information of both Houses :

1—Resolutions of the Legislature of Georgia, relative to free negroes, and to the assumption of State debts, and the doctrine of repudiation.

2—Resolutions of the Legislatures of Maine and Rhode Island, recommending the remission of the fine imposed on Gen. A. Jackson.

MARCUS MORTON.

Council Chamber, Feb. 4, 1843.

To the House of Representatives :

In compliance with the request of the Honorable House, I herewith transmit to them copies of all the "papers now on file in the executive department," "written since the year 1834, touching the recovery of citizens of Massachusetts, unlawfully imprisoned in any of the southern States."

Copies of the "Resolves relating to the Imprisonment of Citizens of this Commonwealth in other States," approved March 3d, 1842, were duly transmitted "to the governors of the several States, to be communicated to the legislatures thereof." But I do not find on the files or records of this department, any evidence that any other measures have been taken by the executive, under the power conferred by said resolves.

MARCUS MORTON.

Council Chamber, Feb. 11, 1843.

To the House of Representatives :

In compliance with the request of the Honorable House, I herewith transmit "An Account of the Sales of Massachusetts Scrip, made for the Commonwealth during the last six years."

The scrip which was created, but which has not been sold, consisted of eighty-three certificates of \$5,000 each, and amounted to \$415,000; but one certificate of \$5,000 having, as the late Treasurer informs me, been destroyed by his predecessor, the whole amount now on hand is \$410,000.

MARCUS MORTON.

Council Chamber, February 14, 1843.

To the Senate and House of Representatives :

The recent decease of the judge of the municipal court of the city of Boston, presents a favorable opportunity for a revision of the law establishing that court. Strong objections exist, in the minds of many, to a court of exclusive criminal jurisdiction. A long course of administration in such a court is supposed to have an influence upon the mind of a judge, unfavorable to a fair, impartial and humane execution of the laws. A court composed of several judges, having for their principal employment the trial of civil causes, and so constituted as to admit of an alternation of its members in holding criminal trials, would, in my opinion, give greater security to innocence, and ensure a more uniform administration of penal justice. I therefore recommend the abolition of the municipal court, and the transfer of its powers and duties to the court of common pleas.

The labors of that court are already so great that a recom-

commendation of an increase of them necessarily implies a recommendation of the increase of the number of judges.

There is no branch of the administration of justice more important than the execution of our penal laws. It should be as uniform and certain as human infirmity will permit. Much depends upon the institution of criminal suits. The prosecuting officers have, necessarily, a wide and important discretion; and the safety of the citizen, and the quiet of the community, rest in a degree upon the proper exercise of this discretion, as does the due execution of the laws upon the capacity and energy of the officer. The vesting of the powers in local officers, tends to produce a diversity of practice in the different districts of the Commonwealth. The administration of penal laws should not only be discreet, just and humane, but uniform in all parts of the State. All these objects might, in my opinion, be promoted by the creation of officers who should, by interchanges, attend all the courts of criminal jurisdiction. There are now six officers, the duties of whom, with the exception of the attorney general, confine them mostly within the districts in which they reside. Again, the duties of these officers, from the compensation which they receive, and the labors which they perform, can hold but a secondary place in their care and attention. I am, therefore, of opinion that the duties of these six officers might be performed by three, and that, inasmuch as the time and attention of the three must be given exclusively to their official charge, and would not be likely to be diverted by private pursuits, or other professional emolument, they would be better performed than they can be under the present system. Moreover, it is obvious that, although the salaries of each of the three officers must be higher than the salaries established by law for the present officers, yet, in the aggregate, a saving of several thousand dollars might be made. I therefore recommend the substitution of one attorney general, and two solicitors general, for the present attorney general and the other five prosecuting officers.

Having now frankly expressed my opinion, according to my views of my duty, I cheerfully submit to the wisdom of the Legislature, to determine whether they prefer the scheme I have proposed to the system as now organized.

I avail myself of the present occasion, to bring to the notice of the Legislature another and different subject.—The property placed by law in the custody of the adjutant general is of very great value. Perhaps the amount is very little, if any, less than that in the hands of the treasurer of the Commonwealth. The State has no security but the personal responsibility of the officer. Recent experience has shown that the public property does not, always, remain where the law has placed it. The adjutant general, from mistaken notions of duty, or in defiance of law and duty, might remove the property from the public arsenals; and, should it be injured, or destroyed, or converted

to private use, the Commonwealth can only seek redress from the individual holding the office. I cannot perceive why the treasurer has not as much power to loan, or otherwise abstract the money in the treasury, as the adjutant general has the arms, or other property, in his custody. Both would be equally in violation of law; and if there be a difference, the breach of trust would seem to be greater in the latter than the former, inasmuch as the treasurer gives bonds to the Commonwealth, while the adjutant general gives no security. A court-martial would furnish but a dilatory and imperfect remedy. The power of removal by address of the two branches of the Legislature, would avail nothing as a preventive. There ought to be lodged, in some department, the power to act more promptly, should necessity require. I am, therefore, of opinion, that, to prevent a violation of duty on the part of this officer, and to secure the public property in his hands, the Commander-in-chief ought not only to have authority to remove him, but the officer himself ought to be required to give bonds to the Commonwealth.

MARCUS MORTON.

Council Chamber, Feb. 23, 1843.

To the Senate and House of Representatives :

The two Houses are respectfully informed, that Major General Gardiner Dickenson, of the third division of the militia, has tendered his resignation, and been honorably discharged; and that the office of Major General of that Division is now vacant.

MARCUS MORTON.

Council Chamber, Feb. 23, 1843.

To the Senate :

In compliance with the request of the honorable Senate, I herewith transmit a report of "the commissioners appointed to reduce the law on crimes and punishments to a systematic code," made in answer to my request to them, to inform me of the progress and state of the work, and of "the whole expense to the present time, and the probable expense of completing the work." This report contains all the information in my possession tending to show how far the commissioners "have proceeded in their duty." The resolve of the Legislature creating this board, remaining in force, I am not aware that any further "legislative action is required by the public interest in regard to said commission," or "in relation to the matters committed to said commissioners," unless the Legislature shall deem it expedient to reduce the number of the commissioners.

MARCUS MORTON.

Council Chamber, March 3, 1843.

LIST
OF THE
CIVIL GOVERNMENT
OF THE
Commonwealth of Massachusetts,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR, 1843.

HIS EXCELLENCY
MARCUS MORTON,
GOVERNOR.

HIS HONOR
HENRY H. CHILDS,
LIEUTENANT-GOVERNOR.

COUNCIL.
JEDEDIAH MARCY,
CHARLES HOWARD,
SAMUEL GATES,
HENRY CROCKER,
JOSHUA COLBY,
CHARLES THOMPSON,
BENJAMIN F. HALLETT,
BENJAMIN V. FRENCH,
RODNEY FRENCH.

JOHN A. BOLLES,
Secretary of the Commonwealth.

William Tufts, 1st Clerk.

Charles W. Lovett, 2d Clerk

JOHN MILLS,

Treasurer and Receiver General of the Commonwealth.

Joseph Foster, 1st Clerk.

David Wilder, Jr. 2d Clerk.

SENATE.

FREDERICK ROBINSON,
PRESIDENT.

SUFFOLK DISTRICT.

Francis C. Gray,	Nathaniel Hammond,
Josiah Quincy, Jr.,	Samuel A. Eliot.
Jeffrey Richardson,	

ESSEX DISTRICT.

George Savary,	Asa Pingree,
Benjamin F. Browne,	Stephen Hsley.
George Hood,	

MIDDLESEX DISTRICT.

James Fuller,	Thomas J. Greenwood,
Frederick Robinson,	Jonathan Hartwell,
Josiah G. Abbott,	Francis R. Gourgas.

WORCESTER DISTRICT.

Benjamin Estabrook,	John Spurr,
Solomon Strong,	Arial Bragg.
Isaac Davis,	

HAMPSHIRE DISTRICT.

Edward Dickinson,	Samuel Williston.
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FRANKLIN DISTRICT.

Joseph Griswold,	Samuel Giles.
------------------	---------------

HAMPDEN DISTRICT.

Asa Lincoln.	Reuben Champion.
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BERKSHIRE DISTRICT.

Thomas F. Plunkett, Ira Curtis.

NORFOLK DISTRICT.

Appleton Howe, Isaac H. Wright.
Artemas Brown,

PLYMOUTH DISTRICT.

Jesse Perkins, Eliab Ward.

BRISTOL DISTRICT.

Sampson Perkins, Phineas W. Leland.
Johnson Gardner,

BARNSTABLE DISTRICT.

Solomon Davis, John B. Dillingham.

NANTUCKET AND DUKES CO. DISTRICT.

George B. Upton.



LEWIS JOSSELYN, *Clerk.*

W. P. GREGG, *Assistant Clerk.*

REV. WILLIAM M. ROGERS, *Chaplain.*

MILTON HALL, *Doorkeeper.*

EDWIN HILLS, *Assistant Messenger.*

TILSON FULLER, *Page.*

HOUSE OF REPRESENTATIVES.

DANIEL P. KING,

SPEAKER.

COUNTY OF SUFFOLK.

Boston,

Charles F. Adams,
George T. Bigelow,
James Blake,
Luther Blodget,
Edward Brooks,
William Dillaway,
Edmund Dwight,
William B. Fowle,
Daniel L. Gibbens,
John C. Gray,
Samuel Greele,
Henry B. C. Greene,
Samuel F. Holbrook,
Samuel G. Howe,
Willis Howes,
Benson Leavitt,
Ezra Lincoln,
Abraham T. Lowe,
James McAllaster,
James Means,
Hugh Montgomery,
John G. Palfrey,
Ezra Palmer,
Julius A. Palmer,
John C. Park,
William W. Parrott,
Samuel Pettes,
Jonathan Preston,
J. Thomas Stevenson,

<i>Boston,</i>	Jonathan Thaxter, Thomas Tolman, Samuel Wales, Jr. Alfred A. Wellington. Joel Wheeler, James S. Wiggin.
<i>Chelsea.</i>	Hosea Ilsley.

COUNTY OF ESSEX.

<i>Amesbury,</i>	Philip Osgood,
<i>Andover,</i>	Amos Abbott,
<i>Beverly,</i>	
<i>Boxford,</i>	Benjamin Peabody,
<i>Bradford,</i>	
<i>Danvers,</i>	Daniel P. King, Samuel Preston, John Prince, Ira Stickney, Simeon Burnham, Elbridge Day, Henry Saunders,
<i>Essex,</i>	
<i>Georgetown,</i>	
<i>Gloucester,</i>	
<i>Hamilton,</i>	
<i>Haverhill,</i>	
<i>Ipswich,</i>	
<i>Lynn,</i>	Samuel Brimblecom, Cyrus Houghton, Caleb M. Long, James M. Buckman, Joshua Hewes, Ebenezer Tappan, Jr., Benjamin Lindsey, Elias H. Ramsdell,
<i>Lynnfield,</i>	
<i>Manchester,</i>	
<i>Marblehead,</i>	
<i>Methuen,</i>	
<i>Middleton,</i>	
<i>Newbury,</i>	
<i>Newburyport,</i>	John M. Cooper, Edward Toppan, Jr. Nathaniel Foster, Thomas O. Marshall,
<i>Rockport,</i>	

Rowley,
Salem,

Salisbury,
Saugus,
Topsfield,
Wenham,
West Newbury,

Luther Moody,
John Chapman,
George Wheatland,
Nath'l B. Mansfield,
Charles A. Andrew,
Israel Ward, Jr.
Benj. P. Chamberlain.
Aaron Morrill,
Benjamin F. Newhall,
Cyrus Cummings,
Joseph Cook.

COUNTY OF MIDDLESEX.

Acton,
Ashby,
Bedford,
Billerica,
Boxborough,
Brighton,
Burlington,
Cambridge.

Carlisle,
Charlestown,

Chelmsford,
Concord,
Dracut,
Dunstable,
Framingham,
Groton,
Holliston,
Hopkinton,
Lexington,
Lincoln.

Phineas Harrington,
Asa Walker, Jr.
John P. Read,
John Eames,
Jasper Stone,
Henry H. Larnard,
Abner Shed,
Sidney Willard,
James D. Greene,
Sylvanus Plympton,
Thomas Green,
Joshua Baldwin,
William Sawyer,
John Sanborn,
Seth J. Thomas,
Paul Kittredge,
Anthony Wright,
Fisher A. Hildreth.
Henry Parkhurst,
Adam Hemenway,
George S. Boutwell,
Alden Leland,
Marshall Whitney,
Benjamin Muzzey,

<i>Littleton,</i>	James T. Hardy,
<i>Lowell.</i>	Abraham Howe,
	Roswell Douglas,
	Daniel S. Richardsou.
	Henry Smith,
	James Tower,
	Jonathan Tyler,
	Samuel Lawrence,
<i>Malden,</i>	Benjamin G. Hill,
<i>Marlborough,</i>	Abel Rice,
<i>Medford,</i>	Alexander Gregg,
<i>Natick,</i>	John Travis,
<i>Newton,</i>	
<i>Pepperell,</i>	John P. Tarbell,
<i>Reading,</i>	
<i>Sherburne,</i>	
<i>Shirley,</i>	Augustus G. Parker,
<i>Somerville,</i>	Caleb W. Leland,
<i>S. Reading,</i>	Jacob Tufts,
<i>Stoneham,</i>	Samuel J. Bryant,
<i>Stow,</i>	Winthrop Robinson,
<i>Sudbury,</i>	James Moore,
<i>Tewksbury,</i>	Caleb Livingston,
<i>Townsend,</i>	Henry Sceva,
<i>Tyngsborough,</i>	
<i>Waltham,</i>	John M. Peck,
<i>Watertown,</i>	Jesse Wheeler,
<i>Wayland,</i>	William C. Grout,
<i>W. Cambridge,</i>	James Russell,
<i>Westford,</i>	William Chandler,
<i>Weston,</i>	Samuel H. F. Bingham.
<i>Wilmington,</i>	James Gowing,
<i>Woburn,</i>	Nathaniel A. Richardson.

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	Charles Barrett,
<i>Athol,</i>	Theodore Jones,
<i>Auburn,</i>	Hervey Bancroft,

<i>Barre,</i>	James Holland,
<i>Berlin,</i>	
<i>Bolton,</i>	Noah Warner,
<i>Boylston,</i>	John T. Cotton,
<i>Brookfield,</i>	Francis Howe,
<i>Charlton,</i>	William B. Boomer.
<i>Dana,</i>	
<i>Douglas,</i>	Moses Balcom,
<i>Dudley,</i>	
<i>Fitchburg,</i>	Alvah Crocker,
<i>Gardner,</i>	Joseph Wright,
<i>Grafton,</i>	Otis Converse,
<i>Hardwick,</i>	Stephen W. Paige,
<i>Harvard,</i>	Ellis Harlow,
<i>Holden,</i>	William Flagg,
<i>Hubbardston,</i>	Silvanus Dunton,
<i>Lancaster,</i>	John M. Washburn,
<i>Leicester,</i>	John Sargent,
<i>Leominster,</i>	Leonard Burrage,
<i>Lunenburg,</i>	Sewall Boutwell,
<i>Mendon,</i>	Thomas Taft,
<i>Milford,</i>	Elmer Cobb,
<i>Millbury,</i>	Thomas H. Wetherbee,
<i>New Braintree,</i>	Hollis Tidd,
<i>Northborough,</i>	Cyrus Gale,
<i>Northbridge,</i>	Moses Dyer,
<i>N. Brookfield,</i>	
<i>Oakham,</i>	Horace P. Wakefield,
<i>Oxford,</i>	Israel Sibley,
<i>Paxton,</i>	Gaius Conant,
<i>Petersham,</i>	Seth Hapgood,
<i>Phillipston,</i>	Jason Goulding,
<i>Princeton,</i>	Ebenezer Parker,
<i>Royalston,</i>	Hiram W. Albee,
<i>Rulland,</i>	
<i>Shrewsbury,</i>	
<i>Southborough,</i>	Dexter Fay,
<i>Southbridge,</i>	Luther Travis,
<i>Spencer,</i>	Jabez Green,
<i>Sterling,</i>	Manasseh Houghton.

<i>Sturbridge,</i>	Benjamin D. Hyde,
<i>Sutton,</i>	Zelek Darling, Jr.
<i>Templeton,</i>	Charles T. Fisher,
<i>Upton,</i>	William Legg,
<i>Uxbridge,</i>	Chandler Taft,
<i>Warren,</i>	Daniel A. Hathaway,
<i>Webster,</i>	Joseph Ireson,
<i>Westborough,</i>	Nathaniel E. Fisher,
<i>West Boylston,</i>	Samuel Brown,
<i>Westminster,</i>	Edward Bacon,
<i>Winchendon,</i>	Henry Greenwood,
<i>Worcester,</i>	Thomas Kinnicutt,
	Nathaniel Brooks,
	Fitzroy Willard.

COUNTY OF HAMPSHIRE.

<i>Amherst,</i>	Ezra Ingram,
<i>Belchertown,</i>	
<i>Chesterfield,</i>	
<i>Cummington,</i>	Royal L. Packard,
<i>Easthampton,</i>	E. W. Hannum,
<i>Enfield,</i>	Ephraim Richards,
<i>Goshen,</i>	Benjamin White,
<i>Granby,</i>	Eli Moody,
<i>Greenwich,</i>	Ira Haskell,
<i>Hadley,</i>	Samuel Nash,
<i>Hatfield,</i>	Joseph Smith,
<i>Middlefield,</i>	Alexander Ingham,
<i>Northampton,</i>	Benjamin Barrett,
	Milo J. Smith,
<i>Norwich,</i>	
<i>Pelham,</i>	James Thursten,
<i>Plainfield,</i>	
<i>Prescott,</i>	Barry W. Aldrich,
<i>South Hadley,</i>	Simeon Nash,
<i>Southampton,</i>	
<i>Ware,</i>	Horace Goodrich,
<i>Westhampton,</i>	
<i>Williamsburg,</i>	
<i>Worthington,</i>	Ames Burr.

COUNTY OF HAMPDEN.

<i>Blandford,</i>	Edwin Ely,
<i>Brimfield,</i>	Augustus Wheeler,
<i>Chester,</i>	Nored Elder,
<i>Granville,</i>	William C. Dunham,
<i>Holland,</i>	
<i>Longmeadow,</i>	Ethan Taylor,
<i>Ludlow,</i>	Dennis Knowlton,
<i>Monson,</i>	William Puffer,
<i>Montgomery,</i>	Charles C. Bell,
<i>Palmer,</i>	Abel Calkins,
<i>Russell,</i>	Daniel Frye,
<i>Southwick,</i>	Elisha Booth,
<i>Springfield,</i>	
<i>Tolland,</i>	Aurelius Fowler,
<i>Wales,</i>	James Foskit,
<i>Westfield,</i>	Norman T. Leonard,
	Dennis Hedge,
<i>W. Springfield,</i>	Aaron Bagg,
	Lucien M. Ufford,
<i>Wilbraham,</i>	John Carpenter.

COUNTY OF FRANKLIN.

<i>Ashfield,</i>	Henry W. Cushman,
<i>Bernardston,</i>	Ira Arms,
<i>Buckland,</i>	Stephen Bates,
<i>Charlemont,</i>	Amos Stewart,
<i>Coleraine,</i>	
<i>Conway,</i>	Calvin Priest, Jr.
<i>Deerfield,</i>	Dorus Bascomb,
<i>Erving,</i>	Lucius Nims,
<i>Gill,</i>	George Lathrop,
<i>Greenfield,</i>	Ephraim Hastings,
<i>Hawley,</i>	Ransom Adams,
<i>Heath,</i>	
<i>Leverett,</i>	Thomas Hines,
<i>Leyden,</i>	Martin H. Clapp,
<i>Monroe,</i>	
<i>Montague,</i>	

*New Salem,
Northfield,
Orange,
Rowe,
Shelburne,
Shutesbury,
Sunderland,
Warwick,
Wendell,
Whately,*

Abner Smith,
Samuel C. Allen,
Salmon Howard,
Samuel H. Reed,
Jacob P. Kellogg,
Alvah Haskins,
Horace W. Taft,
William E. Russell,
Moses Stone,
Thomas Nash, Jr.

COUNTY OF BERKSHIRE.

*Adams,

Alford,
Becket,
Cheshire,
Clarksburg,
Dalton,
Egremont,
Florida,
Great Barrington,
Hancock,
Hinsdale,
Lanesborough,
Lee,
Lenox,
Mount Washington,
New Ashford,
New Marlborough,
Otis,
Peru,
Pittsfield,

Richmond,
Sandisfield,
Savoy,
Sheffield,
Stockbridge,
Tyringham,*

William Jenks,
Edmund Badger,
Ezra C. Tickner,
Isaac S. Wadsworth,
Warner Farnum,

Grove W. Branch,
Philo Joyner,
Israel Whitcomb,
Edward P. Woodworth,

Daniel Eames,
John Young,
Isaac Ball,

James Hyde,
Lyman J. Strickland,

Ensign H. Kellogg,
Griffin Chamberlin,
Eli Richmond,
Henry Abbey,
John B. Cudworth,
Heman McIntyre,
Marshall Warner,
John W. Sweet,

HOUSE OF REPRESENTATIVES.

Washington,
West Stockbridge,
Williamstown,
Windsor,

Elisha A. Wells,
 Sylvester Spencer,
 William Torrey,
 Clark Prince.

COUNTY OF NORFOLK.

Bellingham,
Braintree,
Brookline,
Canton,
Cohasset,
Dedham,
Dorchester,

Jeremiah Crooks.
 Alva Morrison,
 Thomas Kendall,
 John Endicott,
 Martin Lincoln,
 Merrill D. Ellis,
 Nathaniel Ford,
 Samuel P. Loud,

Dover,
Foxborough,
Franklin,
Medfield,
Medway,
Milton,
Needham,
Quincy,
Randolph,
Roxbury,

Francis Dane,
 Saul B. Scott,
 Johnson Mason,
 Joel Hunt,
 Charles Breck,
 George Smith,
 John Gregory,
 Erastus Wales,
 Sam'l H. Walley, Jr.
 Joseph W. Tucker,
 Samuel Jackson,
 Erastus Richards,
 Enos Talbot,
 Oliver W. Allen,
 Lemuel Torrey,
 Charles Pratt,
 Samuel Warner, Jr.

Sharon,
Stoughton.
Walpole,
Weymouth,

Wrentham,

COUNTY OF BRISTOL.

Attleborough,

Berkley.

Daniel Wilmarth.
 Calvin Richards,
 Nath'l Townsend,

<i>Dartmouth.</i>	Wanton Howland, Thomas K. Wilbur,
<i>Dighton,</i>	Joseph Pitts,
<i>Easton,</i>	Lewis Williams,
<i>Fairhaven,</i>	Jones Robinson, Elbridge G. Mortou,
<i>Fall River,</i>	Jonathan Slade, William A. Waite, William V. Read,
<i>Freetown,</i>	Joseph B. Weaver,
<i>Mansfield,</i>	Elijah Hodges,
<i>New Bedford,</i>	H. G. O. Colby, Ephraim Kempton, Benjamin S. Rotch, Calvin Staples, Henry Taber, John Crane,
<i>Norton,</i>	Wellington Kent,
<i>Pawtucket,</i>	Abisha Lincoln,
<i>Raynham,</i>	Childs Luther,
<i>Rehoboth,</i>	Seth Whitmarsh,
<i>Seekonk,</i>	Daniel Wilbour, Jr.
<i>Somerset,</i>	Stephen Buffington,
<i>Swansey,</i>	Allen Presbury, Stephen L. White, William Haskins,
<i>Taunton,</i>	Gamaliel Church.
<i>Westport,</i>	

COUNTY OF PLYMOUTH.

<i>Abington,</i>	
<i>Bridgewater,</i>	Ebenezer Gay,
<i>Carver,</i>	John Savery,
<i>Duxbury,</i>	
<i>E. Bridgewater,</i>	
<i>Halifax,</i>	Eph. B. Thompson,
<i>Hanover,</i>	Owen Josselyn,
<i>Hanson,</i>	Barak Osborn,
<i>Hingham.</i>	James S. Lewis,

<i>Hull,</i>	Moses B. Tower,
<i>Kingston,</i>	Uriah Bartlett,
<i>Marshfield,</i>	Edward P. Little,
<i>Middleborough,</i>	Morrill Robinson,
	William Shurtleff, 2d,
<i>N. Bridgewater,</i>	Benjamin Kingman,
<i>Pembroke,</i>	Charles Hitchcock,
<i>Plymouth,</i>	Thomas B. Sherman,
	Benjamin Bagnall,
<i>Plympton,</i>	Lewis Bradford,
<i>Rochester,</i>	Silas B. Allen,
	Loring Meigs,
<i>Scituate,</i>	Ebenezer T. Fogg,
	Thomas Vinal,
<i>Wareham,</i>	Stephen C. Burgess,
<i>W. Bridgewater,</i>	John Richards.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	Josiah Hinckley,
	Job Handy,
<i>Brewster,</i>	Solomon Freeman,
<i>Chatham,</i>	Ephraim Taylor,
<i>Dennis,</i>	Alexander Howes,
<i>Eastham,</i>	Benj. H. A. Collins,
<i>Falmouth,</i>	Ebenezer Nye,
<i>Harwich,</i>	Loring Moody,
<i>Orleans,</i>	Seth Higgins,
<i>Provincetown,</i>	Stephen A. Paine,
<i>Sandwich,</i>	
<i>Truro,</i>	John Kenney, Jr.
<i>Wellfleet,</i>	Isaac Paine,
<i>Yarmouth,</i>	Joseph Hale.

DUKES COUNTY.

<i>Chilmark,</i>	Herman Vincent,
<i>Edgartown,</i>	
<i>Tisbury,</i>	Alfred Norton.

COUNTY OF NANTUCKET.

Nantucket,

David Baker,
 Obed Barney,
 Hiram B. Dennis,
 George G. Folger.

LUTHER S. CUSHING, *Clerk.*

REV. EDWARD N. KIRK,
 " FREDERIC D. HUNTINGTON, } *Chaplains.*

BENJAMIN STEVENS, *Sergeant-at-Arms to the General Court.*

WILLIAM MANNING, *Messenger to Governor and Council.*

EDMUND S. BRIGHAM, *Watchman to State House.*

ELIJAH W. CUTTING,
 DAVID MURPHY,
 ALEXIS POOL, } *Doorkeepers to House of Represent's.*

TIMOTHY HAYES, *Page to House of Representatives.*

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, APRIL 18, 1843.

I HEREBY CERTIFY, that I have compared the printed copies of the Acts, Resolves, &c. contained in this pamphlet, with the original documents, and find the same to be correct.

JOHN A. BOLLES,

Secretary of the Commonwealth.

ACTS

AND

RESOLVES

PASSED BY THE

Legislature of Massachusetts,

IN THE YEAR

1844:

TOGETHER WITH THE ROLLS AND MESSAGES.



PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH.



Boston:

DUTTON AND WENTWORTH, PRINTERS TO THE STATE.

.....

1844.

☞ The Legislature of 1844 assembled in the State House, in Boston, on Wednesday, the third day of January, and was prorogued on Saturday, the sixteenth day of March.

The oaths of office were administered to His Excellency, GEORGE N. BRIGGS, on the ninth day of January.

GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS.

1844.

An Act to change the name of A. Macon Bolling.

Chap. 1.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. A. Macon Bolling, of the city of Boston, in the County of Suffolk, may take the name of Macon Bolling Allen, and shall be hereafter known and called by that name, as his only proper and legal name, to all intents and purposes.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, Jan. 20, 1844.]

When to take effect.

An Act to incorporate the Nelson Mills.

Chap. 2.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Joseph White, John A. Smith and Nelson D. White, and their associates and successors, are hereby made a corporation by the name of the Nelson Mills, for the purpose of manufacturing cotton goods in the town of Winchendon and the County of Worcester, and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars and personal estate for a like amount. The whole capital stock of said corporation shall not exceed one hundred thousand dollars. [Approved by the Governor, Feb. 2, 1844.]

Estate.

Chap. 3.

An Act to incorporate the Wheaton Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECT. 1. Albert Barrows, Samuel B. King, Laban A. Wheaton, their associates and successors, are hereby made a corporation, by the name of the Wheaton Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, in the town of Norton in the County of Bristol, and for this purpose shall have all the powers and privileges, and be subject to all the liabilities, requirements and duties, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SECT. 2. The said corporation may hold for the purpose aforesaid, real estate to the amount of twenty thousand dollars, and personal estate to the amount of thirty thousand dollars, and the whole capital stock of said company shall not exceed the amount of fifty thousand dollars. [*Approved by the Governor, Feb. 3, 1844.*]

Chap. 4.

An Act conferring additional powers on the Old Colony Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May take fire
risks.

The Old Colony Insurance Company, incorporated in the year one thousand eight hundred and thirty-five, are hereby authorized and empowered to make insurance against losses by fire, in addition to the powers heretofore granted to said company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-fifth and one hundred seventy-eighth chapters of the acts of the year one thousand eight hundred and thirty-eight. [*Approved by the Governor, Feb. 3, 1844.*]

Chap. 5.

An Act to continue in force an Act to incorporate the Oriental Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Extended
twenty years.

The act of the year one thousand eight hundred and twenty-four, incorporating the Oriental Insurance Company, shall be and remain in force for the term of twenty years from the twelfth day of June, in the year one thousand eight hundred and forty-four; and the said corporation shall be continued through that term, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-

fifth and one hundred seventy-eighth chapters of the acts of the year one thousand eight hundred and thirty-eight. [Approved by the Governor, Feb. 3, 1844.]

An Act making appropriation of the moneys paid to Massachusetts under the provisions of the Treaty of Washington, and for the proceeds of the sales of the public lands.

Chap. 6.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The treasurer and receiver general of this Commonwealth is hereby authorized and directed, to apply seventy-five thousand dollars of the moneys now in the treasury, received under the provisions of the Treaty of Washington, according to the provisions of the fourth section of the one hundred and seventy-second chapter of the statutes of the year one thousand eight hundred and thirty-seven, creating a sinking fund for the payment of the Commonwealth's subscription to the stock of the Western Railroad, and the eightieth chapter of the statutes of the year one thousand eight hundred and forty-two, authorizing the treasurer to purchase the scrip of the state, issued for the payment of such subscription; and he is hereby further directed to apply seventy-five thousand dollars, according to the provisions of the thirteenth section of the eleventh chapter of the Revised Statutes, appropriating one half of the proceeds of the sales of public lands to the Massachusetts School Fund.

\$75,000 to be applied to the sinking fund of the Western Rail-road—

—and \$75,000 to the Massachusetts School Fund.

SECT. 2. The treasurer is hereby authorized and directed to apply the sum of thirty-one hundred and seventy-seven dollars and forty-three cents, being moneys received as the balance of the proceeds of the sales of the public lands, and now on deposit, in discharge of the ordinary demands upon the treasury.

\$3177 43-100 to be applied to the ordinary purposes of the treasury.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 5, 1844.]

When to take effect.

An Act to continue in force an Act to incorporate the United States Insurance Company.

Chap. 7.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act of the year one thousand eight hundred and twenty-five, incorporating the United States Insurance Company, shall be and remain in force for the term of twenty years from the twenty-sixth day of February, in the year one thousand eight hundred and forty-five; and the said corporation shall be continued through that term, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and

Extended twenty years.

forty-fourth chapters of the Revised Statutes, and in the thirty-fifth and one hundred seventy-eighth chapters of the acts of the year one thousand eight hundred and thirty-eight. [*Approved by the Governor, Feb. 5, 1844.*]

Chap. 8.

An Act in addition to an Act to incorporate the Worcester Branch Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for completion of road extended one year.

The further period of one year beyond the time mentioned in the act to which this in addition, is hereby granted to said company for completing their rail-road. [*Approved by the Governor, Feb. 5, 1844.*]

Chap. 9.

An Act relating to Masters in Chancery.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Repeal of provisions for the qualification of masters in chancery.

SECT. 1. The thirty-second section of chapter eighty-eight in the Revised Statutes, requiring masters in chancery to be sworn by the supreme judicial court or the court of common pleas, or by any justice of either of said courts in vacation, is hereby repealed.

Masters to be qualified like other officers appointed by the governor and council.

SECT. 2. Masters in chancery, before entering upon the discharge of the duties of their office, shall take and subscribe the oaths or affirmations required by the constitution and laws to be taken and subscribed by persons appointed or commissioned by the governor with the advice and consent of the council, and such oaths or affirmations shall be taken and subscribed by masters in chancery before such officers or persons as already provided in and by the constitution and laws of this Commonwealth. [*Approved by the Governor, Feb. 5, 1844.*]

Chap. 10.

An Act in addition to an Act entitled "An Act to incorporate the Proprietors of Sargent's Wharf, in Boston."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May purchase real estate—

SECT. 1. The proprietors of Sargent's Wharf, a corporation established by law, be, and they are hereby, authorized and empowered to employ so much of their capital, as they may see fit, in the purchase of real estate adjoining their original limits, as set forth in their act of incorporation, passed A. D. 1836.

—and have the same powers in relation thereto

SECT. 2. The said proprietors shall have all the powers in relation to such additional real estate, which by their act of incorporation they now have, in relation to the land

within the original limits set forth in said act. [*Approved by the Governor, Feb. 5, 1844.*] as to real estate now held.

An Act to increase the capital stock of the Dwight Manufacturing Company.

Chap. 11.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Dwight Manufacturing Company are hereby authorized to increase their capital stock, by the creation of such number of shares not exceeding three hundred, of one thousand dollars each, as the said corporation may require for the convenient management of their business. [*Approved by the Governor, Feb. 5, 1844.*]

Capital stock to be increased by not more than 300 shares of \$1000 each.

An Act to incorporate the Old Colony Iron Company.

Chap. 12.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William A. Crocker, Samuel L. Crocker, George A. Crocker, William Thomas, their associates and successors, are hereby made a corporation, by the name of the Old Colony Iron Company, for the purpose of making and manufacturing iron in all its branches, in the towns of Taunton and Raynham in the County of Bristol; and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

To make and manufacture iron in Taunton and Raynham.

SECT. 2. Said company may hold for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars, and the whole capital stock of said company shall not exceed the amount of two hundred and fifty thousand dollars. [*Approved by the Governor, Feb. 5, 1844.*]

May hold real estate not to exceed \$75,000, and the capital stock not to exceed \$250,000.

An Act to incorporate the Essex Mechanics' Mutual Fire Insurance Company, in Salem.

Chap. 13.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

James Kimball, Samuel D. Tilton and Daniel Potter, their associates and successors, are hereby made a corporation, by the name of the Essex Mechanics' Mutual Fire Insurance Company, in Salem, in the County of Essex, for the term of twenty-eight years, for the purpose of insuring buildings, stock in trade, and all other kinds of personal property; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, Feb. 5, 1844.*]

Persons incorporated.

For 28 years.

To insure buildings and personal property.

Chap. 14.

An Act to change the name of the Massachusetts Missionary Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To take the name of the Massachusetts Home Missionary Society.

SECT. 1. The Massachusetts Missionary Society shall be hereafter known and called by the name of the Massachusetts Home Missionary Society, anything in the act incorporating the same to the contrary notwithstanding.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 5, 1844.*]

Chap. 15.

An Act to authorize a Fire Department, in the town of Waltham.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The selectmen of the town of Waltham are hereby authorized to establish a fire department in said town, in the manner, and according to the provisions, prescribed in an act to regulate fire departments, passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine; and said fire department, when so established, and the several members thereof, and all the officers and companies appointed by them, and the said town of Waltham, and the inhabitants thereof, shall be subject to all the duties and liabilities, and be entitled to all the privileges and exemptions, specified in said act, so far as the same relates to them respectively. [*Approved by the Governor, Feb. 5, 1844.*]

Chap. 16.

An Act to incorporate the Essex Steam Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. James Read, George Gardner, Edmund L. Le Breton, their associates and successors, are hereby made a corporation by the name of the Essex Steam Mills, for the purpose of manufacturing cotton goods in the town of Newburyport, in the County of Essex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To manufacture cotton goods in Newburyport.

Real estate not to exceed \$25,000, and capital stock \$100,000.

SECT. 2. Said corporation may hold for the purposes aforesaid, real estate to the amount of twenty-five thousand dollars; and the whole capital stock of said company shall not exceed the sum of one hundred thousand dollars. [*Approved by the Governor, Feb. 5, 1844.*]

An Act to establish a Fire Department in the town of Dorchester.

Chap. 17.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

A Fire Department is hereby established in the town of Dorchester, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled "an act to regulate fire departments, passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine." [Approved by the Governor, Feb. 5, 1844.]

An Act in addition to an Act to incorporate the President, Directors, and Company of the Washington Bank in Boston.

Chap. 18.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

That so much of the third section of said act as restricts the place of business of said bank to any particular part of Boston, be, and the same is hereby repealed. [Approved by the Governor, Feb. 5, 1844.]

May have its banking house in any part of Boston.

An Act in addition to an Act to incorporate the Massachusetts Horticultural Society.

Chap. 19.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Massachusetts Horticultural Society are hereby authorized to purchase and hold real estate to the amount of fifty thousand dollars.

May hold real estate not exceeding \$50,000.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 5, 1844.]

When to take effect.

An Act to incorporate the Lancaster Mills.

Chap. 20.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. E. B. Bigelow, Stephen Fairbanks, Henry Timmins, their associates and successors, are hereby made a manufacturing corporation, by the name of the Lancaster Mills, for the purpose of manufacturing cotton and other goods, in the town of Lancaster, in the county of Worcester, and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

To manufacture cotton and other goods in Lancaster.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred and fifty thousand dollars, and personal estate to the amount of

May hold real estate, not exceeding \$150,000, personal

estate \$350,000, and whole capital stock \$500,000.]

three hundred and fifty thousand dollars, and the whole capital stock of said corporation shall not exceed five hundred thousand dollars. [*Approved by the Governor, Feb. 5, 1844.*]

Chap. 21.

An Act to incorporate the Prescott Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. Nathan Appleton, William Sturgis, and Patrick T. Jackson, and their associates and successors, are hereby made a corporation, by the name of the Prescott Manufacturing Company, for the purpose of manufacturing cotton twist and cloth, in the city of Lowell, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To manufacture cotton twist and cloth in Lowell.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate, to the amount of two hundred thousand dollars, and the whole capital stock of the said corporation shall not exceed the amount of eight hundred thousand dollars. [*Approved by the Governor, Feb. 5, 1844.*]

Real estate not to exceed \$200,000, and capital stock \$800,000.

Chap. 22.

An Act to incorporate the Relief Steamboat Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Person incorporated.

SECT. 1. Robert B. Forbes, and his associates, are hereby made a corporation, by the name of the Relief Steamboat Company, with power to build, purchase, hold and convey, hire and employ, one or more steamboats, with such apparatus and appendages, as may be deemed requisite for the purpose of keeping the harbor of Boston clear of ice; for towing vessels from place to place; for assisting vessels in distress; and for attending to the interests and requirements of the mercantile community, within the waters of New England, on such terms and conditions as the parties may agree.

To build, &c., one or more steamboats.

To clear Boston harbor of ice.

To tow vessels in distress, &c.

Insurance companies may invest therein not exceeding two per cent. on their capitals.

SECT. 2. Any insurance company, now incorporated, or which may hereafter be incorporated, may invest so much of their capital stock, or of their surplus capital not exceeding two per cent. on the amount of their capitals respectively, as they may deem expedient, in stock of the Relief Steamboat Company.

Capital stock not to exceed \$100,000 in shares of \$100.

SECT. 3. The capital stock of the said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each, and for the purposes above recited, this corporation shall have all the

powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and this act shall continue in force for the term of twenty years. [Approved by the Governor, Feb. 12, 1844.]

For twenty years.

An Act to incorporate the Salem Insurance Company.

Chap. 23.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Gilbert G. Newhall, David Pingree, and Joseph S. Cabot, their associates and successors, are hereby made a corporation, by the name of the Salem Insurance Company, for the term of twenty years, for the purpose of insuring against maritime losses, and losses by fire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-fifth and one hundred seventy-eighth chapters of the acts of the year one thousand eight hundred and thirty-eight.

Persons incorporated.

For twenty years.

To insure fire and marine risks.

SECT. 2. Said corporation may hold any estate, real or personal, for the use of said company, provided that the real estate shall not exceed ten thousand dollars, except such as may be taken for debt, or held as collateral security for money due said company.

Real estate not to exceed \$10,000, except, &c.

SECT. 3. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, and under such penalties, as the president and directors of said company shall order and appoint. [Approved by the Governor, Feb. 14, 1844.]

Capital stock \$100,000, in shares of \$100, paid in instalments, under penalties to be prescribed by directors.

An Act restoring the Salaries of the Justices of the Supreme Judicial Court.

Chap. 24.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of the first section of an act, approved by the governor on the seventh day of March, in the year one thousand eight hundred and forty-three, entitled "an act establishing the salaries of certain public officers," as provides that the chief justice of the supreme judicial court shall receive three thousand dollars, and the associate justices of the supreme judicial court, each the sum of twenty-five hundred dollars, be and hereby is repealed; and so much of the eighty-first chapter of the Revised Statutes as is contained in the sixty-first section thereof, and was repealed by the third section of the aforesaid act of the

Restoration of salaries to the scale before April, 1843.

seventh of March, in the year one thousand eight hundred and forty-three, is hereby revived.

Refunding of salaries withdrawn by act March, 1843.

SECT. 2. The chief justice of the supreme judicial court, and the associate justices of said court, shall receive such sum for their salaries respectively, from the first day of April last, as, with the sums received by them since that time, will give them respectively the same amount which they would severally have received, if the act entitled "an act establishing the salaries of certain public officers," approved by the governor, March seventh, eighteen hundred and forty-three, had not been passed.

When to take effect.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 16, 1844.*]

Chap. 25.

An Act to incorporate the Beverly Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated.

SECT. 1. F. W. Choate, Elliot Woodbury, Richard Picket, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Beverly Insurance Company, for the purpose of making insurance against maritime losses, and losses by fire, in the usual and customary manner, with all the rights and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-fifth and one hundred and seventy-eighth chapters of the acts of the year eighteen hundred and thirty-eight.

For twenty years.

To insure fire and marine risks.

Real estate not to exceed \$10,000, except, &c.

SECT. 2. The said corporation may hold any estate, real and personal, for the use of said company: *provided*, that the real estate shall not exceed the value of ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due said company.

Division of profits.

SECT. 3. The said corporation may divide among their stockholders and the persons insured by them, in proportion to the stock owned and the premiums paid, on risks terminated, all their clear profit over and above the amount of six per cent. per annum.

Capital stock not less than \$50,000, nor more than \$100,000, in shares of \$50 each, to be paid as directors shall prescribe.

SECT. 4. The capital stock of said corporation shall be fifty thousand dollars, with liberty to increase the same to one hundred thousand dollars, and shall be divided into shares of fifty dollars each, and shall be collected and paid in, in such instalments, and under such penalties, as the president and directors of said company shall direct. [*Approved by the Governor, Feb. 16, 1844.*]

An Act to reduce the capital stock of the Hingham Bank.

Chap. 26.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. From and after the first day of April next, the president, directors, and company of the Hingham Bank, in Hingham, are hereby authorized to reduce their capital stock to the sum of one hundred and five thousand dollars: *provided*, that no dividend of any part of the present capital stock, shall be made, nor shall such reduction take place until a commissioner to be appointed by the governor and council for that purpose, at the expense of said corporation, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other demands existing against it, and that after payment thereof, and the repayment to its stockholders of the amount hereby authorized to be deducted from its present capital stock, the net sum of one hundred and five thousand dollars will remain in said bank, as capital stock in funds available for all usual and proper banking purposes.

May reduce its capital stock to \$105,000, after April 1st, provided a commissioner shall report to the satisfaction of the governor and council.

SECT. 2. The reduction of the capital stock of said bank shall be made by reducing the par value of the shares in the same, from one hundred dollars to seventy dollars, and refunding to the holders the difference.

Reduction to be made by reducing the par value of a share from \$100 to \$70.

SECT. 3. From and after the said first day of April next, previous to which time the commissioner herein provided for, shall make and deliver his certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank, shall have relation to and be governed by said reduced capital stock of one hundred and five thousand dollars, and until the said first day of April next, and the said certificate shall have been made and delivered as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital of said bank; and nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the act incorporating said bank, and the several acts in addition thereto.

Tax on the present capital to be levied till April 1st, and till the commissioner shall have reported.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 19, 1844.*]

Time to take effect.

An Act to reduce the Capital Stock of the Rail-road Bank.

Chap. 27.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. From and after the first day of April next, the president, directors and company of the Rail-road

Capital stock to be reduced to \$600,000,

after April 1st, and when a commissioner shall have reported to the governor and council.

Bank, in Lowell, are hereby authorized to reduce their capital stock to the sum of six hundred thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place, until a commissioner, to be appointed by the governor and council for that purpose, at the expense of said corporation, shall have certified, in writing, to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it, and that after payment thereof, and the repayment to its stockholders of the amount hereby authorized to be deducted from its present capital stock, the net sum of six hundred thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Reduction to be made by reducing the par value of a share from \$100 to \$75.

SECT. 2. The reduction of the capital stock of said bank shall be made by reducing the par value of the shares in the same, from one hundred dollars to seventy-five dollars, and refunding to the holders the difference, according to a vote of the stockholders thereof, passed at their annual meeting in October last.

Tax to be levied on the present capital till April 1st, and till a commissioner shall have reported.

SECT. 3. From and after the said first day of April next, previous to which time the commissioner herein provided for, shall make and deliver his certificate to the governor and council, as aforesaid, all the rights, duties and liabilities of said bank shall have relation to and be governed by said reduced capital stock of six hundred thousand dollars; and until the said first day of April next, and the said certificate shall have been made and delivered, as aforesaid, the said bank shall continue to pay into the treasury of the commonwealth, the tax required by law to be paid on the present capital of said bank; and nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the act incorporating said bank and the several acts in addition thereto.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 19, 1844.*]

Chap. 28.

An Act in addition to an Act to incorporate the Hartford and Springfield Rail-road Corporation.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for location of the route extended for one year, and for completion of the same for two years.

SECT. 1. The time allowed by the statute of one thousand eight hundred and thirty-nine, chapter one hundred and one, and the statute of one thousand eight hundred and forty-one, chapter seventy-two, for the Hartford and Springfield Rail-road Corporation to file with the county commissioners of the county of Hampden, the location of

the route of their rail-road, is hereby extended for one year from and after the fifth day of April next; and the time allowed by said statutes, for the completion of said road, is hereby further extended for two years, from and after the said fifth day of April next; and the filing of the location of said road, in the manner and within the time herein prescribed, shall be as valid and effectual as if the same had been filed with the county commissioners, according to the provisions of the first mentioned statute: *provided, however*, that the provisions of this section shall not apply to that portion of the said rail-road between the Western Rail-road and Chicopee river.

Except between the Western Rail-road and Chicopee River.

SECT. 2. The persons who now are, or may hereafter be stockholders of the Hartford and New Haven Rail-road Company, a corporation established by an act of the legislature of the State of Connecticut, shall be stockholders of this corporation, together with such persons as now are, or may hereafter become stockholders of this corporation; and when the stockholders shall by vote have assented thereto, the said corporations shall become united in one corporation by the name of the New Haven and Springfield Rail-road Company, with a capital not exceeding the amount of the joint capital of both corporations, and all the tolls, franchises, rights, powers, privileges and property granted, or to be granted, acquired, or to be acquired, under the authority of the State of Connecticut, or of this State, shall be held and enjoyed by all the said stockholders, in proportion to their number of shares, in either or both of said corporations.

Stockholders of the Hartford and New Haven Rail-road Company to be stockholders of this corporation.

May unite themselves in one corporation with a capital not exceeding the joint capitals of the two corporations.

SECT. 3. After the said union shall be perfected, the said stockholders shall hold their meetings, make their by-laws, appoint their officers, and transact all their business as one corporation: *provided*, that one or more of the officers of said corporation shall be resident in this Commonwealth, and one or more of them in the State of Connecticut, on whom process against said corporation may be legally served in either state; and said corporation shall be held to answer within the jurisdiction where such service shall be made and the process is returnable.

The New Haven and Springfield Company shall make by-laws, &c., provided that one or more of the officers shall be resident in Massachusetts, and one or more in Connecticut.

SECT. 4. The share, or shares, of any stockholder in said corporation shall be liable to attachment, and to be taken on execution, in the state where such stockholder shall reside at the time of the service of such process: *provided*, the laws of such state authorize the attachment and taking on execution of such property; and an attested copy of such writ, or execution, and of the officer's return thereon, shall, at the time of such service, be left with the clerk, or a director of said corporation, or at his usual place of abode, by the officer making the service.

The share, or shares, of a stockholder shall be subject to attachment in the State of his residence, provided, &c.

SECT. 5. The said corporation shall so make out and

Accounts of expenditures in Massachusetts and in Connecticut to be kept distinct.

One commissioner to be appointed for four years by the governor of each state, to determine the proportions of expense, receipts, and profits.

Corporation to be subject to the laws of Massachusetts for such portion of the road as lies within its limits.

Parts of this law not to take effect till after certain action of Connecticut and of the stockholders.

keep an account of the expenditures on said road, from its commencement to its completion, as clearly to exhibit what portion thereof belongs to that part of said road situated in Massachusetts, and what portion to that part in Connecticut; and two commissioners shall be appointed, one by the governor of each state, to hold their offices for the term of four years, and to be reasonably compensated for their services by said corporation, who shall ascertain what proportion of the expenditures on said road, and of the other expenses attending its construction, maintenance, and also what proportion of the receipts and profits of said rail-road shall properly appertain and belong to the portions of said road in each state respectively; and the annual reports required to be made by the directors to the legislature of this Commonwealth, shall show the amounts of expenditures, receipts, and profits, as aforesaid, which belong to the parts of said road, situated in said two states respectively; and said reports shall be approved by said commissioners.

SECT. 6. The said corporation, so far as their road is situated in Massachusetts, shall be subject to the general laws of this State to the same extent as if their road were wholly therein.

SECT. 7. The second, third, fourth and fifth sections of this act shall not take effect, until the legislature of the State of Connecticut shall have enacted provisions, similar to those contained in said sections, nor until the provisions so enacted, shall have been accepted by the stockholders of both of said corporations at meetings duly called for the purpose, nor until the same have been accepted by the stockholders of said united corporation, at a meeting called for the purpose, and at which meeting they may ratify and confirm all or any of their former doings, and adopt them as the acts and doings of said united corporation. [*Approved by the Governor, Feb. 23, 1844.*]

Chap. 29.

An ACT to reduce the capital stock of the Merchants Bank in Newburyport.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Capital stock may be reduced to \$210,000 after April 1st, and when a commissioner shall have reported.

SECT. 1. From and after the first day of April next, the president, directors and company of the Merchants Bank, in Newburyport, are hereby authorized to reduce their capital stock to the sum of two hundred and ten thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall said reduction take place, until a commissioner, to be appointed by the governor and council for that purpose, at the expense of said corporation, shall have certified in writing to the governor and council, after due examination, that the said corporation has

sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it, and that after payment thereof and the repayment to its stockholders of such a sum on each share of said stock as said commissioner shall judge may be paid, that the net sum of two hundred and ten thousand dollars will remain in said bank as capital stock in funds available for all usual and proper banking purposes.

SECT. 2. The reduction of the capital stock of said bank shall be made by reducing the par value of the shares in the same from fifty dollars to thirty-five dollars, and refunding to the holders of stock the difference ascertained by said commissioner as before provided.

Reduction made by reducing the par value of a share from \$50 to \$35

SECT. 3. From and after said first day of April next, previous to which time the commissioner herein provided for shall make and deliver his certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank, shall have relation to and be governed by said reduced capital stock of two hundred and ten thousand dollars. And until the said first day of April next, and the said certificate shall have been made and delivered as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital stock of said bank. And nothing contained in this act shall be construed to affect the liability of this corporation or of the individual stockholders, as established by the act incorporating said bank and the several acts in addition thereto.

Tax to be levied on the present capital till April 1st, and till a commissioner shall have reported.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 23, 1844.*]

When to take effect.

An Act in addition to an Act relating to the American Hosiery Company.

Chap. 30.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The third section of an act entitled an act to incorporate the American Hosiery Company, passed on the twenty-fourth day of March, eighteen hundred and forty-three, is hereby repealed. [*Approved by the Governor, Feb. 23, 1844.*]

Repeal of a provision for making individual stockholders liable for debts of the corporation.

An Act to authorize Samuel F. Holbrook and James Dillon to extend their wharf.

Chap. 31.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Samuel F. Holbrook and James Dillon, proprietors of a certain wharf situated near Fort Hill and fronting on Broad Street, in the city of Boston, and lying between what was formerly known as Fort Hill wharf and the wharf now

May be extended to line of 1837.

Extension to be built on piles, &c.

owned by the heirs of the late Gershom Spear, deceased, are hereby authorized to extend and maintain their said wharf into the harbor channel as far as the line established by the act entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, in the year eighteen hundred thirty-seven, and shall have the right and privilege of laying vessels at the sides and end of said wharf, and of receiving dockage and wharfage therefor: *provided*, that so much of said wharf as shall be erected under this act, shall be built on piles, and that this grant shall in no wise interfere with the legal rights of any persons whatever. [*Approved by the Governor, Feb. 23, 1844.*]

Chap. 32.

An Act concerning the powers of School Committees.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

School committees may dismiss teachers, and stop their pay.

The school committee of any town is hereby authorized to dismiss from employment any teacher in such town, whenever the said committee may think proper, and from the time of such dismissal such teacher shall receive no further compensation for services rendered in that capacity. [*Approved by the Governor, Feb. 23, 1844.*]

Chap. 33.

An Act in addition to an Act making provision for the payment of the Commonwealth's subscription to the stock of the Western Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The treasurer, with the advice and consent, &c., may sell the residue of the Commonwealth's scrip, for not less than its par value.

SECT. 1. The treasurer of this Commonwealth, acting with the advice and consent of his excellency the governor and council, is hereby authorized and directed to make sale of so much of the scrip created by the one hundred and seventy-second chapter of the statutes of the year one thousand eight hundred and thirty-seven, as now remains unsold; any thing in said chapter to the contrary notwithstanding: *provided, however*, that said scrip shall not be sold at less than its par value.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 23, 1844.*]

Chap. 34.

An Act in addition to an Act to establish the Northampton and Springfield Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

May unite their road with the Hartford and

SECT. 1. The Northampton and Springfield Rail-road Corporation are hereby authorized to locate, construct and

unite their rail-road with the Hartford and Springfield Rail-road, or with the Western Rail-road, at any place in the town of Springfield, at such safe and convenient point as will not interfere with the depot buildings, or incommode the depot arrangements of said Hartford and Springfield and Western Rail-road Corporations; and in the location and construction of their road as aforesaid, shall have all the powers and privileges, and be subject to all the duties, liabilities and provisions, contained in that part of the thirty-ninth chapter of the Revised Statutes, which relates to rail-road corporations, and in the several statutes subsequently passed, relating to such corporations.

SECT. 2. The time for said corporation to complete their road, is hereby extended for the term of two years from the first day of March next, and the time for filing the location of their route with the county commissioners of the counties of Hampshire and Hampden, and for completing the subscription to the stock in said corporation, is hereby extended for one year from the first day of March next: *provided*, if said corporation shall not have filed with the county commissioners for the county of Hampden, the location of that part of their route between the Western Rail-road and the Chickopee River within nine months after the passage of this act; or if said corporation shall fail to complete the grading, bridging, and masonry of the part of their road aforesaid, within fifteen months after the passage of this act, or to complete and open for use the part of their road aforesaid, by the first day of October, in the year eighteen hundred and forty-five, then this act shall be void.

SECT. 3. Said corporation are hereby authorized to increase their capital stock to an amount not exceeding five hundred thousand dollars, by creating an additional number of shares, not exceeding one thousand of one hundred dollars each.

SECT. 4. The Legislature may authorize any other rail-road corporation, at their own expense, to unite the track of their road with the said Northampton and Springfield Rail-road, at such convenient point thereof as will not interfere with any depot buildings of said Northampton and Springfield Rail-road.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 23, 1844.*]

An Act to reduce the Capital Stock of the Ocean Bank in Newburyport.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. From and after the first day of April next, the president, directors and company of the Ocean Bank, in Newburyport, are hereby authorized to reduce their

Springfield, or the Western Rail-road, in Springfield, at such point, &c.

Time for completing road extended two years, and for locating road and completing subscription extended one year, *provided*, &c.

Capital stock to be increased to not exceeding \$500,000, by 1000 additional shares of \$100 each.

The Legislature may authorize the junction with it of any other rail-road, at such point, &c.

When to take effect.

Chap. 35.

Stock may be reduced to \$100,000 after April 1st, and

when a commissioner shall have reported, &c.

capital stock to the sum of one hundred thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall any reduction take place, until a commissioner, to be appointed by the governor and council, for that purpose, at the expense of said corporation, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands, existing against it, and that after payment thereof, and the repayment to its stockholders of such sum on each share of said stock, as said commissioner shall judge may be paid, that the net sum of one hundred thousand dollars will remain in said bank, as capital stock, in funds available for all usual and proper banking purposes.

Reduction to be made by reducing the par value of shares from \$100 to \$50.

SECT. 2. The reduction of the capital stock of said bank shall be made by reducing the par value of the shares in the same, from one hundred dollars to fifty dollars per share, and refunding the holders of stock, the difference ascertained by said commissioner as before provided.

Tax to be levied on the present capital till April 1st, and till a commissioner shall have reported.

SECT. 3. From and after said first day of April next, previous to which time the commissioner herein provided for, shall make and deliver his certificate to the governor and council, as aforesaid, all the rights, duties, and liabilities of said bank, shall have relation to, and be governed by, said reduced capital stock of one hundred thousand dollars; and until the said first day of April next, and the said certificate shall have been made and delivered, as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital of said bank; and nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the act incorporating said bank, and the several acts in addition thereto.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 36.

An Act concerning the sale of the stock of Manufacturing Companies.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Tax on the sale of manufacturing stock to be 1-10th of 1 per cent.

The fifth section of the ninth chapter of the Revised Statutes is hereby so amended, that the tax upon the sale of any shares of any manufacturing company, incorporated under the authority of any of the United States, shall be one-tenth of one per cent. on the amount of the sales, and so much of the said section as is inconsistent herewith, is hereby repealed. [*Approved by the Governor, Feb. 24, 1844.*]

An ACT to reduce the capital stock of the Citizens Bank, in Worcester.

Chap. 37.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. From and after the first day of April next, the president, directors and company of the Citizens Bank of Worcester, are hereby authorized to reduce their capital stock to the sum of one hundred and fifty thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place until a commissioner to be appointed by the governor and council for that purpose, at the expense of said corporation, shall have certified in writing to the governor and council after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it; and that after payment thereof and extinguishing the number of shares hereby authorized to be extinguished, the net sum of one hundred and fifty thousand dollars, will remain in said bank as capital stock in funds available for all usual and proper banking purposes.

Capital to be reduced to \$150,000 after April 1st, and when a commissioner shall have reported, &c.

SECT. 2. To reduce the said capital stock as aforesaid, the said corporation shall extinguish one thousand shares therein, so that each of the remaining shares shall be of the par value of one hundred dollars.

Reduction to be made by extinguishing 1000 shares.

SECT. 3. From and after the said first day of April next, previous to which time the commissioner herein provided for, shall make and deliver his certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank shall have relation to and be governed by said reduced capital stock of one hundred and fifty thousand dollars, and until the said first day of April next, and the said certificate shall have been made and delivered as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital of said bank; and nothing contained in this act shall be construed to affect the liability of the corporation or the individual stockholders, as established by the act incorporating said bank and the several acts in addition thereto.

Tax to be levied as heretofore, till April 1st, and till a commissioner shall have reported.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 24, 1844.*]

When to take effect.

An ACT to annex a part of the town of Roxbury to the town of Brookline.

Chap. 38.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Jeremiah Lyon, with all the other persons, their polls and estates, and all the lands lying within a

Persons and lands to be set

off and annexed.

line, beginning in the centre of Muddy Brook, at the junction thereof with another brook, running between Roxbury and Brookline, across the Mill Dam road, and at a post there set, and running southerly and westerly by the centre of said Muddy Brook through the estate of Henry S. Ward, thence following the centre of said brook through the land of Samuel Wyman, until it meets a stone wall dividing said Wyman's land from the land of Joseph Curtis; thence following said wall nearly in a northwesterly direction, until it meets the present line of division between Roxbury and Brookline, as laid down on a plan by E. T. Woodward, Esq., surveyor, dated the eighth day of February, eighteen hundred forty-one, are hereby set off from the town of Roxbury, and annexed to the town of Brookline, in the County of Norfolk.

To be taxed as heretofore till next valuation.

SECT. 2. The land hereby set off from Roxbury to Brookline, and the persons residing thereon, shall be liable and holden to pay their just proportion of all taxes which have been assessed on the inhabitants of the said town of Roxbury, previous to the passing of this act, and also their portion of all county and State taxes that may be assessed upon said town of Roxbury, previous to the taking of the next State valuation: said proportion to be ascertained and determined by the town valuation of said Roxbury; and the town of Brookline shall be liable for the support of all persons who now do, or hereafter may stand in need of relief as paupers, whose settlement was gained, or derived within the limits described in the first section of this act. [Approved by the Governor, Feb. 24, 1844.]

Brookline to be liable for paupers, &c.

Chap. 39.

An Act to authorize Thomas A. Rust to extend his wharf.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Thomas A. Rust, proprietor of a wharf in Boston, fronting on Causeway Street, and lying between Charles River and Warren Bridges, is hereby authorized to extend said wharf into the harbor channel, so far as the line established by an act of the Legislature passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein;" and shall have the privilege of laying vessels at the sides and end of said wharf, and of receiving dockage and wharfage therefor: *provided*, that so much of said wharf as shall be erected under this act, extending from low water mark to the above named line, shall be built on piles, and that this grant shall in nowise interfere with the legal rights of any person or persons whatsoever. [Approved by the Governor, Feb. 24, 1844.]

May be extended to the line of 1837.

Must be built on piles, &c.

An Act to establish the Brigham Fund for Education, in the town of Marlborough.

Chap. 40.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The trustees of the Brigham Lecture Fund, and of the Brigham School Fund, under the will of Ephraim Brigham, are hereby authorized and empowered to unite the said funds into one common fund, to be called the Brigham Fund for Education, in the town of Marlborough, and to manage and invest the same accordingly.

Brigham Lecture Fund and School Fund may be united.

SECT. 2. The said trustees are hereby authorized and empowered, from time to time, to pay over the income of the said fund, as the same shall accrue, to the treasurer of the town of Marlborough.

Income to be paid to treasurer of the town.

SECT. 3. The income of the said fund shall be distributed among the several school districts, in the said town, and appropriated and expended for the purposes of education, in the same way and manner, that the money annually raised by the said town, for the use of schools, is appropriated and expended. [*Approved by the Governor, Feb. 24, 1844.*]

To be distributed among school districts, &c.

An Act in addition to "An Act to incorporate the Second Congregational Society in Medford."

Chap. 41.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. So much of third section of an act, entitled "an act to incorporate the Second Congregational Society, in Medford," passed February 21, 1824, as it contained in the following words, to wit: "*provided, nevertheless, that the assessments to be made on the polls and estates of the respective members of the said society, during any year, for the purposes aforesaid, shall in no case exceed the assessments that during the same year may be made upon the polls and estates of the respective members of the First Congregational Society, in Medford, for like purposes, regard being had to the relative value of their estates,*" is hereby repealed. [*Approved by the Governor, Feb. 24, 1844.*]

Proviso in third section of former act repealed.

An Act concerning the manufacture of Barrels for packing Pickled Fish.

Chap. 42.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. In addition to the regulations and restrictions, imposed by the seventy-eighth section of the twenty-eighth chapter of the Revised Statutes, on the manufacture of barrels for packing or repacking pickled fish, all white

Barrels for pickled fish to be made of a certain thickness.

oak barrels which shall be hereafter manufactured for such purpose, shall be made of staves not less than half an inch in thickness; all ash, red oak, and chesnut barrels, shall be made of staves, not less than five eighths of an inch in thickness; all pine and spruce barrels shall be made of staves not less than three fourths of an inch in thickness; and the heads of all barrels manufactured for the packing of pickled fish, shall be at least three fourths of an inch in thickness.

When to take effect.

SECT. 2. The provisions of this act shall take effect from and after the first day of December next. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 43.

An Act to reduce the Capital Stock of the Lowell Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital to be reduced to \$200,000 from April 1st, and when a commissioner shall have reported.

SECT. 1. From and after the first day of April next, the president, directors and company of the Lowell Bank, are hereby authorized to reduce their capital stock to the sum of two hundred thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place, until a commissioner, to be appointed by the governor and council, for that purpose, at the expense of said corporation, shall have certified, in writing, to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other demands existing against it, and that, after the payment thereof and extinguishing the number of shares hereby authorized to be extinguished, the net sum of two hundred thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Reduction to be made by extinguishing 500 shares.

SECT. 2. To reduce the said capital stock, as aforesaid, the said corporation shall extinguish five hundred shares therein, so that each of the remaining two thousand shares shall be of the par value of one hundred dollars.

Tax to be levied as heretofore till April 1st, and till the commissioner shall have reported.

SECT. 3. From and after the said first day of April next, previous to which time the commissioner, herein provided for, shall make and deliver his certificate to the governor and council, as aforesaid, all the rights, duties, and liabilities, of said bank, shall have relation to and be governed by said reduced capital stock of two hundred thousand dollars. And until the said first day of April next, and the said certificate shall have been made and delivered as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital of said bank. And

nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the act incorporating said bank, and the several acts in addition thereto.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 24, 1844.*]

When to take effect.

An Act in addition to an Act relating to the Court of Common Pleas and the Municipal Court of the city of Boston.

Chap. 44.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. All actions, suits and prosecutions, in the name of the Commonwealth, upon recognizances taken in any criminal prosecution or proceeding in the county of Suffolk, may be brought in and before the municipal court of the city of Boston, and said municipal court shall have jurisdiction thereof, concurrent with the court of common pleas and supreme judicial court, in said county, in all cases wherein said court of common pleas and supreme judicial court respectively now have jurisdiction; and all writs for the recovery of the penalties of such recognizances shall be in the forms prescribed by law, and may be sued out in term time or vacation, and shall be served fourteen days before the term at which they are returnable; and said municipal court shall have power and authority to render judgment for the whole, or any part they think proper, of the penal sum of such recognizances respectively, and interest thereon, and issue writs of execution, in form prescribed by law, against the party sued in said actions, and the said writs of execution shall be tested, sealed, directed, and served in the same manner as writs of execution issuing from the court of common pleas of said Commonwealth.

Suits and prosecutions, &c., upon recognizances in Suffolk, may be brought before the municipal court of Boston.

Which court shall have concurrent jurisdiction thereof with the court of common pleas and the supreme court.

SECT. 2. The seal of the said municipal court shall in all cases be the same as that of the court of common pleas of said Commonwealth.

Seal, the same as court of common pleas.

SECT. 3. The clerk of the said municipal court, seven days at least, and not more than fourteen days, before each term of the said court, commencing on the first Monday of January, and the first Monday of July, in each year, shall issue a writ of venire facias for twenty-three grand jurors to serve in said court, twenty-two of whom shall be drawn and returned from the city of Boston, and one from the town of Chelsea, in said county of Suffolk, and the grand jurors, so returned, shall constitute the grand inquest of the Commonwealth for said county, for the term of six months, and until another grand jury is impanelled in their stead; and the second section of the one hundred and thirty-sixth chapter of the Revised Statutes

Clerk of municipal court to issue writ for grand jurors, &c.

Repeal of former provision.

is hereby repealed, saving and excepting that all grand jurors, sworn and impannelled for said county according to law, and not discharged before this act shall take effect, shall constitute the grand jury for the said municipal court, and also for the supreme judicial court, in said county of Suffolk, until another grand jury shall be sworn and impannelled in their stead by virtue of this act.

Process to be issued on indictments for capital offences found by grand jury attending the municipal court, &c.

SECT. 4. If the grand jury, attending at any term of the municipal court, shall find and return to the court any indictment for any crime punishable with death, if the person accused be not in custody, process shall be forthwith issued for the arrest of the party charged with such offence, and the party so charged shall, as soon as may be, be served with a copy of the indictment by the sheriff or his deputy, with an order of court giving notice to the accused, that the indictment will be entered at the supreme judicial court next to be holden in and for said county of Suffolk, or at any intermediate time before the next term when said supreme judicial court shall be in session in said county, and notice of such indictment shall also be forthwith given to the chief or first justice of that court by the clerk of said municipal court; and the said clerk shall transmit and certify the original indictment to the supreme judicial court at the next term thereof, or at any intermediate time when said supreme judicial court shall be in session in said county, where it shall be entered, and the said supreme judicial court shall then and there have full cognizance and jurisdiction thereof, and the same proceedings shall be had, as if the said indictment had been found and returned in said supreme judicial court.

Repeal of former provision.

SECT. 5. The sixth section of the seventh chapter of the act of the year eighteen hundred and forty-three, to which this act is in addition, entitled "an act relating to the court of common pleas and the municipal court of the city of Boston," is hereby repealed.

When to take effect.

SECT. 6. This act shall take effect from and after the first Monday of April next. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 45.

An Act in addition to "an Act to repeal the Act establishing the Board of Bank Commissioners."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Continuance of former act as to proceedings commenced prior to its repeal.

SECT. 1. In all cases where proceedings had been commenced and instituted under the act entitled "an act providing for the appointment of bank commissioners," passed on the twenty-third day of February, in the year one thousand eight hundred and thirty-eight, prior to the repeal thereof; the said act shall be deemed to have continued in

force, and shall continue in force, for the full and final disposition of all matters so commenced and instituted, in the same manner as if said act entitled “an act to repeal the act establishing the board of bank commissioners” had not been passed.

SECT. 2. No costs shall be recovered by any party, either as principal or trustee, to any suit or action, which was commenced subsequently to the passage of the act to which this is in addition, and which shall be abated, defeated or dismissed, by reason of the passing of this act.

Costs not to be recovered in suits commenced after the repeal, &c.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 24, 1844.*]

When to take effect.

An Act to continue the Franklin Mutual Fire Insurance Company.

Chap. 46.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Franklin Mutual Fire Insurance Company, incorporated in the year eighteen hundred and twenty-eight, shall continue, and the act incorporating the same shall remain in force, for the term of twenty years from the eleventh day of February eighteen hundred and forty-eight; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, Feb. 24, 1844.*]

Corporation continued for twenty years from 1848.

An Act to incorporate the Farmer's Mutual Fire Insurance Company.

Chap. 47.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

David Mighill, Gilman Perley, Asa Nelson, their associates and successors, are hereby made a corporation, by the name of the Farmer's Mutual Fire Insurance Company in the town of Georgetown, in the County of Essex, for the term of twenty-eight years, for the purpose of insuring dwelling houses and other buildings and personal property throughout the Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, Feb. 24, 1844.*]

Persons incorporated.

For twenty-eight years.

To insure fire risks.

An Act to reduce the capital stock of the Mechanics Bank at South Boston.

Chap. 48.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That from and after the first day of April next, the president, directors, and company of the Mechanics

May be reduced to \$120,000 af-

ter April 1st, and when a commissioner shall have reported, &c.

Bank, at South Boston, are hereby authorized to reduce their capital stock to the sum of one hundred and twenty thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place, until a commissioner to be appointed by the governor and council for that purpose, at the expense of said corporation, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other demands existing against it; and that after the payment thereof, and extinguishing the number of shares hereby authorized to be extinguished, the net sum of one hundred and twenty thousand dollars will remain in said bank as capital stock in funds available for all usual and proper banking purposes.

Reduction to be made by extinguishing 300 shares.

SECT. 2. To reduce the said capital stock as aforesaid, the said corporation shall extinguish three hundred shares therein, so that each of the remaining twelve hundred shares shall be of the par value of one hundred dollars.

Tax to be levied as heretofore, till after April 1st, and till a commissioner shall have reported.

SECT. 3. From and after the said first day of April next, previous to which time the commissioner herein provided for, shall make and deliver his certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank, shall have relation to and be governed by said reduced capital stock of one hundred and twenty thousand dollars; and until the said first day of April next, and the said certificate shall have been made and delivered as aforesaid, said bank shall continue to pay into the treasury of the Commonwealth, the tax required by law to be paid on the present capital of said bank; and nothing contained in this act shall be construed to affect the liability of the corporation or of the individual stockholders, as established by the act incorporating said bank.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 49. An Act authorizing Isaiah Hinckley to build a wharf in Barnstable Harbor.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Liberty to build a wharf on certain conditions.

Isaiah Hinckley is hereby authorized to build a wharf from his land, at the foot of his homestead estate, adjoining the harbor of Barnstable, and to extend said wharf to the southern line of the channel of said harbor, or into six feet of water at low tide: *provided*, that the whole length of said wharf shall not exceed four hundred feet, and that this grant shall in no wise impair the legal rights of any persons whatever. [*Approved by the Governor, Feb. 24, 1844.*]

An Act to reduce the capital stock of the Adams Bank.

Chap. 50.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That from and after the first day of April next, the president, directors and company of the Adams Bank are hereby authorized to reduce their capital stock to the sum of one hundred thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place until a commissioner, to be appointed by the governor and council for that purpose, at the expense of said corporation, shall have certified, in writing, to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it, and that after the payment thereof, and extinguishing the number of shares hereby authorized to be extinguished, the net sum of one hundred thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Capital to be reduced after April 1st, and when a commissioner shall have reported.

SECT. 2. To reduce the said capital stock as aforesaid, the said corporation shall extinguish one thousand shares therein, so that each of the remaining one thousand shares shall be of the par value of one hundred dollars.

Reduction to be made by extinguishing 1000 shares.

SECT. 3. From and after the said first day of April next, previous to which time the commissioner herein provided for, shall make and deliver his certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank, shall have relation to and be governed by said reduced capital stock of one hundred thousand dollars, and until the said first day of April next, and the said certificate shall have been made and delivered as aforesaid, said bank shall continue to pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital of said bank; and nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the act incorporating said bank, and the several acts in addition thereto.

Tax to be levied as heretofore, till April 1st, and till a commissioner shall have reported.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 24, 1844.*]

When to take effect.

An Act concerning the inspection of Clam Bait.

Chap. 51.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

All provisions of law now existing relating to the inspection of clam bait, are hereby repealed. [*Approved by the Governor, Feb. 24, 1844.*]

Repeal of former laws.

Chap. 52. An Act to authorize the First Parish, in Plympton, to sell Parsonage Land.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Parish treasurer authorized to convey.

SECT. 1 The First Parish, in Plympton, is hereby authorized to sell a part or the whole of a tract of land belonging to said parish, situated in said town ; and the treasurer of said parish for the time being, is authorized to execute a deed or deeds to convey the same.

Proceeds, how to be applied.

SECT. 2. The proceeds of the sale of said property shall be applied, so far as may be necessary, to the payment of the debts of said parish, and the balance of proceeds after the payment of said debts, shall be applied to such parochial purposes as said parish shall direct. [Approved by the Governor, Feb. 24, 1844.]

Chap. 53.

An Act to authorize Thomas Lothrop to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To be extended into six feet of water at low tide.

Thomas Lothrop is hereby authorized to extend and maintain the wharf now owned by him, and adjoining his land in Provincetown, into the harbor of said Provincetown, to the depth of six feet of water at the lowest tides ; and shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor : *provided*, this grant shall not in any manner interfere with the legal rights of any persons whatever. [Approved by the Governor, Feb. 24, 1844.]

Chap. 54. An Act to incorporate the Attleborough Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

John Daggett, Jonathan Bliss, Samuel Carpenter; their associates and successors, are hereby made a corporation, by the name of the Attleborough Mutual Fire Insurance Company, in the town of Attleborough, in the county of Bristol, for the term of twenty-eight years, for the purpose of insuring dwelling houses, and other buildings, and personal property, throughout the Commonwealth, against loss by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [Approved by the Governor, Feb. 24, 1844.]

For 28 years.

To insure fire risks.

Chap. 55. An Act to incorporate the Proprietors of the Elliot Meeting-house, in Natick.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

Elijah Perry, Thomas Sawin, John Atkins, and such

other persons as were contributors to the building of the meeting-house erected near the South Burying Ground, in Natick, and the assigns and legal representatives of such contributors, are hereby made a corporation, by the name of the Proprietors of the Elliot Meeting-house, in Natick, with all the rights and privileges, and subject to all the duties and liabilities, contained in the forty-fourth chapter of the Revised Statutes: *provided*, that the said coporation shall not be at liberty to hold any property, real or personal, other than the said meeting-house estate. [*Approved by the Governor, Feb. 29, 1844.*]

To hold no other property.

An Act to incorporate the Agricultural Society of the County of Hampden.

Chap. 56.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. William B. Calhoun, Forbes Kyle, D. W. Willard, their associates and successors, are hereby made a corporation, by the name of the Hampden Agricultural Society, for the encouragement of agriculture and the mechanic arts in the county of Hampden, by premiums and other means, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-second and forty-fourth chapters of the Revised Statutes. And said corporation may hold and manage real estate not exceeding, in value, fifteen thousand dollars, and personal estate not exceeding a like sum, for the purposes aforesaid.

Persons incorporated.

Real and personal estate, each, not to exceed \$15,000.

SECT. 2. William B. Calhoun of Springfield, in said county, is hereby authorized to call the first meeting of said society under this act, by publishing the time and place of meeting in the several newspapers published in the county of Hampden, fifteen days at least before the time of meeting. [*Approved by the Governor, March 5, 1844.*]

Call of first meeting.

An Act to incorporate the St. Mary's Mutual Benevolent Catholic Total Abstinence Society.

Chap. 57.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Thomas Power, James B. Clinton, and John Green, their associates and successors, are hereby made a corporation, by the name of the Saint Mary's Mutual Benevolent Catholic Total Abstinence Society, for the purpose of promoting the cause of temperance, and of relieving one another when in circumstances of want or distress, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SECT. 2. The corporation hereby created may hold real or personal estate, or both, to the amount of twenty thous-

Estate not to exceed \$20,000.

and dollars, to be devoted exclusively to the charitable and other purposes above mentioned. [*Approved by the Governor, March 6, 1844.*]

Chap. 58. An Act authorizing the Boston and Roxbury Mill Corporation to extend their wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston and Roxbury Mill Corporation, proprietors of a wharf in the westerly part of the city of Boston, lying at the westerly end of Beacon street, and on the northerly side of said street and the western avenue, so called, and extending to, and bounding northerly on, the land now or formerly belonging to Jarvis Braman, are hereby authorized to extend, and maintain their said wharf, into the harbor channel as far as the line established by an act entitled "an act concerning the harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and by an act entitled "an act in addition to an act concerning the harbor of Boston," passed on the sixth day of March, in the year one thousand eight hundred and forty-one; and shall have the right and privilege of laying vessels at the end of said wharf, when extended, and of receiving dockage and wharfage therefor : *provided*, that so much of said wharf as shall be erected under this act north of a line drawn parallel to the north wall of said avenue, and two hundred feet distant therefrom, shall be built on piles; and that no building shall be placed on said wharf south of a line drawn parallel to the line of the north wall of said avenue, and twenty feet distant therefrom, and that this grant shall in no wise interfere with the legal rights of any person or persons whatever : *and provided also*, that the authorities of the city of Boston shall have the right to extend Byron street, so called, to the channel over the land so made, and to lay, continue and maintain all necessary drains under the same. [*Approved by the Governor, March 6, 1844.*]

To be extended to the line, &c.

Provided, &c.

Chap. 59. An Act further to regulate the Fisheries in the Little River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The inhabitants of the towns of West Cambridge and Somerville, in the county of Middlesex, who now have by law the right to take fish in that section of the Little river, so called, which lies north of Alewife bridge, and the winter-hill road, in said towns, shall hereafter have the right to take fish there on four days, successively, in five of the days on which they have, by law,

Limitation to certain days.

heretofore had such right, computing from the first day of March in each year, and on no other day.

SECT. 2. Every person offending against this act, shall forfeit and pay to any person, who shall sue for the same, a sum not exceeding twenty dollars for each offence.

Forfeiture for each offence not more than \$20 to prosecutor.

SECT. 3. This act shall take effect from its passage. [Approved by the Governor, March 6, 1844.]

When to take effect.

An Act authorizing the Taunton Branch Rail-road Corporation to extend their road and increase their Capital Stock.

Chap. 60.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Taunton Branch Rail-road Corporation is hereby authorized to locate and construct a rail-road in the town of Taunton, commencing at a point on the New Bedford and Taunton Rail-road, between the depot of said corporation and the rear of the dwelling-house of Francis Baylies; thence running south ten degrees east, seven hundred and fifty feet; thence south, five and three quarter degrees east, thirteen hundred and fifty feet; thence south, sixteen degrees west, six hundred feet; thence south, nine degrees west, four hundred feet; thence south, nine degrees east, twenty-two hundred feet; thence one hundred and fifty feet to the Taunton river. in said town of Taunton: *provided, nevertheless*, that said corporation shall have the right to locate the road, aforesaid, upon a line between the said termini, and varying westerly of the line above described, not exceeding eight hundred feet in distance. And in locating and constructing said road, said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, contained in the thirty-ninth chapter of the Revised Statutes, and other subsequent statutes, so far as the same may relate to rail-road corporations.

Road to be extended in certain directions and distances.

SECT. 2. Said corporation is hereby authorized to increase its capital stock by the creation of an additional number of shares, not exceeding two hundred and fifty of one hundred dollars each; said shares to be disposed of in such manner as said corporation shall determine.

Capital stock to be increased by not more than 250 shares of \$100 each.

SECT. 3. If the location of said road shall not be filed with the county commissioners of the county of Bristol, before the first day of September next, or if said corporation shall fail to complete said road before the first day of June, eighteen hundred and forty-five, then this act shall be void.

Road to be located by September 1st, 1844, and completed by June 1st, 1845.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, March 6, 1844.]

When to take effect.

Chap. 61.

An Act to reduce the Capital Stock of the Traders Bank in Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital to be reduced to \$400,000 after April 1st, and when a commissioner shall have reported.

SECT. 1. From and after the first day of April next, the president, directors and company of the Traders Bank, are hereby authorized to reduce their capital stock to the sum of four hundred thousand dollars : *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place, until a commissioner, to be appointed by the governor and council, for that purpose, at the expense of said corporation, shall have certified in writing, to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it, and that after the payment thereof, and extinguishing the number of shares hereby authorized to be extinguished, the net sum of four hundred thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Reduction to be made by extinguishing 1000 shares.

SECT. 2. To reduce the said capital stock, as aforesaid, the said corporation shall extinguish one thousand shares therein, so that each of the remaining four thousand shares shall be of the par value of one hundred dollars.

Tax to be levied as heretofore till April 1st, and till a commissioner shall have reported.

SECT. 3. From and after the said first day of April next, previous to which time the commissioner, herein provided for, shall make and deliver his certificate to the governor and council, as aforesaid, all the rights, duties and liabilities of said bank shall have relation to and be governed by said reduced capital stock of four hundred thousand dollars, and until the said first day of April next, and the said certificate shall have been made and delivered, as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital of said bank, and nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the act incorporating said bank.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 6, 1844.*]

Chap. 62.

An Act in addition to an Act to regulate the Fishery in Taunton Great River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fishing privileges sold by the town of Somerset, when

The purchaser or purchasers of the fishing privileges, sold by the town of Somerset, and located within said town, may improve the same at all times, from sunrise on

Monday morning to sunset on Saturday evening; and Broad Cove, in Somerset, shall be exempted from the operation of the law regulating the fishery on Taunton Great River, any thing in the act, entitled "an act to regulate the fishery in Taunton Great River," passed March twenty-fourth, in the year eighteen hundred and forty-three, to the contrary notwithstanding. [*Approved by the Governor, March 6, 1844.*]

available to the purchasers. Broad Cove to be exempted, &c.

An Act to regulate the Fishery in Palmers River.

Chap. 63.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. From and after passing this act, no person, or persons, except as is hereafter provided, shall take shad, or alewives, with seines, or in nets, in Palmer's river, in the town of Rehoboth, in the county of Bristol, from the first day of April to the fifteenth day of June, in each year: *provided*, that the inhabitants of Rehoboth may, at a legal meeting, held for that purpose, dispose of the privilege, at public auction, of taking shad and alewives, with scoop nets only, in said river, for the time aforesaid, to such person, or persons, as may offer the highest price for the same, and shall give sufficient security for the payment of the purchase money, at such time and in such manner as the town shall order.

Taking shad or alewives, with seines or nets, in Palmer's river, in Rehoboth, when and to whom forbidden.

Further privilege to be sold by the town of Rehoboth.

SECT. 2. The said town may sell said privilege in sections as the town may determine, and the purchaser or purchasers of any privilege or privileges of taking shad or alewives aforesaid, or those employed by him or them, may take any of said fish in said river, with scoop nets, three nights, in the night time only, in each week, beginning on Monday at sunset and ending at sunrise on Thursday, and may take said fish in any part of the river aforesaid, between Swanzy line and the Orleans dam, on said river, in said Rehoboth; and no person shall be allowed to skim or drive the fish in said river, nor shall any shad or alewives be taken after the fifteenth day of June in each year.

Conditions of said privilege.

SECT. 3. The wears in said river shall be located as follows: the first on the river below the end of a fence running from the highway between the land of William K. Bullock, John Davis, 3d, and Ariel Horton, (fishing to commence by the land of Joshua Miller,) second, by the land of Borden Munroe; third, by the land of Joseph Watson; fourth, by land of Dr. Samuel Bullock; fifth, by the land of Lovell Bullock; sixth, by the land of widow Betsey Peirce; seventh, by the land of Lewis Peirce; eighth, by the land of John M. Davis; ninth, by the land of John Thurber; tenth, by land of John Watson; elev-

Location of wears.

enth, by the land of Dexter Barney; the wears to be situated on either side of the river as the purchaser may determine, the distance between each wear to be not less than twenty rods.

Fish wardens.

SECT. 4. The town of Rehoboth, at their annual meeting, in March or April, may choose one or more suitable persons to serve as fish wardens, who, when sworn, shall see this act enforced, and may prosecute for all violations thereof.

Penalties of offences against this act.

SECT. 5. If any person shall fish with seine or net, in any time, place, or manner, other than as before mentioned, or shall set any net or seine, wear, or any other obstruction in said river, or in any part thereof, with the intent to take or destroy any shad or alewives, he shall forfeit and pay twenty dollars for each offence, to be recovered to the use of the county in which the offence was committed, or by action of debt, one half to the use of the person prosecuting for the same, and the other half for the use of the town in which the offence shall be committed.

Repeal of previous laws.

SECT. 6. All laws heretofore relating to fishing in Palmer's river, in the town of Rehoboth, are hereby repealed.

When to take effect.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 7, 1844.*]

Chap. 64.

An Act to authorize Joseph Wait and others to build a Wharf.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Location, course, and distance of wharf.

Joseph Wait and others, proprietors, in common, of a piece of land in Ipswich, in the county of Essex, bounded by Ipswich river, two hundred and ten feet, viz: from Spiller's point, so called, northerly, to land of Thomas Spiller, are hereby authorized to build and maintain a wharf on said premises, extending from said Spiller's point, on a course, north, twenty-one degrees west, one hundred and seventy-three feet, and to lay vessels at said wharf and receive dockage and wharfage therefor: *provided*, that no part of said wharf shall in any place extend more than sixteen feet below low water mark, and that this act shall in no wise affect the private rights of any person, or persons, whatever. [*Approved by the Governor, March 7, 1844.*]

Chap. 65.

An Act in addition to an Act for the preservation of fish called Alewives, in Agawam and Half-way Pond River, in the county of Plymouth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Fish committee in Ply-

SECT. 1. The town of Plymouth may choose their fish committee at their annual town-meeting, in March or

April, in each year, which committee, when so elected, shall have all the powers and duties which they would have had if elected in November, any thing in the act, to which this is in addition, to the contrary notwithstanding.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 7, 1844.*]

mouth, when to be chosen.

When to take effect.

An Act to authorize Waterman Eldridge and others to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Waterman Eldridge and his associates are hereby authorized to build and maintain a wharf, in the harbor of Barnstable, in the county of Barnstable, at or near the terminus of the road lately laid out by the county commissioners for said county, at the common fields, so called, in said Barnstable, running from thence, northerly, until it shall reach the channel of said harbor, and to lay vessels at said wharf and receive dockage and wharfage therefor : *provided*, that the width of said wharf shall not exceed two hundred feet, and that this act shall in no wise interfere with the private rights of any person or persons whatever. [*Approved by the Governor, March 7, 1844.*]

Chap. 66.

Wharf to be built in Barnstable.

Location, course, and dimensions.

An Act in addition to an Act to regulate the Alewife Fishery in the river and stream, in the town of Harwich.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time during which the sluice is required, in the second section of the act of July fourth, in the year seventeen hundred and eighty-seven, to which this is in addition, to be kept open in the dams across Herring river, in the town of Harwich, is hereby extended from the twenty-fifth day of April to the twentieth day of June, in each year, and the penalties for obstructing said sluiceways, provided in said act, shall apply to all the time so extended.

SECT. 2. The provisions of this act shall take effect from and after its passage. [*Approved by the Governor, March 7, 1844.*]

Chap. 67.

Time for keeping sluice open, extended.

When to take effect.

An Act to incorporate the Marine Insurance Company of Provincetown.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Caleb U. Grosier, Isaiah Young, Rufus L. Thatcher, their associates and successors, are hereby made a corporation by the name of the Marine Insurance Company of Provincetown, for the purpose of making insurance

Chap. 68.

Persons incorporated for twenty years.

To insure marine risks.

against maritime losses, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-fifth and one hundred and seventy-eighth chapters of the acts of the year one thousand eight hundred and thirty-eight, for the term of twenty years.

Real estate not to exceed \$10,000, except &c.

SECT. 2. The said corporation may hold any estate real or personal, for the use of said company: *provided*, that the real estate shall not exceed the value of ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due said company.

Capital stock to be \$50,000, in shares of \$100 each, to be paid in as directors shall prescribe.

SECT. 3. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments and under such provisions and penalties, as the president and directors of said company shall order and appoint. [*Approved by the Governor, March 8, 1844.*]

Chap. 69.

An Act to reduce the Capital Stock of the Fall River Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Capital stock to be reduced to \$300,000, after April 1st, and when a commissioner shall have reported.

SECT. 1. From and after the first day of April next, the president, directors and company of the Fall River Bank, in Fall River, are hereby authorized to reduce their capital stock to the sum of three hundred thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall any reduction take place, until a commissioner to be appointed by the governor and council for that purpose, at the expense of said corporation, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other demands existing against it, and that after payment thereof and the repayment to its stockholders of such sum on each share of said stock, as said commissioner shall judge may be paid, that the net sum of three hundred thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Reduction to be made by reducing par value of shares from \$100 to \$75.

SECT. 2. The reduction of the capital stock of said bank shall be made by reducing the par value of the shares in the same, from one hundred dollars to seventy-five dollars per share, and refunding the holders of the stock the difference ascertained by said commissioner as before provided.

Tax to be levied as heretofore, till April

SECT. 3. From and after said first day of April next, previous to which time the commissioner herein provided

for, shall make and deliver his certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank, shall have relation to and be governed by said reduced capital stock of three hundred thousand dollars. And until the said first day of April next, and the said certificate shall have been made and delivered as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital of said bank. And nothing contained in this act shall be construed to affect the liability of the corporation or of the individual stockholders as established by the act incorporating said bank, and the several acts in addition thereto.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 8, 1844.*]

1st, and till a commissioner shall have reported.

When to take effect.

An Act to incorporate the Proprietors of the first Wesleyan Methodist Meeting-house, in Lowell.

Chap. 70.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. LEONARD HUNTRESS, A. W. MOULTON, JOHN B. CARLE, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the First Wesleyan Methodist Meeting-house, in Lowell, with all the powers and privileges, and subject to all the restrictions, duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SECT. 2. Said corporation may hold real and personal estate, the annual income of which, exclusive of such meeting-house as they may build, shall not exceed the sum of two thousand dollars, and said corporation may divide their whole capital stock into shares, not exceeding four hundred in number: *provided*, that no share shall ever be assessed to a larger sum in the whole than fifty dollars.

Estate, income, capital stock, and number and value of shares.

SECT. 3. Said corporation may have powers to convey, sell, alien, or mortgage, any such portions of their real estate, as may be judged for the interest of said corporation; and said corporation may sell, lease, or otherwise dispose of the pews in their meeting-house, as they may think proper: *provided*, that the proceeds of the same shall be applied exclusively to parochial purposes. [*Approved by the Governor, March 8, 1844.*]

Corporation may sell or otherwise dispose of real estate and pews, and appropriate the proceeds to parochial purposes.

An Act to incorporate the Watatick Manufacturing Company.

Chap. 71.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. CHARLES BARRETT, JEHIEL WATKINS, EBENEZER FROST, are hereby made a corporation by the name of the

Persons incorporated.

To manufacture cotton goods in Ashburnham.

Real estate may amount to \$30,000, and capital stock to \$100,000.

Watatick Manufacturing Company, for the purpose of manufacturing cotton goods in the town of Ashburnham, in the county of Worcester; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may hold for the purpose aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [Approved by the Governor, March 8, 1844.]

Chap. 72.

An Act to incorporate the Proprietors of St. Luke's Church, in Chelsea, and for other purposes.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Mount Zion Church to be henceforward called St. Luke's Church.

Proprietors of the same incorporated.

SECT. 1. From and after the passing of this act, the name of Mount Zion Church, in Chelsea, shall be changed, and the said church shall be known and called by the name of St. Luke's Church, in Chelsea.

SECT. 2. William S. Bartlett, Stephen D. Massey and William Knapp, their associates and successors, are hereby made a corporation, by the name of the Proprietors of St. Luke's Church, in Chelsea, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the twentieth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$8000, and personal estate \$2000, to be applied to parochial purposes.

SECT. 3. Said corporation may hold real estate to an amount not exceeding eight thousand dollars, and personal property to an amount not exceeding two thousand dollars: *provided*, the same be applied exclusively to parochial purposes. [Approved by the Governor, March 8, 1844.]

Chap. 73.

An Act to reduce the Capital Stock of the Grand Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital to be reduced to \$100,000, after April 1st, and when a commissioner shall have reported.

SECT. 1. From and after the first day of April next, the president, directors and company of the Grand Bank, are hereby authorized to reduce their capital stock to the sum of one hundred thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place, until a commissioner to be appointed by the governor and council for that purpose, at the expense of said corporation, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it, and that after the payment thereof and ex-

tinguishing the number of shares hereby authorized to be extinguished, the net sum of one hundred thousand dollars will remain in said bank, as capital stock in funds available for all usual and proper banking purposes.

SECT. 2. To reduce said capital stock as aforesaid, the said corporation shall extinguish two hundred and fifty shares therein, so that each of the remaining one thousand shares shall be of the par value of one hundred dollars.

SECT. 3. From and after the said first day of April next, previous to which time the commissioner herein provided for, shall make and deliver his certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank, shall have relation to and be governed by said reduced capital stock of one hundred thousand dollars; and until the said first day of April next, and the said certificate shall have been made and delivered as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital of said bank; and nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the act incorporating said bank.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 8, 1844.*]

Reduction to be made by extinguishing 250 shares.

Tax to be levied as heretofore till April 1st, and till a commissioner shall have reported.

When to take effect.

An Act to continue the Boylston Fire and Marine Insurance Company, and for other purposes.

Chap. 74.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act of the year one thousand eight hundred and twenty-five, incorporating the Boylston Fire and Marine Insurance Company, shall be continued and remain in force for the term of twenty years from the twenty-sixth day of February, in the year one thousand eight hundred and forty-five, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-fifth and one hundred and seventy-eighth chapters of the acts of the year one thousand eight hundred and thirty-eight.

SECT. 2. Said insurance company may from and after the passing of this act, whenever the president and directors think it expedient, divide among their stockholders and the persons insured by them, in proportion to the stock owned and the premiums paid on risks terminated, all of their clear profit over and above the amount of six per cent. per annum on their capital stock, and the said six per cent. shall be divided among the stockholders alone: *provided*, that no such division among the stockholders and

Continued for 20 years from February 26, 1845.

May divide six per cent. per annum among stockholders, and profits over six per cent. per annum among stockholders and persons insured, provided, &c.

the persons insured jointly, shall be made until all arrearages which may hereafter occur in the six per centum, payable to the stockholders, shall have been paid or made up to the stockholders. [*Approved by the Governor, March 8, 1844.*]

Chap. 75.

An Act to authorize Job Terry to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location, course, and dimensions of wharf in Free-town.

Job Terry is hereby authorized to build a wharf in Free-town, in the county of Bristol, from his land at Winslow's Point, so called, and to extend the said wharf westerly into Taunton Great River, so called, a distance not exceeding four hundred and fifty feet beyond low water mark: *provided* said wharf shall not exceed four hundred feet in width, and that this act shall in no wise interfere with the legal rights of any persons whatever. [*Approved by the Governor, March 8, 1844.*]

Chap. 76.

An Act to reduce the Capital Stock of the Lynn Mechanics Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital may be reduced to \$150,000 after April 1st and when a commissioner shall have reported, &c.

SECT. 1. From and after the first day of April next, the president, directors, and company of the Lynn Mechanics Bank, in Lynn, are hereby authorized to reduce their capital stock to the sum of one hundred and fifty thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place, until a commissioner to be appointed by the governor and council for that purpose, at the expense of said corporation, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it, and that after payment thereof and the repayment to its stockholders of the amount hereby authorized to be deducted from its present capital stock, the net sum of one hundred and fifty thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Reduction to be made by reducing the par value of shares from \$100 to \$60.

SECT. 2. The reduction of the capital stock of said bank shall be made by reducing the par value of the shares in the same, from one hundred dollars to sixty dollars, and refunding to the holders the difference, according to a vote of the stockholders thereof, passed at a meeting of the stockholders held on the second day of October last.

SECT. 3. From and after the said first day of April

next, previous to which time the commissioner herein provided for, shall make and deliver his certificate to the governor and council as aforesaid, all the rights, duties, and liabilities of said bank, shall have relation to, and be governed by, said reduced capital stock of one hundred and fifty thousand dollars; and until the said first day of April next, and the said certificate shall have been made and delivered as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital of said bank, and nothing contained in this act shall be construed to affect the liability of the corporation or of the individual stockholders as established by the act incorporating said bank and the several acts in addition thereto.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March, 8, 1844.*]

Tax to be levied as heretofore till April 1st, and till a commissioner shall have reported.

When to take effect.

An Act to incorporate the Proprietors of the Ireland Academy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Warren Chapin, Warren Hitchcock, and Stephen Chapin, their associates and successors, are hereby made a corporation by the name of the Proprietors of the Ireland Academy, to be established in the town of West Springfield, Ireland Parish, county of Hampden, with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, with power to hold real and personal estate, to an amount not exceeding ten thousand dollars, to be devoted exclusively to purposes of education.

Persons incorporated for academy in West Springfield.

May hold estate of \$10,000.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 9, 1844.*]

When to take effect.

An Act relating to Elections.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

In all elections for representatives to the general court, when a choice is not made on the first ballot, other ballotings may be had on the same day: *provided*, that in no case shall the polls at such elections be opened after five o'clock in the afternoon, on said day; and all acts and parts of acts inconsistent herewith are hereby repealed. [*Approved by the Governor, March 9, 1844.*]

Chap. 77.

When representatives are not chosen on the first ballot, other ballotings may be had on the same day; but not to begin after five in the afternoon.

Chap. 78.

Chap. 79. An Act authorizing the County Commissioners of the county of Norfolk to lay out a road and bridge over tide waters in Dorchester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location of the road and bridge.

The county commissioners of the county of Norfolk are hereby empowered to lay out and establish a public highway and bridge across Mill creek, in Dorchester, from the southerly termination of Commercial street, to Leed's neck, so called, with or without a draw in said bridge, as they may judge expedient, their proceedings in the premises to be conformable to the provisions of the twenty-fourth chapter of the Revised Statutes. [*Approved by the Governor, March 9, 1844.*]

Chap. 80. An Act in addition to an Act to incorporate the New England Mutual Life Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May insure lives otherwise than on the mutual principle.

The New England Mutual Life Insurance Company is hereby authorized to make insurance on lives otherwise than on the mutual principle. [*Approved by the Governor, March 11, 1844.*]

Chap. 81. An Act to authorize the town of Danvers to put down and maintain Channel Poles.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Poles to be put down in Porter's, Waters, and Crane rivers.

SECT. 1. The town of Danvers is hereby authorized and empowered to put down and maintain channel poles in Porter's, Waters and Crane rivers, in said town, for the purpose of improving the navigation of said rivers.

Penalty for injuring the same.

SECT. 2. If any person shall wantonly or negligently mar or destroy the aforesaid poles, when put down, he shall forfeit for such offence a sum equal in value to twice the amount of injury done, to be recovered by said town by an action of trespass on the case. [*Approved by the Governor, March 11, 1844.*]

Chap. 82. An Act in relation to Insurance on Lives, for the benefit of Married Women and other persons.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Life insurance for the benefit of a married woman shall enure to her use and that of

SECT. 1. Any policy of insurance made by any insurance company on the life of any person, expressed to be for the benefit of a married woman, whether the same be effected by herself or by her husband, or by any other

person on her behalf, shall enure to her separate use and benefit and that of her children, if any, independently of her husband and of his creditors and representatives, and also independently of any other person effecting the same in her behalf, his creditors and representatives, and a trustee or trustees may be appointed by any court authorized to appoint trustees, to hold and manage the interest of any married woman in any such policy or the proceeds thereof.

her children, independently of all other persons.

Trustees may be appointed to manage said interest.

SECT. 2. Where a policy of insurance is effected by any person on the life of another, expressed therein to be for the benefit of such other, or his representatives, or for that of a third person, the party for whose benefit such policy is made shall be entitled thereto as against the creditors and representatives of the person so effecting the same.

The party for whose benefit a policy is made shall be entitled to the benefit thereof, as against the creditors and representatives of the party effecting the same.

SECT. 3. In case of any premium being paid on any such policy of insurance, as is mentioned in the two preceding sections, by any person, with intent to defraud his creditors, a proportional amount of the interest in such policy, or proceeds thereof, shall enure to the benefit of his creditors; such proportion to be determined in a proceeding in equity in the supreme court, or other suitable legal proceeding. [Approved by the Governor, March 11, 1844.]

Provision against fraud in a suit in equity, &c.

An Act to incorporate the Georgetown Branch Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Chap. 83.

SECT. 1. George J. Tenney, Samuel Little, Coleman Platt, Charles S. Tenney, and John B. Savery, of Georgetown, George Savery and Jeremiah Spofford, of Bradford, and David E. Noyes, of West Newbury, their associates and successors, be and hereby are made a corporation by the name of the Georgetown Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, and the statutes subsequently passed, relating to rail-road corporations.

Persons incorporated.

SECT. 2. Said company may construct a rail-road from the turn-out track, near the depot of the Boston and Maine Rail-road in Bradford, easterly, passing near the store of Leonard Johnson; then on the line of most suitable elevation, till it comes near the bank of Merrimack river, opposite to Silsby's island, and so down said bank at such distance as may be found best, to Johnson's creek; then northerly of the house of Stephen Parker, and up the valley of the most easterly branch of said creek to the easterly side of the buildings of Benjamin Nelson, and on the best level to the line of Georgetown, near a stone bound on the road southerly of the house of Enoch Harriman;

Location of the road.

then northerly of the house of Orin Weston, to near the house of David Perkins; and then south-easterly on the most convenient ground to such place as shall be found most suitable for a depot at or near Georgetown corner.

Capital not to exceed \$100,000, in shares of \$100.

Investment.

SECT. 3. The capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and said company may invest such part thereof in real estate, as may be found necessary and convenient for the purposes of said road.

Legislature may regulate fares, and permit other roads to enter.

SECT. 4. The Legislature may regulate the fare on said road whenever the income shall exceed ten per cent., and authorize any other rail-road to enter on and use the same for such tolls as the Legislature may, from time to time, prescribe.

May be merged in the Boston and Maine Rail-road Corporation.

SECT. 5. The Georgetown Branch Rail-road Company may at any time be merged in and constitute a part of the Boston and Maine Rail-road whenever the two corporations shall agree so to unite, at meetings called for the purpose, when all the rights, privileges, duties and responsibilities of the said Branch Rail-road shall appertain to the said Boston and Maine Rail-road.

Conditions of the uses of each road by the other.

SECT. 6. The Georgetown Branch Rail-road Company may enter and unite their rail-road with the Boston and Maine Rail-road at the point mentioned in the second section; but neither company shall have a right to run their cars or engines on the road of the other, but on terms and conditions mutually agreed upon by the parties, or prescribed by the Legislature.

When to be located and completed.

SECT. 7. If the location of said road be not filed according to law, or if the company shall not complete said road as provided for in the second section of this act, with at least one track, within three years from the date of the same, then the said act shall be null and void. [*Approved by the Governor, March 11, 1844.*]

Chap. 84.

An Act in addition to an Act incorporating the Union Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Accounts of yearly policies and of policies for seven years may be kept distinct.

SECT. 1. The Union Mutual Fire Insurance Company are hereby authorized and empowered to keep separate and distinct accounts of all their premiums and deposit notes, distinguishing between those received on yearly policies and those accruing in policies, made for seven years, and in case of loss upon yearly policies, the same shall be paid and satisfied exclusively out of the premiums and deposits which shall have accrued out of yearly policies, and in case of loss upon policies made for seven years, the same shall

be paid and satisfied exclusively out of the premiums and deposit notes which shall have accrued from policies made for seven years, and all assessments shall be made in like manner upon the members according to the policies which they may respectively hold: *provided, however*, that the whole funds of the company shall be liable in equitable proportion for any losses that may accrue under any of their policies.

SECT. 2. In dividing the funds of the corporation, or in returning premiums and deposits, the members shall receive only their proportion of the funds arising from the class of policies under which they shall claim and be entitled to the same.

SECT. 3. Every policy made by said corporation shall of itself create a lien on the interest of the person insured, in any personal property thereby insured for securing the payment of any sum for which he may be assessed in consequence of having effected such policy: *provided* the extent of such liability, and the intention of such corporation to rely upon such lien, shall be set forth in the policy, and that upon the alienation of the property to a *bonâ fide* purchaser, the lien shall cease, unless such policy shall be continued in force by consent of the purchaser. [*Approved by the Governor, March 11, 1844.*]

Assessments to be made according to the terms of policy. Provided that the whole funds shall be liable in equitable proportion for all losses.

Divisions, &c. of funds to be made according to the terms of policies.

Every policy to create a lien, &c.

Provided, &c.

An Act regulating the Rates of Toll at the Dartmouth Bridge.

Chap. 85.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The Dartmouth Bridge Company are hereby authorized, from and after the passing of this act, to demand and receive at said bridge the following rates of toll, instead of the rates of toll heretofore established, to wit: for each foot-passenger, two cents; for each horse and rider, six cents; for each horse and farm wagon, ten cents; for each horse and chaise, chair, sulky, sleigh or buggy wagon, twelve cents; for each horse and covered wagon with two seats for conveyance of persons, buggy wagon on elliptical springs without top, twelve cents; for each carryall, cab, or double buggy drawn by one horse, fifteen cents; for each carryall, coach, or other riding carriage, drawn by two or more horses, twenty-five cents; for each horse-cart or truck with one horse, ten cents; for each additional horse, five cents; for each cart, wagon, sled, or other carriage of burden drawn by two beasts, fifteen cents; drawn by more than two and not more than four beasts, twenty cents; drawn by four and not more than six beasts, thirty cents; and when drawn by more than six beasts, fifty cents; one person and no more to pass with each team free of toll; for

each drift horse, four cents; neat cattle, three cents each; sheep and swine, one cent each; no other toll shall be taken at said bridge than is hereby authorized.

Teams not to carry more than 3 tons weight.

SECT. 2. No team shall be allowed to carry more than three tons weight at any one time across said bridge. [*Approved by the Governor, March 11, 1844.*]

Chap. 86. An Act in addition to an Act incorporating the Bedford Commercial Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Six per cent. of profits to be divided among stockholders, and excess over six per cent. among stockholders and persons insured.

SECT. 1. The Bedford Commercial Insurance Company may divide among their stockholders and the persons insured by them, in proportion to the stock owned and the premiums paid on risks terminated, all their clear profits over and above the amount of six per cent. per annum, which six per cent. shall be divided among the stockholders alone: *provided*, that no such division among the stockholders and the persons insured jointly, shall be made until all arrearages which may hereafter occur in the six per centum, payable to the stockholders, shall have been paid to the stockholders; and said company shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-fifth and one hundred and seventy-eighth chapters of the acts of the year one thousand eight hundred and thirty-eight.

Provided, &c.

Stockholders may withdraw their interest, the same to be determined by arbitrators, &c.

SECT. 2. Any stockholder may withdraw his proportion of the assets of the company, the value of which shall forthwith be ascertained by arbitration before the acceptance of this act, and any deficiency thus created in the capital stock, shall be made up by new subscribers before this act shall go into operation. The arbitrators herein provided for, shall be appointed, one by the president of the company, and one by the claiming stockholder; and in case the two persons so appointed are unable to agree as to the value of the assets, they shall appoint a third arbitrator to act with them. [*Approved by the Governor, March 12, 1844.*]

Chap. 87. An Act relating to the Statistics of Crime.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time and subjects of reports from the attorney for Suffolk,

SECT. 1. The Commonwealth's attorney for the county of Suffolk, and the district attorneys, shall severally, on or before the fifteenth day of January in each year, make re-

ports to the secretary of the Commonwealth, setting forth particularly the amount and kind of official business done by them respectively in each county, during the year ending on the last day of the preceding month of December; the number of persons prosecuted; the crimes, offences, or misdemeanors, for which such prosecutions were had, the results thereof, the punishments against any person convicted thereon, and the amount of the bill of costs in each case; abstracts of which reports the secretary of the Commonwealth shall make and submit to the Legislature annually, as early in the month of February as may be practicable.

SECT. 2. All provisions of law inconsistent with this act are hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 12, 1844.*]

and the district attorneys to the secretary.

Who shall make abstracts of the same for the Legislature.

Repeal of former laws.

When to take effect.

An Act respecting the Appropriation of the Property of Minors to their Maintenance and Education.

Chap. 88.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The provisions of the second section of the seventy-eighth chapter of the Revised Statutes shall be extended to the principal as well as to the income of the property of minors therein described; and if such property consists of real estate, the guardian of any such minor may apply to any proper court, for a license to sell the same; and when sold, may appropriate the principal and income of the proceeds of such sale to the maintenance and education of any such minor, according to the provisions of said second section.

Principal as well as income of property of minors to be applied to their use.

Guardians may sell real estate under license of court.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 12, 1844.*]

When to take effect.

An Act to establish the Providence and Worcester Rail-road Company.

Chap. 89.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Samuel Wood, Paul Whitin, and John W. Lincoln, their associates and successors, are hereby made a corporation by the name of the Providence and Worcester Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and provisions, contained in that part of the thirty-ninth chapter of the Revised Statutes, which relates to rail-road corporations, and in the several statutes, subsequently passed, relating to such corporations, and in the forty-fourth chapter of the Revised Statutes; and the said corporation is hereby empowered and authorized to locate, construct, and fully com-

Persons incorporated.

Location of road.

plete, a rail-road, with one or more tracks, from a point on the Western Rail-road, at or near the village of Worcester, and thence in the valley of the Blackstone river, in the towns of Worcester, Millbury, Sutton, Grafton, Northbridge, Uxbridge, and Mendon, in the direction towards Providence, in the State of Rhode Island, to a point in the line, in said Mendon, dividing the states of Massachusetts and Rhode Island; and said corporation is also empowered and authorized to locate, construct, and fully complete a rail-road, with one or more tracks, commencing at a point on the Boston and Worcester Rail-road, at or near the Grafton depot, in the town of Grafton, and thence in the valley of the Little Blackstone river, or one of its branches, and the valley of the Little Blackstone river, to a point in said valley, near the junction of the Little Blackstone and the Blackstone rivers, in the town of Grafton, and thence, in the valley of the said Blackstone river, in the towns of Grafton, Northbridge, Uxbridge and Mendon, to a point in the town of Mendon, on the line dividing the states of Massachusetts and Rhode Island, as before mentioned.

Capital not to exceed \$1,000,000 in not more than 10,000 shares.

SECT. 2. The capital stock of said rail-road company shall consist of not more than ten thousand shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share, and the said corporation may purchase and hold such real estate on the line of said road, and such materials, cars, engines, and other things, as may be necessary for depots for the use of said road, and for the transportation of persons, goods, and merchandise.

To be located according to law, and completed, as above provided, within three years.

SECT. 3. If the location of said road, on one of the routes before mentioned, be not filed according to law, or if the said company shall not complete said road on one of said routes, to the extent provided for in the first section of this act, with at least one track, within three years from the date of the same, then the same shall be null and void.

The Legislature may grant the use of the road to any other company, provided, &c.

SECT. 4. The Legislature may authorize any company to enter with another rail-road, at any point of said Providence and Worcester Rail-road, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the Legislature may, from time to time, prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, complying with such rules and regulations as may be established by said Providence and Worcester Rail-road Company: *provided, however,* that no other corporation shall enter upon said Providence

and Worcester Rail-road with any motive power, unless the said Providence and Worcester Rail-road Company shall refuse to draw over their road, or any part thereof, the cars of any other rail-road corporation which may be authorized to enter with their rail-road upon the said Providence and Worcester Rail-road.

SECT. 5. The Legislature may, after the expiration of five years from the time when the said rail-road shall be opened for use, from time to time reduce the rate of tolls, or other profits, upon said rail-road; but the tolls shall not, without the consent of said company, be so reduced as to produce with said profits, less than ten per cent. per annum.

SECT. 6. The said Providence and Worcester Rail-road Company are hereby authorized to unite with a rail-road company, which may be empowered by the Legislature of Rhode Island to construct a rail-road from the southern terminus of the rail-road, authorized by this act, to the city of Providence; and when the two companies shall have so united, the stockholders of one company shall become stockholders in the other company, and the two companies shall constitute one corporation by the name of the Providence and Worcester Rail-road Company, and all the franchises, property, powers, and privileges, granted or acquired under the authority of the said states respectively, shall be held and enjoyed by all the said stockholders in proportion to the number of shares or amount of property held by them respectively, in either or both of said corporations.

SECT. 7. One or more of the directors, or other officers of said Providence and Worcester Rail-road Company, as is provided in the preceding section, shall, at all times, be an inhabitant of this Commonwealth, on whom processes against said company may be legally served, and said company shall be held to answer in the jurisdiction where the service is made and the process is returnable.

SECT. 8. The said company shall keep separate accounts of their expenditures in Massachusetts and in Rhode Island respectively, and two commissioners shall be appointed, one by the governor of each state, to hold their offices for the term of four years, and to be reasonably compensated by said company, who shall decide what portion of all expenditures of said company and of its receipts and profits, properly pertain to that part of the road lying in Massachusetts and Rhode Island respectively, and the annual report required to be made to the Legislature of this Commonwealth, shall be approved by the said commissioners.

SECT. 9. The said company and the stockholders therein, so far as their road shall be situated in Massachusetts, shall be subject to all the duties and liabilities of the Provi-

The Legislature may reduce the tolls after five years, provided, &c.

Corporation may be united with another company to be incorporated by Rhode Island.

One director or officer to be an inhabitant of Massachusetts.

Separate accounts to be kept of expenses, receipts, and profits in the two states, which expenses, &c., shall be estimated by commissioners.

Company liable in Massachusetts for portion of the road lying therein.

The last four sections, when to take effect.

dence and Worcester Rail-road Company, created by the provisions of this act and the general laws of this state, to the same extent as the said Providence and Worcester Rail-road Company and the stockholders therein would have been, had the whole line of said rail-road been located within the limits of Massachusetts.

SECT. 10. The provisions contained in the four preceding sections shall not take effect until the Legislature of the state of Rhode Island shall have passed an act containing similar provisions, nor until said provisions shall have been accepted by the stockholders of the said two corporations respectively, at legal meetings called for that purpose. [*Approved by the Governor, March 12, 1844.*]

Chap. 90.

An Act to reduce the Tax on Sales of Teas by Importers at Auction.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Tax on auction sales of teas reduced to $\frac{1}{4}$ per cent., provided, &c.

SECT. 1. The tax upon all sales by auction of any teas which may be imported from foreign countries, into any port of this state, and sold by the importers as above, within thirty days after such importation, shall be one quarter of one per cent. on the amount thereof, instead of the tax now by law provided.

Repeal of former laws.

SECT. 2. All laws inconsistent with this act, are hereby repealed. [*Approved by the Governor, March 12, 1844.*]

Chap. 91.

An Act to repeal the Act incorporating the Truro Fire and Marine Insurance Company.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Act incorporating the Truro Fire and Marine Insurance Company, approved on the twenty-seventh day of February, in the year eighteen hundred and forty-one, is hereby repealed. [*Approved by the Governor, March, 13, 1844.*]

Chap. 92.

An Act to incorporate the Episcopal City Mission.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. William Appleton, Henry Codman, and Edward S. Rand, their associates and successors, are hereby made a corporation by the name of The Episcopal City Mission, with all the rights, powers, and privileges, and subject to all the duties, restrictions, and requirements, contained in the forty-fourth chapter of the Revised Statutes, so far as the same are applicable to this corporation.

SECT. 2. The said corporation may own and hold real and personal estate to an amount and value, exclusive of their chapels and the land on which they stand, yielding a net annual income not exceeding seven thousand dollars, to be applied to the moral and religious instruction of the poor, and to the support of public worship in the city of Boston. [*Approved by the Governor, March 13, 1844.*]

Income from property exclusive of chapels, &c., not to exceed \$7000.

How to be applied.

An Act to incorporate the Davisville Manufacturing Company.

Chap. 93.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Isaac Davis, Joseph Davis, George C. Davis, their associates and successors, are hereby made a corporation by the name of the Davisville Manufacturing Company, for the purpose of manufacturing cotton goods, and machinery for the same, in the town of Northborough, in the county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

To manufacture cotton goods and machinery for the same in Northborough.

SECT. 2. The said corporation may hold for the purpose aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars.

Real estate not to exceed \$30,000, and capital \$100,000.

SECT. 3. John Davis, guardian of Henry C. Davis and Charles D. Davis, minor heirs of Joseph Davis deceased, is hereby authorized to convey to the said corporation such interest as the said minors may have in the said joint property, to the end that the same may be divided into shares and thus held, instead of being held by their present title, as tenants in common. [*Approved by the Governor, March 13, 1844.*]

Interest of minors to be conveyed to the corporation.

An Act giving further time to the Amherst Bank to close its concerns.

Chap. 94.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The president, directors, and company of the Amherst Bank in the town of Amherst, are hereby continued a body corporate for the period of two years from the twelfth day of January, in the year one thousand eight hundred and forty-five; and the said corporation shall, during such extended term, be entitled to all the powers and privileges which they now enjoy, and be subject to all the duties, restrictions, and liabilities, and to all suits, actions, or proceedings at law or in equity, to which they now are, or might have been subject, and to which they would have been subject, at the time when said corporation would otherwise cease to be a corporate body, had not this act been passed. [*Approved by the Governor, March 13, 1844.*]

Continued for two years from January 12th 1845.

Chap. 95.

An Act to increase the Capital Stock of the Merchants Bank, in Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital may be increased \$1,000,000, in shares of \$100 each.

To be paid in as directors shall determine.

Provided, &c.

Liabilities of additional stock.

Certificates of collection of additional capital to be filed with the secretary previous to transactions with said capital.

SECT. 1. The president, directors and company of the Merchants Bank, in Boston, are hereby authorized to increase their capital stock, by an addition thereto of one million of dollars, in shares of one hundred dollars each, which shall be paid in such instalments, and at such times, as the president and directors of said bank may direct and determine: *provided, however*, that five hundred thousand dollars of said additional capital, being the full amount of five thousand shares, shall be paid in on or before the fifteenth day of October next, and the residue, or such proportion thereof, as the said president and directors may direct and determine, shall in like manner be paid in within one year from and after the said fifteenth day of October next.

SECT. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said corporation is now subject.

SECT. 3. Before the said corporation shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of this Commonwealth. [*Approved by the Governor, March 13, 1844.*]

Chap. 96.

An Act to incorporate the Eastern Exchange Hotel Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

To erect and maintain a building for a hotel—

—but not to carry on the business of hotel keeping.

Real and personal estate, not to exceed \$150,000.

SECT. 1. JOHN A. PAGE, C. C. HOWARD, THOMAS L. RAYNER, their associates and successors, are hereby made a corporation, by the name of the Eastern Exchange Hotel Company, for the purpose of erecting a hotel on or near the land of Skillings' heirs, near Commercial street, in the city of Boston, and maintaining such hotel and the buildings and improvements connected therewith; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes: *provided*, that said corporation shall not carry on the business of hotel keeping, or be in any way interested in such business.

SECT. 2. The whole amount of real and personal estate, or capital stock which said corporation may hold, shall not exceed the sum of one hundred and fifty thousand dollars. [*Approved by the Governor, March 13, 1844.*]

An Act to incorporate the Baldwin Company.

Chap. 97.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Ziba Gay, William W. Calvert, Royal Southwick, their associates and successors, are hereby made a corporation, by the name of the Baldwin Company, for the purpose of manufacturing cotton and woolen goods, in the town of Chelmsford, in the county of Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

To manufacture cotton and woolen goods in Chelmsford.

SECT. 2. The said corporation may hold for the purpose aforesaid, real estate to the amount of thirty thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

Real estate not to exceed \$30,000, and capital stock \$100,000.

[Approved by the Governor, March 13, 1844.]

An Act relating to Masters in Chancery.

Chap. 98.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

In all courts in this Commonwealth, proof that the master in chancery had taken the oath of office required by the thirty-second section of the eighty-eighth chapter of the Revised Statutes, before entering upon the discharge of the duties of his office, and before the repeal of said section, shall be sufficient evidence of his having been qualified to act as a master in chancery. [Approved by the Governor, March 13, 1844.]

Qualification under a law now repealed, valid.

An Act to incorporate the Seamen's Widow and Orphan Association.

Chap. 99.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Francis P. B. True, Catharine T. Andrew, Deborah Archer, their associates and successors, are hereby made a corporation, by the name of the Seamen's Widow and Orphan Association, for the purpose of affording relief to the widows and orphans of seamen, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SECT. 2. The said corporation may take and hold real and personal estate to an amount not exceeding ten thousand dollars for the purpose aforesaid. [Approved by the Governor, March 13, 1844.]

Real and personal estate not to exceed \$10,000.

Chap 100.

An ACT to incorporate the Fall River Branch Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECT. 1. Andrew Robeson, Richard Borden, Jefferson Borden and Nathan Durfee, their associates and successors, are hereby made a corporation, by the name of the Fall River Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, which relates to rail-road corporations, and in the several statutes, subsequently passed, relating to such corporations.

Choice of loca-
tion.

SECT. 2. The said company may construct a rail-road upon one of the following routes, viz: commencing at a point situated upon the south side of the Fall River stream upon land belonging to the Fall River Iron Works Company in the town of Fall River and county of Bristol, and from thence northerly by the valley of the Taunton river, upon the easterly side thereof, in the most eligible route, to a point near Assonet village; thence northeasterly by the valley of Assonet river and upon the southeasterly side thereof, and crossing said river above the old forge dam, so called, and passing near a point where the towns of Freetown, Berkley, Taunton and Middleborough meet, where it may be found most eligible, to a point near Myrick's station, upon the New Bedford and Taunton Rail-road in the town of Taunton. Said road passes through the towns of Fall River, Freetown, and either of any or all the towns of Middleborough, or Berkley and Taunton, to the Myrick's station aforesaid. Or commencing at the first named point on the south side of Fall River stream, and pursuing the above described route, in the valley of Taunton and Assonet rivers, on the easterly or south-easterly side thereof, to a point upon the Assonet river, between Porter's dam and Gilbert Winslow's dam; thence crossing Assonet river and running northerly in the most eligible route through Freetown, Berkley and Taunton, to a point above the Weir bridge, crossing Taunton Great River, near or within ten rods southerly of the New Bedford and Taunton Rail-road; thence running within ten rods along side of the New Bedford and Taunton Rail-road to the Taunton Branch depot in Taunton.

Capital stock
not to exceed
\$100,000 in
shares of \$100
each.

SECT. 3. That the capital stock of said corporation shall not exceed four hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may invest and hold such part thereof in real estate, as may be necessary and convenient for the purposes of their incorporation.

SECT. 4. The Legislature may, after the expiration of four years from the time when the said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls, or other profits upon said road; but the said tolls shall not, without the consent of said corporation, be so reduced as to produce with said profits less than ten per cent. per annum.

After four years the Legislature may reduce the rate of tolls, provided, &c.

SECT. 5. If said corporation be not organized, the location of that part of their road within the county of Bristol filed with the commissioners of said county, and the location of that part of their road within the county of Plymouth, (should it be found most eligible to locate the road through the corner of Middleborough,) filed with the commissioners of that county, within three years from the passage of this act, or if the said road shall not be completed within six years from the passage of this act, then this act shall be void.

Time allowed for location and completion.

SECT. 6. The said corporation is hereby authorized to enter with their rail-road, by proper turn-outs and switches, on such point of the New Bedford and Taunton Rail-road as is designated in the second section of this act, viz: at a point near Myrick's station, paying for the right to use the same such a rate of tolls as the Legislature may, from time to time, prescribe, and complying with such reasonable rules and regulations as may be established by said New Bedford and Taunton Rail-road Company: *provided, however,* that said corporation shall not enter upon the said New Bedford and Taunton Rail-road with any motive power, unless the New Bedford and Taunton Rail-road Corporation shall refuse or neglect to draw over their road the cars of the said Fall River Branch Rail-road Company, upon such terms and conditions as may, from time to time, be prescribed by the Legislature.

May connect with the New Bedford and Taunton Rail-road, provided, &c.

SECT. 7. The Legislature may authorize any company to enter with another rail-road at any point of said Fall River Branch Rail-road, and over the same, or any part thereof, paying therefor such a rate of toll or compensation as the Legislature may, from time to time, prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, complying with such rules and regulations as may be established by said Fall River Branch Rail-road Company: *provided, however,* that no other corporation shall enter upon said Fall River Branch Rail-road with any motive power, unless the said Fall River Branch Rail-road Company shall refuse to draw over their road, or any part thereof, the cars of any other rail-road corporation, which may be authorized to enter with their rail-road upon said Fall River Branch Rail-road.

The Legislature may authorize any other company to use the road, provided, &c.

[Approved by the Governor, March 14, 1844.]

Chap 101.

An Act in addition to the several Acts concerning the Militia.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Rates of compensation for militia service.

SECT. 1. The officers and soldiers of every company raised at large, who shall perform the duties required by the twenty-third and twenty-fourth sections of "an act in addition to the several acts concerning the militia," passed on the twenty-fourth day of March, in the year one thousand eight hundred and forty, and the second section of "an act in addition to the several acts concerning the Militia," passed on the twenty-fourth day of March, in the year one thousand eight hundred and forty-three, shall each be entitled to receive one dollar for the inspection duty in May, one dollar and fifty cents for each of the two company trainings, and two dollars for the annual inspection and review. And the sums to which such officers and soldiers may be entitled shall be paid from the Treasury of the respective cities and towns in which the company armory, or place of assembling the company, is located, which sums shall be repaid to such cities and towns, in the manner prescribed in the sixth section of this act.

By whom paid.

For personal service only.

SECT. 2. No officer, non-commissioned officer, musician, or private, in the volunteer militia, shall be entitled to the compensation mentioned in this act, unless he shall personally perform the duty required by law; nor shall any excuses which may be granted for absence from, or non-performance of, military duty, entitle the person so excused to receive the aforesaid compensation.

Returns to be made by commanders of companies to the adjutant general.

SECT. 3. The commanding officer of every company raised at large, in addition to the returns now required to be made to the commanding officers of regiments and battalions, shall, within twenty days after each of the days of inspection, trainings, and review, required by law, make to the adjutant general an alphabetical return of the names of all the men belonging to his company, not exceeding sixty-four in number, excepting such companies as are allowed a larger number by law, stating who have appeared armed, uniformed, and equipped, and performed duty, on all or either of said days of inspection, trainings, and review, and also who were absent on each of the days aforesaid.

Rolls to be delivered by commanders of companies to town and city officers.

SECT. 4. The commanding officer of every company raised at large, shall, after each of the days of inspection, trainings, and review, required by law, make out an alphabetical roll of the persons, not exceeding sixty-four in number, who shall have appeared armed, uniformed and equipped, and performed duty in his company on each of said days; and within twenty days, annually, after the last inspection, shall deliver the same, certified under his oath

to be correct and true, to the mayor and aldermen of any city, or the selectmen of any town, in which the company armory or place of assembling the company is located; *provided, however*, that such roll shall contain only the names of those persons who have performed the duty required by law.

SECT. 5. The mayor and aldermen of each city, and the selectmen of each town, to whom the returns named in the preceding and second sections are made, shall on or before the first day of November, annually, make out a complete list of all the persons who appear from said returns to be entitled to the bounty mentioned in the first and second sections of this act, and shall thereupon draw their warrants on their respective treasurers, directing them to pay the amount due to the persons named in said returns; and the mayor and aldermen, and selectmen aforesaid, shall return to the adjutant general, on or before the fifteenth day of January annually, the lists of persons so to be paid, and the amount for which their respective warrants have been drawn; and the adjutant general shall on or before the twenty-fifth day of January, annually, ascertain from the returns made to him, the amount of money which will be necessary to pay the several cities and towns, and submit the same to the governor of the Commonwealth, who is hereby authorized to draw his warrant on the treasurer of the Commonwealth for the re-payment of the sums advanced.

SECT. 6. Any city or town that shall neglect to make return to the adjutant general as herein directed, shall forfeit its right to be re-imbursed by the state; and any commanding officer who shall neglect to make the returns required by this act, shall for each offence be liable to a penalty of thirty dollars, to be recovered in any court of competent jurisdiction, for the use of the Commonwealth; and any commanding officer of a company who shall falsely make and certify to the adjutant general, a return of the names of all the men belonging to his company, and their performance of duty as required by the fourth section of this act; or shall make and certify falsely an alphabetical roll of the persons who shall have appeared armed, uniformed and equipped, and performed duty in his company, in manner prescribed in the fifth section of this act; or shall include in such roll the name of any person who has not personally appeared armed, uniformed and equipped, and performed duty as aforesaid, or the name of any person who has been excused for absence or the non-performance of such duty, shall be deemed to have been guilty of a misdemeanor, and may be prosecuted therefor by indictment in the municipal court of the city of Boston, if living in the county of Suffolk, or in the court of common

Cities and towns to pay for militia service, and to be remunerated by the Commonwealth.

Provided they make legal returns to the adjutant general.

Penalties for commanding officers neglecting to make returns, or making false returns.

pleas holden in either of the other counties of the Commonwealth, in which the officer so offending shall live, and upon conviction thereof, shall forfeit and pay to the use of the Commonwealth, for each offence, a sum not less than fifty dollars, nor more than one hundred dollars, in the discretion of the court before which such conviction shall be.

Company officers in the cavalry and artillery.

SECT. 7. The officers of each company of cavalry and artillery, shall be, one captain, one first, one second, and one third lieutenant.

Musketoons to be furnished to the artillery.

SECT. 8. Each company of artillery, on application to the adjutant general, shall be furnished with musketoons, whenever a supply of that arm shall be received for distribution, the officers of the company to be held responsible for the safe keeping and return of the same, as provided in the first section of "an act in addition to the several acts concerning the militia," passed on the third day of March, in the year one thousand eight hundred and forty-two.

Copies of this act, and blank returns, to be distributed by the adjutant general.

SECT. 9. The adjutant general shall cause a copy of this act to be sent to all the commissioned officers of the volunteer militia, and shall also provide blank forms of the returns to be made to him by the cities and towns and company commanding officers.

Penalties, how to be appropriated.

SECT. 10. The penalty imposed in the sixth section of the one hundred and sixth chapter of the statutes of the year one thousand eight hundred and forty-one, may be recovered and appropriated in the manner the fines prescribed in the one hundred and first section of the twelfth chapter of the statutes are recovered and appropriated.

Repeal of former provisions.

SECT. 11. So much of the sixth section of the one hundred and sixth chapter of the statutes of the year eighteen hundred and forty-one, as provides that said penalty shall be recovered and appropriated in the manner prescribed for other fines, in the one hundred and first section of the eleventh chapter of the Revised Statutes, is hereby repealed.

SECT. 12. The fourteenth section of the ninety-second chapter of the statutes, and all acts or parts of acts to which this is an addition, inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, March 14, 1844.*]

Chap 102.

An Act concerning Prosecutions for the Sale of Spirituous and Fermented Liquors.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Defendant in such prosecutions presumed

SECT. 1. In all prosecutions for selling spirituous or fermented liquors, without license, the legal presumption shall be that the defendant has not been licensed; and if

he relies on a license, in his defence, it shall be incumbent on him to prove that fact by an attested copy of the record of his license.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 14, 1844.]

not to have been licensed.

When to take effect.

An Act to authorize the inhabitants of Truro, in the county of Barnstable, to construct Bridges.

Chap 103.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The inhabitants of the town of Truro, in the county of Barnstable, are hereby authorized to construct a carriage or foot bridge across Eastern Harbor Creek and a carriage or foot bridge across Palmet creek, in said town, whenever a majority of the legal voters of said town, present and voting thereon at any legal meeting, called for that purpose, shall vote to construct said bridges. And if the said inhabitants shall elect to erect foot bridges over said creeks, they are hereby empowered to raise or appropriate money to defray the expense thereof, and said inhabitants, in carrying into effect the provisions of this act, shall in all respects conform to the existing laws relative to laying out town ways.

Carriage or foot bridges at two points, as the town shall decide.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 15, 1844.]

When to take effect.

An Act in relation to the Registry of Deeds.

Chap 104.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The registers of deeds within this Commonwealth shall be and are hereby required to record in a fair and legible hand-writing, and in continuous successive lines upon the pages of the record book, all deeds conveying real estate, and all other instruments which they are by law required to record; and whenever by accident or inadvertence in transcribing any deed or other instrument, an interlineation or erasure shall become necessary to the correct record thereof, the same shall be carefully noted on the record book before the attestation of the register to the record of the instrument. [Approved by the Governor, March 15, 1844.]

Form of record of deeds and other instruments.

Interlineations and erasures, how to be noted.

An Act to incorporate the Washington Mutual Insurance Company.

Chap 105.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thomas Lamb, Daniel C. Bacon, William B.

Persons incor-

porated for 20 years.

To insure fire and maritime risks on the mutual principle.

No policy to be issued until \$100,000 are paid in and invested.

Legal interest, principal, and profits, when to be paid, and on what conditions.

Guarantee capital independent of resources subject to be converted into premiums.

Chap 106.

Persons incorporated for 20 years.

To insure fire and marine risks on the mutual principle.

No policy to be issued until \$100,000 are paid in and invested.

Reynolds, their associates and successors, are hereby made a corporation, for the term of twenty years, by the name of the Washington Mutual Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans, and insurance against maritime losses and losses by fire on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

SECT. 2. No policy of insurance shall be issued by said company until a fund of one hundred thousand dollars in cash shall have been paid in for the protection of the assured, and invested as by law required of insurance companies heretofore incorporated.

SECT. 3. The said company may pay semi-annually the legal interest on the aforesaid fund, and may pay the principal of the fund whenever their net profits shall amount to the sum of one hundred thousand dollars, and the same shall have been invested according to law as aforesaid; and no further division of the net profits or funds of the company shall be made, without leaving at least two hundred thousand dollars invested as aforesaid, until the expiration of this act.

SECT. 4. The guarantee capital provided for in this act shall be in addition to any resources which can be converted into premiums. [*Approved by the Governor, March 15, 1844.*]

An Act to incorporate the American Mutual Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. J. Ingersoll Bowditch, Benjamin Rich, Edward Austin, their associates and successors, are hereby made a corporation, for the term of twenty years, by the name of the American Mutual Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses and losses by fire on the mutual principle, with all the powers and privileges, and subject to all the duties liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

SECT. 2. No policy of insurance shall be issued by said company until a fund of one hundred thousand dollars in cash shall have been paid in for the protection of the assured, and invested as by law required of insurance companies heretofore incorporated.

SECT. 3. The said company may pay semi-annually the legal interest on the aforesaid fund, and may pay the principal of the fund whenever their net profits shall amount to the sum of one hundred thousand dollars, and the same shall have been invested according to law as aforesaid; and no further division of the net profits or funds of the company shall be made, without leaving at least two hundred thousand dollars invested as aforesaid, until the expiration of this act.

SECT. 4. The guarantee capital provided for in this act, shall be in addition to any resources which can be converted into premiums. [*Approved by the Governor, March 15, 1844.*]

Legal interest, principal, and profits, when to be paid, and on what conditions.

Guarantee capital independent of resources subject to be converted into premiums.

An Act to prevent Frauds in the Conveyance of Real Estate.

Chap 107.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever any real estate, or right or interest in any real estate, shall be purchased by any debtor, or the purchase money therefor shall be directly or indirectly paid by any such debtor, and the title to such real estate, or right or interest in any such real estate, shall be retained in the vendor, or conveyed to any other person, with the design and for the purpose of fraudulently securing the same from attachment by any creditor of such debtor, or with the intent and for the purpose of delaying, defeating or defrauding such creditor, the said real estate, or right or interest therein, may be attached on mesne process, or taken in execution, in the same manner and to the same effect as the real estate, the legal title to which is in such debtor, may now be by the laws of this Commonwealth.

Real estate may be attached on mesne process, or taken in execution, when the title thereto has been retained or conveyed in fraud of creditors.

SECT. 2. No attachment of such real estate on mesne process shall be valid against any subsequent attaching creditor, or against any person who shall afterwards purchase the same for a valuable consideration, and in good faith, unless the officer making the same, shall, in addition to the return he is now required by law to make into the office of the clerk of the court for the county in which such real estate lies, return also a brief description of the estate attached, and the name or names of the person or persons in whom the record or legal title to the same shall stand.

Such attachment not valid, &c. unless a description of the estate, and the names of persons holding legal title, be returned to the clerk, &c.

SECT. 3. The said clerk shall, in addition to the names of the parties in the writ upon which such attachment is made, enter also the name or names so returned in his book of attachments, in the same manner as if he or they were defendant or defendants in such writ.

Names so returned to be entered in the book of attachments.

SECT. 4. All levies made under the preceding provisions shall be void, unless the execution creditor shall commence his action to recover possession of the real estate set off on

Such levies to be void unless action for recovery be com-

menced within one year, &c. his execution within one year from the return of the execution on which the levy is made: *provided*, the person or persons in whom the record-title shall stand, shall retain the possession of said real estate, claiming title thereto. [*Approved by the Governor, March 15, 1844.*]

Chap 108. An Act in addition to An Act to incorporate the Tremont Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Six per cent. of profits to be divided among stockholders, and excess over six per cent. among stockholders and insured; provided, &c. **SECT. 1.** The Tremont Insurance Company may divide among their stockholders, and the persons insured by them, in proportion to the stock owned and the premiums paid on risks terminated, all of their clear profit over and above the amount of six per cent. per annum, which six per cent. shall be divided among the stockholders alone: *provided*, that no such division among the stockholders and the persons insured, jointly, shall be made until all arrearages which may hereafter occur in the six per centum payable to the stockholders shall have been paid to the stockholders.

Value of proportion of assets withdrawn to be determined by arbitrators, &c. before the acceptance of this act. **SECT. 2.** Any stockholder may withdraw his proportion of the assets of the company, the value of which shall forthwith be ascertained by arbitration, before the acceptance of this act; and any deficiency thus created in the capital stock shall be made up by new subscribers before this act shall go into operation. The arbitrators herein provided for, shall be appointed, one by the president of the company, and one by the claiming stockholder; and in case the two persons so appointed are unable to agree as to the value of the assets, they shall appoint a third arbitrator to act with them. [*Approved by the Governor, March 15, 1844.*]

Chap 109. An Act to establish the Salisbury Branch Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated. **SECT. 1.** Henry M. Brown, Jonathan B. Webster and Robert Cross, their associates and successors, are hereby made a corporation by the name of the Salisbury Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions, contained in that part of the thirty ninth chapter of the Revised Statutes which relates to rail-road corporations, in the forty-fourth chapter of said Revised Statutes, and other subsequent acts, relating to rail-road corporations. And the said corporation is hereby authorized and empowered to locate, construct and finally complete a rail-road, with one or more tracks, from a point at or near the depot of the

Location of road.

Eastern Rail-road Company, in Salisbury aforesaid, thence running westerly to a point near the dwelling-house of Harrison Fowler, in Salisbury aforesaid, thence westerly to a point near the dwelling-house of David Flanders, in Salisbury aforesaid, thence northerly to some point between the dwelling-house owned by Sylvanus Brown and the house owned by the Amesbury Flannel Manufacturing Company, and occupied by Moses Gordon, in Salisbury aforesaid.

SECT. 2. The capital stock of said rail-road company shall consist of not more than five hundred shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share; and the said corporation may purchase and hold such real estate on the line of said road, and at its termination in Salisbury or Amesbury, and such materials, cars, engines and other things, as may be necessary for depots for the use of said road, and for the transportation of persons, goods and merchandize. And the said corporation may make such arrangements with the Eastern Rail-road Company, either by the sale and transfer of the whole or part of the franchise hereby granted, or by a sale and transfer of the whole or part of said road, or by a lease of the same, as may be mutually agreed upon by the directors of said corporations; and in such case said Eastern Rail-road Company may transport passengers and property on the said Salisbury Branch Rail-road, with the same privileges as upon the residue of the line of said Eastern Rail-road. And in case no such agreement for the sale or lease of said branch rail-road to said Eastern Rail-road Company be effected, the said branch rail-road are hereby authorized to enter with their rail-road upon such part of the Eastern Rail-road in Salisbury as shall be deemed most expedient, paying for the right to use the same, or any part thereof, such a rate of toll as the Legislature may, from time to time, prescribe, and complying with such rules and regulations as may be established by the directors of said Eastern Rail-road.

SECT. 3. If the location of said road be not filed according to law, or if said company shall not complete said road to the extent provided for in the first section of this act, with at least one track, within three years from the date of the same, then this act shall be null and void.

SECT. 4. The legislature may authorize any company to enter with another rail-road at any point of said branch rail-road, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the legislature may, from time to time, prescribe, or that may be fixed under the provisions of any general law of this Common-

Capital stock not to exceed 500 shares.

Not more than \$100 to be assessed on each share.

Real estate and other property.

May make certain arrangements with the Eastern Rail-road Company.

Or may enter upon that road in Salisbury, and may use it, or any part; provided, &c.

Location to be filed according to law, and a portion to be completed within three years.

May be entered by any other rail-road, under authority of the legislature.

wealth, complying with such rules and regulations as may be established by said Salisbury Branch Rail-road.

After five years the legislature may reduce the rate of tolls and other profits, provided, &c.

SECT. 5. The legislature may, after the expiration of five years from the time when the said rail-road shall be opened for use, from time to time reduce the rate of tolls or other profits upon said rail-road; but the said rate of toll shall not, without the consent of said corporation, be so reduced as to produce, with said profits, less than ten per centum per annum.

When to take effect.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1844.*]

Chap 110.

An Act to incorporate the Tremont Mutual Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated for 20 years.

SECT. 1. Philo S. Shelton, Charles Wilkins, John G. Nazro, their associates and successors, are hereby made a corporation, for the term of twenty years, by the name of the Tremont Mutual Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses and losses by fire, on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

To insure fire and marine risks, on the mutual principle.

No policy to be issued until \$100,000 are paid in and invested.

SECT. 2. No policy of insurance shall be issued by said company until a fund of one hundred thousand dollars in cash shall have been paid in for the protection of the assured, and invested, as by law required of insurance companies heretofore incorporated.

Legal interest, principal and profits, when to be paid and on what conditions.

SECT. 3. The said company may pay semi-annually the legal interest on the aforesaid fund, and may pay the principal of the fund whenever their net profits shall amount to the sum of one hundred thousand dollars, and the same shall have been invested according to law as aforesaid; and no further division of the net profits or funds of the company shall be made, without leaving at least two hundred thousand dollars invested as aforesaid until the expiration of this act.

Guarantee capital, independent of resources subject to be converted into premiums.

SECT. 4. The guarantee capital provided for in this act, shall be in addition to any resources which can be converted into premiums. [*Approved by the Governor, March 15, 1844.*]

An Act in addition to an Act to incorporate the Boston Female Asylum.

Chap 111.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston Female Asylum may hold real estate to the amount of seventy-five thousand dollars, any thing in the act incorporating said asylum to the contrary notwithstanding. [*Approved by the Governor, March. 15, 1844.*]

May hold real estate not to exceed \$75,000.

An Act to authorize John Hoppin to extend his Wharf.

Chap 112.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

John Hoppin is hereby authorized and empowered to extend and maintain his wharf in the city of Boston, in the direction in which it now runs, to the line established by the acts concerning the harbor of Boston, passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and on the sixth day of March, in the year one thousand eight hundred and forty-one, and shall have the right to lay vessels at the sides and end of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as shall extend beyond low water mark shall be built on piles, and that the provisions of this act shall not interfere with the private rights of any person or persons whatever. [*Approved by the Governor, March 15, 1844.*]

May be extended to the line, &c.

Provided, &c.

An Act to authorize the New England Mutual Marine Insurance Company to divide the interest upon their invested funds.

Chap 113.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The New England Mutual Marine Insurance Company are hereby authorized and empowered to divide the interest, or income, over and above all known losses and expenses that shall accrue from the investment according to law, of their funds, whenever and so long as said funds shall amount to the sum of one hundred thousand dollars, exclusive of premium notes and such other resources as can be converted into premiums. [*Approved by the Governor, March 15, 1844.*]

May divide interest or income from invested funds, when the same, independent of resources convertible into premiums, amount to \$100,000.

An Act to incorporate the Barnstable County Agricultural Society.

Chap 114.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Reed, John B. Dillingham and J. B. Phinney, their associates and successors, are hereby made

Persons incorporated.

a corporation by the name of the Barnstable County Agricultural Society, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained and set forth in the forty-second and forty-fourth chapters of the Revised Statutes.

To hold real estate not exceeding \$20,000, and personal estate yielding an income not exceeding \$5000.

SECT. 2. The said corporation may hold real estate not exceeding twenty thousand dollars, and personal estate, the annual income of which shall not exceed five thousand dollars, to be devoted and appropriated exclusively to the purposes of an agricultural society. [*Approved by the Governor, March 15, 1844.*]

Chap 115.

AN ACT concerning the Settlement of Estates of persons deceased insolvent.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Dividends of estates of persons deceased, insolvent, remaining unclaimed for twenty years, shall be distributed anew, &c. by order of the judge of probate.

SECT. 1. In all cases in which the estate of any person deceased has been, or shall hereafter be represented insolvent, and by proceedings duly had in the court of probate, such insolvency shall have been, or shall be established, and the estate of such deceased person decreed to be distributed among creditors whose claims have been duly proved and allowed, the judge of probate for the county in which said proceedings were had, shall, and may, after the expiration of twenty years from said decree of distribution, upon application of any of said creditors or their representatives, and after a notice of such application in one or more newspapers published in said county, for not less than two years, on such days as he may deem reasonable, order any dividends remaining unclaimed in the hands of the executor or administrator of said estate, together with any interest that may have been received thereon, to be distributed anew among such of the creditors whose claims have been approved and allowed as aforesaid, and who shall have received their dividends, to the extent of satisfying the said claims of such creditors, with interest, first deducting from the amount so held by such executor or administrator, all sums by him expended since the last decree of distribution in and about the said estate, and the care and custody of such unclaimed dividends. And if there shall be a surplus beyond what is necessary to pay the demands of such creditors, such surplus shall by said judge of probate be distributed to the heirs at law of such deceased.

Administration to be granted on estates of deceased persons, interested in such unclaimed dividends.

SECT. 2. If any of such creditors who shall have failed to receive their dividends as aforesaid, shall have deceased, and the time within which administration might by law have been granted on their estates shall have expired, the judge of probate for the county in which such administration might have been granted, shall, and may, at any time before passing a decree to distribute such unclaimed divi-

dends, grant administration upon the estate of such deceased creditor, in the same manner, and to the same effect, as if the same had been granted within the time prescribed by law. And the estate of such deceased person, in the hands of such administrator, shall be liable for the payment of his just debts, and be administered in all respects in the same manner as if such administration had been granted within thirty days after the death of such person deceased. [*Approved by the Governor, March 15, 1844.*]

An Act to establish the Salisbury and East Kingston Rail-road Company.

Chap 116.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thomas J. Clark, Nathaniel White, and Nathaniel B. Gordon, their associates and successors, are hereby made a corporation, by the name of the Salisbury and East Kingston Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and provisions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the Revised Statutes, which relates to rail-road corporations, and other subsequent acts relating to rail-road corporations. And the said corporation is hereby authorized and empowered to locate, construct, and finally complete a rail-road, with one or more tracks, from some point in Amesbury or Salisbury, between the dwelling-house of Benjamin Young in said Amesbury, and the house of John Davis in Salisbury; thence running a northerly direction, near the banks of the Powow river, to the boundary line between the Commonwealth and the State of New Hampshire.

Persons incorporated.

Location of road.

SECT. 2. The capital stock of said rail-road company shall consist of not more than two hundred and fifty shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share. And the said corporation may purchase and hold such real estate, on the line, and at the termination of said road, and such materials, cars, engines, and other things, as may be necessary for depots, for the use of said road, and for the transportation of persons, goods, and merchandize. And the said corporation may make such arrangements with the Boston and Maine Rail-road, either by the sale or transfer of the whole or part of the franchise hereby granted, or by the sale or lease of the whole or part of said road, as may be mutually agreed on by the directors of said corporations, and in such case said Boston and Maine Rail-road may

Capital stock to consist of not more than 250 shares, and not more than \$100 may be assessed on each share.

Real estate and other property.

May make arrangements, &c., with the Boston and Maine Rail-road Company.

transport passengers and property on said Salisbury and East Kingston Rail-road, with the same privileges as upon the residue of their line.

Location filed and a portion completed within three years.

SECT. 3. If the location of said road be not filed according to law, or if said company shall not complete said road to the extent provided for in the first section of this act, with at least one track, within three years from the date of the same, then this act shall be null and void.

Any other company authorized by the Legislature may enter the road, provided, &c.

SECT. 4. The Legislature may authorize any company to enter with another rail-road, at any point of said Salisbury and East Kingston Rail-road, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the Legislature may, from time to time, prescribe, or that may be fixed, under the provisions of any general law of this Commonwealth, complying with such rules and regulations as may be established by said Salisbury and East Kingston Rail-road Company; and the Legislature may, after the expiration of five years from the time, when the said rail-road shall be opened for use, from time to time, reduce the rate of tolls or other profits upon said rail-road; but said tolls shall not, without the consent of said corporation, be reduced so as to produce with said profits less than ten per centum per annum.

After five years the Legislature may reduce tolls and profits, provided, &c.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1844.*]

When to take effect.

Chap 117.

An Act to authorize Jarvis Braman to extend his wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be extended to a line, &c.

Jarvis Braman is hereby authorized and empowered to extend and maintain his wharf in the city of Boston, in the direction in which it now runs, to the line established by the acts concerning the harbor of Boston, passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and on the sixth day of March, in the year one thousand eight hundred and forty-one, and shall have the right to lay vessels at the sides and ends of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as shall extend beyond low water mark, shall be built on piles, and that the provisions of this act shall not interfere with the private rights of any person or persons whatever. [*Approved by the Governor, March 15, 1844.*]

Provided, &c.

Chap 118.

An Act to incorporate the General Mutual Fire and Marine Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-

SECT. 1. Pelham W. Hayward, William Parsons, Ben-

jamin C. White, their associates and successors, are hereby made a corporation for the term of twenty years, by the name of the General Mutual Fire and Marine Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses and losses by fire, on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

SECT. 2. No policy of insurance shall be issued by said company, until a fund of one hundred thousand dollars shall have been paid in, in cash, for the protection of the assured, and invested as by law required of insurance companies heretofore incorporated.

SECT. 3. The said company may pay, semi-annually, the legal interest on the aforesaid fund, and may pay the principal of the fund, whenever their net profits shall amount to the sum of one hundred thousand dollars, and the same shall have been invested according to law as aforesaid; and no further division of the net profits or funds of the company shall be made, without leaving at least two hundred thousand dollars invested as aforesaid, until the expiration of this act.

SECT. 4. The guarantee capital provided for in this act, shall be in addition to any resources which can be converted into premiums. [*Approved by the Governor, March 15, 1844.*]

An Act to reduce the Capital Stock of the Warren Bank, in Danvers.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. From and after the first day of April next, the president, directors, and company of the Warren Bank, are hereby authorized to reduce their capital stock to the sum of one hundred and twenty thousand dollars; *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place, until a commissioner to be appointed by the governor and council for that purpose, at the expense of said corporation, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it, and after the payment thereof, and extinguishing the number of shares hereby authorized to be extinguished, the net sum of one hundred and twenty thousand dollars will remain in said bank as capital stock,

porated for twenty years.

To insure marine and fire risks, on the mutual principle.

No policy to be issued till \$100,000 have been paid in, and invested.

Legal interest and principal may be paid, whenever net profits amounting to \$100,000 have been invested.

No further division to take place till \$200,000 have been invested.

Guarantee capital to be independent of resources convertible into premiums.

Chap 119.

Capital may be reduced to \$120,000 after April 1st, and when a commissioner shall have reported.

in funds available for all usual and proper banking purposes.

Reduction to be made by extinguishing 300 shares.

SECT. 2. To reduce said capital stock as aforesaid, the said corporation shall extinguish three hundred shares therein, so that each of the remaining twelve hundred shares shall be of the par value of one hundred dollars.

Tax to be levied as heretofore till April 1st, and till a commissioner shall have reported.

SECT. 3. From and after the said first day of April next, previous to which time the commissioner herein provided for shall make and deliver his certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank shall have relation to and be governed by said reduced capital stock of one hundred and twenty thousand dollars; and until the said first day of April next, and the said certificate shall have been made and delivered as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital of said bank; and nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the act incorporating said bank.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1844.*]

Chap 120.

An Act entitled an Act for the removal of Insane Convicts from the State Prison.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Insanity of a convict confined in the state prison to be made known to, and considered by, a commission for examining, &c.

SECT. 1. Whenever a convict confined in the State Prison shall become deranged, it shall be the duty of the warden or the inspectors of the prison to communicate notice of the fact to the chairman of the commission for examining insane convicts in the State Prison. The said chairman, upon receiving said notice, shall forthwith call together the members of said commission, at the prison aforesaid, who shall proceed to investigate, and, after due examination, report upon the supposed case of insanity, if any report be necessary.

Which commission shall report to the judge of the municipal court, &c.

Who shall issue his warrant directing the convict to be removed and kept, &c.

SECT. 2. If, in the opinion of said commission, or the majority of them, the convict has become insane, and in their opinion his removal would be expedient, they shall report the same, together with their reasons, to the judge of the municipal court of the city of Boston, who, on receiving said report, shall issue his warrant, under the seal of the court, directed to the warden, and authorizing him to remove said convict to the State Lunatic Hospital at Worcester, there to be kept till in the opinion of the superintendent and trustees thereof, he may be recommitted to the State Prison consistent with health. And said superintendent, when so satisfied as aforesaid, shall certify the fact of such restoration upon the warrant aforesaid, and give notice thereof to the

den, who shall thereupon cause the convict to be re-conveyed to the State Prison, there to suffer the residue of his sentence pursuant to his original commitment.

SECT. 3. The physician of the State Prison, who shall also be chairman, together with the superintendents for the time being of the State Lunatic Hospital, and of the McLean Asylum at Somerville, shall constitute the commission for the examination of convicts in the State Prison aforesaid alleged to be insane; and each of said commissioners shall receive for his services in such capacity three dollars per day for each and every day he may be so employed, and be remunerated for all his travelling expenses, the same to be an expense chargeable to the prison.

Commission, how to be constituted and paid.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1844.*]

When to take effect.

An Act to incorporate the Franklin Mutual Insurance Company, of Boston.

Chap 121.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Francis Welch, Samuel K. Williams, Thomas Adams, their associates and successors, are hereby made a corporation, for the term of twenty years, by the name of the Franklin Mutual Insurance Company, of Boston, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses and losses by fire, on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

Persons incorporated for 20 years.

To insure fire and marine risks on the mutual principle.

SECT. 2. No policy of insurance shall be issued by said company until a fund of one hundred thousand dollars in cash shall have been paid in for the protection of the assured, and invested as by law required of insurance companies heretofore incorporated.

No policy of insurance to be issued before the investment of a fund of \$100,000.

SECT. 3. The said company may pay semi-annually, the legal interest on the aforesaid fund, and may pay the principal of the fund, whenever their net profits shall amount to the sum of one hundred thousand dollars, and the same shall have been invested according to law as aforesaid; and no further division of the net profits or funds of the company shall be made, without leaving at least two hundred thousand dollars invested as aforesaid, until the expiration of this act.

Legal interest and principal to be paid whenever net profits have been invested to the amount of \$100,000. No further division to be made, except of excess over \$200,000.

SECT. 4. The guarantee capital provided for in this act, shall be in addition to any resources which can be converted into premiums. [*Approved by the Governor, March 15, 1844.*]

Guarantee capital to be independent of resources convertible into premiums.

Chap 122.

An Act to incorporate the Eagle Cotton Gin Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

To manufacture cotton gins and other machinery in Bridgewater.

Real estate not to exceed \$30,000, and capital stock \$100,000.

SECT. 1. Joseph A. Hyde, Waldo Ames, Philo Keith, their associates and successors, are hereby made a corporation by the name of the Eagle Cotton Gin Manufacturing Company, for the purpose of manufacturing cotton gins and other machinery in the town of Bridgewater, in the county of Plymouth, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. The said corporation may hold for the purpose aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars. [*Approved by the Governor, March 15, 1844.*]

Chap 123.

An Act to authorize Joseph Lincoln to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf to be extended to the line, &c.

Provided, &c.

Joseph Lincoln is hereby authorized and empowered to extend and maintain his wharf in the city of Boston, in the direction in which it now runs, to the line established by the acts concerning the harbor of Boston, passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and on the sixth day of March, in the year one thousand eight hundred and forty one; and shall have the right to lay vessels at the sides and end of said wharf and receive wharfage and dockage therefor: *provided*, that so much of said wharf as shall extend beyond low water mark shall be built on piles, and that the provisions of this act shall not interfere with the private rights of any person or persons whatever. [*Approved by the Governor, March 15, 1844.*]

Chap 124.

An Act to incorporate the Traders Mutual Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated for 20 years.

To insure fire and marine risks on the mutual principle.

SECT. 1. E. Edes Bradshaw, Adam W. Thaxter, Jr., Peter C. Brooks, Jr., their associates and successors, are hereby made a corporation for the term of twenty years, by the name of the Traders Mutual Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses and losses by fire, on the mutual principle, with all

the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same shall be applicable to the corporation hereby created.

SECT. 2. No policy of insurance shall be issued by said company until a fund of one hundred thousand dollars in cash shall have been paid in for the protection of the assured, and invested as by law required of insurance companies heretofore incorporated.

SECT. 3. The said company may pay semi-annually the legal interest on the aforesaid fund, and may pay the principal of the fund whenever their net profits shall amount to the sum of one hundred thousand dollars, and the same shall have been invested according to law as aforesaid; and no other division of the net profits or funds of the company shall be made, without leaving at least two hundred thousand dollars invested as aforesaid, until the expiration of this act.

SECT. 4. The guarantee capital provided for in this act shall be in addition to any resources which can be converted into premiums. [*Approved by the Governor, March 15, 1844.*]

No policy to be issued before the investment of a fund of \$100,000.

Legal interest and principal may be paid when net profits of \$100,000 have been invested.

No other division to be made before investment of \$200,000.

Guarantee capital to be independent of resources convertible into premiums.

An Act to incorporate the Neptune Mutual Insurance Company.

Chap 125.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Caleb Curtis, John P. Thorndike, Samuel Quincy, their associates and successors, are hereby made a corporation for the term of twenty years, by the name of the Neptune Mutual Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses and losses by fire, on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

SECT. 2. No policy of insurance shall be issued by said company until a fund of one hundred thousand dollars in cash shall have been paid in for the protection of the assured, and invested as by law required of insurance companies heretofore incorporated.

SECT. 3. The said company may pay semi-annually, the legal interest on the aforesaid fund, and may pay the principal of the fund whenever their net profits shall amount to the sum of one hundred thousand dollars, and the same shall have been invested according to law as

Persons incorporated for twenty years, to insure marine and fire risks on the mutual principle.

No policy to be issued before investment of a fund of \$100,000.

Legal interest and principal to be paid after investment of profits amounting to \$100,000.

No further division, except of excess over \$200,000 invested.

Guarantee capital to be independent of resources convertible into premiums.

aforsaid; and no further division of the net profits or funds of the company shall be made, without leaving at least two hundred thousand dollars invested as aforesaid, until the expiration of this act.

SECT. 4. The guarantee capital provided for in this act, shall be in addition to any resources which can be converted into premiums. [*Approved by the Governor, March 15, 1844.*]

Chap 126.

An Act to incorporate the United States Mutual Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated for twenty years, to insure marine and fire risks on the mutual principle.

SECT. 1. Robert B. Williams, Phincas Sprague, Abel Adams, their associates and successors, are hereby made a corporation for the term of twenty years, by the name of the United States Mutual Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses and losses by fire, on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same shall be applicable to the corporation hereby created.

No policy to be issued before the investment of a fund of \$100,000.

SECT. 2. No policy of insurance shall be issued by said company until a fund of one hundred thousand dollars in cash shall have been paid in for the protection of the assured, and invested as by law required of insurance companies heretofore incorporated.

Legal interest and principal to be paid after the investment of net profits amounting to \$100,000.

SECT. 3. The said company may pay, semi-annually, the legal interest on the aforesaid fund, and may pay the principal of the fund whenever their net profits shall amount to the sum of one hundred thousand dollars, and the same shall have been invested according to law as aforesaid; and no other division of the net profits or funds of the company shall be made, without leaving at least two hundred thousand dollars invested as aforesaid, until the expiration of this act.

No other division to be made, except of excess over \$200,000 invested.

Guarantee capital, independent of resources convertible into premiums.

SECT. 4. The guarantee capital provided for in this act, shall be in addition to any resources which can be converted into premiums. [*Approved by the Governor, March 15, 1844.*]

Chap 127.

An Act to alter the times of holding Probate Courts in the town of Medway, in the county of Norfolk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Repeal of provisions respecting probate

SECT. 1. So much of the fifty-fifth section of the eighty-third chapter of the Revised Statutes, as provides that a

probate court shall be held at Medway, in the county of Norfolk, on the Mondays next before the third 'Tuesdays of February and November; and also an act entitled "an act relating to the probate courts in the county of Norfolk," passed April the fourteenth, one thousand eight hundred and thirty-seven, are hereby repealed.

courts in Medway.

SECT. 2. There shall be three probate courts held in the town of Medway, in the county of Norfolk, in each year, on the third Tuesdays of February, June and October.

Future arrangements of the same.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1844.*]

When to take effect.

An Act for the protection of the Shell Fishery in Rowley.

Chap 128.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. If any person, not an inhabitant of the town of Rowley or Georgetown, shall dig or take any clams from the flats owned by said town, without permission first obtained in writing from the selectmen of said town, the person so offending shall forfeit for every bushel of clams, including their shells, so dug or taken, the sum of one dollar, to be recovered on complaint before any justice of the peace for the county of Essex, to the use of said town.

Only inhabitants of Rowley and Georgetown, and persons authorized by the selectmen, to dig or remove clams from flats owned by said towns.

SECT. 2. Any vessel, boat or craft, being in the possession or use of any person violating the first section of this act, at the time and place of such violation, may be seized, detained, and proceeded against, as is provided in the fourth-tenth section of the fifty-fifth chapter of the Revised Statutes.

Penalty of offence.

Vessels, &c. of offenders to be seized and proceeded against.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1844.*]

When to take effect.

An Act concerning Alimony.

Chap 129.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Whenever a divorce from the bond of matrimony shall be decreed upon the libel of the wife, for impotency on the part of the husband, the supreme judicial court may allow and decree alimony, when it shall be necessary for her suitable support and maintenance, in the same manner in which they are authorized to do in other cases of divorce, by the thirty-first section of the seventy-sixth chapter of the Revised Statutes. [*Approved by the Governor, March 15, 1844.*]

In cases of divorce for the cause of impotency, alimony may be decreed, &c.

Chap 130. An Act in addition to an Act entitled "An Act concerning the District of Marshpee."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Residence of twenty years, from what time to be reckoned.

The residence of twenty years, mentioned in the act passed March the third, in the year one thousand eight hundred and forty-two, entitled "an act concerning the District of Marshpee," shall be construed to mean a residence of twenty years next preceding the passage of the act establishing the District of Marshpee, passed March the thirty-first, in the year one thousand eight hundred and thirty-four. [Approved by the Governor, March 15, 1844.]

Chap 131. An Act to annex a part of the town of Salisbury to the town of Amesbury.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lands and persons to be set off and annexed.

SECT. 1. All that part of the town of Salisbury, in the county of Essex, lying and being northerly of Powow river, and southerly of the line of the Commonwealth of Massachusetts and the state of New Hampshire, commonly known and called "Little Salisbury," together with the families and estates of all persons residing thereon, is hereby set off and annexed to the town of Amesbury, in said county of Essex: *provided* all persons so annexed shall be holden to pay all taxes heretofore assessed upon them, in the same manner as if this act had not been passed.

Persons so annexed are to pay taxes already assessed.

Amesbury to pay to Salisbury a proportion of taxes assessed on Salisbury before next state valuation.

SECT. 2. The inhabitants of the town of Amesbury shall hereafter pay to the town of Salisbury their proportion of all county and state taxes that shall be assessed upon said town of Salisbury, previously to taking the next state valuation, said proportion to be ascertained and determined by the last town valuation.

When to take effect.

SECT. 3. This act shall be in force from and after its passage. [Approved by the Governor, March 15, 1844]

Chap 132.

An Act to incorporate the Cordis Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. Luther Parks, John Stearns, Augustus H. Fiske, their associates and successors, are hereby made a corporation by the name of the Cordis Company, for the purpose of manufacturing cotton, woolen, worsted and silk goods and machinery in the town of Millbury, in the county of Worcester; and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To manufacture cotton goods, &c. in Millbury.

SECT. 2. The said corporation may hold for the purposes aforesaid, real estate not exceeding the amount of two hundred thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of five hundred thousand dollars. [*Approved by the Governor, March 15, 1844.*]

Real estate
not to exceed
\$200,000, and
capital stock
\$500,000.

An Act concerning the Eastern Rail-road Company.

Chap 133.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Eastern Rail-road Company is hereby authorized to remove a wooden covering erected in the tunnel of their road in Salem, and so much of the first section of the one hundred and fifty-second chapter of the acts of the year one thousand eight hundred and thirty-seven, as requires the said company to provide a covering for said rail-road, for a distance of at least thirty feet from Essex street, in said Salem, is hereby repealed.

Authorized to
uncover a tun-
nel in Salem.

SECT. 2. The treasurer of the Commonwealth is hereby authorized to pay to the treasurer of the said rail-road company the amount of interest due on the first day of April, in the year one thousand eight hundred and forty, on five certificates of scrip issued by the said Commonwealth for the benefit of said company, the same being numbered fifty-seven and fifty-eight, for five thousand dollars each, eighty-six and eighty-seven, for two thousand dollars each, and one hundred and seventeen, for one thousand dollars, said interest being in all, the sum of three hundred and seventy-five dollars—the interest warrants for said certificates being supposed to be lost; *provided, however*, that the said Eastern Rail-road Company shall first give bond, with sufficient surety, to the satisfaction of the treasurer of the Commonwealth, to indemnify the Commonwealth aforesaid, against all demands that may hereafter be made for, or on account of said interest. [*Approved by the Governor, March 15, 1844.*]

Treasurer of the Common-
wealth may
pay certain in-
terest money to
treasurer of the
Company.

Provided, &c.

An Act to incorporate the Vermont and Massachusetts Rail-road Company.

Chap 134.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Joseph Davis, Ephraim Parker, Gardner C. Hall, John R. Blake, James White, Richard Colton, George T. Davis and Horatio G. Newcomb, their associates and successors, are hereby made a corporation by the name of the Vermont and Massachusetts Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in that part of the thir-

Persons incor-
porated.

ty-ninth chapter of the Revised Statutes which relates to rail-road corporations, and in the several statutes subsequently passed relating to such corporations, and in the forty-fourth chapter of the Revised Statutes.

Location of road.

And said corporation is hereby empowered and authorized to locate, construct and fully complete a rail-road with one or more tracks, from some convenient point on the location of the Fitchburg Rail-road, in the town of Fitchburg, in the county of Worcester, and thence up the Nashua river to the valley of Whitman's river in Westminster, thence up said valley to the south part of Ashburnham, thence through the north part of the town of Gardner to the Otter river, thence down said Otter river to the village of Baldwinville, in the north part of Templeton, thence down said river to Miller's river, passing through the southwest corner of Winchendon, thence down said Miller's river, passing through the towns of Royalston and Phillipston, to Athol in said county of Worcester; and from said termination in Athol, to continue and extend the said rail-road in either or any of the following ways, namely: down said Miller's river, through the towns of Orange, Wendell, Erving, near the line of Montague, to the town of Northfield, on the Connecticut river, and crossing said river, and running to the southern boundary of Vernon in the State of Vermont; or from said termination in Athol, through the towns of Orange and Warwick, to the southern boundary of Winchester in the State of New Hampshire; or from said termination in Athol, through the towns of Orange, Erving, Wendell, Montague, Deerfield, Greenfield and Bernardston, to the southern boundary of the State of Vermont, at Guilford or Vernon—or from said Bernardston, through the towns of Gill and Northfield, to the southern boundary of said State of Vermont, at Vernon.

Capital not to exceed \$2,500,000, in 25,000 shares.

Time when stockholders may vote, &c., and transfer their shares.

Estate.

SECT. 2. The capital stock of said rail-road company shall consist of not more than twenty-five thousand shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessments shall be laid thereon of a greater amount in the whole, than one hundred dollars on each share; and no share shall be transferable within one year after the organization of said company under this act, and no stockholder shall vote upon the question of the location of the road upon either of the routes named in the first section of this act, unless at least five per cent. shall have been paid upon the share or shares upon which such stockholder shall claim the right to vote; and before this organization of the company, five thousand shares at least shall have been subscribed. And the said corporation may purchase and hold such real estate on the line of said road, and such materials, cars, engines and other things, as may be necessary for depots, for the use of

said road, and for the transportation of persons, goods and merchandize.

SECT. 3. If the location of said road on one of the routes before mentioned, be not filed according to law within two years from the first day of April next; or if the said company shall not complete said road from the termination of said Fitchburg Rail-road as far as said Baldwinville, within three years from the date of this act, and the remainder thereof on one of said routes, to the extent provided for in the first section of this act, with at least one track, within five years from the date of the same, then the same shall be null and void.

Time for locating and completing the road.

SECT. 4. The legislature may authorize any company to enter with another rail-road, at any point of said Vermont and Massachusetts Rail-road, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the Legislature may from time to time, prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, complying with the rules and regulations which may be established by said Vermont and Massachusetts Rail-road Company: *provided, however*, that no other corporation shall enter upon said Vermont and Massachusetts Rail-road with any motive power, unless said Vermont and Massachusetts Rail-road Company shall refuse to draw over their road, or some part thereof, the cars of such other rail-road corporation, which may be so authorized to enter with their rail-road upon the said Vermont and Massachusetts Rail-road.

The Legislature may authorize its use by any other company.

Provided, &c.

SECT. 5. The Legislature may, after the expiration of five years from the time when the said rail-road shall be opened for use, from time to time reduce the rate of tolls, or other profits upon said road. But the tolls shall not, without the consent of said company, be so reduced as to produce, with said profits, less than ten per cent. per annum.

The Legislature may reduce the tolls after five years. Provided, &c.

SECT. 6. And whereas the Legislature of the State of Vermont, at their session in October, A. D. 1843, incorporated the Brattleboro' and Fitchburg Rail-road Company, and authorized and empowered the same to build a rail-road with a single or double track, from the east village of said Brattleboro', southerly to the south or east line of said State of Vermont, where it will most conveniently meet the Fitchburg Rail-road; and empowered said Brattleboro' and Fitchburg Rail-road Company to unite with said Fitchburg Rail-road Company, or with any other company that should be chartered between Fitchburg and Brattleboro', in any way not inconsistent with the laws of Vermont, which said company might deem expedient to promote the general interests of the rail-road from Boston to Brattleboro';—

Now be it further enacted, that said Vermont and Massachusetts Rail-road Company are hereby authorized to

May be united with the Brattleboro' and

Fitchburg
Rail-road
Company.

unite with said Brattleboro' and Fitchburg Rail-road company, and with any company, or companies, which are, or may be incorporated and empowered, to continue and extend a rail-road from said Fitchburg to said Brattleboro'. And when the said companies so extending between Fitchburg and Brattleboro' shall have so united, the stockholders of one company shall become the stockholders in the other, and the two companies shall constitute one corporation, under the name of the Vermont and Massachusetts Rail-road Company; and all the franchises, property, powers and privileges granted, or acquired under the authority of the said states, respectively, shall be held and enjoyed by all the said stockholders, in proportion to the amount of property held by them respectively, in either or both of said corporations. Or, if it shall be deemed a more convenient mode of union, the said Vermont and Massachusetts Rail-road Company may purchase and hold the shares of capital stock in such intermediate road or roads between the north line of Massachusetts and said east village of Brattleboro.'

One or more of
the officers
must reside in
Massachusetts.

SECT. 7. One or more of the directors, or other officers of said Vermont and Massachusetts Rail-road Company, as is provided in the preceding section, shall at all times be an inhabitant of this Commonwealth, on whom processes against said company may be legally served, and said company shall be held to answer in the jurisdiction where the service is made and the process is returnable.

Separate ac-
counts to be
kept of ex-
penses, re-
ceipts and
profits, which
are to be es-
timated by a
commissioner.

SECT. 8. The said company shall keep separate accounts of their expenditures in Massachusetts and in Vermont, and in case any part of said route be located and chartered in New Hampshire, in that state also; and one commissioner shall be appointed by the governor of each state in which said road extends, to hold their offices for the term of four years, and to be reasonably compensated by said company, who shall decide what portion of all expenditures of said company, and of its receipts and profits, properly pertain to that part of the road within, and that part without, this Commonwealth; and the annual report required to be made to the legislature of this Commonwealth shall be approved by the said commissioners, and shall show the expenditures, receipts and profits belonging to the respective parts of said road in each of the states aforesaid.

Liabilities of
part of the road
lying in Massa-
chusetts.

SECT. 9. The said company, and the stockholders therein, so far as their road shall be situated in Massachusetts, shall be subject to all the duties and liabilities of the Vermont and Massachusetts Rail-road Company, created by the provisions of this act and the general laws of this state, to the same extent as said company, and the stockholders therein would have been, had the whole line of said rail-road been located within the limits of Massachusetts.

SECT. 10. The provisions contained in the four preceding sections (other than that giving power to hold the shares in the company or companies between the north line of this state and the east village of Brattleboro',) shall not take effect until the legislature or legislatures of the state or states in which said road shall be located shall pass an act or acts containing similar provisions, nor until said provisions shall have been accepted by the stockholders of said respective corporations, at legal meetings held for that purpose.

Four preceding sections, when to take effect.

SECT. 11. The said corporation may enter with their rail-road upon the Fitchburg Rail-road at any convenient point in the town of Fitchburg, and use the same, or any part thereof, paying therefor such rate of toll or compensation as the legislature may from time to time prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, complying with the rules and regulations which may be established by said Fitchburg Rail-road Company: *provided, however,* that said Vermont and Massachusetts Rail-road Corporation shall not enter upon said Fitchburg Rail-road with any motive power, unless said Fitchburg Rail-road Company shall refuse to draw over their road, or some part thereof, the cars of said Vermont and Massachusetts Rail-road Company.

May enter upon and use the Fitchburg Rail-road, provided, &c.

SECT. 12. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1844.*]

When to take effect.

An ACT to change the names of the Persons therein mentioned.

Chap 135.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Benjamin Gilbert, a minor, may take the name of Benjamin Williams Gilbert; Amaziah Atwood, Jr. may take the name of Francis Amaziah Atwood; Charles Parker may take the name of Charles Sargent Parker; John Mason may take the name of John Warren Mason; Rebecca Locke may take the name of Louisa Rebecca Locke; James Colbert may take the name of Caleb Colbert Mortimer; Ruthy Low Colbert may take the name of Sarah Lynch Mortimer; Caleb Cushing Woodman may take the name of Caleb Cushing Emerson Mortimer; William Storer Wormwood may take the name of William Storer; Jonathan Kimball Rogers may take the name of John Kimball Rogers; Alphonso Horatio Foster may take the name of Franklin Henry Foster; Louisa Cody Palmer, a minor, may take the name of Louisa Caldwell Palmer; Prince Edward Nichols may take the name of Ferdinand Almy Nichols; Francis Moore may take the name of Francis Clifford Moore; Charles Augustus Bartlett may take the name of

Suffolk.

Charles Augustus Bartlett Monroe; Dominicus Scammans Lewis may take the name of Alfred Scammans Lewis; Jonathan Ingersol Kendall may take the name of Henry Ingersol Kendall; Mary Doughty may take the name of Mary Jane Cutter; Jeremiah Bean Moulton may take the name of Charles Bean Moulton; Richard Hazen Fitz may take the name of Richard Hazen Wellington; William Pynchon Oliver may take the name of Peter Oliver; Ephraim N. Buyn may take the name of Ephraim N. Bowen; Sarah Livermore Coburn, a minor, may take the name of Anna Livermore Coburn; Charles Appleton Burzell may take the name of Charles Appleton; Benjamin Franklin Cowdin, a minor, may take the name of Franklin Cowdin Merriam; Sarah Robbins Whitehouse may take the name of Adelaide Austin; William Henry Cowen, a minor, may take the name of Eleazer Porter Wells; Charles Holbrook may take the name of Charles Augustus Holbrook; Eunice Fellows may take the name of Eunice Caroline Fellows; Joseph Wood Whiting may take the name of Joseph Whiting Wood; Sarah Starr Lombard may take the name of Emily Livingston Lombard; Harriet Morton Bull may take the name of Harriet Morton Lawrence; Samuel Gooch may take the name of Samuel Henfield Gooch, severally of the city of Boston; Edmund Bowker, of Chelsea, may take the name of Jacob Henry Bowker, —all of the county of Suffolk. John Lewis Rowe, of Gloucester, may take the name of Lewis Rowe; Moses Marsh, 2d, of Haverhill, may take the name of Moses Chandler Marsh; Proctor Perley Batchelor, of Georgetown, may take the name of Morrison Proctor; Joseph Bradley, 3d, of Haverhill, may take the name of Joseph Hildreth Bradley; Judith Bray, of Newbury, may take the name of Maria Bray; Ann Maria Bean, a minor, of Hamilton, may take the name of Eliza Symonds Patch; Sewall Barrett, a minor, of Lynn, may take the name of Nicholas Bowler; John Tarbox Kimball, a minor, of Methuen, may take the name of John Tarbox; Christian Nelson, of Salem, may take the name of Charles Nelson; George Washington Cook, a minor, of Salem, may take the name of George Washington Emerson; Gustavus Nourse, of Lynn, may take the name of Gustavus Frelinghuysen Nourse; Isaac Burley Horn, of Topsfield, may take the name of Burley Orne; William Groves Millett, a minor, of Beverly, may take the name of William Groves; Jonathan Rundlett, Jr. of Newburyport, may take the name of Jonathan D. Rundlett; James Smith may take the name of James Albert Smith; Edward H. Brooks may take the name of John Brooks Edwards; Stephen Phippen Hill may take the name of Stephen Prescott Hill, severally of Salem; Eliza and Lucy Townsend, minors, of Lynn, may take the

names of Eliza Malvina and Lucy Maria Townsend ; Valeria Pew, a minor of Gloucester, may take the name of Mary Pew ; John Juniper, of Gloucester, may take the name of John Edward Mason ; Sereneth Chamberlain Goodrich, a minor of Andover, may take the name of Mary Elizabeth French ; Henry French Goodrich, a minor of Andover, may take the name of Peter Henry French ; John Hamilton Brown, of Lynn, may take the name of Hamilton Brown ; John Boardman Cheney, of Georgetown, may take the name of John Oseola Brown ; Michael Milkiey, of Danvers, a minor, may take the name of Warren Emerson ; Harriet Newell Brookings, of Newbury, may take the name of Harriet Newell Bartlett ; Hadassah Chase Bragdon, of Newbury, may take the name of Ellen Chase Bragdon ; Lucy Maria Cloutman, a minor of Lynn, may take the name of Lucy Maria Wheeler ; Abigail M. Hall, may take the name of Abigail Barton ; and her children, Mary S. Hall, Abby M. Hall, Susan C. Hall, Frances E. Hall, Emily F. Hall and Maria B. Hall, of Salisbury, may severally take the surname of Barton ; Daniel Adams Emes may take the name of Daniel Adams Ames ; Lura Emes may take the name of Lura Ames ; Lovey Emes may take the name of Lovey A. Ames ; Martha Emes may take the name of Martha Sabrina Ames, severally of Saugus,—all of the county of Essex. Sally Prescott, of Groton, may take the name of Phidelia Worcester. Prescott ; Lucretia Barnes of Marlborough, may take the name of Lucretia Felton ; Samuel Bowman Nelson, of Waltham, may take the name of Samuel Nelson ; Richard Stone, of Sherburne, may take the name of Richard Cecil Stone ; Earl H. Southwick, of Marlborough, may take the name of George Houghton ; Huldah Copeland Tribon, of Cambridge, may take the name of Anelia Copeland Tribon ; David Porter Fuller, a minor of Natick, may take the name of David F. Fiske ; John Richard C. Brown, of Charlestown, may take the name of John C. Brown ; S. W. Palmer, of Newton, may take the name of Hazlitt Arvine ; Mary A. Palmer, of Newton, may take the name of Mary A. Arvine ; Charlotte Reed Gipson, of Burlington, may take the name of Charlotte Louisa Reed ; Ingebor Janson, a minor of Lowell, may take the name of Ingebor Janson Anderson ; Clarissa Coburn, of Dracut, may take the name of Clarissa Fox ; Edward Richardson, of Dracut, may take the name of Edward Everett Richardson ; Andrew Blanchard, 3d, a minor of Medford, may take the name of Andrew Delaval Blanchard ; Benjamin Thorp Henderson, of Woburn, may take the name of Benjamin Thorp Henderson Porter ; James Russell Mac Curdy, of South Reading, may take the name of James Russell ; Benjamin F. Breeding, of Cambridge, may take the name

Hampshire.

of Benjamin F. Bridden; Patrick Frederick Hewes, of Groton, may take the name of William Frederick Hewes; Clara Friuk, of Lowell, may take the name of Clara Wilson; Elizabeth Fletcher Henderson, of Littleton, may take the name of Elizabeth Fletcher Grimes; Rebecca Grimes Henderson, her daughter, may take the name of Rebecca Whitcomb Grimes; Polly M. Woodcock, of Lowell, may take the name of Mary M. Wood; Thomas Womersley Melbon, of Lowell, may take the name of Thomas Womersley; Barzillai Birdet Williams, of Groton, may take the name of John Birdet Williams, all of the county of Middlesex. Sarah Rebecca Fletcher, a minor of Leominster, may take the name of Sarah Rebecca Adams; Thomas Smith, of Sterling, may take the name of George Richard Smith; Dorothy Allen, of Leominster, may take the name of Dorothy Helen Allen; Miranda Heywood, of Lunenburg, may take the name of Miranda Priest Heywood; Lois Brigham Nourse, a minor of Northborough, may take the name of Louisa Brigham Nourse; Lydia Wallis McIntire, of Charlton, may take the name of Vanda Lydia Wallis Kilburn; William H. Carlton, of Sutton, may take the name of Augustus Carlton; Benjamin David Perkins, a minor, of Royalston, may take the name of Benjamin Conant Perkins; Mary Elizabeth Florence, a minor, of Northborough, may take the name of Mary Arravilla Carter; John Cotton, a minor, of Leominster, may take the name of John Atwood Cotton; Thomas Brewer, 2d, of Boylston, may take the name of Leander Watson Brewer; Sarah Elizabeth Flagg, a minor, of Boylston, may take the name of Sarah Theresa Flagg; Asa Goodnow Howe, of Northborough, may take the name of John Calhoun Howe; Charles Albert Babbitt, of Athol, may take the name of Charles Babbitt Albert; Alexander Hamilton, of Worcester, may take the name of Edward Hamilton,—all of the county of Worcester. Mary Ingram, of Amherst, may take the name of Mary Boltwood Ingram; Abigail Davis, of Granby, may take the name of Abby Martha Davis; Abner Witt and Eliza T. Witt, minors, of South Hadley, may take the names of Abner DeWitt and Eliza T. DeWitt; Milton Coates, of Middlefield, may take the name of Milton Henry Coates; Franklin B. Leonard, of Middlefield, may take the name of Franklin B. Ely; Joseph William Strong may take the name of James William Strong; Silas Cook may take of Silas Dwight Cook; Francis James Pepper may take the name of Francis James Pepper Beaumont; Albert Ingram may take the name of Albert Barnes Ingram—severally of Northampton; Ansel Edwards Durant, of Westhampton, may take the name of Ansel Edwards; Harriet Melvina Sears, a minor, of Williamsburgh, may take the name of Harriet Eliza Sears;

David McClintock, of Ware, may take the name of David Woods; Samuel Train, of Northampton, may take the name of Orson Eates Train; Lyman Cook, a minor, of Pelham, may take the name of Lyman Van Buren Cook,—all of the county of Hampshire. Sylva Bissel, a minor of Ludlow, may take the name of Sylva B. Alden; Maria Crosby, a minor, of Springfield, may take the name of Sarah Maria Crosby; Thomas Ainsworth Wedge, may take the name of Thomas Ainsworth Bradford; Sophronia Ruth Wege, his wife, may take the name of Sophronia Ruth Bradford; Sarah Adeline Wedge, their daughter, may take the name of Sarah Adeline Bradford; Eliza Ann Wedge, their daughter, may take the name of Eliza Ann Bradford; Thomas Waterman Wedge, their son, may take the name of Thomas Waterman Bradford; Lucy Mariah Wedge, their daughter, may take the name of Lucy Mariah Bradford; Ellen Frances Wedge, their daughter, may take the name of Ellen Frances Bradford, all of Brimfield; John Fostick, of Brimfield, may take the name of John Lymam; Betsey M. Crooks, of Blandford, a minor, may take the name of Betsey Crooks Morton; Timothy Leary, of Springfield, may take the name of Theodore Lyman,—all of the county of Hampden. John Death and Eunice Death, his wife, may take the names of John Dickinson, and Eunice Dickinson; Asabel G. Death, Jotham P. Death, and Abel S. Death, their minor children, may severally take the surname of Dickinson; John G. Death and Mary Ann Death, his wife, may take the surname of Dickinson, all of Deerfield; Abby Craw, of Greenfield, may take the name of Abigail Sawtell; Nathaniel Macomber, 2d, of Shutesbury, may take the name of Nathaniel Dwight Macomber; Charlotte P. Peabody, of Wendell, may take the name of Charlotte P. Stone; George W. Hotchkiss, a minor, of Montague, may take the name of George W. Puffer; Frederick Ross, of Deerfield, may take the name of Frederick Clapp Ross; William Harrison Hanks, a minor, of Shutesbury, may take the name of William Hanks Spear; Jacob Quackenbush, of Bernardston, may take the name of Jacob Bush—all of the county of Franklin. Thomas Crode Cushing, of Lenox, may take the name of Edward Cushing, of the county of Berkshire. Martha Mary Worcester Curtis, a minor, of Stoughton, may take the name of Martha Mary Crane Worcester; Joseph S. Mutchmore, of Braintree, may take the name of Joseph S. Pratt; Joseph Henry Jackson and his wife, Susan Hatch Jackson, of Braintree, may take the surname of Thayer, in addition to their present names; Sarah Adams, of Quincy, may take the name of Sarah Hardwick Adams; Sally Wilkinson Lewis, of Walpole, may take the name of Sarah Wilkinson Lewis; William Dudley

Wells, of Roxbury, a minor, may take the name of George William Wells,—all of the county of Norfolk. Ann Elizabeth Nichols, of New Bedford, may take the name of Ann Elizabeth Nichols Eddy; Caroline H. Jenney, of New Bedford, may take the name of Caroline Bartlett Hall,—of the county of Bristol. Mason McLauthlin may take the name of Henry Mason; Hannah McLauthlin, his wife, may take the name of Hanna's Mason; George Mason McLauthlin, their minor son, may take the name of George Mason, all of Duxbury; Albert Torrey, a minor, of Scituate, may take the name of Henry Albert Torrey; Return Tilden, of Marshfield, may take the name of Elliot Return Tilden; Jacob Stetson, of Abington, may take the name of Jacob Shaw; Merrill Whitmarsh, of East Bridgewater, may take the name of Mary Livingston Whitmarsh,—all of the county of Plymouth. Warren Fish Baker, of Falmouth, may take the name of Henry Baker; Nathaniel Hopkins, a minor, of Truro, may take the name of Sylvanus Rich Hopkins; John Cogswell, a minor, of Yarmouth, may take the name of John Bear Doane Cogswell; Albert Dunbar, jr., a minor, of Yarmouth, may take the name of Albert Henry Dunbar; Daniel A. Rich, of Truro, a minor, may take the name of Henry Holmes Rich; Horace C. Davis, of Barnstable, a minor, may take the name of Daniel Davis,—all of the county of Barnstable. And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names which by this act they are respectively allowed to assume as aforesaid; and the same shall hereafter be considered as their only proper and legal names. [*Approved by the Governor, March 15, 1844.*]

Chap 136.

An Act to incorporate the Stoughton Branch Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incor-
porated.

SECT. 1. Israel Tisdale, junior, Lyman Kingsley and Martin Wales, their associates and successors, are hereby made a corporation with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes, and the statutes subsequently passed, relating to rail-road corporations.

Location of the
road.

SECT. 2. Said company may construct a rail-road from a point, at or near the depot of the Boston and Providence Rail-road Corporation, in the town of Canton, and thence running in a southeasterly direction to Taunton road, near a stone dwelling-house belonging to the heirs of Elijah Crane, deceased, thence crossing the Forge Pond, so called,

and running east of the Bolivar Factory in said Canton, thence passing near the house of William Henry, in Stoughton, thence passing near the house of Lemuel Bird, and terminating near the Congregational Meeting-house, in Stoughton Village, on land of Benjamin Capen, Simeon Tucker or Nathaniel Morton, or some other convenient place in said village.

SECT. 3. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and said company may invest such part thereof in real estate, as may be found necessary and convenient for the purposes of said road.

Capital stock not to exceed \$150,000, in shares of \$100.
Real estate.

SECT. 4. The Legislature may regulate the fare on said road whenever the income shall exceed ten per cent.; and authorize any other rail-road to enter on and use the same for such tolls as the Legislature may, from time to time prescribe.

The Legislature may regulate fares, provided, &c. and authorize other companies to use the road.

SECT. 5. The said Branch Rail-road Company may enter and unite their rail-road with the Boston and Providence Rail-road at the point mentioned in the second section of this act, paying for the right to use the same, or any part thereof, such a rate of toll as may be mutually agreed upon by the parties, or as the Legislature may from time to time prescribe.

May unite with the Boston and Providence Rail-road, provided, &c.

SECT. 6. If the location of said road be not filed according to law, or if the said company shall not complete said road with one track at least, within three years, then this act shall be void.

Time for locating and completing the road.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

When to take effect.

An Act to incorporate the Groton Branch Rail-road Company.

Chap 137.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Benjamin M. Farley, Nathaniel P. Smith, and John G. Park, their associates and successors, are hereby made a corporation by the name of the Groton Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, which relates to rail-road corporations, and in the statutes of one thousand eight hundred and thirty-seven, chapter two hundred and twenty-six, and in the statutes of one thousand eight hundred and thirty-eight, chapter ninety-nine.

Persons incorporated.

SECT. 2. The said company may construct a rail-road upon the following route, viz: commencing at a point upon the Boston and Fitchburg Rail-road, near school-house

Location of road.

number twelve, in said Groton, in the county of Middlesex, and from thence passing in a northeasterly direction upon the most eligible route to a point near the house of Stephen Kendall, in said Groton; thence passing through broad meadow to the most eligible point upon Maine street in said Groton, near the house of Amos Bancroft; thence from said Main street, in the same direction, by the most eligible route, to a point near the house of Noah Torrey in said Groton; thence in the same direction, by the most eligible route, to some convenient point upon the road leading from Pepperell to Dunstable, between Jewett's bridge and the house of John Shattuck in said Groton.

Capital stock not to exceed \$125,000 in shares of \$50 each.

Real estate.

After four years the Legislature may reduce the rates of toll, provided, &c.

Time for locating and completing the road.

May use the Boston and Fitchburg Rail-road, provided, &c.

The Legislature may authorize any other company to use the road, provided, &c.

SECT. 3. The capital stock of said corporation shall not exceed one hundred and twenty-five thousand dollars, and shall be divided into shares of fifty dollars each. And said corporation may invest and hold such part thereof in real estate, as may be convenient and necessary for the purposes of their incorporation.

SECT. 4. The Legislature may, after the expiration of four years from the time when the said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls, or other profits upon said road; but the said tolls shall not, without the consent of such corporation, be so reduced as to produce, with said profits, less than ten per cent. per annum.

SECT. 5. If said corporation be not organized, and the location of said road filed with the commissioners of the county of Middlesex, within three years from the passage of this act, or if the said road be not completed within six years from the passage of this act, then this act shall be void.

SECT. 6. The said corporation are hereby authorized to enter with their rail-road, by proper turnouts and switches, on such point of the Boston and Fitchburgh Rail-road as is designated in the second section of this act, viz: at a point in said Groton, near school-house number twelve, paying for the right to use the same, such a rate of tolls as the Legislature may from time to time prescribe, and complying with such reasonable rates and regulations as may be established by said Boston and Fitchburg Rail-road Company.

SECT. 7. The Legislature may authorize any company to enter with another rail-road, at any point of said Groton Branch Rail-road, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the Legislature may from time to time prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, and complying with the rules and regulations which may be established by said Groton Branch Rail-road Company: *provided, however,* that no other corporation

shall enter upon said Groton Branch Rail-road, with any motive power, unless said Groton Branch Rail-road Company shall refuse to draw over their road, or any part thereof, the cars of any other rail-road corporation which may be authorized to enter with their rail-road upon said Groton Branch Rail-road. [*Approved by the Governor, March 16, 1844.*]

An Act in addition to an Act concerning Masters in Chancery.

Chap 138.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All proceedings and processes, which may have been commenced under the direction of any master in chancery, previous to the termination of the commission of such master in chancery, shall be prosecuted to their final termination by said master, in the same manner and with the same force and effect, as they would have been, had such commission remained in force.

Masters in chancery may continue proceedings commenced prior to the expiration of their commissions.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

When to take effect.

An Act to incorporate the Lowell Equitable Life Insurance Company.

Chap 139.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Josiah G. Abbott, Jonathan Tyler, Jefferson Bancroft, their associates and successors, are hereby made a corporation by the name of the Lowell Equitable Life Insurance Company, to be established in the city of Lowell, for the purpose of making assurances on single lives, joint lives and survivorships, and for making reversionary payments, on the principle of mutual contribution and mutual participation in the surplus funds, or otherwise, with all the powers and privileges, and subject to all the duties and liabilities, contained in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same may be applicable to this corporation.

Persons incorporated.

SECT. 2. When one hundred and fifty persons have subscribed to become members of the company, by being insured for one or more years, or for the whole term of life, the first meeting may be called for the purpose of organizing the corporation, but only one half the whole number of directors shall then be chosen.

When to be organized, and half the directors to be chosen.

Immediately after such organization, books shall be opened for the subscription of a guarantee capital stock of fifty thousand dollars, to be divided into shares by the corporation thus organized, half of which shall be paid in cash, or secured as hereinafter provided, for the investment thereof,

Guarantee capital to be \$50,000, half of which to be paid in or secured, &c.

before the said corporation shall go into operation for the purpose of making assurances; the other half of said stock may be called for by the directors, from time to time, when they deem it necessary or expedient, and shall be paid in by the holders of the stock, which shall always stand pledged to the corporation for all such assessments so called for, and said stock shall be entitled to an annual dividend not exceeding seven per centum on the amount paid in.

Directors, not chosen at the time of organization, when and how to be chosen.

SECT. 3. As soon as such amount of stock shall be so subscribed and paid in, or secured, as aforesaid, a meeting shall be called of the said stockholders, and they shall elect from their own number, the remaining half of the first board of directors; and at every future election of directors, until the guarantee stock shall be redeemed, one half the number shall be selected from the assured, for one or more years, or for the whole term of life, and the other half from the stockholders, all to be chosen jointly.

Capital how to be invested.

SECT. 4. The funds of the company shall be invested in the stock of the United States, of the State of Massachusetts, of the city of Boston, and in notes secured by bond and mortgage of unincumbered real estate in Massachusetts, worth three times the amount loaned thereon.

Real estate not to exceed \$5,000.

The corporation may hold real estate to an amount not exceeding five thousand dollars, for the purpose of securing suitable offices for the institution.

Division of surplus funds; when and on what principles to be made.

SECT. 5. At the expiration of every three years, after the expiration of the first year, there shall be a general investigation of the affairs of the society, or company, for the past three years, with an estimate of the surplus funds, which may remain after providing for all risks, losses and incidental expenses. If it shall appear, after the investigation, that there is a surplus fund, more than equivalent to the amount of debts and claims against the funds, one third of the estimated surplus funds and receipts shall be set aside, with its accumulations, as a reserved fund, to be applied to the redemption of the guarantee stock; and whenever, after the expiration of ten years from the time of organizing the corporation, the amount of such reserved funds shall be sufficient for the purpose, and the assured shall vote to redeem the said guarantee stock, the same shall be redeemed.

The remaining two thirds of the estimated surplus funds shall be equitably divided among the existing policies, for one or more years, or for the whole term of life, in proportion to the respective amount of premiums paid, either by single contribution, or by uniform annual premiums or contributions, and allocated to the original sum assured, as a bonus, or reversionary addition, payable when the policy emerges and becomes a claim.

General balance statements, when to

SECT. 6. Within thirty days after the expiration of four years from the time of organizing the company, and within

thirty days after the expiration of every subsequent three years, the company shall cause to be made a general balance statement of the affairs of the said company, which shall be entered in a book prepared for that purpose. Such statement shall contain,—

1st. The amount of contributions received during the said period, and the amount of interest received from investments and loans.

2d. The amount of expenses of the said company during the same period.

3d. The amount of losses incurred during the same period.

4th. The balance remaining with said company.

5th. The nature of the security in which the said balance is invested or loaned, and the amount of cash on hand, and the aggregate amount of the sums assured in the existing policies.

6th. The president or vice president of the said company shall, within thirty days after the balance statement is made up, transmit a copy thereof, signed and sworn to by the president and vice president, and a majority of the directors, and also by the auditor, actuary or secretary, to the Secretary of the Commonwealth, to be by him laid before the Legislature.

SECT. 7. The said corporation shall, on the third Monday of January, every year, pay over to the trustees of the Massachusetts General Hospital one third of the net profits, if any, which shall have arisen from insurance on lives made during the preceding year.

SECT. 8. So long as this corporation shall well and truly pay to the General Hospital the aforesaid share of profit, it shall not be lawful for any persons or corporation within the Commonwealth to make insurance on lives upon land, unless empowered so to do, by any future Legislature of this Commonwealth. And whenever any person, or corporation shall hereafter be thus empowered, the obligation of this corporation to pay the trustees of the General Hospital, for the use of said hospital, the third part of the net profits which may thereafter arise on insurance on lives, shall cease, unless the same obligations shall be imposed on such persons or corporations thus hereafter empowered. [*Approved by the Governor, March 16, 1844.*]

be made, and what particulars to contain.

Contributions and interest received.

Expenses.

Losses.

Balance on hand.

Investment of balance, cash on hand, and sums assured.

Attested balance statement to be transmitted to the secretary for the Legislature.

Proportion of profits to be annually paid to the Massachusetts General Hospital.

Obligation of such payments, on what conditions to be continued.

An Act to incorporate the South Boston Lyceum.

Chap 140.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. David Nickerson, John Tillson and Hugh Montgomery, their associates and successors, are hereby

Persons incorporated.

made a corporation, by the name of the South Boston Lyceum, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

To maintain a lyceum in South Boston.

SECT. 2. The said corporation may erect and maintain a building for the purposes of a lyceum, and for other literary, scientific and educational purposes, in that part of the city of Boston known as South Boston, and, for these purposes, may hold real and personal estate to the amount of fifteen thousand dollars, to be devoted exclusively as aforesaid.

May hold property to the amount of \$15,000.

When to take effect.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

Chap 141.

An Act to incorporate the Georgetown and Danvers Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. Elias Putnam, Samuel Preston, Joshua Silvester, John W. Proctor, Robert S. Daniels, Henry Poor, Elijah W. Upton, Kendall Osborn, Lewis Allen, David Daniels, Fitch Poole, Eben Sutton and George Osborn of Danvers; John Kimball, John A. Lovering, C. G. Baker, of Georgetown; John Wright, William Kimball, Joseph S. Bachelder, R. A. Meriam, of Topsfield, are hereby made a corporation by the name of the Georgetown and Danvers Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapters of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes relating to rail-road corporations, and in the statutes of one thousand eight hundred and thirty-seven, chapter two hundred and twenty-six, and in the statutes of one thousand eight hundred and thirty-eight, chapter ninety-nine.

Location of the road-

SECT. 2. Said company may construct a rail-road from the central part of the village of Georgetown, southerly through the village of Topsfield, the villages at Danvers Plains, and at South Danvers, and thence to Salem, to unite with the Eastern Rail-road, at such point, and in such manner as shall be mutually agreed by said companies.

Capital not to exceed \$300,000, in shares of \$100.

SECT. 3. The capital stock of said company shall not exceed three hundred thousand dollars, and shall be divided into shares of one hundred dollars each; the number of which shall be determined from time to time by the directors thereof. The said company may purchase and hold

Real estate.

such real estate, on the line and in the vicinity of said road, as may be necessary and convenient for the purposes of the road.

SECT. 4. The said company may make such arrangements and agreements with the Eastern Rail-road Company, and with the Georgetown Branch Rail-road Company for the accommodation of the business to be done on their respective roads, and the uniting of the same, as shall be most for the convenience of the public, and the interest of all concerned. And in case no satisfactory terms can be mutually agreed on for uniting the use of said roads, then the said company shall be authorized to enter upon the said Eastern Rail-road, and the said Georgetown Branch Rail-road, in such manner as shall be most convenient for the public, paying for the right to use the same or any part thereof, such a rate of toll as the Legislature may from time to time prescribe, and complying with such rules and regulations as may be established by the directors of said roads, in conformity with the general provisions of the laws of this Commonwealth.

May unite with the Eastern Rail-road Company, and with the Georgetown Branch Rail-road Company.

Or use their roads, provided, &c.

SECT. 5. The Legislature may from time to time regulate the rate of tolls or other receipts on said road, whenever the net income thereof shall exceed ten per cent. per annum, and reduce the same within this sum.

The Legislature may reduce the rate of tolls, provided, &c.

SECT. 6. If the location of said road be not filed according to law, or if the company shall not complete said road, as provided for in the second section of this act, with at least one track, within three years from the date of the same, then the act shall be null and void. [*Approved by the Governor, March 16, 1844.*]

Time for location and completion of road.

An Act to annex a part of the town of Sutton to the town of Northbridge.

Chap 142.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That the following described tract of land in the town of Sutton, and county of Worcester, with the inhabitants thereon residing, be set off and annexed to the town of Northbridge in the said county of Worcester, beginning at the point where the boundary lines of Grafton, Sutton and Northbridge intersect each other; thence running south, eighty-two and a half degrees; west, two hundred and fifteen rods fifteen links or thereabouts, as the line now runs between Grafton and Sutton, to a stone southeasterly of school-house number ten, in Sutton; thence south forty-nine and three quarters degrees west, to a stake and stones between the land of Joseph Dudley and Jacob Dodge; thence south two hundred and seventy rods, to a stake and stones in the corner of the wall, where the land of Joseph Dudley bounds on land of Lewis Pierce; thence south seventeen and a half degrees west, to a stone in the ground between Sutton and Northbridge; thence by the

Persons and lands to be set off and annexed.

line as it now runs between Sutton and Northbridge, easterly, and thence northerly, and otherwise as the line now runs to the bound first mentioned: *provided* all taxes heretofore assessed or raised, shall be paid as if this act had not passed.

Taxes assessed to be paid as heretofore.

Sutton paupers set off, to be maintained by Northbridge.

SECT. 2. If any persons who have heretofore gained a legal settlement in Sutton, by a residence on said territory, or by having been proprietors of any part thereof, or who may derive such settlement from any such resident or proprietor, shall stand in need of relief and support, they shall be relieved and supported by said town of Northbridge, in the same manner as if they had gained a legal settlement in that town. [*Approved by the Governor, March 16, 1844.*]

Chap 143.

An Act concerning the Organization of the House of Representatives.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Secretary, when to transmit blank certificates.

SECT. 1. The secretary of the Commonwealth, on or before the first Monday of November, in each year, shall transmit to each city and town, two or more blank forms of the certificate provided in and by the ninth section of the fifth chapter of the Revised Statutes.

Duplicate returns of elections.

SECT. 2. When an election of a representative or representatives shall have been made in any town or city, the selectmen, or other proper officers thereof, shall make duplicate returns of the same, in the manner required by the eighth section of the said chapter.

One to be given to the representative elected, the other to be filed with the secretary.

SECT. 3. One of the said certificates shall be transmitted by the said selectmen, or other proper officers, to the office of the secretary of the Commonwealth, on or before the Monday preceding the first Wednesday of January, in each year, and the other shall be given to the person or persons elected, within one month after the election.

Secretary, when to deliver lists to the sergeant at arms.

SECT. 4. The secretary of the Commonwealth shall receive and examine the certificates so returned into his office, and shall make a list of the persons returned; and, on the Tuesday next preceding the said first Wednesday of January, shall deliver such list to the sergeant at arms. The secretary shall also receive and examine all other certificates which may be returned into his office before the house of representatives shall be called to order, and immediately upon receiving the same, shall make a list of the persons so returned, and deliver it to the sergeant at arms.

Who shall admit the persons thereon enrolled to the representatives' chamber.

SECT. 5. The persons whose names are borne on the said list shall be admitted by the sergeant at arms into the representatives chamber, and to take seats therein as members, on the said first Wednesday of January, or at any time afterwards; and no other person shall be so admitted, except as hereinafter provided in the eighth section.

SECT. 6. The secretary of the Commonwealth shall also make a list of all the persons returned as representatives, and shall transmit such list, together with the said certificates, to the house of representatives, as soon as the members thereof shall have been called to order as provided in the next section.

The secretary to forward another list, with certificates, to the house of representatives.

SECT. 7. On the said first Wednesday of January, in each year, and some time between the hours of ten in the forenoon and twelve at noon of the same day, the several persons returned as aforesaid, and admitted as members into the representatives' chamber, shall be called to order by the oldest member present; or, if there be two or more present of equal and the oldest standing as members, then by the oldest of such two or more; and such member shall be the presiding officer of the house until a speaker shall be chosen, or until the house shall otherwise direct.

House, how to be temporarily organized.

SECT. 8. Any person having a certificate, or other documentary evidence of his election as a representative, whose name shall not be borne on the said list, may at any time after the house shall have been called to order, present his certificate or other evidence to the presiding officer, or to the speaker, if one shall be then chosen, who shall communicate the same to the house for their order thereon; but such person shall not take a seat, and act as a member, until permitted so to do by the house.

Proceedings of persons claiming seats.

SECT. 9. The clerk of the house of representatives for the present, or for any succeeding year, shall act as clerk of the next succeeding house until a clerk thereof shall be chosen and sworn.

Clerk of last house to officiate as clerk.

SECT. 10. The clerk, or acting clerk, may appoint a deputy in case of sickness, or of other necessary detention, or of leave of absence from the house; such appointment to be in writing, and for three days only; and he may also appoint an assistant, if necessary, subject to the approval or disapproval of the house.

And may appoint a deputy and assistant, provided, &c.

SECT. 11. The clerk, deputy clerk, and assistant, shall be qualified by taking the oath of office prescribed by the sixth chapter of the second part of the constitution.

Clerk, &c. how to be qualified.

SECT. 12. The first eight sections of this act shall be printed on some part of the blank form of the certificate mentioned in the first section. [*Approved by the Governor, March 16, 1844.*]

First eight sections of this act to be printed on blank certificate.

An Act in addition to an Act to incorporate the Hope Insurance Company.

Chap 144.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The Hope Insurance Company may divide among their stockholders, and the persons insured by them in proportion to the stock owned, and the premiums paid

Six per cent. of profits to be divided among stockholders,

and excess over six per cent. among stockholders and persons insured, provided, &c.

on risks terminated all of their clear profit over and above the amount of six per cent. per annum, which six per cent. shall be divided among the stockholders alone: *provided*, that no such division among the stockholders and the persons insured, jointly shall be made until all arrearages, which may hereafter occur in the six per centum payable to the stockholders, shall have been paid to the stockholders.

Stockholders may withdraw their proportion of assets, to be ascertained by arbitrators before the acceptance of this act.

SECT. 2. Any stockholder may withdraw his proportion of the assets of the company, the value of which shall forthwith be ascertained by arbitration before the acceptance of this act; and any deficiency thus created in the capital stock shall be made up by new subscribers before this act shall go into operation. The arbitrators herein provided for, shall be appointed, one by the president of the company and one by the claiming stockholder; and in case the two persons so appointed are unable to agree as to the value of the assets, they shall appoint a third arbitrator to act with them. [*Approved by the Governor, March 16, 1844.*]

Chap 145.

An Act relating to the Poll Tax.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Poll tax to be assessed on all male inhabitants over 70 years old, except, &c.

SECT. 1. A poll tax shall be assessed upon every male inhabitant of the Commonwealth above the age of seventy years, excepting paupers and persons under guardianship, whether a citizen of the United States, or an alien, in the manner heretofore provided by law.

Repeal of inconsistent provisions.

SECT. 2. All acts inconsistent with this act are hereby repealed. [*Approved by the Governor, March 16, 1844.*]

Chap 146.

An Act in addition to an Act providing for a Return by the Overseers of the Poor.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Overscers of the poor, &c., to make return of paupers by reason of insanity or idiocy.

SECT. 1. The overseers of the poor of the several towns in this Commonwealth, and the directors of the House of Industry in the city of Boston, shall, in their returns to the secretary of the Commonwealth, make true and correct answer to the following inquiry: What number of persons relieved or supported as paupers during the year in your town, have become paupers by reason of insanity or idiocy? And the blank form of return furnished the said overseers and directors by the secretary of the Commonwealth, shall contain in substance the foregoing interrogatory. [*Approved by the Governor, March 16, 1844.*]

An Act in addition to an Act for the more equal Assessment of Taxes.

Chap 147.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever the cashier of any bank, or the clerk of any rail-road, manufacturing, bridge, turnpike or canal corporation or insurance company, (except of mutual insurance companies,) incorporated by and under the authority of this Commonwealth, shall reside without this Commonwealth, it shall be the duty of the directors of said corporations or companies, to make or cause to be made, the returns, to the assessors of the several towns and cities in this Commonwealth, within the time and in the manner the same are required to be made by said cashiers and clerks, by the first section of the ninety-eighth chapter of the acts of the year eighteen hundred and forty-three.

When cashiers and clerks, &c., of corporations reside in other states, returns to assessors to be made by directors.

SECT. 2. If the directors of any corporation or company, mentioned in the first section of this act, shall neglect or refuse to make, or cause to be made the returns required by said section, the corporation or company, the directors of which shall so neglect or refuse, shall forfeit for every such offence, the same sum, to be recovered and appropriated in the same manner, as the second section of the said ninety-eighth chapter provides the clerks and cashiers, mentioned in said ninety-eighth chapter, shall forfeit for neglect or refusal to make the returns of them, required by said chapter. [*Approved by the Governor, March 16, 1844.*]

Penalty for neglect or refusal to make return.

An Act in addition to an Act entitled "An Act concerning Mortgages of Personal Property."

Chap 148.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The time within which any creditor, who shall hereafter attach any personal property subject to a mortgage, pledge, or lien, shall pay the sum due upon the mortgage, pledge, or lien, after the same shall have been demanded of him by the mortgagee, pledgee, or holder of such lien, prescribed in the seventy-eighth and seventy-ninth section of the ninetieth chapter of the Revised Statutes, is hereby extended to ten days.

Time for creditors attaching personal property, &c., to pay sums due thereon, extended to ten days.

SECT. 2. Any personal property of a debtor, subject to a mortgage, and being in the possession of the mortgagor, may be attached in like manner, as if the same were unincumbered, and the mortgagee, or his assigns, may be summoned in the same action in which the property is attached, as the trustee of the mortgagor, or his assigns, to answer such questions as may be put to him or them, by the court, or their order, touching the consideration of the mortgage and the amount due thereon.

Mortgaged personal property, &c., may be attached, &c.

When the mortgage proves to be bona fide, the attaching creditor must pay, &c.

SECT. 3. If, upon such examination, or verdict of a jury as hereinafter provided, it shall appear to the court, before whom the action, on which the attachment is made, is brought, that the mortgage is bona fide, the court, having first ascertained the amount that is justly due upon the mortgage, may direct the attaching creditor to pay the same to the mortgagee, or his assigns, within such time as they shall order; and if the attaching creditor shall not pay or tender to the mortgagee, or his assigns, the sum so directed by the court to be paid, within the time prescribed, the attachment shall be void, and the property be restored to the mortgagee, or his assigns.

The attaching creditor may have the validity of the mortgage tried by a jury, &c.

SECT. 4. If the attaching creditor shall deny the validity of a mortgage, and move that the same may be tried by a jury, the court shall order such trial on such issue as shall be framed therefor under the direction of the court, and if upon such examination or verdict the mortgage shall be adjudged valid, the mortgagee, or his assigns, shall recover his costs.

Creditor to be reimbursed sums paid to mortgagee, &c.

SECT. 5. When the creditor shall have paid to the mortgagee, or his assigns, the sum directed by the court, as aforesaid, he shall be entitled to retain out of the proceeds of the property attached, when sold, the sum so paid, with interest, and the balance, if any, shall be applied to the payment of his debt.

Non-suited attaching creditor may hold the property as security for reimbursement.

SECT. 6. If the attaching creditor, after having paid the sum directed by the court, as aforesaid, shall not recover judgment in the suit, he shall nevertheless, be entitled to hold the property until the debtor shall have repaid the sum so paid by order of court, with interest.

Repeal of previous provision.

SECT. 7. The third section of the seventy-second chapter of the acts of the year eighteen hundred and forty-three is hereby repealed. [*Approved by the Governor, March 16, 1844.*]

Chap 149.

An Act to authorize the New Bedford Marine Railway and Wharf Company to plant and propagate Oysters.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Privilege to extend to limits of wharves.

SECT. 1. The New Bedford Marine Railway and Wharf Company are hereby authorized to plant, propagate, and dig oysters, on and around the shores of the north end of Fish Island, so called, in the harbor of said New Bedford, as far as they are now authorized by law to build or extend wharves upon or around said island; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. The said corporation shall have the exclusive

use of the said waters and flats, to the said extent, for the purpose of planting, propagating and digging oysters, for the term of twenty years; and if any person shall dig for, within said limits, or take therefrom any oysters during the term aforesaid, without leave of said corporation, he shall forfeit and pay a fine not exceeding five dollars for each offence, to the use of the Commonwealth, to be recovered in any court proper to try the same. [*Approved by the Governor, March 16, 1844.*]

Penalty for encroachment on said privilege within 20 years.

An Act to establish the Old Colony Rail-road Corporation.

Chap 150.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Nathaniel Russell, Isaac L. Hedge, Jacob H. Loud, Nathaniel M. Davis, John Sever, John B. Thomas, Thomas Greenleaf, Francis Jackson, Ellis G. Loring, Schuyler Sampson, William Nelson, Allen Danforth, William Thomas, Isaac N. Stoddard, John Bartlett, 3d, and Anthony Morse, their associates and successors, are hereby made a corporation by the name of the Old Colony Rail-road Corporation, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations and all statutes subsequently passed relating to rail-road corporations.

Persons incorporated.

SECT. 2. The said corporation may construct a rail-road upon one of the following routes, viz: commencing at a point in South Boston, near the southerly end of the lower bridge, and thence passing, in a line acceptable to the mayor and aldermen of the city of Boston, to the line of the town of Dorchester, and thence in a southerly direction by a line passing easterly of the house of Thomas J. Vinton, on little neck so called in Dorchester, and easterly of the house of S. R. M. Holbrook, thence near to Savin Hill not more than four rods westerly from the east line delineated on the Quincy survey, and across Dorchester bay to a point near Preston's Pic Nic grove, and thence to Neponset river on a line in no place westerly of the most easterly route surveyed and delineated on the plan exhibited for the Quincy Rail-road, between said little neck and Neponset River, except as aforesaid, and crossing Neponset River easterly of Neponset Bridge; thence by a line running within half a mile of either side of Quincy Turnpike, to a point in Quincy near the junction of the said turnpike with the old Boston road; thence through the towns of Quincy and Braintree to a point at or near the head of or above navigation in Fore or Monatiquot River, in Braintree; and

Choice between two locations of road.

thence by a line passing near the head of Smelt Brook, to a point west of the village of South Weymouth, and to a point within half a mile of James Tirrel's store; thence in a line passing east of Weymouth Great Pond, and through nearly the middle of the town of Abington, to a point near where the towns of Abington, East Bridgewater and Hanson meet; thence diagonally through the town of Hanson, and parts of the towns of Pembroke and Halifax, and part of Plympton, to the valley of Jones River, in Kingston, and thence to a point in Plymouth, convenient for a depot. Or by another route, diverging from the preceding in Quincy or Braintree, and passing within about one fourth of a mile from Rev. Mr. Storr's meeting-house in Braintree; and thence by a line passing within about half a mile of Randall's mills, and through the town of Randolph, to a point between the villages of Centre Abington and North Bridgewater; and thence by a line passing between the villages of East and West Bridgewater, to a point near Sprague's Hill in Bridgewater; and thence by a line passing southerly of Robbin's Pond through the town of Halifax, near the congregational meeting-house, and through the northerly part of the town of Plympton to the valley of Jones River in Kingston, to a point in the route first above described; and thence to Plymouth by the line first above named. And the persons named in the first section of this act shall determine by major vote, which of the foregoing routes shall be adopted; and said election of the route, as aforesaid, shall be binding upon the corporation, upon written notice thereof, at any time previous to filing the location of said road with the county commissioners as required by law.

Bridge across
Neponset
River for the
sole use of the
road.

SECT. 3. The said corporation is authorized to construct a bridge over and across the waters of Neponset River, where the line of said rail-road crosses said river, for the sole and exclusive accommodation of the travel and transportation on the said rail-road; and it shall not be lawful for the said corporation to permit the passing of said bridge by carriages of any description, other than those which are adapted for the travelling on the said rail-road, nor by horses not attached to such rail-road carriages, nor by persons on foot, except by such persons, carriages, or horses, as may be employed in the immediate service of said corporation.

Draws and
piers in the
bridge and
road.

SECT. 4. The said corporation shall construct and maintain a draw in their said bridge across the Neponset river, and in their said rail-road across Dorchester bay, if the route of said rail-road shall pass easterly of Savin hill, draws of at least thirty-one feet in width, over the channel of said river, and in the deepest water on the line through said Dorchester bay, for the passage of vessels, free of toll;

and shall also erect and maintain a pier as long as the piles in Neponset bridge, near said draws, on each side of said bridge and road, for the accommodation of vessels passing through the same, and shall keep said piers planked from the line of low water to the top of high water, and shall also keep said draws and piers in good repair, and shall raise or open said draws, and afford all reasonable accommodation to vessels having occasion to pass through the same by day or night; and if any such vessel shall be unreasonably detained in passing through said draws, by the negligence of said corporation to provide agents to discharge faithfully the duties enjoined by this act, the owner, commander, or consignee of said vessel, may recover of said corporation therefor, in an action in the case, before any court competent to try the same.

SECT. 5. The capital stock of said rail-road corporation, shall consist of not more than ten thousand shares, the number of which shall be determined from time to time, by the directors thereof, and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share. And the said corporation may purchase and hold such real estate, materials, engines, cars and other things, as may be necessary for depots for the use of said road, and for the transportation of persons, goods, and merchandize.

Capital
\$1,000,000, in
10,000 shares.

SECT. 6. The legislature may, after the expiration of four years from the time when the said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls or other profits upon said road; but the said tolls shall not without the consent of said corporation, be so reduced as to produce less than ten per cent. per annum.

After four
years, the leg-
islature may re-
duce tolls or
other profits,
provided, &c.

SECT. 7. If the said corporation be not organized, and the location of that part of their road within the county of Suffolk, filed with the mayor and aldermen of the city of Boston, and the location of that part of said road within the county of Norfolk, filed with the commissioners of that county, and the location of that part of their road within the county of Plymouth, filed with the commissioners of that county, all within three years from the passage of this act, or if the said road shall not be completed within six years from the passage of this act, then this act shall be void.

Time for loca-
ting and com-
pleting the
road.

SECT. 8. The legislature may authorize any corporation to enter with another rail-road, at any point of said Old Colony Rail-road, and use the same, or any part thereof, paying therefor such a rate of toll or compensation, as the legislature may, from time to time prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, complying with the rules and regulations which may be established by said Old Colony Rail-

The legisla-
ture may au-
thorize any
corporation to
use the same,
provided, &c.

road Corporation : *provided however*, that no other corporation shall enter upon said Old Colony Rail-road with any motive power, unless the said Old Colony Rail-road Corporation shall refuse to draw over their road or any part thereof, the cars of any other rail-road corporation which may be authorized to enter with their rail-road upon said Old Colony Rail-road. [*Approved by the Governor, March 16, 1844.*]

Chap 151.

An Act to establish the Village Hall Association in the town of Roxbury.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. Francis C. Head, Moses Williams and Joseph Balch, their associates and successors, are hereby made a corporation by the name of the Village Hall Association, to be established in the third parish of the town of Roxbury with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

To maintain a building for lectures, &c., in the third parish in Roxbury. Real estate not to exceed \$8,000, and personal estate \$2,000.

SECT. 2. The said corporation may erect and maintain a building for the purpose of public lectures and other meetings of the citizens, and for other purposes connected with the instruction of youth, in the said third parish of Roxbury; and for these purposes may hold real estate to the amount of eight thousand dollars, and personal estate to the amount of two thousand dollars, to be devoted exclusively as aforesaid.

When to take effect.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

Chap 152.

An Act empowering the Inhabitants of Villages or Districts to establish Fire Departments within the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any village or district of 1000 inhabitants may establish a fire department, &c.

SECT. 1. The inhabitants of any village or district of any town in the Commonwealth, qualified to vote in town affairs, at a meeting thereof, held for that purpose, after an application to the town, as hereinafter provided, may establish a fire department for such village or district, the officers of which shall have charge of and be responsible for all the engines and other apparatus for the extinguishment of fire within the said village or district, in the same manner as the firewards and engine-men of towns now are : *provided*, that no district, containing less than one thousand persons, shall have the benefit of this act.

Provided the town, on petition, shall refuse or neglect

SECT. 2. Before any fire district shall be constituted and organized in any town, under this act, a petition shall be presented to the inhabitants of the town at a legal town

meeting, stating the limits of the proposed district, and requesting the said inhabitants to raise taxes for the establishment and maintenance of a sufficient fire department, for the reasonable protection of the inhabitants and property within said limits, from fire; and in case the inhabitants of the town shall refuse or neglect to establish and maintain such reasonable means of protection for the inhabitants of such district, the inhabitants of such district may then proceed to organize a fire department within the same, according to this act.

SECT. 3. The selectmen of any town, upon the application in writing of not less than seven freeholders, inhabitants of any district of such town, the limits of which shall be defined in such application, and shall contain not less than one thousand persons, requiring them to notify a meeting of the inhabitants of such district, duly qualified to vote in town affairs, for the purpose of considering the expediency of establishing a fire department, for and within the said district, shall without delay give notice to such inhabitants, in the same manner in which notice of town meetings is given, to assemble at some suitable place within the district, for the purpose aforesaid, the substance of which shall be expressed in the notification; and at such meeting the selectmen shall preside. If the selectmen refuse or neglect to summon such meeting, any justice of the peace in the county in which such town is, may call the same. If none of the selectmen are present at the said meeting, a moderator may be chosen to preside over it, who shall have and exercise the same powers as the moderator of a town meeting has.

SECT. 4. No person shall be allowed to vote at a meeting held as above provided, except the inhabitants of the district duly qualified as aforesaid. They shall choose a clerk, who shall make oath to keep a true record of the proceedings of the same, and all other meetings, and to perform all the other duties of clerk of such fire district, so long as he shall hold the office. The clerk so chosen may be removed by the inhabitants of the district, or he may resign, and another may be chosen in his place, and the same may be done in case of his decease or incompetency.

SECT. 5. The inhabitants of such district, at a meeting held in manner aforesaid, may vote to establish a fire department within the same, which shall consist of a chief engineer, and as many assistant engineers, engine men, hose men, and hook and ladder men, as they may deem necessary, not exceeding seventy-five for each hydraulion or suction engine, thirty-five for each common engine, five for each one hundred and fifty feet of leading hose, usually kept for use within the district, and not exceeding twenty-

to make provision.

Selectmen, or, if they refuse, justices, may call a district meeting to consider the question of a fire department, when requested by seven freeholders.

Moderator of the meeting.

Voters and course of proceeding.

District fire department, how to be constituted and equipped.

five hook and ladder men; each of said officers and members of the said fire department shall be furnished with a certificate, under the hands of the chief engineer and clerk of such district, declaring his station in the department

Chief engineer, &c., how to be chosen and qualified.

SECT. 6. The chief engineer and assistant engineers of any fire district shall be chosen by the inhabitants thereof, at the meeting called in manner aforesaid, or at any adjournment thereof, or at any other meeting called by the clerk for that purpose, and shall be under oath faithfully to perform the duties of such offices respectively.

Fire district meetings, how to be called and conducted.

SECT. 7. Meetings of the inhabitants of any fire district, after the first meeting, shall be called by the clerk of such district, whenever he is required in writing to do so by the chief engineer, or two assistant engineers, or seven inhabitants of the district; and he shall give notice thereof by posting written or printed notifications of such meeting, in at least six public places in the district, not less than seven days prior to the meeting, which notifications shall contain a brief statement of the purposes of the meeting. At all such meetings a moderator shall be chosen to preside, who shall have the same power to keep order as the moderator of a town meeting has; the clerk shall preside with like powers until a moderator is chosen. The notification of said meetings shall also be published in a newspaper, if one be printed in the town where such district is situated.

Powers, &c. of the board of engineers.

SECT. 8. All the persons employed as engine men, hose men, or hook and ladder men, in any fire district, constituted pursuant to the terms of this act, shall be appointed by the board of engineers of such district, who may assemble together from time to time for that purpose, and to fill vacancies in the companies; and they may remove any of said persons at their discretion. The board of engineers may from time to time make and publish rules and regulations for their own government, and that of the other members of the fire department of such district, and of other persons present at a fire, and may repeal or alter the same, and may prescribe penalties for the violation thereof, not exceeding twenty dollars for each offence; such penalties may be sued for and recovered in the name of the chief engineer of such district, and shall go to the use of the inhabitants of the same fire district. In case of the death, resignation, or removal of the chief engineer, during the pendency of any suit for a penalty, the suit shall not abate, but the successor of such officer shall be admitted to prosecute it. No inhabitant of such district shall be disqualified to act as judge, magistrate, juror or officer, or to testify as a witness in any suit brought for such penalties; and nothing herein shall prevent the recovery of such penalties by indictment, if the engineers see fit to prosecute for the same.

SECT. 9. The engineer of any fire district shall have and exercise the same powers and authority relative to the extinguishment of fires, and the demolishing of buildings for that purpose, or with that view and object, within the same district, as firewards of towns now have; and the inhabitants of each fire district shall be liable to pay such compensation or damages, for acts done by such engineers, or by their orders, as towns are liable to pay for acts lawfully done by the firewards thereof, or by their orders.

Powers of fire district engineer, &c.

SECT. 10. The engineers and other members of the fire department of any fire district, constituted as aforesaid, shall be entitled to the same immunities and privileges as are enjoyed by firewards and enginemen of towns.

Immunities of members of district fire departments.

SECT. 11. The engineers of any fire district shall establish rules, and may repeal and alter them, from time to time, regulating or prohibiting the carrying of fire or ignited substances in or through the streets or ways of such district; and may prescribe penalties for the violation of such rules and regulations, not exceeding twenty dollars for each offence.

Power to make restrictions in respect to combustible articles.

SECT. 12. The inhabitants of any fire district, constituted as aforesaid, may at any meeting called for said purpose, in manner aforesaid, raise money for the purchase of engines, hydraulions, hose, hooks and ladders, and other articles necessary for the extinguishment of fires, and for the purchase of land and the erection of necessary buildings, and for repairs, and other incidental expenses of the fire department, and may determine the number thereof, and where said buildings shall be placed. They shall choose a prudential committee, from time to time, who shall have the care, custody and management of the moneys so raised, and shall expend the same for the purposes prescribed by the vote of the inhabitants of the fire district by whom it was raised, and not otherwise; and such committee shall be accountable to the said inhabitant for all moneys so entrusted to them, who shall have power to maintain any suit therefor in their aggregate capacity of inhabitants of the said district.

Financial powers of fire districts.

Managing committee.

SECT. 13. The clerk of each fire district constituted under this act, shall certify to the assessors of the town all sums of money that shall be voted to be raised by the inhabitants of such district, for the purposes, and in the manner aforesaid, which sums shall be assessed and collected by the officers of the town, in the same manner that the town's taxes are assessed and collected, and shall be paid over by the collector of the town's taxes to the town treasurer, who shall hold the same, subject to the order of the prudential committee of the fire district. The assessors, treasurer and collector of any town in which a fire district shall be organized under this act, shall have

Proceedings for the collection, &c. of taxes.

the same powers, and perform the same duties, in reference to the assessment and collection of the moneys voted by the inhabitants of such fire district, as aforesaid, as they have and exercise in reference to the assessment and collection of town taxes, and may make abatements in the same manner: *provided, nevertheless*, that the sums so voted shall be assessed upon the property within such district, both real and personal.

Property sub-
ject to taxa-
tion.

Compensation
of fire district
officers.

SECT. 14. The chief clerk and engineer of any fire district, duly constituted, shall be entitled to such reasonable compensation for their services as may be voted by the inhabitants of the district, at a legal meeting thereof; but no compensation shall be paid to any other officer or member of any district, for his services in that capacity.

Penalties of
infraction of
rules of fire
districts, to be
approved by
the court of
common pleas.

How to be
used.

SECT. 15. The by-laws, rules and regulations, passed by said fire districts, which have penalties attached to them, shall, before they shall be in force, be approved by the court of common pleas, held within and for the county to which such fire districts belong, and all penalties, which shall be recovered by virtue of this act, shall be appropriated to pay the expenses of the fire department. [*Approved by the Governor, March 16, 1844.*]

Chap 153.

An Act concerning the Journals and Files of the Senate and House of Representatives.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Journals, &c.
of the two
houses to be in
the custody of
the clerks
thereof, and
certified copies
to be evidence.

The journals, files, papers and documents of every description, appertaining to the senate and to the house of representatives and their proceedings, shall be in the custody of the clerks thereof, respectively: and copies thereof, certified by the said clerks, shall, in all cases, be evidence equally and in like manner with the originals. [*Approved by the Governor, March 16, 1844.*]

Chap 154.

An Act concerning Poor Debtors.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Notice of pur-
pose to take the
poor debtor's
oath, when and
by whom to be
given, to a jus-
tice of the
peace.

SECT. 1. Whenever any person shall be arrested on mesne process, in any civil suit for any debt; or whenever any person shall have been so arrested, and have given bail, or been committed to jail; or shall have been committed to jail on surrender, in court or otherwise, by his bail in the suit, he may, at any time after his arrest or commitment, give notice, in writing, to any justice of the peace in the county where the arrest was made, that he is desirous to take the oath prescribed in the ninety-eighth chapter of the Revised Statutes, for "the relief of poor debtors com-

mitted on execution for debt ;” which notice, if given by the debtor, or officer who made the arrest, or has him in custody, or by any other person in behalf of the debtor, shall be sufficient..

SECT. 2. It shall be the duty of the justice so notified forthwith to appoint a time and place for the examination of the debtor, and to issue a notice thereof to the plaintiff, by a citation under his hand, which citation shall be served and returned by any officer who is authorized to serve any civil process between the same parties.

Citation to be issued by justice.

SECT. 3. The citation aforesaid may be served upon the plaintiff, his agent or attorney, by giving him in hand a copy thereof, attested by the officer serving the same, or by leaving such copy at his usual place of abode, allowing in all cases not less than twenty-four hours after such service before the time appointed for the examination ; and also allowing time for his travel from the place of service to the place appointed for the examination after being so notified, not less than at the rate of one day (Lord’s day excluded) for every twenty-four miles’ travel ; and the service, when made on his agent or attorney, as aforesaid, shall have the same effect as if made on the plaintiff himself.

How to be served.

SECT. 4. When there are more than one person plaintiff in the action, or more than one agent or attorney, the service of the citation upon one of the plaintiffs, agents or attorneys, shall be sufficient.

Service on one plaintiff, &c. sufficient,

SECT. 5. When the plaintiff is dead, or not a resident of this State, the citation shall be served upon his agent or attorney, if living within this State, but if no such agent or attorney can be found within this State by the officer serving the same, an attested copy of the citation shall be left by the officer with the clerk of the court, or justice of the peace, before whom the writ is, or was returnable, or action is or was pending,—allowing time, after leaving the copy with the clerk or justice, the same as is prescribed in the third section of this act, computing time for travel from the place of leaving the copy to that appointed for the examination ; the person who made the writ in the suit on which the arrest was made, shall be considered the attorney of the plaintiff as to the service of the citation in that case.

Citation how to be served, when plaintiff is dead or absent.

SECT. 6. The examination may be had before any two justices of the peace for the county, each of whom shall be of the quorum, and disinterested, and not related either to the plaintiff or debtor ; and shall be conducted in the same manner, and with the same powers in the justices, as is provided in the ninety-eighth chapter of the Revised Statutes.

Examination of debtor, how to be conducted.

SECT. 7. If, upon examination, the debtor shall be admitted to take the oath, his bail, if he then be under bail, shall be discharged ; and the debtor shall not be arrested

Bail to be discharged, &c. if the debtor is admitted to take the oath.

But the action may still be prosecuted.

again for the same cause of action ; but if judgment shall not have been then rendered in the action in which the debtor was arrested, the action may be prosecuted to final judgment in the same manner as if the debtor had not been admitted to take the oath.

Certificates of administration of the poor debtor's oath to be given by the justices, and filed with justice, clerk or jailor.

SECT. 8. If the debtor, upon such examination, shall be admitted to take the oath, it shall be the duty of the justices who administered the oath, upon the request of the debtor and at his expense, in addition to the certificate required to be made by them by the tenth section of the ninety-eighth chapter of the Revised Statutes, to give him a certificate briefly stating the fact that they have administered to him the poor debtor's oath, which certificate being filed with the clerk of the court, or justice of the peace, before whom the writ on which he was arrested, and so admitted to take the oath, is returnable, or the suit is pending, no execution which may be issued on the judgment rendered in that action shall run against the body of the debtor. The certificate required by the tenth section of said chapter of the Revised Statutes, to be made out by the justices administering the oath, shall be filed with the jailor, when the debtor is in close confinement, or has given bond for the prison limits, whether he be so on mesne process, or on surrender by his bail ; and in all other cases the certificate of the oaths and papers shall, within six months from the time the oath was administered, be delivered by the justices to the clerk of the court of common pleas of the county where the oath was administered, to be by him filed and preserved.

The above provisions not to have effect when a writ of scire facias has been served.

SECT. 9. No debtor shall be entitled to the benefit of the provisions contained in the preceding sections of this act, after a writ of scire facias on the bail bond given by him in the original action has been served upon his bail therein ; and whenever evidence of such service of scire facias shall be produced to the justices before whom the examination of the debtor is to be had, all further proceedings in the examination shall be dismissed.

Cases in which proceedings shall be as heretofore.

SECT. 10. Whenever any person shall be committed to jail on execution in any civil action, or for any debt, or on any warrant for nonpayment of taxes, whether he be in close confinement, or has given bond for the prison limits, and is desirous to take the oath prescribed in the ninety-eighth chapter of the Revised Statutes, "for the relief of poor debtors committed on execution for debt," the proceedings shall be conformable to the provisions of law contained in said ninety-eighth chapter of the Revised Statutes : *provided, nevertheless*, that the notice to be given to the creditor, or assessors and collector, shall in all cases be given in the same manner, and the same time be allowed for travel, as is provided in this act, for the relief of persons arrested

But the notice and citation must be served agreeably to this act.

on mesne process: *and provided, further*, that if the creditor be dead, or if he live out of the State, having no agent or attorney therein, a copy of the citation shall be left with the clerk of the court, or justice of the peace, by whom the execution was issued.

SECT. 11. When any debtor shall have given notice of his intention to take the poor debtor's oath, in manner in this act provided, and the plaintiff or creditor shall think proper to allege any or all of the charges of fraud mentioned in the ninety-eighth chapter of the Revised Statutes, he shall be allowed so to do by complying with the provisions of the said ninety-eighth chapter of the Revised Statutes, in all respects, except that he, his agent or attorney, shall be allowed to exhibit his charges of fraud, and to give notice to the debtor, by giving him a copy thereof at the time and place appointed for the examination, and when so exhibited, and notice given, the proceeding thereon shall conform to the provisions relating thereto, contained in said ninety-eighth chapter of the Revised Statutes.

Provisions against fraud.

SECT. 12. Nothing in this act contained shall discharge, or in any way affect, any suit now pending, commenced by any creditor against any debtor or his sureties on any bond for the prison limits.

This act not to affect suits on bonds now pending, &c.

SECT. 13. The act entitled "an act concerning imprisonment for debt," approved by the Governor the third day of March, in the year eighteen hundred and forty-two, and all other provisions of law inconsistent with the provisions of this act, are hereby repealed.

Repeal of inconsistent laws.

SECT. 14. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

When to take effect.

An Act to incorporate the Mutual Relief Society of St. Mary's, in Charlestown.

Chap 155.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Bernard McNellis, James Wallace, John T. Cunningham and William McElroy, their associates and successors, are hereby made a corporation, by the name of the Mutual Relief Society of St. Mary's, in Charlestown, for the purpose of affording mutual charitable relief, with all the powers and privileges, and subject to all the liabilities, restrictions and requirements, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated to afford mutual charitable relief.

SECT. 2. The said corporation may take and hold real and personal estate to an amount not exceeding twenty thousand dollars, for the purpose aforesaid. [*Approved by the Governor, March 16, 1844.*]

Estate not to exceed \$20,000.

Chap 156.

An Act for the preservation of Grouse or Heath Hen.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for taking, &c. or selling, &c., or having in possession grouse, &c.

SECT. 1. If any person shall, within this Commonwealth, take, kill, or destroy any of the birds called grouse or heath hens, or shall sell or buy, or have in his possession, any of the said birds, killed or taken as aforesaid, he shall forfeit for every such grouse or heath hen, the sum of twenty dollars, to be recovered by indictment, or by complaint before any justice of the peace in the county where the offence was committed, one-half to the use of said county, and the other half to the use of the complainant.

Further penalty to be paid to the owner of land trespassed upon.

SECT. 2. If any person shall kill any grouse or heath hen as aforesaid, upon lands not owned or occupied by himself, and without license from the owner or occupant thereof, he shall, for each bird, so killed, forfeit and pay to the occupant or owner of such lands, the sum of ten dollars, in addition to the actual damage sustained, to be recovered by such owner or occupant in an action of trespass.

Search warrant for grouse taken, &c.

SECT. 3. When any person is suspected of having in his possession any grouse or heath hen, taken or killed contrary to the provisions of this act, any justice of the peace, on complaint on oath before him, may issue his warrant, directed to the proper officer, to search for the same, and the same proceedings may be had, as are provided in the one hundred and forty-second chapter of the Revised Statutes, relating to searches and seizures; and the fact that such grouse or heath hen has been found in the possession of the defendant, may be given in evidence on the trial of the case.

Towns may suspend the operation of this act within their limits.

SECT. 4. When the inhabitants of any town shall, at their annual meeting in any year, vote to suspend the operation of this act during the whole or any part of said year, the provisions of the preceding sections shall not, during the time of such suspension, extend to said town.

Repeal of former laws.

SECT. 5. The one hundred and seventeenth chapter of the acts passed in the year one thousand eight hundred and thirty-seven, and the seventh chapter of the acts passed in the year one thousand eight hundred and forty-one, are hereby repealed.

When to take effect.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

Chap 157.

An Act in addition to "An Act in relation to Law Library Associations."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Counsellors,

SECT. 1. The counsellors and attorneys at law, duly ad-

mitted to practice in the courts of this Commonwealth, resident in either of the counties, who have omitted to organize a Law Library Association in their respective counties, within the time, and pursuant to the provisions, of the act to which this is in addition, are hereby authorized to organize themselves in their counties respectively, into an association by the name of the Law Library Association, for such county, under the like provisions, and with the same rights, powers and duties, as if the said association had been organized within the time prescribed by the act to which this is in addition, passed the third day of March, in the year one thousand eight hundred and forty-two: and said association, when so organized, shall be deemed and taken to be a corporation, and entitled to all the privileges and subject to all the provisions applicable to Law Library Associations, created under and pursuant to the act aforesaid: *provided, however*, this act shall have no effect upon any association which shall not become organized within ninety days from the passing hereof.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March. 16, 1844.*]

&c. may organize County Law Library Associations.

Within ninety days from the passing of this act.

When to take effect.

An Act to authorize the James Steam Mills to increase their Capital Stock.

Chap 158.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The James Steam Mills, incorporated in the year one thousand eight hundred and forty-two, are hereby authorized to increase their capital stock, by the addition thereto of real estate, to the amount of twenty-five thousand dollars. [*Approved by the Governor, March 16, 1844.*]

Capital may be increased by real estate not exceeding \$25,000.

An Act relating to the Registry and Returns of Births, Marriages, and Deaths.

Chap 159.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The clerks of the several cities and towns in this Commonwealth shall, annually, in the month of June, transmit to the secretary of the Commonwealth a certified copy of their record of births, marriages and deaths, which have occurred within their respective cities and towns during the year next preceding the first day of said month.

Clerks shall transmit every June to the secretary, certified copies of record of births, marriages, and deaths.

The births shall be numbered and recorded in the order in which they are received by the clerk. The record of births shall state in separate columns the date of the birth, the place of birth, the name of the child, (if it have any,) the sex of the child, name and surname of one or both of

Births, how to be recorded, and what particulars.

the parents, occupation of the father, residence of the parents, and the time when the record was made.

Marriages, how to be recorded, and what particulars.

The marriages shall be numbered and recorded in the order in which they are received by the clerk. The record of marriages shall state in separate columns, the date of the marriage, the place of the marriage, the name, residence and official station of the person by whom married, the names and surnames of the parties, the residence of each, the age of each, the condition of each, (whether single or widowed,) the occupation, names of the parents, and the time when the record was made.

Deaths, how to be recorded, and what particulars.

The deaths shall be numbered and recorded in the order in which they are received by the clerk. The record of deaths shall state in separate columns the date of the death, the name and surname of the deceased, the sex, condition, (whether single or married,) age, occupation, place of death, place of birth, names of the parents, disease or causes of death, and the time when the record was made.

Report of births to be made every May by school committees to clerks.

SECT. 2. The school committee of each city or town shall, annually in the month of May, ascertain from actual inquiry or otherwise, all the births which have happened within such city or town, during the year next preceding the first day of said May, together with the facts concerning births required by the first section of this act, and shall make an accurate return thereof to the clerk of such city or town, on or before the last day of said May; and the said school committee, or other person authorized by them to make such returns, shall be entitled to receive from the treasury of such city or town, five cents for each and every birth so returned.

Reports of marriages to be made in the first ten days of every month to clerks by justices, ministers, &c.

SECT. 3. Every justice, minister and clerk, or keeper of the records of the meeting wherein any marriages among the Friends or Quakers shall be solemnized, shall make a record of each marriage solemnized before him, together with all the facts relating to marriages required by the first section of this act; and each such justice, minister, clerk or keeper shall, between the first and tenth days of each month, return a copy of the record for the month next preceding, to the clerk of the city or town in which the marriage was solemnized; and every person as aforesaid, who shall neglect to make the returns required by this section, shall be liable to the penalty provided in the eighteenth section of the seventy-fifth chapter of the Revised Statutes.

Penalty of neglect.

Reports of deaths to be made in the first ten days of every month to clerks by sextons, &c.

SECT. 4. Each sexton or other person, having the charge of any burial ground in this Commonwealth, shall, on or before the tenth day of each month, make returns of all the facts required by the first section of this act, connected with the death of any person whose burial he may have superintended during the month next preceding, to

the clerk of the city or town in which such deceased person resided at the time of his death. And such sexton, or other person, shall be entitled to receive from the treasury of the city or town to which the return is made, five cents for the return of each death made agreeably to the provisions of this act.

Compensation therefor.

SECT. 5. The clerk of each city or town shall be entitled to receive from the treasury of such city or town, eight cents for the record of each birth and death: *provided* such clerk shall comply with this act in all respects.

Compensation to the clerks for recording births and deaths, &c.

SECT. 6. It shall be the duty of the clerks of the several cities and towns, to make such distribution of blank forms of returns as shall be designated by the secretary of the Commonwealth.

Clerks shall distribute blank returns.

SECT. 7. The secretary of the Commonwealth shall prepare and furnish to the clerks of the several cities and towns in this Commonwealth, blank books of suitable quality and size, to be used as books of record, according to the provisions of this act, and also blank forms of returns, as herein before specified, and shall accompany the same with such instructions and explanations as may be necessary and useful; and he shall receive said returns, and prepare therefrom such tabular results, as will render them of practical utility, and shall make report thereof annually to the legislature, and generally shall do whatever may be required to carry into effect the provisions of this act.

Registers to be furnished to the clerks by the secretary, who shall receive returns, and make a report to the legislature.

SECT. 8. Any clerk who shall neglect to comply with the requirements of this act, shall be liable to a penalty of ten dollars, to be recovered for the use of any city or town where such neglect shall be proved to have existed.

Penalty for neglect on the part of clerks.

SECT. 9. An act entitled "an act relating to the registry of births, marriages, and deaths," passed on the third day of March, in the year one thousand eight hundred and forty-two, is hereby repealed.

Repeal of former act.

SECT. 10. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

When to take effect.

An Act making further provision for the Observance of the Lord's Day.

Chap 160.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The provisions of the third section of the fiftieth chapter of the Revised Statutes are hereby extended to, and shall include victuallers, and all other persons keeping houses, shops, cellars, or any other place of public entertainment or refreshment.

Victuallers, &c, to be liable like inn-holders, &c., in respect to entertainment on the Lord's day.

SECT. 2. For the purposes of the said third section, and of this act, the Lord's day shall be understood to include the time between the midnight preceding, and the midnight succeeding said day. [*Approved by the Governor, March 16, 1844.*]

Lord's day to be reckoned to and from midnight.

Chap 161.

An Act to repeal an Act requiring Returns from Clerks of the Courts.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The thirty-ninth chapter of the acts of the year eighteen hundred and forty-three, entitled “an act requiring returns from the clerks of the courts.” is hereby repealed. [*Approved by the Governor, March 16, 1844.*]

Chap 162.

An Act in further addition to “an Act concerning the Supreme Judicial Court and the Court of Common Pleas.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Cases entered in the court of common pleas, may by consent of parties, be carried to the supreme court, when involving certain amount, provided, &c.

Action how to be commenced and prosecuted in the supreme court.

SECT. 1. In all actions which shall hereafter be entered in the court of common pleas, in the county of Suffolk, where the ad damnum in the writ is over six hundred dollars, and in all the other counties in the Commonwealth where the ad damnum in the writ is over three hundred dollars, after the first term, the case may be carried to the supreme judicial court, by the consent of both parties, *provided*, it be done before the trial commences in the court of common pleas; the plaintiff shall enter the action at the next term of the supreme judicial court, and the case shall proceed in the same manner as if the action had been originally brought in that court. [*Approved by the Governor, March 16, 1844.*]

Chap 163.

An Act in addition to “An Act to regulate Banks and Banking.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Repeal of former laws.

SECT. 1. The third, fourth, sixth, and seventh sections of an act, entitled “an act to regulate banks and banking,” approved on the twenty-fourth of March, in the year one thousand eight hundred and forty-three, are hereby repealed.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

Chap 164.

An Act to incorporate the Woburn Branch Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. Abijah Thompson, John Wade, Stephen Dow, their associates and successors, are hereby made a corporation by the name of the Woburn Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the

forty-fourth chapter of the Revised Statutes, and the thirty ninth chapter of said statutes, and the statutes subsequently passed, relating to rail-road corporations.

SECT. 2. The said company may construct a rail-road within the town of Woburn in the county of Middlesex, commencing at a point on the Boston and Lowell Rail-road, near the Woburn Gates, so called; and thence running in a northwesterly direction eastwardly of Charles Russell's house, to some suitable point for a depot at or near the common in Centre Village in Woburn.

Location of road.

SECT. 3. The capital stock of said company shall not exceed thirty-thousand dollars, to be divided into shares of one hundred dollars each; and said company may invest and hold such part thereof in real estate, as may be necessary and convenient for the purpose of their incorporation.

Capital stock not to exceed \$30,000, in shares of \$100.

SECT. 4. If the said company be not organized and the location of their said road filed with the county commissioners of the said county of Middlesex, within one year from the passing of this act; and if their said road shall not be constructed within two years from said time, this act shall be void.

Time for locating and completing the road.

SECT. 5. The said Woburn Branch Rail-road Company are hereby authorized and empowered to transfer their rights, privileges and franchise under this charter, to the Boston and Lowell Rail-road Corporation, and said Boston and Lowell Rail-road Corporation are hereby authorized to receive and hold the same, whenever a majority in interest of the stockholders of the two corporations respectively, shall elect so to do, and for this the Boston and Lowell Rail-road Corporation may increase their capital stock, by new shares to the amount of thirty thousand dollars.

Rights, &c. may be transferred to the Boston and Lowell Company, &c. provided, &c.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

When to take effect.

An Act to Apportion and Assess a Tax of Seventy-Five Thousand Dollars.

Chap 165.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Each city, town, district or other place, herein-after named, within this Commonwealth, shall be assessed, and pay the several sums with which they stand respectively charged in the following Schedule:

COUNTY OF SUFFOLK.

Suffolk.

Boston,	Twenty-five thousand four hundred eighty-eight dollars and seventy-five cents,
Chelsea,	One hundred eighty dollars and seventy-five cents,

Essex.

COUNTY OF ESSEX.

Amesbury,	One hundred sixty-one dollars and twenty-five cents,
Andover,	Three hundred eighty-four dollars and seventy-five cents,
Beverly,	Three hundred forty-two dollars and seventy-five cents,
Boxford,	Ninety-eight dollars and twenty-five cents,
Bradford,	One hundred fourteen dollars,
Danvers,	Four hundred eighty-four dollars and fifty cents,
Essex,	One hundred seventeen dollars,
Georgetown,	Ninety-four dollars and fifty cents,
Gloucester,	Two hundred forty-nine dollars and seventy-five cents,
Hamilton,	Sixty-one dollars and fifty cents,
Haverhill,	Three hundred twenty-two dollars and fifty cents,
Ipswich,	Two hundred five dollars and fifty cents,
Lynn,	Three hundred eighty-three dollars and twenty-five cents,
Lynnfield,	Forty-two dollars and seventy-five cents,
Manchester,	Ninety dollars,
Marblehead,	Four hundred twenty-seven dollars and fifty cents,
Methuen,	One hundred fifty-three dollars,
Middleton,	Fifty-four dollars and seventy-five cents,
Newbury,	Two hundred forty-three dollars and seventy-five cents,
Newburyport,	Seven hundred eighty-six dollars and seventy-five cents,
Rockport,	One hundred two dollars and seventy-five cents,
Rowley,	Sixty-seven dollars and fifty cents,
Salem,	Two thousand four hundred forty-three dollars and fifty cents,
Salisbury,	One hundred ninety-one dollars and twenty-five cents,
Saugus,	Fifty-nine dollars and twenty-five cents,
Topsfield,	Ninety-eight dollars and twenty-five cents,
Wenham,	Fifty-two dollars and fifty cents,
West Newbury,	One hundred twenty-four dollars and fifty cents.

Middlesex.

COUNTY OF MIDDLESEX.

Acton,	Seventy dollars and fifty cents,
Ashby,	Eighty-six dollars and twenty-five cents,
Bedford,	Sixty-two dollars and twenty-five cents,

Boxborough,	Thirty-seven dollars and fifty cents,
Billerica,	One hundred eight dollars,
Brighton,	One hundred twenty dollars and seventy-five cents,
Burlington,	Thirty-six dollars,
Cambridge,	One thousand one hundred two dollars and fifty cents,
Carlisle,	Fifty-one dollars and seventy-five cents,
Charlestown & Somerville,	One thousand twenty-two dollars and twenty-five cents,
Chelmsford,	One hundred seventeen dollars,
Concord,	One hundred fifty-seven dollars and fifty cents,
Dracut,	One hundred thirty-eight dollars,
Dunstable,	Forty-nine dollars and fifty cents,
Framingham,	Two hundred twenty-one dollars and twenty-five cents,
Groton,	One hundred eighty-five dollars and twenty-five cents,
Holliston,	One hundred twelve dollars and fifty cents,
Hopkinton,	One hundred thirty-five dollars and seventy-five cents,
Lexington,	One hundred forty-seven dollars and seventy-five cents,
Lincoln,	Sixty dollars,
Littleton,	Sixty dollars,
Lowell,	Two thousand four hundred seventy-eight dollars,
Malden,	One hundred fifty-nine dollars and seventy-five cents.
Marlborough,	One hundred seventy-two dollars and fifty cents,
Medford,	Two hundred seventy-five dollars and twenty-five cents,
Natick,	Seventy-eight dollars and seventy-five cents,
Newton,	Two hundred thirty-four dollars,
Pepperell,	Ninety-eight dollars and twenty-five cents,
Reading,	One hundred thirty-one dollars and twenty-five cents,
Sherburne,	Eighty-four dollars,
Shirley,	Sixty-three dollars,
South Reading,	Eighty-dollars and twenty-five cents,
Stoneham,	Sixty-two dollars and twenty-five cents,
Stow,	Eighty-seven dollars and seventy-five cents,
Sudbury,	One hundred seven dollars and twenty-five cents,
Townsend,	Ninety-nine dollars,
Tewksbury,	Eighty-seven dollars,
Tyngsborough,	Sixty-eight dollars and twenty-five cents,
Waltham,	Two hundred sixty-seven dollars,

Watertown,	Two hundred forty-one dollars and fifty cents,
Wayland,	Sixty-two dollars and twenty-five cents,
W. Cambridge,	One hundred twenty-three dollars,
Westford,	Ninety-three dollars and seventy-five cents,
Wilmington,	Fifty-three dollars and twenty-five cents,
Woburn,	One hundred ninety-one dollars and twenty-five cents,
Weston,	Ninety-nine dollars.

Worcester.

COUNTY OF WORCESTER.

Ashburnham	One hundred eleven dollars,
Athol,	Ninety-four dollars and fifty cents,
Auburn,	Forty-eight dollars,
Barre,	Two hundred forty-eight dollars and twenty-five cents,
Berlin,	Fifty-one dollars and seventy-five cents,
Bolton,	One hundred three dollars and fifty cents,
Boylston,	Sixty-three dollars and seventy-five cents,
Brookfield,	One hundred seventy-two dollars and fifty cents,
Charlton,	One hundred sixty-two dollars and seventy-five cents,
Dana,	Thirty-three dollars,
Douglas,	One hundred forty-six dollars and twenty-five cents,
Dudley,	One hundred fourteen dollars and seventy-five cents,
Fitchburg,	One hundred ninety-one dollars and twenty-five cents,
Gardner,	Ninety-three dollars,
Grafton,	Two hundred ten dollars and seventy-five cents,
Hardwick,	One hundred fifty-two dollars and twenty-five cents,
Harvard,	One hundred thirteen [dollars] and twenty-five cents,
Holden,	One hundred thirty-eight dollars and seventy-five cents,
Hubbardston,	One hundred eleven dollars and seventy-five cents,
Lancaster,	One hundred twenty-three dollars and seventy-five cents,
Leominster,	One hundred sixty dollars and fifty cents,
Leicester,	One hundred seventy-three dollars and twenty-five cents,
Lunenburg,	One hundred five dollars,
Mendon,	Three hundred thirty-two dollars and twenty-five cents,

Milford,	One hundred fourteen dollars,
Millbury,	One hundred forty-one dollars,
New Braintree,	Ninety-five dollars and twenty-five cents,
Northborough,	Ninety-six dollars,
Northbridge,	Seventy-nine dollars and fifty cents,
N. Brookfield,	One hundred twelve dollars and fifty cents,
Oakham,	Seventy-five dollars and twenty-five cents,
Oxford,	One hundred sixty-five dollars and seventy-five cents,
Paxton,	Forty-two dollars and seventy-five cents,
Petersham,	One hundred and sixty-five dollars,
Phillipston,	Seventy-three dollars and fifty cents,
Princeton,	One hundred twenty-one dollars and fifty cents,
Royalston,	One hundred eighteen dollars and fifty cents,
Rutland,	One hundred ten dollars and twenty-five cents,
Shrewsbury,	One hundred thirteen dollars and twenty-five cents,
Southborough,	Seventy-eight dollars and seventy-five cents,
Southbridge,	One hundred forty-five dollars and fifty cents,
Spencer,	One hundred twenty-seven dollars and fifty cents,
Sterling,	One hundred twenty-six dollars and seventy-five cents,
Sutton,	One hundred eighty-five dollars and twenty-five cents,
Sturbridge,	One hundred fifty-seven dollars and fifty cents,
Templeton,	One hundred and fifty dollars,
Upton,	Eighty-nine dollars and twenty-five cents,
Uxbridge,	One hundred eighty-five dollars and twenty-five cents,
Warren,	One hundred and fourteen dollars,
Webster,	One hundred twenty-two dollars and twenty-five cents,
Westborough,	One hundred fifteen dollars and fifty cents,
W. Boylston,	Ninety-four dollars and fifty cents,
Westminster,	One hundred twenty-one dollars and fifty cents,
Winchendon,	One hundred twenty-two dollars and twenty-five cents,
Worcester,	Nine hundred fourteen dollars and twenty-five cents.

Hampshire.

COUNTY OF HAMPSHIRE.

Amherst,	One hundred and seventy-one dollars,
Belchertown,	One hundred and thirty-eight dollars,
Chesterfield,	Sixty-six dollars,
Cummington,	Sixty-six dollars and seventy-five cents,
Easthampton,	Forty-eight dollars and seventy-five cents,
Enfield,	Seventy dollars and fifty cents,
Granby,	Sixty-two dollars and twenty-five cents,
Greenwich,	Forty-four dollars and twenty-five cents,
Goshen,	Thirty-six dollars,
Hadley,	One hundred twenty-nine dollars and seventy-five cents,
Hatfield,	One hundred twelve dollars and fifty cents,
Middlefield,	Fifty-seven dollars and seventy-five cents,
Northampton,	Two hundred and ninety-seven dollars,
Norwich,	Forty-six dollars and fifty cents,
Pelham,	Forty-five dollars and seventy-five cents,
Plainfield,	Fifty-five dollars and fifty cents,
Prescott,	Forty-two dollars,
South Hadley,	Seventy-six dollars and fifty cents,
Southampton,	Sixty-five dollars and twenty-five cents,
Westhampton,	Forty-five dollars,
Ware,	One hundred five dollars,
Williamsburg,	Eighty-nine dollars and twenty-five cents,
Worthington,	Eighty-one dollars and seventy-five cents.

Hampden.

COUNTY OF HAMPDEN.

Blandford,	One hundred five dollars and seventy-five cents,
Brimfield,	One hundred fourteen dollars and seventy-five cents,
Chester,	Sixty-eight dollars and twenty-five cents,
Granville,	Seventy-eight dollars and seventy-five cents,
Holland,	Thirty dollars,
Longmeadow,	Ninety dollars and seventy-five cents,
Ludlow,	Ninety-six dollars and seventy-five cents,
Monson,	One hundred sixty-four dollars and twenty-five cents,
Montgomery,	Twenty-seven dollars and seventy-five cents,
Palmer,	One hundred seventy-nine dollars and twenty-five cents,
Russell,	Thirty-five dollars and twenty-five cents,
Southwick,	Seventy-eight dollars and seventy-five cents,
Springfield,	Nine hundred thirty-five dollars and twenty-five cents,
Tolland,	Forty-four dollars and twenty-five cents,
Wales,	Thirty-nine dollars,

Westfield,	Two hundred twenty-five dollars and twenty-five cents,
W. Springfield,	Two hundred forty-six dollars and seventy-five cents,
Wilbraham,	One hundred three dollars and fifty cents.

COUNTY OF FRANKLIN.

Franklin.

Ashfield,	Ninety dollars and seventy-five cents,
Brnardston,	Fifty-seven dollars,
Buckland,	Forty-five dollars and seventy-five cents,
Charlemont,	Sixty-two dollars and twenty-five cents,
Coleraine,	One hundred twelve dollars and fifty cents,
Conway,	One hundred nine dollars and fifty cents,
Deerfield,	One hundred forty-eight [dollars] and fifty cents,
Erving,	Sixteen dollars and fifty cents,
Gill,	Forty-eight dollars,
Greenfield,	One hundred forty-six dollars and twenty-five cents,
Hawley,	Fifty dollars and twenty-five cents,
Heath,	Fifty-two dollars and fifty cents,
Leyden,	Forty-four dollars and twenty-five cents,
Leverett,	Forty-five dollars and seventy-five cents,
Monroe,	Twelve dollars,
Montague,	Sixty-six dollars and seventy-five cents,
New Salem,	Seventy-two dollars,
Northfield,	One hundred fourteen dollars and seventy-five cents,
Orange,	Eighty-one dollars,
Rowe,	Forty-three dollars and fifty cents,
Shelburne,	Sixty-seven dollars and fifty cents,
Shutesbury,	Forty-eight dollars and seventy-five cents,
Sunderland,	Forty-eight dollars and seventy-five cents,
Warwick,	Seventy dollars and fifty cents,
Wendell,	Fifty dollars and twenty-five cents.
Whately,	Sixty-one dollars and fifty cents.

COUNTY OF BERKSHIRE.

Berkshire.

Adams,	Two hundred and ten dollars,
Alford,	Twenty-seven dollars,
Becket,	Sixty dollars and seventy-five cents,
Cheshire,	Eighty-three dollars and twenty-five cents,
Clarksburg,	Sixteen dollars and fifty cents,
Dalton,	Seventy-one dollars and twenty-five cents,
Egremont,	Sixty-five dollars and twenty-five cents,
Florida,	Nineteen dollars and fifty cents,
Gt. Barrington,	One hundred sixty-eight dollars and seventy-five cents,

Hancock,	Eighty-one dollars and seventy-five cents,
Hinsdale,	Sixty-one dollars and fifty cents,
Lanesborough,	Ninety dollars and seventy-five cents,
Lee,	One hundred thirty-two dollars,
Lenox,	Eighty-four dollars,
Mt. Washington,	Fifteen dollars and seventy-five cents,
New Ashford,	Nineteen dollars and fifty cents,
N. Marlborough,	One hundred four dollars and twenty-five cents,
Otis,	Fifty-seven dollars and seventy-five cents,
Peru,	Forty-two dollars,
Pittsfield,	Two hundred eighty-one dollars and twenty-five cents,
Richmond,	Sixty-one dollars and fifty cents,
Sandisfield,	Ninety-eight dollars and twenty-five cents,
Savoy,	Thirty-five dollars and twenty-five cents,
Stockbridge,	One hundred twenty-three dollars and seventy-five cents,
Sheffield,	One hundred sixty-eight dollars,
Tyringham,	Seventy dollars and fifty cents,
Washington,	Forty-one dollars and twenty-five cents,
W. Stockbridge,	Eighty dollars and twenty-five cents,
Williamstown,	One hundred forty-seven dollars and seventy-five cents,
Windsor,	Fifty-three dollars and twenty-five cents,
Boston Corner,	Two dollars and twenty-five cents.

Norfolk.

COUNTY OF NORFOLK.

Braintree,	One hundred forty-three dollars and twenty-five cents,
Bellingham,	Seventy-three dollars and fifty cents,
Brookliue,	One hundred eighty-one dollars and fifty cents,
Canton,	One hundred forty-six dollars and twenty-five cents,
Cohasset,	Eighty-one dollars and seventy-five cents,
Dedham,	Three hundred nine dollars and seventy-five cents,
Dover,	Forty-eight dollars and seventy-five cents,
Dorchester,	Four hundred twenty-six dollars and twenty-five cents,
Foxborough,	Seventy dollars and fifty cents,
Franklin,	One hundred and eleven dollars,
Medfield,	Sixty dollars,
Medway,	One hundred thirty-three dollars and fifty cents,
Milton,	One hundred sixty-nine dollars and fifty cents,
Needham,	One hundred and sixty-two dollars,

Quincy,	Two hundred forty-seven dollars and fifty cents,
Randolph,	Two hundred and thirteen dollars,
Roxbury,	Eight hundred twenty-five dollars and seventy-five cents,
Sharon,	Eighty-one dollars and seventy-five cents,
Stoughton,	One hundred twelve dollars and fifty cents,
Walpole,	One hundred and five dollars,
Weymouth,	Two hundred thirty-five dollars and fifty cents,
Wrentham,	One hundred sixty-eight dollars and seventy-five cents.

COUNTY OF BRISTOL.

Bristol.

Attleborough,	Two hundred fifteen dollars and twenty-five cents,
Berkley,	Forty-seven dollars and twenty-five cents,
Dartmouth,	Two hundred seventy-seven dollars and fifty cents,
Dighton,	Ninety-two dollars and twenty-five cents,
Easton,	One hundred twelve dollars and fifty cents,
Fairhaven,	Three hundred and ninety dollars,
Fall River,	Six hundred forty-one dollars and twenty-five cents,
Freetown,	One hundred four dollars and twenty-five cents,
Mansfield,	Eighty dollars and twenty-five cents,
New Bedford,	One thousand five hundred ten dollars and fifty cents,
Norton,	One hundred and forty-seven dollars,
Pawtucket,	One hundred forty dollars and twenty-five cents,
Raynham,	Seventy-two dollars,
Rehoboth,	One hundred twenty-seven dollars and fifty cents,
Seekonk,	One hundred and eight dollars,
Somerset,	Sixty-two dollars and twenty-five cents,
Swanzy,	Ninety-three dollars,
Taunton,	Five hundred and eighty-two dollars,
Westport,	One hundred seventy-five dollars and fifty cents.

COUNTY OF PLYMOUTH.

Plymouth.

Abington,	One hundred and forty-four dollars,
Bridgewater,	One hundred forty dollars and twenty-five cents,
Carver,	Fifty-four dollars,
Duxbury,	One hundred and eighty-nine dollars,
E. Bridgewater,	Ninety-seven dollars and fifty cents,

Halifax,	Forty-two dollars,
Hanover,	Eighty-six dollars and twenty-five cents,
Hanson,	Sixty-two dollars and twenty-five cents,
Hingham,	Two hundred nineteen dollars and seventy-five cents,
Hull,	Fifteen dollars and seventy-five cents,
Kingston,	One hundred five dollars and seventy-five cents,
Marshfield,	One hundred seventeen dollars and seventy-five cents,
Middleborough,	Two hundred eighty-two dollars and seventy-five cents,
N. Bridgewater,	One hundred twenty-two dollars and twenty-five cents,
Pembroke,	Eighty-one dollars,
Plymouth,	Four hundred fifteen dollars and fifty cents,
Plympton,	Forty-eight dollars,
Rochester,	Two hundred eight dollars and fifty cents,
Scituate,	Two hundred and thirty-seven dollars,
Wareham,	One hundred and thirty-five dollars,
W. Bridgewater,	Seventy-seven dollars and twenty-five cents.

Barnstable.

COUNTY OF BARNSTABLE.

Barnstable,	Two hundred and sixteen dollars,
Brewster,	Sixty dollars,
Chatham,	Eighty-five dollars and fifty cents,
Dennis,	One hundred and twenty-three dollars,
Eastham,	Thirty-eight dollars and twenty-five cents,
Falmouth,	One hundred eighty dollars and seventy-five cents,
Harwich,	Eighty dollars and twenty-five cents,
Orleans,	Fifty-seven dollars and seventy-five cents,
Provincetown,	One hundred nineteen dollars and twenty-five cents,
Sandwich,	Two hundred fifteen dollars and twenty-five cents,
Truro,	Forty-seven dollars and twenty-five cents,
Wellfleet,	Fifty-nine dollars and twenty-five cents,
Yarmouth,	One hundred twenty-eight dollars and twenty-five cents.

Dukes.

DUKES COUNTY.

Chilmark,	Seventy-four dollars and twenty-five cents,
Edgartown,	One hundred twenty-seven dollars and fifty cents,
Tisbury,	Ninety dollars and seventy-five cents.

COUNTY OF NANTUCKET.

Nantucket.

Nantucket, One thousand four hundred and seventy-three dollars.

AGGREGATE OF THE SEVERAL COUNTIES.

Suffolk, Twenty-five thousand six hundred sixty-nine dollars and fifty cents,
 Essex, Seven thousand nine hundred fifty-seven dollars and fifty cents,
 Middlesex, Nine thousand five hundred seventy-nine dollars and seventy-five cents,
 Worcester, Seven thousand seven hundred thirty dollars and twenty-five cents,
 Hampshire, One thousand nine hundred and fifty-three dollars,
 Hampden, Two thousand six hundred eighty-four dollars and twenty-five cents,
 Franklin, One thousand seven hundred and sixty-seven dollars,
 Berkshire, Two thousand five hundred seventy-four dollars and seventy-five cents,
 Norfolk, Four thousand forty-seven dollars and seventy-five cents,
 Bristol, Four thousand nine hundred seventy-eight dollars and fifty cents,
 Plymouth, Two thousand eight hundred eighty-one dollars and fifty cents,
 Barnstable, One thousand four hundred ten dollars and seventy-five cents,
 Dukes, Two hundred ninety-two dollars and fifty cents,
 Nantucket, One thousand four hundred and seventy-three dollars.

SECT. 2. The treasurer of this Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city, town, district or other place taxed as aforesaid, requiring them respectively to assess, in dollars and cents, the sum so charged, according to the provisions of the seventh chapter of the Revised Statutes, and to add the amount of such tax to the amount of county and town taxes to be by them assessed in each city, town and district respectively.

Treasurer to issue his warrant to selectmen or assessors, to assess proportion of tax in their towns, &c.

SECT. 3. The treasurer, in his said warrant, shall require the said selectmen or assessors respectively, to pay, or to issue their several warrant or warrants, requiring the collectors of their several cities, towns or districts to pay, to the said treasurer, on or before the first day of February, eighteen hundred and forty-five, the sums against said cit-

Time and manner of collecting tax.

ies, towns and districts respectively, in this act contained; and the said selectmen or assessors respectively, shall return a certificate of the names of such collectors, with the sum which each may be required to collect, to the said treasurer, some time before the first day of December next.

Repeal of former acts.

SECT. 4. The fifteenth section of the seventh chapter of the Revised Statutes is hereby repealed.

When to take effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

Chap 166.

An Act in addition to an Act to Incorporate the Blackstone Canal Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Blackstone Canal Company may sell the whole or part of their property.

SECT. 1. That in order to facilitate the construction of a rail-road between Worcester and Providence, as a substitute for the Blackstone Canal, the president, directors and company, called the Blackstone Canal Company be, and they hereby are, authorized to make sale of their entire property, or any part or portion thereof, and to convey the same to any purchaser or purchasers, which conveyance shall vest a good and sufficient title to such property, though a change of the use to other public purposes may follow such sale.

Sale not to work a forfeiture of rights to dams, &c.

SECT. 2. That such sale of the said Blackstone Canal, or any part or portion of the works thereof, shall not work a forfeiture of any of the vested rights of said company to the dams located to maintain a head of water, but the right to maintain the same, shall continue in said company and their assigns, the same as heretofore, though said canal may be discontinued as a navigable highway.

Dams erected by the company to be maintained by and for the benefit of mill owners, &c.

SECT. 3. That the dams which have been either erected or raised by said Blackstone Canal Company, in the bed of the Blackstone River, may be maintained by the several mill owners who have an interest in the works on said dams, at the same height to which they have been raised by said company, and for the exclusive benefit of such mill owners, their heirs, or assigns: And the land over which said Blackstone Canal has been located, shall not be sold and conveyed for any other than rail-road purposes, and such land as shall not be sold for rail-road purposes, shall revert to the owners thereof, divested of the easement of said Canal Company. [*Approved by the Governor, March 16, 1844.*]

Land not to be sold for other than rail-road purposes.

An Act prescribing the time for making returns of votes for Electors of President and Vice President of the United States.

Chap 167.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The mayor and aldermen of the several cities, and selectmen of the several towns in the Commonwealth, shall within three days next after the day of any election of electors of president and vice president of the United States, held by virtue of the laws of this Commonwealth, or of the United States, deliver, or cause to be delivered the lists of votes therefor, sealed up, to the sheriff of the county in which said election is held, and the sheriff shall within four days after receiving said lists, transmit the same to the office of the secretary of the Commonwealth, or the said mayor and aldermen, or the selectmen may, and when the office of sheriff is vacant, he or they shall themselves transmit the said lists to the said office within seven days after the election, and all votes not so transmitted shall be rejected.

Votes for electors of president, &c., how and when to be transmitted by town and city officers to the secretary.

SECT. 2. The secretary of the Commonwealth shall, on or before the first day of October next, transmit to the mayor and aldermen of each city, and to the selectmen of each town in the Commonwealth, a copy of this act. [Approved by the Governor, March 16, 1844.]

Notice of this law to be given by the secretary to cities and towns.

An Act relating to the Bonds of Pilots.

Chap 168.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

If at any time it shall appear to the commissioners of pilots that the bonds given by any pilot are insufficient, the said commissioners shall require him to give a new bond or bonds, to their satisfaction, within such time as they shall order; and this act shall take effect from and after its passage. [Approved by the Governor, March 16, 1844.]

Commissioners of pilots may require pilots to give new bonds, after the passage of this act.

An Act to incorporate the Alliance Mutual Insurance Company.

Chap 169.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Manlius S. Clarke, F. M. Weld, R. A. Lamb, their associates and successors, are hereby made a corporation for the term of twenty years, by the name of the Alliance Mutual Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses and losses by

Persons incorporated for 20 years.

To insure fire and marine risks on the mutual principle.

fire, on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

No policy to be issued till \$100,000 have been paid in and invested, &c.

SECT. 2. No policy of insurance shall be issued by said company, until a fund of one hundred thousand dollars in cash, shall have been paid in for the protection of the assured, and invested as by law required of insurance companies heretofore incorporated.

Legal interest to be paid, and principal after the investment of \$100,000 profits.

SECT. 3. The said company may pay semi-annually the legal interest on the aforesaid fund, and may pay the principal of the fund whenever their net profits shall amount to the sum of one hundred thousand dollars, and the same shall have been invested according to law as aforesaid; and no further division of the net profits or funds of the company shall be made, without leaving at least two hundred thousand dollars invested as aforesaid, until the expiration of this act.

No further division to take place, except of excess over \$200,000.

SECT. 4. The guarantee capital provided for in this act, shall be in addition to any resources which can be converted into premiums. [*Approved by the Governor, March 16, 1844.*]

Guarantee capital independent of resources convertible into premiums.

Chap 170. An Act in addition to an Act concerning the Mercantile Marine Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May divide six per cent. of profits among stockholders, and excess of profits over a six per cent. among stockholders and persons insured.

SECT. 1. The Mercantile Marine Insurance Company may divide among their stockholders and the persons insured by them, in proportion to the stock owned and the premiums paid on risks terminated, all of their clear profits over and above the amount of six per cent. per annum, which six per cent. shall be divided among the stockholders alone: *provided*, that no such division among the stockholders and the persons insured jointly, shall be made until all arrearages which hereafter may occur in the six per centum payable to the stockholders, shall have been paid to the stockholders.

Provided, &c.

Stockholders may withdraw their proportion of assets before this act goes into operation, said assets to be determined by arbitrators.

SECT. 2. Any stockholder may withdraw his proportion of the assets of the company, the value of which shall forthwith be ascertained by arbitration, before the acceptance of this act; and any deficiency thus created in the capital stock shall be made up by new subscribers, before this act shall go into operation. The arbitrators herein provided for, shall be appointed, one by the president of the company, and one by the claiming stockholder; and in case the two persons so appointed are unable to agree as to the

value of the assets, they shall appoint a third arbitrator to act with them. [*Approved by the Governor, March 16, 1844.*]

An Act to alter the times of holding the terms of the Court of Common Pleas for the County of Hampden.

Chap 171.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. That portion of the fortieth section of the eighty-second chapter of the Revised Statutes, which provides that the court of common pleas, within and for the county of Hampden, shall be held on the third Mondays of February and June, is hereby repealed.

Repeal of former law fixing the terms of the court of common pleas in Hampden.

SECT. 2. There shall be a term of the court of common pleas, within and for the county of Hampden, on the second Mondays of February and June annually.

Terms to be on the second Mondays of February and June.

SECT. 3. All recognizances, continuances, or other proceedings in the court of common pleas, returnable or having reference to the third Monday in June next, shall be returned to, have day in, and proceeded upon, at said term hereby established, on the second Monday of June next. [*Approved by the Governor, March 16, 1844.*]

Provision for return of recognizances, &c.

An Act to establish the Boston and Maine Rail-road Extension Company.

Chap 172.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Thaddeus Spaulding, Thomas West, Thaddeus Nichols, John Howe, Richard W. Bailey, and their associates, successors and assigns be, and they hereby are made a corporation by the name of the Boston and Maine Rail-road Extension Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the said statutes, and statutes subsequently passed, which relates to rail-roads.

Persons incorporated.

SECT. 2. The said company are hereby authorized and empowered to construct and complete a rail-road, beginning at a convenient point in the Boston and Maine Rail-road, not nearer to its junction with the Boston and Lowell Rail-road, than Lubber Brook so called, in Wilmington, unless by the agreement and consent of the directors of the said Boston and Lowell Rail-road Corporation; thence passing through Wilmington to Reading, near Wood End Village so called; thence through said Reading to and through South Reading, passing near the southwesterly end of Reading Pond, and the easterly side of Smith's Pond so called; thence through or near the easterly part of Stone-

Location of the road.

ham to Malden, near Ell Pond so called; thence through Malden, passing near Odiorne's iron works, and crossing Mystic River by a bridge near Malden Bridge; thence passing near the mill-pond at the outlet of the Middlesex Canal, at least one-fourth of a mile from the McLean Asylum, by the way of Somerville or Charlestown, to a point on the Charlestown Branch Rail-road, near their engine house in Charlestown: *provided*, it shall not cross the Charlestown Branch Rail-road at any point east of the State Prison, without the assent of the directors of the Charlestown Branch Rail-road Corporation; thence crossing Charles River by a bridge above Warren Bridge, to the city of Boston, between Haverhill street and Canal street; and thence between said streets to the public square at the easterly end of said streets.

Bridges, how to be constructed.

SECT. 3. The said bridges across Charles and Mystic Rivers, with a good and sufficient draw in each, shall be constructed under the direction of commissioners, to be appointed by the governor and council, at the expense of said corporation; and the said corporation shall be held liable to keep the draws in good repair, and to open the same, and afford all proper accommodation to vessels having occasion to pass the same by day or by night.

Draws to be maintained, &c.

Speed and power, &c. in Boston, to be regulated by the city government.

SECT. 4. The motive power and the rate of speed for crossing any of the streets in the city of Boston, as well as the securities at the crossings, shall be regulated in such manner as shall be required by the mayor and aldermen of said city.

Capital not to exceed \$300,000, in shares of \$100.

SECT. 5. The capital stock of this corporation shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each.

When to be completed.

SECT. 6. If said rail-road in its whole distance between the termini shall not be completed within three years from and after the passing of this act, the same shall be void.

May be used by any other company authorized by the Legislature, provided, &c.

SECT. 7. The State may authorize any company to enter with another rail-road at any point of the rail-road hereby authorized, paying for the right to use the same, or any part thereof, such rate of toll or compensation as the Legislature may from time to time prescribe, and complying with such rules and regulations as said corporation may establish by virtue of the powers hereby granted.

May be used by the Boston and Maine Rail-road, provided, &c.

SECT. 8. The Boston and Maine Rail-road are hereby authorized to enter upon and use the road hereby granted, with their engines and cars, or otherwise, paying therefor such rate of toll or compensation, as may from time to time be prescribed by the Legislature; and whenever the road hereby granted shall be completed, and shall be entered upon by the said Boston and Maine Rail-road, their right to enter upon and use the Boston and Lowell Rail-road shall cease, except so far as such right may be exercised

with the assent of the Boston and Lowell Rail-road Corporation. And the said Boston and Maine Rail-road Corporation are hereby authorized to subscribe to the capital stock of the corporation hereby established, an amount not exceeding five thousand shares, and to increase their capital stock to that amount.

SECT. 9. No depot or stopping place shall be established between Andover and Reading, without the consent of the Boston and Lowell Rail-road Corporation.

SECT. 10. The corporation hereby established in addition to the powers hereby conferred, may purchase or hire any portion of the Charlestown Branch Rail-road, and use the same upon such terms as may be mutually agreed upon by the directors of said corporations. [*Approved by the Governor, March 16, 1844.*]

The Boston and Maine company may subscribe its stock not exceeding 5000 shares, &c.

No depot between Andover and Reading without consent, &c.

May purchase, or hire the use of, the Charlestown Branch Road.

An Act authorizing the appointment of an additional Master in Chancery in the county of Worcester.

Chap 173.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. His Excellency the Governor, by and with the advice and consent of the council, is hereby authorized to appoint an additional Master in Chancery in and for the county of Worcester; and the number of masters in chancery for said county shall hereafter be five.

Five masters in chancery in Worcester.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

When to take effect.

An Act to establish the salary of the Sergeant-at-Arms.

Chap 174.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The sergeant-at-arms shall have an annual salary of one thousand dollars, payable quarterly, and the rent of the house now and heretofore occupied by him.

Sergeant-at-arms to be paid \$1000 annually besides rent.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal of inconsistent provisions.

SECT. 3. This act shall take effect from and after the first day of April next. [*Approved by the Governor, March 16, 1844.*]

When to take effect.

An Act to incorporate the Equitable Life Assurance Society of Boston.

Chap 175.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Lemuel Blake, William Brigham and George Darracott, their associates and successors, are hereby made a corporation by the name of the Equitable Life Assurance

Persons incorporated to insure lives, &c., on the mutual principle.

Society of Boston, for the purpose of making assurances on single lives, joint lives and survivorships, and for making reversionary payments on the principle of mutual contribution and mutual participation in the surplus funds or otherwise, with all the powers and privileges, and subject to all the duties and liabilities, contained in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same may be applicable to this corporation.

When to be organized, and half the directors to be chosen.

SECT. 2. When one hundred and fifty persons have subscribed to become members of the Society by being assured for the whole term of life, the first meeting may be called for the purpose of organizing the corporation, but only one half the whole number of directors shall then be chosen.

Guarantee capital to be \$100,000, half of which to be paid in or secured, &c.

Immediately after such organization, books shall be opened for the subscription of a guarantee capital stock for one hundred thousand dollars, to be divided into shares by the corporation, half of which shall be paid in in cash before the said corporation shall go into operation for the purpose of making assurances, the other half of said stock may be called for by the directors, from time to time, when they deem it necessary or expedient, and shall be paid in by the holders of the stock, which shall always stand pledged to the corporation for all such assessments so called for, and said stock shall be entitled to an annual dividend not exceeding seven per centum on the amount paid in.

Directors not chosen at the time of organization, when and how to be chosen.

SECT. 3. As soon as such amount of stock shall be so subscribed and paid in as aforesaid, a meeting shall be called of the said stockholders, and they shall elect from their own number, the remaining half of the first board of directors; and at every future election of directors, until the guarantee stock shall be redeemed, one half the number shall be selected from the assured for the whole term of life, and the other half from the stockholders, all to be chosen jointly.

Capital how to be invested.

SECT. 4. The funds of the society shall be invested in the stocks of the United States, of the state of Massachusetts, of the city of Boston, and in notes secured by mortgage of unincumbered real estate in Massachusetts worth twice the amount loaned thereon.

Real estate not to exceed \$30,000.

The corporation may hold real estate to an amount not exceeding thirty thousand dollars, for the purpose of securing suitable offices for the institution.

Division of surplus funds, when and how to be made.

SECT. 5. At the expiration of every three years after the expiration of the first year, there shall be a general investigation of the affairs of the society for the past three years, with an estimate of the surplus funds which may remain after providing for all risks, losses and incidental expenses. If it shall appear after the investigation, that there is a surplus fund more than equivalent to the amount of debts and claims against the funds, one third of the esti-

mated surplus funds and receipts shall be set aside with its accumulations as a reserved fund to be applied to the redemption of the guarantee stock; and whenever after the expiration of ten years from the time of organizing the corporation, the amount of such reserved funds shall be sufficient for the purpose, and the assured shall vote to redeem the said guarantee stock, the same shall be redeemed.

The remaining two thirds of the estimated surplus funds shall be equitably divided among the existing policies, for the whole term of life, either by single contribution, or by uniform annual contributions, and allocated to the original sum assured, as a bonus or reversionary addition, payable when the policy emerges and becomes a claim.

SECT. 6. Within thirty days after the expiration of four years from the time of organizing the society, and within thirty days after the expiration of every subsequent three years, the society shall cause to be made a general balance statement of the affairs of the said society, which shall be entered in a book prepared for that purpose. Such statement shall contain,—

1st. The amount of contributions received during the said period, and the amount of interest received from investments and loans.

2d. The amount of expenses of the said society during the same period.

3d. The amount of losses incurred during the same period.

4th. The balance remaining with the said society.

5th. The nature of the security in which the said balance is invested or loaned, and the amount of cash on hand, and the aggregate amount of the sums assured in the existing policies.

6th. The president of the society shall, within thirty days after the balance statement is made up, transmit a copy thereof, signed and sworn to by the president and a majority of the directors, and also by the auditor, or auditors, and countersigned by the secretary of the society, to the Secretary of the Commonwealth, to be by him laid before the Legislature.

SECT. 7. The said corporation shall, on the third Monday of January, every year, pay over to the trustees of the Massachusetts General Hospital one third of the net profits, if any, which shall have arisen from insurance on lives made during the preceding year.

SECT. 8. So long as this corporation shall well and truly pay to the General Hospital the aforesaid share of profit, it shall not be lawful for any persons or corporation within the Commonwealth to make insurance on lives upon land, unless empowered so to do, by any future Legislature of this Commonwealth. And whenever any persons or corpo-

General balance statements, when to be made and what particulars to contain.

Contributions and interest received.

Expenses.

Losses.

Balance on hand.

Investment of balance, cash on hand, and sums assured.

Attested balance statement to be transmitted to the secretary for the Legislature.

Proportion of profits to be annually paid to the Massachusetts General Hospital.

Obligation of such payments, on what conditions to be continued.

ration shall hereafter be thus empowered, the obligation of this corporation to pay the trustees of the General Hospital, for the use of said hospital, the third part of the net profits which may thereafter arise on insurance on lives, shall cease, unless the same obligations shall be imposed on such persons or corporation thus hereafter empowered. [*Approved by the Governor, March 16, 1844.*]

Chap 176.

An Act to straighten the Charlestown Branch Rail-road, and for other purposes.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Where the road may be straightened.

SECT. 1. The Charlestown Branch Rail-road Company are hereby authorized to straighten their rail-road in Somerville, and across the Lowell Rail-road, commencing at or near Prospect street bridge so called, and running across the Medford road, near the bridge over Miller's creek; thence southeasterly of Hiram Hackett's house to a point on their rail-road, easterly of their present junction with the Lowell Rail-road, and near the same. *It is, however, expressly provided,* that inasmuch as a certain lot of land owned by Caleb Metcalf and Hiram Hackett, and containing between four and five acres, situate near the aforesaid junction, will be greatly injured by the proposed straightening of said rail-road, said Charlestown Branch Rail-road Company shall, and they are hereby authorized to take the whole of said land, and the improvements thereon, at the fair value thereof, which shall be fixed by three disinterested referees, one to be chosen by said proprietors or their representatives, one by said Charlestown Branch Rail-road Company, and the third by the two referees thus chosen; the award of whom, or a majority of them, shall be final. The said referees shall first fix and ascertain the value of the aforesaid real estate, before the said Charlestown Branch Rail-road shall enter thereon. And in case said proprietors or their representatives decline or neglect to appoint their referee, after notice by said Charlestown Branch Rail-road Company, the said Charlestown Branch Rail-road Company may locate their road across said land, and in such case the damages shall be assessed according to law.

Provisions for indemnity to Metcalf and Hackett.

Right of Fitchburg Rail-road Company.

SECT. 2. It is further provided, that the Fitchburg Rail-road Company shall have the same rights, title and interest in the new road-bed, thus located and taken, as in the present road-bed of the said Charlestown Branch Rail-road Company.

Corporation may reserve their present track for certain purposes, &c.

SECT. 3. The Charlestown Branch Rail-road Company shall use the new track, as a substitute for the present crossing of the Boston and Lowell Rail-road; but may reserve their present track as far as necessary for the purposes of a

turn-out, and for convenient connection with the Boston and Lowell Rail-road; and shall make and maintain their new crossing in such manner as not unreasonably to incommode the travel on the Boston and Lowell Rail-road, and shall be under the same obligations in relation thereto, as they are now under by the 2d section of the 108th chapter of the acts and resolves of 1841.

New crossing not to incommode the Boston and Lowell road.

SECT. 4. The said Charlestown Branch Rail-road Company are further authorized to build a track from some convenient point on their present road on the Fresh Pond meadows, across the Concord turnpike, to Pickerel Point so called, in West Cambridge.

May build another track.

SECT. 5. The said Charlestown Branch Rail-road Company shall, with respect to the new portions of their rail-road hereby authorized, be subject to all the duties, liabilities and restrictions, and have all the powers and privileges, contained in the 39th chapter of the Revised Statutes, and other statutes relating to rail-road corporations.

Liabilities for new portions of the road.

SECT. 6. The said company shall also have power to discontinue any part of their rail-road hereby superseded; and they shall be under all liabilities and obligations as to crossing the public highways with their new track, which they are now under with respect to their present tracks crossing the same highways.

May discontinue portions superseded, &c.

Liabilities for new crossings.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 16, 1844.*]

When to take effect.

An Act to incorporate the State Mutual Life Assurance Company of Worcester.

Chap 177.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Davis, Benjamin Balch, and Clarendon Harris, their associates and successors, are hereby made a corporation by the name of the State Mutual Life Assurance Company of Worcester, for the purpose of making assurances on single lives, joint lives and survivorships, and for making reversionary payments, on the principle of mutual contribution and mutual participation in the surplus funds, or otherwise, with all the powers and privileges, and subject to all the duties and liabilities, contained in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same may be applicable to this corporation.

Persons incorporated to insure lives, &c.

SECT. 2. When one hundred and fifty persons have subscribed to become members of the said company, by being assured for one or more years, or for the whole term of life, the first meeting may be called for the purpose of organizing the corporation, but only one half of the whole number of directors shall then be chosen.

When to be organized, and half the directors to be chosen.

Guarantee capital to be \$100,000, half of which to be paid in or secured, &c.

Immediately after such organization, books shall be opened for the subscription of a guarantee capital of one hundred thousand dollars, to be divided into shares by the corporation thus organized, half of which shall be paid in cash, or secured as hereinafter provided for its investment, before the said corporation shall go into operation for the purpose of making assurances; the other half of said stock may be called for by the directors so elected, from time to time, when they deem it necessary or expedient, and shall be paid in by the holders of the stock, which shall always stand pledged to the corporation for all such assessments so called for, and said stock shall be entitled to an annual dividend not exceeding seven per centum on the amount paid in.

Directors, not chosen at the time of organization, when and how to be chosen.

SECT. 3. As soon as such amount of stock shall be so subscribed and paid in, as aforesaid, or made secure, a meeting shall be called of the said stockholders, and they shall elect from their own number, the remaining half of the first board of directors; and at every future election of directors, until the guarantee stock shall be redeemed, one half the number shall be selected from the assured, and the other half from the stockholders, all to be chosen jointly.

Capital, how to be invested.

SECT. 4. The funds of the said company shall be invested in the stocks of the United States, of the State of Massachusetts, of the city of Boston, and in notes secured by bond and mortgage of unincumbered real estate in Massachusetts, worth three times the amount loaned thereon.

Real estate not to exceed \$10,000.

The said company may hold real estate to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

Division of surplus funds; when and on what principles to be made.

SECT. 5. At the expiration of every three years after the expiration of the first year, there shall be a general investigation of the affairs of the company for the past three years, with an estimate of the surplus funds, which may remain after providing for all risks, losses and incidental expenses. If it shall appear after the investigation, that there is a surplus fund more than equivalent to the amount of debts and claims against the funds, one third of the estimated surplus funds and receipts shall be set aside, with its accumulations, as a reserved fund, to be applied to the redemption of the guarantee stock; and whenever, after the expiration of ten years from the time of organizing the corporation, the amount of such reserved funds shall be sufficient for the purpose, and the assured shall vote to redeem the said guarantee stock, the same shall be redeemed. The remaining two thirds of the estimated surplus funds shall be equitably divided among the existing policies, for one or more years, or for the whole term of life, in proportion to the respective amounts of premium each has paid, either by single contribution, or by uniform annual contributions, and allocated to the original sum insured, as a

bonus, or reversionary addition, payable when the policy emerges and becomes a claim.

SECT. 6. Within thirty days after the expiration of four years from the time of organizing the company, and within thirty days after the expiration of every subsequent three years, the company shall cause to be made a general balance statement of the affairs of the said company, which shall be entered in a book prepared for such purpose. Such statement shall contain—

General balance statements, when to be made, and what particulars to contain.

1st. The amount of contributions received during the said period, and the amount of interest received from investments and loans.

Contributions and interest received.

2d. The amount of expenses of the said company during the same period.

Expenses.

3d. The amount of losses incurred during the same period.

Losses.

4th. The balance remaining with the said company.

Balance on hand.

5th. The nature of the security in which the said balance is invested or loaned, and the amount of cash on hand, and the aggregate amount of the sums assured in the existing policies.

Investment of balance, cash on hand, and sums assured.

6th. The president or vice president of the company shall, within thirty days after the balance statement is made up, transmit a copy thereof, signed and sworn to by the president and vice president, and a majority of the directors, and also by the auditor, actuary or secretary, to the secretary of the Commonwealth, to be by him laid before the legislature.

Attested balance statement to be transmitted to the secretary for the Legislature.

SECT. 7. The said corporation shall, on the third Monday of January every year, pay over to the trustees of the Massachusetts General Hospital, one third of the net profits, if any, which shall have arisen from insurance on lives made during the preceding year.

Proportion of profits to be annually paid to the Massachusetts General Hospital.

SECT. 8. So long as this corporation shall well and truly pay to the General Hospital the aforesaid share of profit, it shall not be lawful for any persons or corporation within the Commonwealth, to make insurance on lives upon land, unless empowered so to do, by any future legislature of this Commonwealth. And whenever any person or corporation shall hereafter be thus empowered, the obligation of this corporation to pay the trustees of the General Hospital, for the use of said hospital, the third part of the net profits which may thereafter arise on insurance on lives, shall cease, unless the same obligation shall be imposed upon such persons or corporation thus hereafter empowered. [*Approved by the Governor, March 16, 1844.*]

Obligation of such payments, on what conditions to be continued.

Chap 178. An Act in further addition to the several Acts for the Relief of Insolvent Debtors, and the more equal distribution of their effects.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Judges of probate and masters in chancery, to hold a court every month for the determination of cases of insolvency, &c.

SECT. 1. Every judge of probate, or master in chancery, shall, on the second Monday of every month, hold a court in some convenient place, for the proof of claims, the examination of debtors, the granting of discharges, the settlement of assignees' accounts, and the declaring of dividends in cases pending before him, and for doing any other matter now cognizable before said judge or master, relating to insolvency, and said proceedings shall be transacted only in said court, and after due notice to all parties in interest; and if all the business in insolvency before said judge of probate, or master in chancery, cannot be completed on said day, said judge of probate, or master in chancery, may adjourn his court to the next day, and so from day to day, until the same shall, legally and properly, with all reasonable despatch be disposed of.

Said courts to be always open for the reception of petitions, &c.

SECT. 2. Said courts shall be considered open at all times for the reception of petitions, the issuing of warrants, the approval of compositions, assignees' bonds and sales, requiring the approval of a judge of probate, or master in chancery.

Debts by defalcation in public office, &c., to be excepted from discharge.

SECT. 3. No debt hereafter created by the debtor's defalcation as a public officer, executor, administrator, guardian, receiver, trustee, or assignee of an insolvent estate, shall be discharged under this act, but the creditor thereto may prove the same, and the dividend declared thereon, shall be payment for so much of said claim, and every certificate of said discharge shall contain a statement of the debts created as aforesaid, to be exempted therefrom.

Provisions when assets of a debtor amount to, or fall short of, fifty per cent.

SECT. 4. If the assets of the estate of any debtor shall pay fifty per cent. of the claims proved against his estate, he shall be discharged from all claims against his estate, excepting those mentioned in the third section; and if said assets pay less than fifty per cent. on all claims proved as aforesaid, the debtor shall be discharged from all claims against his estate, excepting those mentioned in the third section, unless a majority in value, of his creditors, who shall have proved their claims, shall dissent therefrom within six months after the date of the assignment, and if they do thus dissent he shall not be discharged.

Discharge under a second insolvency, when to be valid.

SECT. 5. No discharge of a debtor under this act, and the acts to which this is in addition, or any of them, shall be granted, or valid, if said debtor shall be a second time insolvent under said acts, or any of them, and the assets of his estate shall fail to pay fifty per cent. of the debts and claims proved against him, unless three fourths, in value,

of the creditors whose claims are proved, shall assent thereto in writing.

SECT. 6. No discharge of a debtor under this act, and the aforementioned acts, or any of them, shall be granted or valid, if said debtor shall be a third time insolvent under said acts or any of them.

No discharge under a third insolvency.

SECT. 7. Whenever an assignee shall have received from the estate assets sufficient to pay fifty per centum of the debts and claims proved against said estate, he shall certify the fact, and render his accounts therefor to the judge of probate, or master in chancery, before whom the case is pending; and again, whenever he shall have received twenty-five per centum more from said assets, he shall certify and render his accounts therefor, as aforesaid; and the said assignee shall certify and render his accounts at any time when required thereto by the judge of probate or master in chancery, before whom the process of insolvency shall be pending, without regard to the amount of assets then in his hands.

Assignee to certify, &c., concerning assets received.

SECT. 8. No discharge of any debtor under this act, and the aforementioned acts, or any of them, shall be granted, or valid, if the debtor hereafter, when insolvent, shall within one year next before filing of the petition, by or against him, pay or secure, either directly or indirectly, in whole or in part, any borrowed money or pre-existing debt, or any liability of his or for him, if the creditor proves that, at the time of making said payment, or giving said security, the debtor had reasonable and sufficient cause to believe himself insolvent.

Discharge forfeited by certain proceedings in fraud of creditors.

SECT. 9. In addition to the several causes for proceeding against an insolvent debtor, enumerated in the statute of 1838, chap. 163, sect. 19, if any person shall remove himself, or his property, or any part thereof, from the Commonwealth, with intent to defraud his creditors, or shall conceal himself to avoid arrest, or his property, or any part thereof, to prevent its being attached, or taken on any legal process, or procure himself or his property to be arrested, attached, or taken on any legal process, or make any fraudulent conveyance, or transfer, of his property, or any part thereof, then any of his creditors, whose claims, proveable against his estate under this act, and the aforementioned acts, or any of them, amount to the sum of one hundred dollars, may apply by petition, stating the facts and the nature of said claim or claims, verified by oath, to the judge of probate or the master in chancery in the county in which said debtor resides, or last resided, praying that his estate may be seized and distributed according to law; and thereupon the judge of probate, or master in chancery, after notice of the presentment of said petition, given to said debtor by a copy thereof, served personally on said

Additional causes for proceeding against an insolvent debtor.

Proceedings in such cases to be had.

debtor, or left at his last and usual place of abode, and a hearing before said judge of probate, or master in chancery, of the petitioners and debtor, or his default to appear at the time and place, in said notice appointed, if the facts set forth in said petition shall appear to said judge of probate, or master in chancery, to be true, he shall forthwith issue his warrant to take possession of the estate of said debtor, and such further proceedings shall be had as are provided, and may be necessary, for distributing the same among the creditors of such debtors, according to the intent of said acts.

Warrant, to whom to be directed.

SECT. 10. The warrant shall, in all cases, be directed to the sheriff, or either of his deputies, in the county in which the debtor resides, or last resided.

Assignees to give bonds, &c., provided, &c.

SECT. 11. The assignee or assignees chosen or appointed, as is provided in the acts to which this is in addition, or any of them, if required by a majority in value of the creditors who have proved their claims, before entering on the duties of his or their said office, shall give bonds to the judge of probate or master in chancery, before whom the proceedings shall be, with sufficient surety or sureties, for the faithful performance of their duties. Said bonds shall be approved by the judge of probate or master in chancery, by his endorsement thereon, and shall be filed with the record of the case, and enure to the benefit of all creditors who may prove their claims, and may be prosecuted in the manner provided by law for the prosecution of bonds given to judges of probate by administrators or executors.

Creditor may proceed, &c., unless attachment on mesne process, &c., be dissolved in a certain time and manner.

SECT. 12. If any person whose goods or estate are attached on mesne process, in any civil action founded on contract, for the sum of one hundred dollars or upwards, shall not within fourteen days from the return day of the writ, if the term of the court to which the process is returnable, shall so long continue, or on or before the last day of said term, if said court shall sooner rise, dissolve the attachment in the manner referred to in said 19th section of the 163d chapter of the statutes of 1838—any creditor may proceed against such person in the manner provided for in said act.

Former provision in favor of creditors to the amount of \$100, extended.

SECT. 13. The provision contained in the said 19th section of the 163d chapter of the statutes of 1838, in favor of any creditor having a demand to the amount of one hundred dollars, for which a suit might be brought, shall be extended to any creditor to that amount, notwithstanding the debt may not have become payable, and a right of action accrued thereon. And whenever any debtor, against whom a petition for a process of insolvency may be preferred, as provided for in the act aforesaid, shall have removed from the Commonwealth, the proceedings may be instituted and prosecuted in the county in which he last

Proceedings in case of removal of debtor from the Commonwealth.

resided therein : *provided* he had a residence in the Commonwealth within one year next before the commencement of said process. Provided, &c.

SECT. 14. The judge of probate or master in chancery, shall be paid for receiving and allowing the original petition, and issuing his warrant thereon, the sum of two dollars. Fee to judge or master.

SECT. 15. Any officer having jurisdiction under this act, and the several acts, to which this is an addition, shall have power and authority to finish and close any case of insolvency which may have been entered before him during his term of office, any limitation of his commission and powers to the contrary notwithstanding ; and in case of the death of any judge of probate or master in chancery, pending a process of insolvency before him, the papers and proceedings in the case may be transferred to the successor of such judge of probate, or to any master in chancery in the same county, who shall have jurisdiction thereof, and may further proceed therein, in the same manner as though the said process had been instituted before him. Provision for closing cases of insolvency, in case of the death or close of official service of masters, &c.

SECT. 16. All courts and meetings, by this act provided to be held by a judge of probate or master in chancery, may be adjourned in case of his absence, by the clerk. Courts, &c. may be adjourned by the clerk.

SECT. 17. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, March 16, 1844.*] Repeal of inconsistent provisions.

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

RESOLVES concerning an amendment to the Constitution of the United States.

Resolved, That the following amendment to the constitution of the United States be, and hereby is, recommended to the consideration of Congress, to be acted on according to the fifth article. The third clause of the second section of the first article shall read in the words following: Representatives and direct taxes shall be apportioned among the several states, which are or may be included within this union, according to their respective numbers of free persons, excluding Indians not taxed. The actual enumeration shall be made within two years from the date of the adoption of this amendment, in the manner provided by the constitution, and within every subsequent term of ten years in such manner as the Congress shall by law direct. The number of representatives shall not exceed one for every thirty thousand; but each state shall have at least one representative.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolve, and the proposed amendment, to each of the senators and members of the house of representatives of this Commonwealth in the Congress of the United States.

Resolved, That his excellency the governor be requested to transmit a copy of the same resolve and amendment, to the executive of the United States, and of the several states.

Resolved, That the aforesaid senators and representatives be requested to use their best exertions to procure the adoption of the amendment now proposed, by the Congress of the United States. [*Approved by the Governor, Jan. 16, 1844.*]

Chap. 1.

Amendment proposed, to apportion representatives and direct taxes among the states according to numbers of free persons, excluding Indians not taxed.

Copies of this resolve to be transmitted to members of Congress from Massachusetts.

And to the president and governors.

Members of Congress requested to exert themselves for the adoption of the proposed amendment.

Chap. 2.

RESOLVE authorizing the Treasurer to borrow money in anticipation of the Revenue.

Not more than \$250,000 to be borrowed, when, and when to be repaid.

Resolved, That the treasurer of this Commonwealth be, and he is hereby authorized to borrow, in anticipation of the receipts of the present year, of any of the banks of this Commonwealth, or any corporation therein, or of any individual or individuals, such sum or sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the meeting of the next General Court, and that he repay any sum he may borrow, as soon as money sufficient for the purpose and not otherwise appropriated, shall be received into the treasury: *provided, however*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall not at any time exceed the sum of two hundred and fifty thousand dollars. [*Approved by the Governor, Jan. 20, 1844.*]

Chap. 3.

RESOLVE on the Petition of William C. Read.

Allowance of \$75 annually for 2 years to Wm. C. Read.

Resolved, for reasons set forth in the said petition, that there be allowed and paid out of the treasury of the Commonwealth to William C. Read, the sum of seventy-five dollars a year, for the two years, eighteen hundred and forty-four and eighteen hundred and forty-five, and that his excellency the governor be authorized to draw his warrants accordingly. [*Approved by the Governor, Feb. 3, 1844.*]

Chap. 4.

RESOLVE to pay the expenses attending the last sickness of Hon. William Whitaker.

Allowance of \$63.86 to defray the expenses of the last sickness and burial of Hon. William Whitaker.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to Shepard Cary, the son-in-law and attending relative of the late Hon. William Whitaker, in his last sickness, and in the removal of his remains for interment to the place of his family residence, the sum of sixty-eight dollars and eighty-six cents, being the amount paid by said Cary for medical attendance and charges in the last sickness of said late senator, and in the removal of his remains from Boston to New Salem for interment, and that a warrant be drawn accordingly. [*Approved by the Governor, Feb. 3, 1844.*]

Chap. 5.

RESOLVE on the Petition of the town of Montague.

Allowance of \$34 81 on school account.

Resolved, for reasons set forth in the said petition, that there be paid from the treasury of this Commonwealth to the town of Montague, the sum of thirty-four dollars and eighty-one cents, being the balance due said town from the income of the state school fund for the year one thousand eight hundred and forty-two, and that a warrant be drawn therefor. [*Approved by the Governor, February 5, 1844.*]

RESOLVE on the Petition of the County Commissioners for the county of Berkshire.

Chap. 6.

Resolved, for reasons set forth in the said petition, that there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the county of Berkshire, the sum of two hundred and sixty dollars, in full for expenses paid for the support of Halsey Simonds and Rowland Perkins, two insane state paupers, to the first day of January, eighteen hundred and forty-four, and that a warrant be drawn accordingly. [*Approved by the Governor, February 5, 1844.*]

Allowance of \$260 to the county of Berkshire for insane state paupers.

RESOLVE on the Petition of George B. Wallace.

Chap. 7.

Resolved, for reasons set forth in the said petition, that there be allowed and paid out of the treasury of the Commonwealth, to George B. Wallace, the sum of nine hundred and three dollars, and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, February 5, 1844.*]

Allowance to George B. Wallace of \$903.

RESOLVE on the Petition of Levi N. Campbell and others, in favor of Apollos Gardner.

Chap. 8.

Resolved, for reasons set forth in the said petition, that the treasurer of the town of Plainfield is hereby authorized to pay to Apollos Gardner the sum of five dollars for the militia services of said Gardner, in the year eighteen hundred and forty-two, upon his establishing his claim to the same, in the same manner and form as if his return had been made within the time specified by law, and that the amount so paid shall be reimbursed to the said town out of the treasury of this Commonwealth in the manner provided by law. [*Approved by the Governor, February 5, 1844.*]

Treasurer of Plainfield to pay to Apollos Gardner \$5, to be reimbursed by the Commonwealth, provided, &c.

RESOLVES appointing Publishers of the Laws.

Chap. 9.

Resolved, That William Hayden and Thomas M. Brewer be, and they are hereby appointed publishers of the laws and resolves, and other acts of the Legislature of this Commonwealth, with authority officially to promulgate the same in the Boston Atlas, a newspaper published in the city of Boston, for one year from the first day of February, in the year one thousand eight hundred and forty-four, and until another publisher of the laws shall be appointed in their stead: *provided* the said Hayden and Brewer cause the said laws, resolves and acts to be published in a faithful manner and with all reasonable dispatch.

William Hayden and Thomas M. Brewer appointed publishers of the laws, &c.

Provided, &c.

Resolved, That the compensation which shall be allowed to said Hayden and Brewer for publishing as aforesaid, shall not exceed the usual rate of compensation heretofore granted for similar services. [*Approved by the Governor, February 12, 1844.*]

Compensation for said service.

Chap. 10.

RESOLVE for the Payment of sundry Pauper Accounts.

Allowance of
\$63,135 22 to
various corpo-
rations and
persons.

Resolved, That there be allowed and paid out of the public treasury, to the several corporations and persons mentioned in the accompanying roll, the sums set against their names respectively, amounting in all to the sum of sixty-three thousand one hundred thirty-five dollars and twenty-two cents, in full discharge of the accounts to which they refer, and that a warrant be drawn accordingly. [*Approved by the Governor, February 16, 1844*]

Chap. 11.

RESOLVE on the Petition of the Trustees of the Massachusetts Agricultural Society.

Allowance to
the Massachu-
setts Agricul-
tural Society
of \$600.

Resolved, That there be paid out of the treasury of the Commonwealth, to the treasurer of the Massachusetts Agricultural Society, the sum of six hundred dollars, and that his excellency the governor be requested to draw his warrant accordingly. [*Approved by the Governor, February 19, 1844.*]

Chap. 12.

RESOLVES concerning the occupation of Fort Kent, on Fish River, in the State of Maine.

Military force
required on the
north eastern
frontier of
Maine.

Resolved, That the unsettled state of the frontier lately established by the treaty of Washington, on the north east, imperatively requires that the protection hitherto conceded to the settlers, as well as the property of the state of Massachusetts, by the presence of a small military force of the United States, should not for the present be withdrawn.

The governor
requested to
take measures
to have a party
of United
States troops
ordered to Fort
Kent.

Resolved, That his excellency the governor be requested to transmit a copy of these resolutions to the president of the United States, and further to solicit that the decision made by the war department of the United States, by virtue of which such troops have been withdrawn, be reversed, and the said troops be again stationed at Fort Kent, on the Fish River.

And to for-
ward these re-
solves to the
governor of
Maine.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolves to the governor of the state of Maine. [*Approved by the Governor, February 19, 1844.*]

Chap. 13.

RESOLVE on the Petition of the Selectmen and School Committee of Savoy.

A sum, &c., to
be reserved
from the pres-
ent year's in-
come of the
school fund,
and paid to
Savoy.

Resolved, for reasons set forth in the said petition, that there be reserved out of the present year's income of the school fund, for the benefit of the town of Savoy, a sum equal to what that town would have received from the last year's income of the same, if the return of the school committee of the said town had been allowed; and that the sum so reserved, be added to the share, if any, to which the said town of Savoy may be entitled in the present year's income of the said fund. [*Approved by the Governor, February 22, 1844.*]

RESOLVE on the Petition of Richard J. Cleveland.

Resolved, for reasons set forth in said petition, that the treasurer of the Commonwealth is hereby authorized and empowered to give up to Richard J. Cleveland the several obligations given by him for the purchase of the southeast quarter of township six, of the eighth range of townships west of the east line of the state of Maine. [*Approved by the Governor, February 22, 1844.*]

Chap. 14.

Obligations of Richard J. Cleveland to be surrendered.

RESOLVE in favor of Walter A. Bryant.

Resolved, That for reasons set forth in the petition, there be allowed and paid to Walter A. Bryant, out of the treasury of the Commonwealth, the sum of sixteen $\frac{67}{100}$ dollars, in full compensation for his services in publishing the laws of this Commonwealth in the year one thousand eight hundred and forty; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, February 22, 1844.*]

Chap. 15.

Allowance of \$16 $\frac{67}{100}$ for publishing laws, &c.

A RESOLVE on the Petition of Samuel O. Dewey.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of this Commonwealth, to Samuel O. Dewey of Becket, the sum of fourteen dollars and fifty cents, in full for services and expenses in arresting a fugitive from justice, and that the governor draw a warrant therefor accordingly. [*Approved by the Governor, February 22, 1844.*]

Chap. 16.

Allowance of \$14 50 for arresting a fugitive.

RESOLVE on the Petition of the County Commissioners of the county of Hampshire.

Resolved, For reasons set forth in said petition, that the House of Correction, in Springfield, in the county of Hampden, may be used as a House of Correction for the county of Hampshire, for the term of three years from the first day of June next, and that courts sitting in the county of Hampshire may sentence convicts to the House of Correction in said county of Hampden at any time while holding said courts, within said term of three years, and that said county of Hampshire shall be held to pay for the support of convicts from said county, the same sum as the county of Hampden pays for its own convicts, with such additional sums for the use of said house, as shall be agreed upon by the boards of county commissioners for the respective counties. And the keeper of said House of Correction is hereby empowered and directed to receive said convicts and safely to keep the same, and the sheriff of Hampshire and his deputies, and the constables of the several towns in the county of Hampshire, are hereby severally authorized and required to convey to said House of Correction, all such convicts as may be sentenced thereto. [*Approved by the Governor, Feb. 23, 1844.*]

Chap. 17.

House of Correction in Springfield to be used for Hampshire county, 3 years from June 1st, 1844.

Who shall pay, &c. for support of convicts.

Keeper of house shall receive, and sheriff, &c. of Hampshire shall convey, &c.

Chap. 18.

RESOLVE on the Petition of Jonathan Batchelder and others.

Allowance to heirs of Asa Batchelder, \$50.

Resolved, That for reasons set forth in said petition, there be allowed and paid out of the treasury of this Commonwealth to Jonathan Batchelder, Betsey Batchelder, Adeline P. Baker, Betsey B. Foster and Sally S. Foster, heirs of Asa Batchelder, the sum of fifty dollars, in full commutation of the land bounty to which their ancestor was entitled; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, Feb. 23, 1844.*]

Chap. 19.

RESOLVE on the Petition of the Selectmen of Harwich.

A sum &c. to be reserved from the present year's income of the school fund, and paid to Harwich.

Resolved, For reasons set forth in the said petition, that there be reserved out of the present year's income of the school fund, for the benefit of the town of Harwich, a sum equal to what that town would have received from the last year's income of the same, if the return of the school committee of the said town had been properly authenticated, and that the sum so reserved, be added to the share, if any, to which the said town of Harwich may be entitled in the present year's income of the said fund. [*Approved by the Governor, Feb. 23, 1844.*]

Chap. 20.

RESOLVE in relation to the Militia Bounty.

Towns that have not made legal returns of payments for militia service, to be nevertheless reimbursed by the Commonwealth, provided, &c.

Resolved, That the several towns in this Commonwealth, which have not the past year made their returns to the adjutant general, of the amount paid by said towns to the volunteer militia, in conformity to the fifth section of "an act concerning the militia," passed on the seventeenth day of March, in the year one thousand eight hundred and forty-one, be nevertheless reimbursed by the Commonwealth, upon condition that the mayor and aldermen, or the selectmen of said towns shall produce satisfactory evidence to the governor and council that the amount has been actually paid by said towns. [*Approved by the Governor, Feb. 23, 1844.*]

Chap. 21.

RESOLVE in favor of the Bristol County Agricultural Society.

Allowance to the Bristol Agricultural Society, \$330.

Resolved, That for reasons set forth in their petition, there be allowed and paid from the treasury of the Commonwealth to the Bristol County Agricultural Society, the sum of three hundred and eighty dollars, being in full for their bounty for the year eighteen hundred and forty-three; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, Feb. 23, 1844.*]

Chap. 22.

RESOLVE concerning the Disputed Territory Fund.

Resolved, That his excellency the governor be, and he is

hereby requested to apply to the executive department of the United States, for further information of the action that may have been had upon the paper purporting to be an account rendered by the government of Great Britain under the fifth article of the Treaty of Washington, respecting the Disputed Territory Fund, and also to invite the interposition of the said executive, for the procuring from the proper authorities under the British government, of a more full and satisfactory statement of said account. And if it should appear to his excellency on an examination of said accounts, that the interests of the Commonwealth require further action and remonstrance, he is hereby authorized to communicate with the government of the United States thereon.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolve to the governor of the state of Maine. [*Approved by the Governor, Feb. 24, 1844.*]

The governor requested to obtain further information respecting action had upon disputed territory fund account, and to take measures to obtain a better statement of the same.

And to have further action thereupon.

And to transmit this report to the governor of Maine.

RESOLVES concerning French Depredations on American Commerce, previous to the Convention of 1800.

Chap. 23.

Resolved. That the depredations on American commerce, committed by the authority of the French republic, previous to the month of September, one thousand eight hundred, were in violations of the law of nations, and of existing treaties, and created a claim which the government of the United States was bound by its duty of affording protection to its peaceable citizens, to sustain and enforce.

The French government liable for spoliations on American commerce.

Resolved, That the government of the United States, having, by the ratification of the Convention of September, thirtieth, one thousand eight hundred, with amendments, released the French nation from said claim, for a valuable consideration, assumed the obligations thereof upon itself, and is bound to discharge it.

Said liability assumed by the government of the United States.

Resolved, That it is due to the rights of individuals, and to the honor of the American name, that speedy provision should be made by act of congress, for the rendering of justice, which has been so long delayed.

Speedy provision should be made for discharging the obligation.

Resolved, That his excellency the governor be requested to transmit copies of these resolves to the senators and representatives from this Commonwealth, in congress, and to the executives of the several states. [*Approved by the Governor, Feb. 24, 1844.*]

Copies to be transmitted to governors and members of Congress from Massachusetts.

A RESOLVE on the petition of the Selectmen of the town of Rowley.

Chap. 24.

Resolved, For reasons set forth in the petition, that there be paid out of the treasury of this Commonwealth to the treasurer of the town of Rowley, the sum of forty dollars, in full for money paid in the year one thousand eight hundred and forty-three, for militia bounty, and that the governor draw a warrant therefor accordingly. [*Approved by the Governor, Feb. 24, 1844.*]

Allowance to Rowley for militia bounty, \$40.

Chap. 25.

RESOLVE relating to the Public Archives.

Appropriation of \$1260 for arranging papers and documents.

Resolved, That the sum of twelve hundred and sixty dollars is hereby appropriated to be expended by the secretary of the Commonwealth, under the direction of his excellency the governor, in providing for completing the arrangement of the papers and documents in the public archives of the Commonwealth, and that a warrant be drawn accordingly. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 26.

RESOLVE on the petition of Charles W. Harding and others.

Road in Aroostook county, Maine, to be constructed by the land agent.

The cost not to exceed \$1000, and to be defrayed, &c.

Resolved, For reasons set forth in the said petition, that the land agent be authorized to cause a road to be surveyed, opened, and constructed over land which is most suitable and most likely to promote the settlement of the adjacent townships, from some place at or near Island Falls, in township number four of the fourth range, to a place at or near Gerry's mills in township number three of the fifth range, both of said townships situate in the county of Aroostook, and state of Maine and being the property of this Commonwealth: *provided however,* that the cost of the same shall not exceed the sum of one thousand dollars, and shall be defrayed out of the sums now due, or which may become due, by the settlers upon the lands benefited by the said road. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 27.

RESOLVE on the Accounts of the Land Agent.

Land agent discharged from the payment of \$81,153 40.

Resolved, That George W. Coffin, land agent of the Commonwealth, be and he is hereby discharged from the payment of the sum of eighty-one thousand one hundred and fifty-three dollars and forty cents, the receipts of which is acknowledged in his account with the Commonwealth, to the tenth day of January, one thousand eight hundred and forty-four. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 28.

A RESOLVE upon the petition of Leverett Saltonstall and David A. Neal for leave to sell real estate held by them in trust.

Trustees under will of Simon Forrester may sell certain real estate, and invest the proceeds, &c.

Resolved, For reasons set forth in said petition, that Leverett Saltonstall and David A. Neal, trustees under the last will and testament of Simon Forrester, late of Salem, deceased, be, and they hereby are authorized to sell at public or private sale, at their discretion, and to convey a certain messuage situate on the south side of Essex street in Salem in the county of Essex, which was lately in the occupation of Gideon Barstow, and is described in said petition, and to invest the proceeds of said sale either in whole, or in part, in other real estate, or in personal estate, in trust for the same uses and purposes as they now hold

said real estate, and none other: *provided*, that before making such sale, they shall file in the probate office of the county of Essex, a bond with sufficient sureties to the acceptance of the judge of probate for said county, conditioned that said trustees shall faithfully, and according to their best judgment, execute the authority hereby conferred, and well and truly account for the proceeds of any sale they may make by virtue of the same. [*Approved by the Governor, Feb. 24, 1844.*]

But must first file a bond, &c.

RESOLVES relating to the late Military Store Keeper.

Resolved, That the governor, with the advice of council, be authorized to require Henry Sheafe, the late military storekeeper, to surrender up and account for all the books, papers and property, which at any time came into or were in his possession as such officer, and have not already been surrendered up or accounted for; and in case of said Sheafe's refusal or omission to render a full and proper account, to cause a suit to be instituted on his bond by the Commonwealth's attorney for the county of Suffolk.

Chap. 29.

The governor, with advice, &c., to institute proceedings relating to property in the charge of the late military store-keeper.

Resolved, That the governor, with the advice of council, be authorized to settle and adjust all matters in controversy between said Sheafe and the Commonwealth, and to compromise and compound all claims and demands against him, and on the adjustment thereof, to give him the said Sheafe, a full discharge and release. [*Approved by the Governor, Feb. 24, 1844.*]

And to adjust claims of the Commonwealth on that officer.

RESOLVE to pay certain Military Bounties.

Resolved, That there be paid out of the treasury of the Commonwealth to Frederick A. Clark, Nathan Kimball, Henry F. Lapham, and Joseph B. Hill, each the sum of five dollars for military services rendered during the year one thousand eight hundred and forty-three, and the sum of five dollars to Moses E. Darling, for like services rendered during the year one thousand eight hundred and forty-two, and that warrants be drawn accordingly. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 30.

Allowances for military service, \$25.

RESOLVE on the Petition of Harvey Root and Spencer Flower.

Resolved, for reasons set forth in the said petition, that the trustees under the last will and testament of Elijah Lathrop, late of West Springfield, in the county of Hampden, deceased, be and they are hereby authorized and empowered to sell at public sale, and convey the real estate which was left in trust, by the said Lathrop, for the benefit of his son Elijah and his family; and after deducting from the proceeds of said sale all necessary expenses for effecting the same, to be allowed at the discretion of the judge of

Chap. 31.

Trustees under the will of Elijah Lathrop may sell certain real estate, &c.

But must invest the proceeds, &c.

And must first file a bond, &c.

probate, within and for the county of Hampden, the said trustees shall safely invest the proceeds of said sale, and keep the same distinct and separate from all other funds in their hands, to the same uses and ultimate disposal as is in and by said will provided, respecting the aforesaid real estate: *provided however*, that said trustees shall first give bond to the judge of probate for said county of Hampden, to the acceptance of said judge, that they shall faithfully, according to their best discretion, execute and discharge the authority and duties hereby conferred and enjoined. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 32.

RESOLVE in favor of the towns of Pelham, Washington, New Salem and Middleboro'.

Sums, &c., to be reserved from this year's income of the school fund, and paid to four towns.

Resolved, That there be reserved out of the present year's income of the school fund, for the benefit of the towns of Pelham, Washington, New Salem and Middleboro', sums equal to what those towns would have received from the last year's income of the same, if the school committees of those towns had made the returns required by law, and that the sums so received be added to the shares, if any, to which the said towns of Pelham, Washington, New Salem and Middleboro' may be entitled, from the present year's income of the said fund. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 33.

A RESOLVE on Petition of the County Commissioners of the County of Norfolk.

Allowance to Norfolk of \$533 57 for lunatic state paupers.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of this Commonwealth, to the treasurer of the county of Norfolk, the sum of five hundred and thirty-three dollars and fifty-seven cents, in full for the support of Betsey Loomis, from the 24th of November, 1840, to the 1st of January, 1844, and of John Asher, from the 1st of January, 1843, to the 1st of January, 1844, they being lunatic state paupers, and that the governor draw a warrant therefor accordingly. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 34.

RESOLVES on the Petition of John P. Andrews for the promotion of Universal Peace.

Arbitration a substitute for war.

Resolved, That we regard arbitration as a practicable and desirable substitute for war, in the adjustment of international differences.

Permanent umpires to be preferred to occasional.

Resolved, That a system of adjudication, founded on a well digested code of international laws, and administered by a standing court, or board of mutual reference, is preferable to the occasional choice of umpires, who act without the aid or restriction of established principles and rules.

The federal government de-

Resolved, That it is our earnest desire, that the government of the United States would, at the earliest opportunity,

take measures for obtaining the consent of the powers of christendom to the establishment of a general convention, or congress of nations, for the purpose of settling the principles of international law, and of organizing a high court of nations to adjudge all cases of difficulties which may be brought before them by the mutual consent of two or more nations.

Resolved, That his excellency the governor be requested to transmit a copy of these resolves, with the accompanying report, to the senators and representatives of Massachusetts in the congress of the United States, with instructions to use their influence, as they may find occasion, in furtherance of this important object. [*Approved by the Governor, February 24, 1844.*]

sired to take steps for such an institution.

Copies to be transmitted to members of Congress from Massachusetts, &c.

A RESOLVE on the Petition of the County Commissioners of the County of Hampden.

Resolved, for reasons set forth in the petition, that there be paid to the treasurer of the county of Hampden, out of the treasury of this Commonwealth, the sum of one hundred and thirty dollars, in full for the support of Catharine Ryan, a lunatic state pauper, for the year 1843, and that the governor draw a warrant therefor accordingly. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 35.

Allowance of \$130 to Hampden for lunatic state pauper.

RESOLVE to pay certain Witnesses.

Resolved, That the sum of five dollars and four cents be paid to Samuel Thurlow of Georgetown, four dollars and forty cents to William F. Wade of Ipswich, three dollars and sixty cents each, to Abraham True, Daniel B. Gardner and Samuel Day of Salem,—two dollars thirty-two cents to Benjamin Walker of Chelsea, eleven dollars and eighty cents to Nehemiah Brown of Salem, and one dollar fifty-five cents to Watson Freeman of Boston, in full for their respective claims for fees as witnesses and sheriffs on the inquiry under the order of this house, of January 19, 1844, into the charges against Joseph E. Sprague, esquire, sheriff of the county of Essex, and that a warrant be drawn for the same accordingly. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 36.

Allowance of \$35 91 to witnesses, &c., in the case of J. E. Sprague.

RESOLVE in favor of the town of Hanson.

Resolved, That there be reserved out of the present year's income of the school fund for the benefit of the town of Hanson, a sum equal to what that town would have received from the last year's income of the same, if the school committee of the said town had made the return required by law; and that the sum so reserved be added to the share, if any, to which the said town of Hanson may be entitled in the present year's income of the said fund. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 37.

A sum, &c., to be reserved from this year's income of the school fund, and paid to Hanson.

Chap. 38.

RESOLVE on the Petition of John M. Dearborn and others.

Trustee under the will of Benjamin Dearborn may sell, &c. real estate, provided, &c.

But must first give bond, &c.

Resolved, for reasons set forth in said petition, that Henry Plympton, the trustee under the will of Benjamin Dearborn, late of the city of Boston, esquire, deceased, and any future trustee or trustees who may be appointed to execute the trusts under said will, be authorized to sell at public or private sale, all the real estate of which said Benjamin died seized, situate on Federal street, and on both sides of Theatre alley in said Boston, and in the town of Cambridge in the county of Middlesex; and convey the same by sufficient deeds to the purchasers; *provided*, that before such sale the trustee or trustees give bond, with sufficient sureties, to the judge of probate for the county of Suffolk, to account for the proceeds thereof, and to invest the same in some safe manner, upon the trusts declared in said will concerning such real estate, and that the income of said proceeds to be applied in the same manner as the income of the estate sold, and the principal to be secured to the use of the Boston Dispensary, after the decease of the annuitants, according to the provisions of the will; *and provided also*, that no sale of said real estate shall be made without the written consent of all the petitioners who shall be living at the time of such sale, and of the Boston Dispensary. [*Approved by the Governor, Feb. 24, 1844.*]

Chap. 39.

RESOLVE authorizing the Land Agent to improve the Eastern Aroostook Road.

Appropriation of not more than \$1500 to the improvement of a road in Maine, under the charge of the land agents of Maine and Massachusetts, provided that Maine appropriate an equal sum, and that the Commonwealth's treasury be not liable.

Resolved, That the land agent of this Commonwealth, in concurrence with the land agent of the State of Maine, be, and he is hereby authorized to expend a sum not exceeding one thousand five hundred dollars, in the improvement of the road from the north line of township letter H, in the second range west from the east line of the State, to the St. John's river: *provided*, the State of Maine shall expend an equal amount with Massachusetts on said road: *and provided*, that no charge be made by reason of this resolve on the treasury of this Commonwealth. [*Approved by the Governor, Feb. 27, 1844.*]

Chap. 40.

RESOLVE on the Petition of James O. Barney.

Allowance to James O. Barney of \$5 20.

Resolved, for reasons set forth in the said petition, that there be allowed and paid out of the treasury of the Commonwealth, to James O. Barney, the sum of five dollars and twenty cents, and that his excellency be authorized to draw his warrant therefor. [*Approved by the Governor, Feb. 27, 1844.*]

Chap. 41.

RESOLVE concerning the Boundary Line between the States of Massachusetts and Rhode Island.

Commissioners to be appointed

Resolved, That his excellency the governor, by and with

the advice and consent of the council, is hereby authorized to appoint one or more commissioners, not exceeding three, to act in conjunction with commissioners on the part of the State of Rhode Island, in ascertaining or establishing the true boundary line between said States, from Pawtucket Falls to Bullock's Neck. If the State of Rhode Island should decline to appoint commissioners for the purposes aforesaid, the commissioners on the part of Massachusetts are hereby authorized and required to view the premises, and ascertain all the facts they can necessary to the establishment of the true line, and report the same, and all their doings, to the governor and council, so that it may be laid before the next legislature. And the governor and council are hereby authorized to audit and settle the accounts of said commissioners, and draw his warrant on the treasurer, who is authorized to pay the same. [*Approved by the Governor, Feb. 27, 1844.*]

to establish the boundary in conjunction with Rhode Island commissioners.

But if Rhode Island declines similar action, commissioners to report to governor and council,

Who shall audit and settle their accounts.

RESOLVE on the Petition of Patty E. Baker.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of this Commonwealth, to Patty E. Baker, the sum of five hundred dollars, in full for the services of her late husband, John Baker, 2d, in his capacity of sheriff of the county of Norfolk, for distributing blanks and returning votes for nine years, and until his death; and that the governor be authorized to draw his warrant therefor. [*Approved by the Governor, Feb. 27, 1844.*]

Chap. 42.

Allowance of \$500 to the widow of the sheriff of Norfolk.

RESOLVE on the Petition of Samuel Whitwell.

Resolved, for reasons set forth in said petition, that the said Samuel Whitwell, trustee under the will of Isaac Story, deceased, or his successor in said trust, be, and he is hereby, authorized to sell and convey, in such manner, on such terms, and for such price as he shall deem expedient, at public auction, or private sale, one undivided seventh part of a track of land with the buildings thereon, situate in the city of Boston, the whole whereof is bounded westerly by Tremont street, northerly by land now or formerly of David Greenough, in part, and by land now or formerly of Brattle street Society, in part; easterly by land now or formerly of Abraham Gibson; and southerly by land now or formerly of said Gibson and others, to said street; and all privileges and appurtenances thereto belonging; and to make and execute good and sufficient deeds thereof, in fee simple, to the purchaser or purchasers: *provided*, that the said trustee shall first give bond to the judge of probate, to account for the proceeds according to law, and faithfully to execute the powers granted by this resolve. [*Approved by the Governor, Feb. 29, 1844.*]

Chap. 43.

Trustee under the will of Isaac Story may sell an interest in certain real estate.

But must first give a bond, &c.

Chap. 44.

RESOLVE on the Petition of Henry Clapp, Executor of Thomas Fegan.

Relinquish-
ment of Com-
monwealth's
title to land in
Northampton,
in favor of the
estate of an
alien.

Resolved, for reasons set forth in said petition, that all the right, title, and interest of the Commonwealth, in and to a certain piece of land, situated in the town of Northampton, and conveyed to said Thomas Fegan by Joseph Lyman and others, executors of Samuel Hinckley deceased, by their deed, dated August fifteenth, in the year eighteen hundred and forty-three, and recorded in book number one hundred, page three, in the office of the registry of deeds for the county of Hampshire, be and the same is hereby relinquished; and said executor of said Fegan is hereby authorized and empowered to sell and convey said land, for the payment of the debts of said Fegan, the balance, if any, after paying said debts, to be disposed of according to the will of said Fegan: *provided, however*, that all proceedings, under and by virtue of this resolve, shall be had and made under the direction of the judge of probate, of said county of Hampshire, and in the same manner as the estate would have been sold, if said Fegan had been duly naturalized. [*Approved by the Governor, Feb. 29, 1844.*]

Proceedings to
be had under
the direction of
the judge of
probate for
Hampshire.

Chap. 45.

RESOLVE to pay the Chaplains of the Legislature.

Allowance of
\$60 each to
chaplains.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the chaplain of the Senate and to the chaplain of the House of Representatives, the sum of sixty dollars each, and that warrants be drawn accordingly. [*Approved by the Governor, March 2, 1844.*]

Chap. 46.

RESOLVE to pay the Doorkeepers and Messengers of the Senate and House of Representatives.

Allowance to
doorkeepers,
assistant door-
keepers, assist-
ant messenger,
and pages.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to two door-keepers and three assistant door-keepers of the House of Representatives, also to the door-keeper of the Senate, each the sum of two dollars per day, for each and every day's attendance during the present session of the Legislature; also to one assistant messenger the sum of one dollar and fifty cents for each days attendance during the same, and to two pages of the Senate, one eighty cents, and one seventy cents, for each day's attendance during the same, and to the page of the House of Representatives, the sum of one dollar per day, for each day's attendance during the same, and that warrants be drawn accordingly. [*Approved by the Governor, March 2, 1844.*]

Chap. 47.

RESOLVE for the pay of the Council, Senate and House of Representatives.

Allowance to
counsellors,

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to each member of the

Senate and House of Representatives, two dollars for each and every day's attendance the present political year, and the sum of two dollars for every ten miles travel from their respective places of abode once in each session, to the place of the sitting of the General Court; and also to each member of the Council, two dollars for each day's attendance at that board, at every session thereof during the present political year, and the sum of two dollars for every ten miles travel from their respective places of abode, once in each session thereof; and to the president of the Senate, and to the speaker of the House of Representatives, each two dollars for each and every day's attendance, in addition to their pay as members; and his excellency the governor, with the advice and consent of the Council, is hereby authorized and requested to draw his warrant accordingly. [*Approved by the Governor, March 2, 1844.*]

president of the Senate, senators, speaker of the House and representatives.

RESOLVE to pay for Fuel and for other purposes.

Resolved, That there be paid out of the treasury to Benjamin Stevens, sergeant-at-arms to the General Court, the sum of eighteen hundred dollars, to enable him to purchase fuel and other necessary articles for the use of the General Court, and the several public offices in the state house, and that warrants be drawn accordingly. [*Approved by the Governor, March 2, 1844.*]

Chap. 48.

Allowance of \$1300 for fuel, &c.

RESOLVE on the Petition of Jonathan Preston.

Resolved, for reasons set forth in the said petition, that Jonathan Preston, of the city of Boston, mason, and all other persons who are or may become purchasers of any lot or lots of land, belonging to or making a part of the mansion house estate of the late James Bowdoin, situated on Beacon street, in said city of Boston, be and they hereby are confirmed in their several titles thereto, notwithstanding the alleged or supposed alienage of James Temple Bowdoin, one of the grantors in the conveyances of the said lots, and notwithstanding any right or claim the Commonwealth may now, or hereafter have in or to the said estate, or any part thereof, by reason or on account of the said supposed alienage of the said James Temple Bowdoin: *provided*, the said Jonathan Preston, or any of the other purchasers above mentioned, shall cause this resolve, within three months of the passage thereof, to be recorded in the registry of deeds for the county of Suffolk. [*Approved by the Governor, March 5, 1844.*]

Chap. 49.

Confirmation of titles to land in Boston, notwithstanding alleged alienage of James Temple Bowdoin, grantor.

Provided due record be made of this resolve.

RESOLVE authorizing the payment of Sundry Accounts.

Resolved, That there be allowed and paid out of the public treasury, to the several corporations and persons men-

Chap. 50.

Allowance of \$6312 75.

tioned in the foregoing roll, the sums set against their names respectively, amounting in the whole, to the sum of six thousand three hundred and twelve dollars and seventy-five cents, the same being in full discharge of the accounts and demands to which they refer, and that a warrant be drawn accordingly. [*Approved by the Governor, March 6, 1844.*]

Chap. 51. RESOLVE for the payment of Sundry Miscellaneous Accounts, audited by the Treasurer of the Commonwealth.

Allowance of
\$1042 36.

Resolved, That there be allowed and paid out of the public treasury, to the several persons mentioned in the accompanying roll, the sums set against their names respectively, amounting in the whole to the sum of one thousand and forty-two dollars and thirty-six cents, the same being in full discharge of the accounts and demands to which they refer, and that a warrant be drawn accordingly. [*Approved by the Governor, March 6, 1844.*]

Chap. 52. RESOLVE for the payment of Sundry Accounts.

Allowance of
\$754 88.

Resolved, That there be allowed and paid out of the public treasury, to the several corporations and persons mentioned in the accompanying roll, the sum set against their names respectively, amounting in the whole to the sum of seven hundred and fifty-four dollars and eighty-eight cents, the same being in full discharge of the accounts and demands to which they refer, and that a warrant be drawn accordingly. [*Approved by the Governor, March 6, 1844.*]

Chap. 53. RESOLVE on the Petition of Betsy Low.

Allowance of
\$50.

Resolved, That for reasons set forth in said petition, there be allowed and paid out of the treasury of this Commonwealth to Betsy Low, the sum of fifty dollars; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, March 6, 1844.*]

Chap. 54. RESOLVE for the pay of the Assistant Messenger to the Governor and Council.

Allowance of
\$2 a day.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the assistant messenger to the governor and council the sum of two dollars, for each and every day he has or may be employed in that capacity during the sessions of the council the present year, and that warrants may be drawn accordingly. [*Approved by the Governor, March 6, 1844.*]

Chap. 55. RESOLVE on the Petition of Derastus Clapp.

Allowance of
\$80 for services
in arresting,
&c., a fugitive.

Resolved, That for reasons set forth in the petition, there be allowed and paid out of the treasury of the Commonwealth to Derastus Clapp, the sum of eighty dollars, in full for his services in detecting and bringing to justice one Asa

Ames, and the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, March 6, 1844.*]

RESOLVE ON the Petition of Charles H. Coffin.

Resolved, for reasons set forth in the said petition, that the treasurer of the Commonwealth be, and he hereby is authorized and empowered to give up to the said Charles H. Coffin, the several obligations given by him for the purchase of the west half of township number six, of the eighth range west from the east line of the state of Maine: *provided*, that said Coffin shall pay into the treasury of the Commonwealth on or before the tenth day of June, in the year one thousand eight hundred and forty-five, such a sum of money, as together with former payments on the same account, will amount to the sum of seven thousand five hundred and ninety dollars: *provided also*, that nothing in this resolve contained, shall be so construed as to discharge the lien which the Commonwealth have on such timber as has already been cut on said township. [*Approved by the Governor, March 7, 1844.*]

Chap. 56.

Obligations of C. H. Coffin to be surrendered.

Provided he make a certain payment.

And that the Commonwealth's lien on certain timber be not discharged.

RESOLVE concerning the Annual Reports of the officers of the State Lunatic Hospital and the Board of Education.

Chap. 57.

Resolved, That the clerk of the Senate for the time being, be authorized and directed to cause to be printed annually before the meeting of the Legislature, or as soon thereafter as may be, the usual number of the annual reports of the officers of the State Lunatic Hospital and of the Board of Education, and that he cause the former to be numbered *one* of the Senate, and the latter *one* of the House.

Clerk of the Senate to print, &c ; reports, &c., as documents of the Senate and House.

Resolved, That the usual number of the printed reports of the Board of Education distributed in the Legislature, be reserved for that purpose, and that the secretary of the Commonwealth, after sending one copy to each school district and each board of school committee-men in the state, place the residue at the disposal of the secretary of said board.

Disposition of reports of the Board of Education.

Resolved, That fifteen hundred printed copies of each annual report of the officers of the State Lunatic Hospital, be furnished to the superintendent for the time being of said institution. [*Approved by the Governor, March 7, 1844.*]

1500 copies of the report of the Lunatic Hospital to be furnished to the superintendent.

RESOLVE in favor of the town of Tewksbury.

Chap. 58.

Resolved, That there be reserved out of the present year's income of the school fund, for the benefit of the town of Tewksbury, a sum equal to what that town would have received from the last years income of the same, if it had made the return required by law ; and that the sum so reserved, be added to the share, if any, to which the said town

A sum &c. to be reserved from this year's income of the school fund and paid to Tewksbury.

of Tewksbury may be entitled from the present year's income of the said fund. [*Approved by the Governor, March 8, 1844.*]

Chap. 59.

RESOLVE in favor of the town of Hanover.

A sum, &c. to be reserved from this year's income of the school fund and paid to Hanover.

Resolved, That there be reserved out of the present year's income of the school fund, for the benefit of the town of Hanover, a sum equal to what that town would have received from the last year's income of the same, if it had made the return required by law; and that the sum so reserved be added to the share, if any, to which the said town of Hanover may be entitled, in the present year's income of the said fund. [*Approved by the Governor, March 8, 1844.*]

Chap. 60.

RESOLVE granting Taxes for the several Counties.

Grant to counties of a tax of \$181,000-

Resolved, That the sums placed against the names of the several counties in the following schedule, are hereby granted as a tax for each county respectively, to be assessed, paid, collected and applied according to law, viz: Essex, thirty-two thousand six hundred dollars; Middlesex, thirty-eight thousand five hundred dollars; Worcester, twenty-seven thousand dollars; Hampshire, eight thousand dollars; Hampden, seventeen thousand dollars; Franklin, six thousand dollars; Berkshire, fifteen thousand dollars; Norfolk, nine thousand dollars; Bristol, twenty-two thousand dollars; Plymouth, twelve thousand dollars; Barnstable, six thousand dollars; Duke's, seven hundred dollars. [*Approved by the Governor, March 9, 1844.*]

Chap. 61.

RESOLVE in relation to certain Ministerial and School Funds in the State of Maine.

Trustees of school funds in Livermore, in Maine, to make equitable division of the same.

Resolved, That the trustees of the ministerial and school funds in the town of Livermore, in the county of Oxford, and the state of Maine, be empowered to make such fair and equitable division of said funds between the towns of Livermore and East Livermore, as is provided for in the act of the state of Maine, dividing said towns, any thing in the act separating the district of Maine from the Commonwealth of Massachusetts, or in any other act or acts to the contrary notwithstanding. [*Approved by the Governor, March 11, 1844.*]

Chap. 62.

RESOLVE on the Petition of William R. Miller.

Obligations to be surrendered to W. R. Miller on his surrender of bond.

Resolved, for reasons set forth in the said petition, that the treasurer of the Commonwealth be and he hereby is authorized and empowered to give up to the said William R. Miller, the several obligations signed by him, dated twenty-third of March, in the year one thousand eight hun-

dred and thirty-five, and now lying in the treasury office, upon his surrendering the bond which he now holds against the Commonwealth, for the conveyance to him of said land, and the land agent is hereby authorized to sell to said Miller or any other person or persons, township letter A, in the eighth and ninth ranges of townships west of the east line of the state of Maine, for such consideration as he may deem reasonable. [*Approved by the Governor, March 11, 1841.*]

Land agent authorized to sell township A, &c.

RESOLVE concerning School Libraries.

Resolved, That the provisions of the resolve of March the third, in the year one thousand eight hundred and forty-two, and the resolve of March the seventh, in the year one thousand eight hundred and forty-three, be and the same are hereby extended to every school district of every town in the Commonwealth. [*Approved by the Governor, March 11, 1841.*]

Chap. 63.

Resolves of March 3d, 1842, and March 7th, 1843, extended to all school districts.

RESOLVE concerning the Boundary Line between Massachusetts and Rhode Island.

Resolved, That his excellency the governor be requested to transmit to his excellency the governor of Rhode Island, a copy of the resolve respecting the boundary line between the states of Massachusetts and Rhode Island, from Bullocks Neck to Pawtucket Falls, and invite his coöperation in the adjustment of said line. [*Approved by the Governor, March 11, 1841.*]

Chap. 64.

Resolve of 1844, chap. 41, to be transmitted to the governor of Rhode Island, and his coöperation to be invited.

RESOLVE on the Petition of C. G. Loring and F. C. Loring, trustees of Anna Loring, and F. C. Loring, guardian in aid thereof.

Resolved, for reasons set forth in said petition, that the said Charles G. Loring and Francis C. Loring, or their survivor, are hereby authorized and empowered to sell and convey in one or more parcels, at public or private sale, certain lands and tenements situate in Otis place, in the city of Boston, held by them in trust under the will of Israel Thorndike, for the benefit of Anna Loring, and to execute deeds to pass the title thereto in fee simple. And the net proceeds of such sale or sales shall be taken and held and invested in other real estates, stocks or securities, by the said C. G. Loring and F. C. Loring, their survivor and successors in said trust, upon the same trusts, and for the same purposes as the said lands and tenements are now held by them: *provided however*, that previous to any sale, the trustees aforesaid shall give bonds with sufficient sureties to the judge of probate for the county of Suffolk, to account for and dispose of the proceeds thereof according to said will. [*Approved by the Governor, March 11, 1844.*]

Chap. 65.

Trustees under the will of Israel Thorndike authorized to sell lands and tenements, &c. and invest proceeds, &c.

But first to give bonds.

Chap. 66. RESOLVE for an exchange of the reported decisions of the Supreme Court, with the several States of the Union.

Two copies of reports hereafter published to each state, &c.

Resolved, That the secretary of this Commonwealth be directed to forward two copies of each volume of the reports of decisions of the supreme court of Massachusetts, which shall hereafter be published, to each of the states in the union, that shall agree to forward the reports of such state in return. [*Approved by the Governor, March 11, 1844.*]

Chap. 67.

Treasurer of Herring pond to make partition of certain Indian lands, and, jointly with John V. Conet, to sell Conet's lands, &c.

RESOLVE on the Petition of John V. Conet.

Resolved, for reasons set forth in the said petition, that Charles Marston, treasurer of the plantation of Herring pond, be and he is hereby authorized and directed to make partition of the Indian lands, situate at Monument ponds in Plymouth, and the county of Plymouth, now held in common by sundry Indians, proprietors of the said plantation. And, further, the said Marston is hereby authorized, with the coöperation of John V. Conet, one of the said proprietors, to sell and convey by deed, so much of the said lands as shall have been set off in severalty to him, the said Conet, and to apply the proceeds of said sale in such manner as to him shall appear to be for the best interest of said Conet. [*Approved by the Governor, March 11, 1844.*]

Chap. 68.

Survey of North river to be solicited from the United States government.

RESOLVE relating to the navigation of North river in the county of Plymouth.

Resolved, That our senators and representatives, in Congress, be requested to use their influence and exertions to obtain a survey, at the expense of the government of the United States, of North river, in the county of Plymouth, in this Commonwealth, with a view to the improvement of the navigation of the said river, by constructing a new outlet of the waters of the same into the sea. [*Approved by the Governor, March 12, 1844.*]

Chap. 69.

Plates to be deposited with the secretary, and copy-right secured.

RESOLVES for the publication, distribution, and sale of the Map of the State.

Resolved, That the engraved copper plates of the State map be, and they hereby are placed in the custody of the secretary of the Commonwealth, subject to the use and disposition thereof, hereinafter provided, and that the secretary be directed to cause the right of publishing the said map, to be secured for the benefit of the Commonwealth.

Secretary to issue proposals, and contract, for the preparation of copies for distribution.

Resolved, That the secretary be and he hereby is authorized and empowered to issue proposals for printing, lining, coloring, varnishing and mounting, in a style corresponding with that of the copy now in his office, or to the satisfaction of the secretary, a number of copies of the said map sufficient for the distribution provided for in these resolves, and to contract therefor with such person or

persons as will undertake the same on the most advantageous terms for the Commonwealth, and will give satisfactory security for the faithful performance of such contract: *provided*, that the expense of each copy so furnished shall not exceed four dollars.

Cost not to exceed \$4.

Resolved, That the secretary be further authorized and empowered to contract, as aforesaid, with the person or persons who may be employed under the provisions of the foregoing resolve, to publish the said map in the manner therein mentioned, and to keep copies thereof constantly on hand for sale to all persons who will buy the same, for the term of three years.

Also to contract for the sale of copies for three years.

Resolved, That the price of the map, when sold as above mentioned, be fixed at five dollars a copy, and that the publisher or publishers be required to pay into the treasury of the Commonwealth, from time to time, the difference between that price and the price at which the copies of the map are furnished to the Commonwealth, on all copies which may be sold as aforesaid.

Price to be \$5, of which the excess over stipulated price to be paid to the Commonwealth.

Resolved, That the secretary be further authorized and empowered upon such terms as he may think proper, to allow any person or persons to engrave or lithograph the said map, and to publish and sell copies thereof, upon a reduced scale.

Also to permit its publication on a reduced scale.

Resolved, That copies of the map be distributed by the secretary of the Commonwealth as follows, namely: to his excellency the governor, his honor the lieutenant governor and to the members of the council, senate, and house of representatives, and the clerks and chaplains of the two houses, and to the sergeant at arms, one copy each; to the senators and representatives of this Commonwealth in the congress of the United States, one copy each; to the secretary of the Commonwealth, the adjutant general, the treasurer and receiver general, and the land agent, one copy each; to the several cities and towns in the Commonwealth, and clerks of the courts in the several counties, for the use of the county commissioners, one copy each, and one copy shall be placed in each of the registries of deeds' offices, in the Commonwealth, under the care of the registers; to the president and vice president of the United States, to the several departments of the federal government at Washington, and to the library of congress, one copy each.

Distribution of copies to public officers, &c.

Resolved, That the secretary be further directed to cause copies of the map to be placed in the different offices and apartments of the state house, for the use of the several departments of the government and of the members of the Legislature when in session.

And in apartments of the State House.

Resolved, that his excellency the governor be, and he hereby is authorized and empowered to draw his warrant

Provision for the expense.

or warrants on the treasury, for such sum or sums of money as may from time to time be necessary to carry these resolves into effect.

Repeal of former law.

Resolved, That the resolves in relation to the map of the Commonwealth, approved March twenty-fourth, eighteen hundred and forty-three, be, and the same are hereby repealed. [*Approved by the Governor, March 14, 1844.*]

Chap. 70.

RESOLVE upon the Petition of Thomas Milligan and Elijah Hewins.

Relinquishment of Commonwealth's claim upon sureties of Jesse Squire.

Resolved, That for reasons set forth in their petition, the Commonwealth doth relinquish to Thomas Milligan and Elijah Hewins, all further claim which it may have upon them as sureties for the appearance of Jesse Squire, Jr., at the September term of the supreme judicial court in Berkshire, in the year eighteen hundred and forty, hereby intending to relinquish all over the sum of twenty-three hundred dollars, already paid by them; and this resolve shall be a complete bar to any writ, judgment, or execution, which the Commonwealth may hereafter obtain against them, or either of them, on said bond. [*Approved by the Governor, March 12, 1844.*]

Chap. 71.

RESOLVE in favor of Asahel Cobb.

Allowance of \$100 to Asahel Cobb.

Resolved, that there be allowed and paid, out of the treasury of the Commonwealth, the sum of one hundred dollars to Asahel Cobb of Sandwich, and the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, March 12, 1844.*]

Chap. 72.

RESOLVES for Repairs upon the State House.

Painting.

Resolved, That the sergeant-at-arms cause the exterior walls and wood work of the state house, and the fences in front of and around the same, and the doric hall, and the adjoining entries, to be painted with two coats of paint, and such other repairs as may be necessary. And that he cause two additional ventilators to be placed in the dome of the representatives hall, similar to those already placed there, and also cause two ventilators to be placed in the dome of the senate chamber.

Ventilators over the chambers of the representatives and senators.

\$3500 appropriated.

Resolved, That the sum of thirty-five hundred dollars be appropriated for the above repairs, which sum, or so much thereof as may be necessary to be expended, and the accounts thereof, shall be audited and paid agreeably to the provisions of the act of March eighteenth, eighteen hundred and forty-one, entitled "an act relating to the state house." [*Approved by the Governor, March 12, 1844.*]

RESOLVE in favor of the town of Fairhaven.

Resolved, That there be reserved out of the present year's income of the school fund, for the benefit of the town of Fairhaven, a sum equal to what that town would have received if it had made the return required by law, and that the sum so reserved be added to the share, if any, to which said town of Fairhaven may be entitled from the present years' income of the said fund. [*Approved by the Governor, March 12, 1844.*]

Chap. 73.

A sum, &c., reserved from this year's income of the school fund and paid to Fairhaven.

RESOLVE on the Petition of the County Commissioners of the County of Bristol.

Resolved, for reasons set forth in said petition, that there be paid out of the treasury of the Commonwealth to the treasurer of the county of Bristol, the sum of two hundred and ninety-one dollars and twenty-five cents, in full for the support of Sally Wood, from November seventeenth, in the year eighteen hundred and forty-one, to January first, in the year eighteen hundred and forty-four; and for the support of Edward B. Durfee from December thirtieth, in the year eighteen hundred and forty-three, to February tenth, in the year eighteen hundred and forty-four, they being lunatic state paupers, and that the governor draw a warrant therefor accordingly. [*Approved by the Governor, March 12, 1844.*]

Chap. 74.

Allowance of \$291 25 to Bristol county for the support of lunatic state paupers.

RESOLVE for the repair and improvement of the Fish River Road in the State of Maine.

Resolved, That the land agent of Massachusetts be, and he is hereby authorized to expend a sum not exceeding three thousand dollars, in repairing and improving the road from the Aroostook River in township number eleven in the fifth range, to the mouth of Fish River: *provided* that the state of Maine expend an equal amount on the said road, and provided that no charge therefor be made on the treasury of the Commonwealth. [*Approved by the Governor, March, 12, 1844.*]

Chap. 75.

Land agent to expend, not exceed \$3000, on a road from the Aroostook River to the Fish River.

Provided, that Maine expends an equal sum, and that the treasury is not made liable.

RESOLVE in favor of the town of Topsfield.

Resolved, That there be reserved out of the present year's income of the school fund for the benefit of the town of Topsfield, a sum equal to what that town would have received from the last year's income of the same, if it had made the return required by law, and that the sum so reserved, be added to the share, if any, to which the said town of Topsfield may be entitled from the present year's income of the said fund. [*Approved by the Governor, March 12, 1844.*]

Chap. 76.

A sum, &c., to be reserved from this year's income of the school fund and paid to Topsfield.

Chap. 77.

Administrator and guardian authorized to make conveyances to confirm a title, the same as if made within a year from the levy of an execution.

RESOLVE on the Petition of John L. Roberts, Administrator.

Resolved, for the reasons set forth in said petition, that Horatio N. Perkins, administrator of the estate of Cheney Richardson deceased, and Rufus F. Sanborn guardian of Caroline Richardson, a minor, or either of them, are hereby authorized and empowered to make, execute and deliver such deed or deeds of conveyance as shall confirm the title of said Richard S. Roberts deceased, and all claiming, or to claim under him, in the real estate set forth in the petition of the said John L. administrator of said Richard S. Roberts, and which said real estate is described in a deed of said Perkins, administrator of said Richardson, to said Richard S. Roberts, recorded with Suffolk deeds, book 413, page 100, as fully and effectually, as if the said deed of said Perkins, administrator to said Richard S. Roberts, had been executed and delivered within one year from the levy of the execution set forth in said petition. [*Approved by the Governor, March 13, 1844.*]

Chap. 78.

Appropriation of \$3000 for an aqueduct for the lunatic hospital.

RESOLVES concerning the State Lunatic Hospital.

Resolved, That the sum of three thousand dollars be, and hereby is appropriated to enable the trustees of the State Lunatic Hospital to lay an aqueduct in whole or in part of iron pipes, to convey water to said hospital, and to pay damages agreed upon or assessed for lands occupied in establishing said aqueduct, pursuant to the act of eighteen hundred and forty-three, chapter sixty-five, and his excellency the governor is hereby authorized to draw his warrant on the treasurer of the Commonwealth, payable to the treasurer of said hospital, for the whole or any part of said sum, whenever thereto requested by said trustees.

Appropriation of \$2000 to build a laundry, &c.

Resolved, That the sum of two thousand dollars be, and hereby is appropriated for the purpose of building a laundry and suitable appurtenances thereto, for the State Lunatic Hospital at Worcester, and that the trustees of said hospital be hereby authorized to build the same, and his excellency the governor is hereby authorized to draw his warrant on the treasurer of the Commonwealth, payable to the treasurer of said hospital, for the whole or any part of said sum, whenever thereto requested by said trustees.

Accounts for lunatic state paupers at the hospital, to be presented as for other state paupers.

Resolved, That accounts for the support of lunatic state paupers, supported at the State Lunatic Hospital, be kept by the treasurer of said hospital, and that the same as they accrue from December first in one year, to November thirtieth, in the following year inclusive, be annually presented as other accounts for state paupers are now presented for allowance and payment: *provided*, that the amount charged for each pauper shall not exceed the sum of one hundred dollars per year, and, for any term less than one year, the sum of two dollars and fifty cents per week.

Provided that the charge shall not exceed \$100 a year, or \$2 50 a week.

Resolved, That the price to be charged for the board of patients at the State Lunatic Hospital who are not state paupers, shall in all cases be fixed by the trustees of said hospital, provided that the charge for town paupers shall not exceed the estimated average cost of supporting patients in said hospital. All provisions of law now existing inconsistent with the provisions of these resolves are hereby repealed. [*Approved by the Governor, March 13, 1844.*]

Price of board of patients not state paupers, to be fixed by trustees.

But, for town paupers, not to exceed, &c.

Repeal of inconsistent laws.

RESOLVE ON the Petition of Edward Brinley, Guardian.

Chap. 79.

Resolved. for reasons set forth in the said petition, that Edward Brinley of Roxbury, in the county of Norfolk, guardian of John Bartlett of said Roxbury, physician, a non-sane person, be and he is hereby authorized and empowered to sell at public or private sale, all said Bartlett's interest in all or any portion of the real estate now particularly mentioned and described in the following deeds, reference to which may be had for a particular description of the same, that is to say, all said Bartlett's interest in the real estate and premises mortgaged to Caleb Parker, junior, by Daniel Perkins, by deed dated August 19th, 1835, recorded in Norfolk registry of deeds, in lib. 108, and fol. 150, and by said Parker assigned to said Bartlett by deed dated May 5th 1837, recorded in said registry in lib. 115, fol. 51, and also all said Bartlett's interest in the real estate and premises mortgaged to said Parker by Josiah Hammond, by deed dated July 27th 1835, recorded in said registry, in lib. 108, fol. 89, which mortgage was assigned to said Bartlett by said Parker, by deed dated May 5th 1837, and recorded in said registry in lib. 115, fol. 52, and also all said Bartlett's interest in the real estate and premises mortgaged to said Parker by Stephen Hammond, by deed dated September 9th, 1835, and by said Parker assigned to said Bartlett by deed dated May 5th, 1837, and also all said Bartlett's interest in that real estate and premises situate in that part of Roxbury called Mount Pleasant, which was conveyed to said Bartlett by said Parker, by deed dated May 5th 1837, and recorded in said registry in lib. 115, and fol. 52, and 53, and to execute and deliver deeds of conveyance of the same to the purchaser or purchasers thereof. [*Approved by the Governor, March 13, 1844.*]

Guardian may sell interest in certain real estate.

RESOLVE ON the Petition of Elijah Boltwood and others.

Chap. 80.

Resolved, That three commissioners be appointed by his excellency the governor, with advice of council, whose duty it shall be, on the request and at the expense of the said petitioners, to examine the obstructions complained of in the said petition, to hear the parties interested, and to make a full report of such examination and hearing to the next general court. [*Approved by the Governor, March 14, 1844.*]

Commissioners to be appointed to examine obstructions, &c. and report to the next legislature.

Chap. 81.

RESOLVE in favor of the town of Charlemont.

A sum, &c., to be reserved from this year's income of the school fund, and paid to Charlemont.

Resolved, That there be reserved out of the present year's income of the school fund for the benefit of the town of Charlemont a sum equal to what that town would have received if it had made the return for the year 1842, required by law, and that the sum so reserved be added to the share, if any, to which said town of Charlemont may be entitled from the present year's income of the said fund. [Approved by the Governor, March 14, 1844.]

Chap. 82.

Appropriation of \$3000 to the quarter master general's department.

RESOLVE concerning the Quarter Master General's Department.

Resolved, That the sum of three thousand dollars is hereby appropriated to defray the expenses of the quarter master general's department for the current year, and that warrants be drawn therefor. [Approved by the Governor, March 14, 1844.]

Chap. 83.

RESOLVE for the disposition of Scientific Reports.

Disposal of scientific reports by governor and council.

Resolved, That his excellency the governor, by and with the advice of council, is hereby authorized and empowered to dispose of the copies of scientific reports now remaining in the office of secretary of state, in such manner as shall best subserve the cause of science and education. [Approved by the Governor, March 14, 1844.]

Chap. 84.

RESOLVE on the Petition of George V. Corey and another.

Trustees under deed of George Lyon may convey real estate.

Resolved, for the reasons set forth therein, that the said George V. Corey be and he hereby is authorized to convey and confirm unto Ferdinand G. Simpson, his heirs and assigns forever in fee simple, and discharged of the trust hereinafter mentioned, all the real estate which by the deed of George Lyon, recorded in the registry of deeds for the county of Suffolk, l. 493 f. 280, was conveyed to said George V. Corey, in trust for Elijah Corey Morse, a minor. [Approved by the Governor, March 14, 1844.]

Chap. 85.

RESOLVE on Petition of James Weld, Trustee.

Trustee under deed of Hannah T. Chamberlain may sell real estate.

Resolved, for reasons set forth in said petition, that the said James Weld, trustee for Angelina Wheelwright, wife of Gardner Wheelwright, under a deed from Hannah S. Chamberlain to him dated August twenty-ninth, eighteen hundred and thirty-eight, and recorded in the registry of deeds for the county of Suffolk, liber 434, folio 145, be and he hereby is authorized and empowered to sell the estate described in said deed, either at public or private sale, and to make, execute and deliver good and sufficient deeds thereof: *provided however*, that the said Weld shall

receive and hold the proceeds of such sales upon the same uses and trusts, and none other, as he now holds the said real estate under and by virtue of the deed aforesaid. [*Approved by the Governor, March 14, 1844.*]

But must hold the proceeds for the same uses.

RESOLVE to authorize the Trustees of the Congregational Ministerial Fund in Hadley to distribute said Fund.

Chap. 86.

Resolved, for reasons set forth in the petition of the trustees of the congregational ministerial fund in Hadley, that said trustees are authorized to distribute the ministerial fund in their hands, created under the provisions of an act entitled "an act to incorporate the trustees of the congregational ministerial fund in the town of Hadley," passed February twelfth, in the year one thousand eight hundred and twenty-four, among the three congregational societies in said town of Hadley, in manner and in the proportions following; to wit, two fifth parts thereof to the first parish, one fifth part to the second or north parish, and the remaining two fifth parts to the third parish, called the Russell society, to be disposed of by said parishes for the support of the ministry in such manner as said parishes respectively shall judge proper: And the said trustees, upon the distribution and payment of said fund, in manner as aforesaid, shall be wholly discharged therefrom, and from the trust created by the act aforementioned. [*Approved by the Governor, March 14, 1844.*]

Trustees may divide the fund in certain proportions between three congregational societies.

RESOLVES concerning the Annexation of Texas.

Chap. 87.

1. *Resolved*, That the power to unite an independent foreign state with the United States is not among the powers delegated to the general government by the constitution of the United States.

No power to unite a foreign government given by the constitution.

2. *Resolved*, That the Commonwealth of Massachusetts, faithful to the compact between the people of the United States, according to the plain meaning and intent in which it was understood and acceded to by them, is sincerely anxious for its preservation, but that it is determined, as it doubts not the other states are, to submit to undelegated powers in no body of men on earth: That the project of the annexation of Texas, unless arrested on the threshold, may tend to drive these states into a dissolution of the union, and will furnish new calumnies against republican governments by exposing the gross contradiction of a people professing to be free, and yet seeking to extend and perpetuate the subjection of their slaves.

Massachusetts will not submit to undelegated powers.

Evils threatened by the scheme of annexing Texas.

3. *Resolved*, That his excellency the governor be requested to transmit a copy of the foregoing resolves to each of the senators and members of the house of representatives of this Commonwealth in the congress of the United States.

Copy to be transmitted to Massachusetts members of congress.

And to the president and governors.

4. *Resolved*, That his excellency the governor be requested to transmit a copy of the same resolves to the executive of the United States and of the several states. [*Approved by the Governor, March 15, 1844.*]

Chap. 88.

RESOLVE in favor of the town of Greenwich.

A sum, &c. to be reserved from this year's income of the school fund, and paid to Greenwich.

Resolved, That there be reserved out of the present year's income of the school fund, for the benefit of the town of Greenwich, a sum equal to what that town would have received, if it had made the return required by law, and that the sum so reserved, be added to the share, if any, to which said town may be entitled from the present year's income of said fund. [*Approved by the Governor, March 15, 1844.*]

Chap. 89.

RESOLVE in favor of the town of Mount Washington.

A sum, &c. to be reserved out of the present year's income of the school fund, and paid to Mt. Washington.

Resolved, That there be reserved out of the present years income of the school fund, for the benefit of the town of Mount Washington, a sum equal to what that town would have received if it had made the return required by law, and that the sum so reserved be added to the share, if any, to which said town may be entitled, from the present year's income of said fund. [*Approved by the Governor, March 15, 1844.*]

Chap. 90.

RESOLVES relating to the Library.

Appropriation of \$300 for book cases.

1. *Resolved*, That the sum of three hundred dollars be appropriated for procuring additional book cases for the library of the General Court; said cases to be procured by the sergeant-at-arms, with advice of the librarian, and the accounts thereof to be audited and paid agreeably to the provisions of the act of March eighteenth, eighteen hundred forty-one, entitled "an act relating to the State House."

Committee to inquire, &c. respecting better accommodations for the library.

2. *Resolved*, That the committee on the library be authorized, during the recess, to ascertain in what way and manner enlarged accommodations for the library may be made, within the State House or otherwise, with the estimated expense of the same, and to make report thereof to the next Legislature. [*Approved by the Governor, March 15, 1844.*]

Chap. 91.

RESOLVE on the Petition of David S. Greenough, guardian.

Guardian may sell an interest in certain real estate for not less than \$2750.

Resolved, for the reasons set forth in said petition, that David S. Greenough be and he hereby is authorized to sell and convey unto any person or persons, at and for the consideration or price of not less than twenty-seven hundred and fifty dollars, one undivided quarter part of the following described real estate situated in Roxbury, in the county of Norfolk and Commonwealth aforesaid, bounded westerly

on the main road thirty three rods more or less ; northerly by land late of Joseph Brewer, twenty-four rods ten links ; easterly partly on land of William Dehon and James Read, trustees, and partly on a private way twenty-five and one half rods ; southerly on a private way thirty-four rods to the main road ; with all the privileges and appurtenances, containing five acres three quarters and twenty-three rods, according to E. F. Woodward's plan in November, A. D. 1836 ; and that the deed of said David S. executed and delivered under this resolve for, and in behalf of Jane D. Greenough, his ward, shall convey unto the purchaser or purchasers, all her right, title, interest and estate in and to said real estate, as effectually as if said minor being of full age, had personally in due form of law, made a proper conveyance thereof: *provided however*, that before making said conveyance, said David S. shall give bond with sufficient surety or sureties, to the judge of probate in said county of Norfolk, in sufficient penalty to account to said minor for the price to be received for said land, with the accumulating interest. [*Approved by the Governor, March 15, 1844.*]

But must first give bonds to account for the purchase money, &c.

RESOLVES on the Petition of the County Commissioners of the County of Hampshire.

Chap. 92.

Resolved, That the county commissioners of the county of Hampshire, in apportioning the next county tax for the said county, among the several towns therein, be and they hereby are authorized and empowered to correct the inequality which occurred in the apportionment of the county tax for the said county for the year one thousand eight hundred and forty-one, by reason of the same being erroneously apportioned and assessed upon estates only : and

County commissioners of Hampshire may correct an error in the apportionment of taxes for 1841.

Resolved, That the said inequality be corrected, by deducting from the amount of the tax next to be assessed upon every town, which was assessed beyond its just proportion in the said year one thousand eight hundred and forty-one, the sum so over assessed, and by adding to the amount of the tax next to be assessed upon every town, which was assessed less than its just proportion in that year, the sum in which it was so under assessed. [*Approved by the Governor, March 15, 1844.*]

Manner of the correction.

RESOLVE on the Petition of Harriet W. Eager and others.

Chap. 93.

Resolved, for reasons set forth in said petition, that the said Harriet W. Eager be, and she hereby is authorized to invest in the purchase of real estate in Northboro', the sum of six hundred and nineteen dollars ; it being the proceeds of real estate devised in the last will and testament of William Eager, of Northboro', deceased, provided William F.

Power to invest in real estate in Northborough, provided, &c.

Eager, and William W. Whittemore, guardian of the minor children of said deceased, shall signify their assent to, and approbation of such investment: *and provided, also*, that the deed of the estate so purchased by her be so made as to give to her the use and improvement of said estate during her life, and after her decease the same shall be the property and estate in fee simple of William F. Eager, John D. Eager, Laura W. Eager, Charles D. Eager, Mary Ann Eager and George H. Eager, children of the deceased William Eager. [*Approved by the Governor, March 15, 1844.*]

Chap. 94.

RESOLVE on the Petition of Nathaniel Goddard.

Judge of probate for Suffolk to appoint a trustee for Elizabeth Sullivan.

Who may convey an interest in certain real estate.

And must invest the proceeds for certain uses.

And give bonds.

Resolved, That for reasons set forth in said petition, that the judge of probate for the time being, in the county of Suffolk, be, and hereby is, authorized and directed to appoint some suitable person to be trustee for and in behalf of Elizabeth Sullivan, wife of John L. Sullivan, so long as the said Elizabeth shall not be of sane mind; and that said trustee, so appointed, be, and hereby is, authorized and empowered to convey to said Nathaniel Goddard, or his assigns, or to such person or persons as he may in writing appoint, all the right of the said Elizabeth Sullivan in the land and premises mentioned and described in the deed of said John L. Sullivan to said Goddard, recorded in the office of the registry of deeds for the county of Suffolk, book 201, folio 161, to execute a good and sufficient deed thereof, for such sum or sums as he (the said trustee) may deem just, due regard being had (in estimating the value thereof and of her chance of survivorship) to the rate of interest established by law, and to such "life tables" as are commonly used by the Hospital Life Insurance Company of Boston. And said trustee shall carefully invest the same, apply the net income thereof to her support and maintenance during her natural life; and upon her decease shall pay over and transfer to her heirs at law, the principal money, so received, and the funds in which it may be invested, and any income then accrued and not paid over: *and provided also*, that the trustee so appointed shall first give bonds to the said judge of probate, with sufficient surety or sureties, for the faithful performance of the trusts and duties aforesaid. [*Approved by the Governor, March 15, 1844.*]

Chap. 95.

RESOLVE in favor of the Towns of Williamstown and Medford.

A sum, &c. to be reserved from this year's income of the

Resolved, That there be reserved, out of the present year's income of the school fund, for the benefit of the towns of Williamstown and Medford, a sum equal to what those towns would have received if they had made the re-

turns required by law, and that the sums so reserved be added to the shares, if any, to which said towns of Williamstown and Medford may be entitled from the present year's income of the said fund. [*Approved by the Governor, March 15, 1844.*]

school fund,
and paid to
Williamstown
and Medford.

RESOLVE in favor of the Town of Duxbury.

Resolved, That there be reserved, out of the present year's income of the school fund, for the benefit of the town of Duxbury, a sum equal to what that town would have received if it had made the return required by law, and that the sum so reserved be added to the share, if any, to which said town may be entitled from the present year's income of said fund. [*Approved by the Governor, March 15, 1844.*]

Chap. 96.

A sum, &c. to
be reserved out
of last year's
school fund,
and paid to
Duxbury.

RESOLVE on the Petition of Charles Brigham, Junior, trustee of the Grafton tribe of Indians.

Resolved, That Charles Brigham, Junior, of Grafton, in the county of Worcester, trustee of the Grafton tribe of Indians, be authorized to sell at public auction or private sale, a small tract of land belonging to Zona Gimbe and Moses L. Gimbe, of said tribe, situated in Pine Meadow, so called, in Worcester, in said county, containing about one third of an acre, with a small house thereon; or to sell, as aforesaid, a part of said tract of land, and apply the proceeds of such sale to the purchase of other real estate which will better accommodate said Zona Gimbe and Moses L. Gimbe; or if part thereof only is sold, to apply the proceeds of such sale to the improvement and repair of the estate now owned by them; *provided*, the said Charles Brigham, Junior give bond, with sufficient surety or sureties, to the judge of probate for the county of Worcester, and to the satisfaction of said judge of probate, to apply the proceeds of such sale according to the provisions of this resolve. [*Approved by the Governor, March 15, 1844.*]

Chap. 97.

Trustee may
sell the whole
or part of a
piece of land,
&c., and invest
the proceeds in
the purchase of
other real es-
tate, or in re-
pair, &c.

But must first
give bond.

RESOLVE relating to repairs at the State Prison.

Resolved, That his excellency the governor, with the advice of the council, is authorized to cause to be constructed at the state prison, in Charlestown, a brick barn with a slated roof, of such dimensions as may be required for the uses of said prison, and to be located in the most convenient position therefor, in the stead of the old and dilapidated building;—and that he also cause the fences in and about the yards of said prison, which are in decay, to be suitably repaired or replaced with new and appropriate gateways and gates;—the slating on the roofs of the store-room and kitchen of the warden's house, on the east and west wings

Chap. 98.

Barn to be
built.

Fences of
yards.

Slated roofs.

Walls. of the old prison, and on the blacksmith's shops, to be repaired or renewed where needed;—the walls of the old prison, and of the stone fence around the prison yard, to be pointed with cement;—the guard houses to be repaired, and the wooden roofs of any of the buildings to be re-shingled where the same is required for their preservation;—the doors of the cells to be altered in such manner as to admit a greater degree of light;—to build a coal shed, and to cause such necessary repairs to be made in and about the buildings and yards as the security of the property from waste by neglect, and the interest of the Commonwealth therein, may render expedient. And the governor, with the advice of the council, is further authorized to appoint some skilful and discreet person to direct the work in the constructions and repairs before mentioned, under the general supervision of the warden and inspectors of the prison. And the compensation to the person so appointed shall be such as the governor and council shall determine.

Appointment and compensation of director of the repairs.

Convicts may be employed.

Resolved, That in the execution of the works before authorized to be done, the warden of the prison may employ such of the convicts as may safely and to advantage labor therein.

Appropriation of not more than \$6000 to repairs.

Resolved, That in addition to the labor which may be performed by the convicts in the work aforementioned, and the materials from the old barn and fences to be removed, there is hereby appropriated to the constructions and repairs aforesaid, from the treasury of the Commonwealth, a sum not exceeding six thousand dollars, to be drawn for by warrant of the governor and council, in such sums, from time to time, as they may judge proper.

Appropriation of \$4611 to meet the deficiencies of last year.

Resolved, That a further sum of four thousand six hundred and eleven dollars be appropriated from the treasury of the Commonwealth, to supply an estimated deficiency in the income of the prison to meet the expenses of the last year. [*Approved by the Governor, March 15, 1844.*]

Chap. 99.

RESOLVE on the Petition of Joseph T. Chandler.

Trustee may sell certain real estate.

Resolved, for reasons set forth in said petition, that Joseph T. Chandler, trustee under the last will and testament of Dorcas Chandler, deceased, late of Salem, in the county of Essex, is hereby empowered to sell, at public or private sale, the following real estate, situated in said Salem, viz: one undivided half of house No. 11 Ash street, in said Salem, with the land under and adjoining the same, and to convey the same, by deed duly executed and acknowledged; and the said trustee shall hold and invest the proceeds of such sale for the purposes of the trust created in said will, in such manner as shall be approved by the judge of probate of said county of Essex; *provided*, that said trustee shall first give bond, with sufficient surety or sure-

But must invest the proceeds for the purposes of the trust.
And give bonds.

ties, to the said judge of probate for the faithful execution of the power hereby conferred. [*Approved by the Governor, March 15, 1844.*]

RESOLVE in relation to a suit in equity against the Norwich and Worcester Rail-road Company.

Chap 100.

Resolved, That his excellency the governor, by and with the advice of the council, be hereby authorized to appoint some suitable person or persons, to attend in behalf of the Commonwealth, to the suit in equity of Edward Whittemore and others against the Norwich and Worcester Rail-road Company, now pending in the superior court of the state of Connecticut, and to take such measures with regard to the same, as they may consider necessary for the security of the rights of this Commonwealth under the mortgage of the said rail-road company to said Commonwealth. [*Approved by the Governor, March 15, 1844.*]

The governor with the advice, &c., to employ legal counsel, &c.

RESOLVE for repairing the Portraits in the Senate Chamber.

Chap 101.

Resolved, That the clerk of the senate cause the portraits in the senate chamber, and if the governor and council shall so direct, the portrait of Rev. Mr. Higginson, now suspended in the council chamber, to be thoroughly repaired and put in order, and that a warrant be drawn to pay the expense thereof. [*Approved by the Governor, March 15, 1844.*]

Portraits in the Senate and Council chambers to be repaired.

RESOLVE for the payment of Military Claims audited and approved by the Adjutant General.

Chap 102.

Resolved, That the sum of fifteen hundred and thirty-three dollars and twenty-five cents be appropriated and paid out of the treasury of the Commonwealth, in full satisfaction for the claims of the several persons whose names are borne on the roll of military accounts, approved by the adjutant general, on the 23d February, 1844, and on the second roll of military accounts, approved by the adjutant general, March 7, 1844, and that his excellency the governor, with the advice and consent of the council, be and he hereby is authorized to draw his warrant accordingly. [*Approved by the Governor, March 16, 1844.*]

Appropriation of \$1,533 25.

RESOLVES relating to a Preamble and Resolutions and certain Proceedings of the General Assembly of the State of Virginia.

Chap 103.

Whereas the Legislature of this Commonwealth, on the sixteenth day of January last, did unanimously pass certain resolves, recommending an amendment of the constitution of the United States, so as to apportion representatives in Congress and direct taxes among the several states according to their respective number of free per-

Massachusetts Resolves of January 16th.

sons, copies of which resolves, agreeably to the terms thereof, were sent by his excellency the governor to the president of the United States, and the governors of the several states :

And whereas the General Assembly of Virginia, in a form unusual in the intercourse between the several states of this union, has seen fit to cause the copy of said resolves, which was sent to the executive of that state, to be returned to his excellency the governor, accompanied by the following preamble and resolutions :

“ PREAMBLE AND RESOLUTIONS.

Virginia Resolves of February 15th.

“ The governor of this commonwealth having, in his last annual message, communicated to the general assembly the resolutions of the general assembly of the state of Massachusetts, adopted March 23, 1843; and having this day communicated the resolutions of the same body, passed on the 15th and 16th of January, 1844, all of said resolutions proposing to amend the constitution of the United States, so as to apportion representation and taxation among the several states according to their respective numbers of free persons, excluding Indians not taxed; of which resolutions it is proper that this assembly should take notice: It is well known that the recognition and protection of the peculiar interests of the slave-holding states, by making the slaves a part of the basis of representation and taxation in the federal government, was a compromise upon which the federal union of the states was formed, was acknowledged by Massachusetts in convention as the language of all America, adopted in the federal convention by a vote almost unanimous, and is essential to the peace, welfare and continuance of the slave-holding states in this Union: Therefore, Resolved, unanimously, by the General Assembly of Virginia, 1. That we cannot regard these resolutions as in truth a proposition to amend the federal constitution, but virtually one to dissolve the Union. 2. That, whilst we have forbore the expression of complaint at the disturbance of the peace and safety of the South by the agitation of the subject of our peculiar domestic institutions by individuals and voluntary societies at the North, we regard this attack by the highest constitutional authority of a sister state, as in the highest degree unjust, unkind, faithless to the compromises of the constitution, and meriting the deepest condemnation of every patriot and friend of the Union. 3. That when we look back to those periods of our history when Massachusetts and Virginia coöperated so cordially, zealously and effectively in achieving our independence, and securing it by the adoption of our federal constitution, we cannot but regard this attack with increased regret and abhorrence. 4. That the governor of this Commonwealth be and he is

hereby requested to communicate copies of the foregoing preamble and resolutions to the governors of the several states, with the request that they may be laid before their respective legislatures; to the senators and representatives in Congress from Virginia; and especially to return the original resolutions to the governor of Massachusetts." "Adopted by the General Assembly," "February 15th, 1844."

Now, therefore, Resolved, That the said resolves of the Legislature of this Commonwealth do express the deliberate sentiments of the people of Massachusetts; that they do in truth and in good faith propose an amendment of the constitution of the United States; that, so far from containing a proposition virtually to dissolve the Union, they assert a principle which is essential to its stability and permanence, and to the assertion and maintenance of which, in every constitutional way, the people of Massachusetts will always hereafter, as they now do, firmly and conscientiously adhere.

Resolved, That the fifth article of the constitution of the United States, by which a mode is provided for the amendment of that instrument, with but a single restriction as to the subject of such amendment, does thereby recognize the right of the people, at their pleasure, to alter any or all of the terms and conditions, with the exception aforesaid, upon which their union was formed; and that the said article, by excepting the proportion of direct taxes from alteration prior to the year eighteen hundred and eight, does thereby expressly admit the right of the people, by an amendment of the constitution, to change the basis of the apportionment of such taxes after the said year eighteen hundred and eight, as is proposed by the said Resolves of the Legislature of this Commonwealth.

Resolved, That while we look back with great satisfaction "to those periods of our history when Massachusetts and Virginia coöperated so cordially, zealously and effectively in achieving our independence, and securing it by the adoption of the federal constitution," it is our highest pleasure to believe that Massachusetts, from that time to the present, in her laws and institutions, has asserted and illustrated the great truths of the declaration of independence.

Resolved, That this Legislature cannot but regard the return of their resolves, by the General Assembly of Virginia, as without a precedent in the correspondence between the states of this Union; that the spirit manifested in this proceeding is in derogation of the rights and independence of a sovereign state, and is a violation of that courtesy which ought ever to characterize the intercourse between the different states of a confederated republic.

Reiteration of the Resolves of January 16th.

Sense of the federal constitution thereupon.

Massachusetts always true to the principles of 1776.

Character of the proceedings of Virginia.

Copies to be transmitted to governors, &c.

Resolved, That the governor of this Commonwealth be and he is hereby requested to communicate copies of the foregoing preamble and resolves to the governors of the several states, with the request that they may be laid before their respective legislatures. [*Approved by the Governor, March 16, 1844.*]

Chap 104.

RESOLVE on the Petition of Oliver Foller of the District of Marshpee.

Selectmen and commissioner to divide, &c., certain real estate.

Resolved, for reasons set forth in the said petition, that the selectmen of said Marshpee, and the commissioner of said district, be and they are hereby authorized and directed to divide, allot and set off in severalty to the said Oliver Foller, in fee simple, sixty acres of land in said Marshpee, out of the lands remaining in common and undivided, in the same manner as the commissioners appointed under "an act concerning the district of Marshpee," passed March third, eighteen hundred and forty-two, might have done. [*Approved by the Governor, March 16, 1844.*]

Chap 105.

RESOLVE authorizing the Treasurer to borrow money in anticipation of the State Tax.

Not exceeding \$65,000 to be borrowed and repaid, &c.

Resolved, that the treasurer be authorized to borrow in anticipation of the state tax, such sums of money as may be necessary from time to time for the payment of any public debt which may fall due in the present year, and of any demands on the treasury before the first day of February next, and that he repay any sum he may borrow as soon as money sufficient for the purpose and not otherwise appropriated, shall be received into the treasury: *provided* that the whole amount borrowed by virtue of this resolve and remaining unpaid, shall not at any time exceed the sum of sixty-five thousand dollars. [*Approved by the Governor, March 16, 1844.*]

Chap 106.

RESOLVE on the Petition of John Lever.

Confirmation of a title to real estate acquired during alienage.

Resolved, for reasons set forth in said petition, that a full and indefeasible title, in fee simple, be and hereby is, confirmed unto John Lever, of Douglas, in the county of Worcester, formerly an alien, but now a citizen of the United States, in and unto a certain tract of land with the buildings thereon, situate in the easterly part of said Douglas, containing about eleven acres, and bounded on the east by the Preston estate; on the south and west by land of Nahum Legg, and on the north by the county road, as more particularly described in the deed of said tract of land from one Theodore Stone to said Lever, recorded in the registry of deeds for said county of Worcester, book 306, page 408, the same having been given on the twenty-eighth day of March, in the year eighteen hundred and thirty-five, and before the said Lever was admitted as a citizen of the

United States; to hold said tract of land, with all the privileges and appurtenances thereto belonging, to him the said John Lever, his heirs and assigns forever, free from any forfeiture or right of escheat to the Commonwealth, by reason of the former alienage of said Lever, as fully as if he had been a citizen of the United States, when said estate was conveyed to him as aforesaid. [*Approved by the Governor, March 16, 1844.*]

RESOLVE in favor of Timothy Paine.

Resolved, That for reasons set forth in the petition of Timothy Paine; the attorney of the Commonwealth for the county of Suffolk be, and hereby is, authorized to cancel and deliver up to said Paine his note for the sum of one hundred and sixty dollars, dated March 31, 1843, payable to the Commonwealth of Massachusetts in one year from date, with interest: *provided* said Paine shall, on or before the thirty-first day of March, 1844, pay to said attorney the sum of forty dollars, for the use and benefit of the Commonwealth. [*Approved by the Governor, March 16, 1844.*]

RESOLVE in favor of the towns of Shutesbury and Wellfleet.

Resolved, that there be reserved out of the present year's income of the school fund, a sum equal to the sums which the towns of Shutesbury and Wellfleet would have received, if they had made the returns required by law, the former for the year 1842, and the latter for the year 1843, and that the sums so reserved, be added to the shares, if any, to which said towns may respectively be entitled from the present year's income of the said fund. [*Approved by the Governor, March 16, 1844.*]

RESOLVE in favor of William Shurtleff, 2d, a Representative from the town of Middleborough.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the said William Shurtleff, 2d, in addition to his pay as a member of the house of representatives for the present year, the sum of seventy-five dollars and seventy-five cents, as a full consideration of all claims he may have upon this Commonwealth, by reason of sickness during the present session of the Legislature, and that the governor draw a warrant therefor accordingly. [*Approved by the Governor, March 16, 1844.*]

RESOLVE authorizing the Treasurer to repay the balance due on money borrowed in anticipation of the sale of scrip.

Resolved, That so much of the loan, authorized by a resolve passed March third, eighteen hundred and forty-two, entitled "a resolve authorizing the treasurer to bor-

Chap 107.

Note held for the Commonwealth to be compromised and surrendered by the attorney for Suffolk.

Chap 108.

A sum, &c., to be reserved from this year's income of the School Fund and paid to Shutesbury and Wellfleet.

Chap 109.

Allowance of \$75 75 to a representative absent by reason of sickness.

Chap 110.

Money borrowed, &c., to

be repaid from any moneys not otherwise appropriated.

row money in anticipation of the sales of scrip," authorized by the act of eighteen hundred and thirty-seven, chapter one hundred and seventy-two, as may remain unpaid, after appropriating thereto, the proceeds of certain sales authorized by the resolves of the present year, chapter thirty-third, shall be defrayed by the treasurer from any moneys received into the treasury, and not otherwise appropriated. [*Approved by the Governor, March 16, 1844.*]

Chap 111.

RESOLVE concerning the Imprisonment of Citizens of this Commonwealth in other States.

The governor, with advice, &c., to appoint agents in Charleston and New Orleans.

Resolved, That his excellency the governor, with the advice and consent of the council, be hereby authorized to employ an agent for the port of Charleston in South Carolina, and an agent for the port of New Orleans, whose duty it shall be to reside in said port for a term of time not exceeding one year, for the purposes specified in the resolves relating to this subject, passed on the twenty-fourth of March, in the year one thousand eight hundred and forty-three; and that his excellency the governor be hereby authorized to draw his warrant to cover any necessary expenses incurred in carrying into effect this or the aforementioned resolves, after the same shall have been audited and allowed by the council, to be paid out of the public treasury. [*Approved by the Governor, March 16, 1844.*]

And to draw his warrant for expenses.

Chap 112.

\$3 per day to clerks, \$5 to assistant clerk.

RESOLVE for the pay of the Clerks of the Legislature.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the clerk of the Senate, the sum of eight dollars per day, and to the assistant clerk of the Senate the sum of five dollars per day, and to the clerk of the House of Representatives, the sum of eight dollars per day, for each and every day's attendance they have been, or may be employed in that capacity during the present session of the legislature, and for such further time as they may be employed not exceeding twelve days, after the rising of the general court, in arranging the papers and documents of the session; and that there be further paid to the clerk of the Senate, and to the clerk of the House of Representatives, the sum of one hundred dollars each, for copying the journals for the library, as required by the orders of the two houses, and that warrants be drawn accordingly. [*Approved by the Governor, March, 16, 1844.*]

\$100 to each clerk for copying journals.

Chap 113.

RESOLVE in favor of Newton P. Merwin.

Allowance of \$40 for arresting, &c., a fugitive from justice.

Resolved, That for reasons set forth in the petition, there be allowed and paid out of the treasury of the Commonwealth to Newton P. Merwin, the sum of forty dollars, for

his services in arresting and bringing to justice one John Phelin, a counterfeiter, and the governor is authorized to draw his warrant accordingly. [*Approved by the Governor, March 16, 1844.*]

RESOLVE on the Petition of Charles Tyler.

Resolved, for reasons set forth in the said petition, that the judge of probate for the county of Suffolk, be, and he hereby is authorized and directed to grant letters of administration to the said Charles Tyler, of all the goods and estate which were of Peter Capen late of Boston, deceased, and to settle and allow the accounts of the said administration, in the same way and manner as if the said Charles Tyler were the sole heir at law of the said Peter Capen; the Commonwealth hereby releasing to the said Charles Tyler, his heirs and assigns, all title, claim, and interest in and to the said estate by reason of the dying of the said Peter Capen, without legal heirs: *provided*, that no person or persons shall make and substantiate by evidence, a claim to the said estate, as the heir or heirs at law of the said Peter Capen, within six months of the granting of administration as aforesaid. [*Approved by the Governor, March 16, 1844.*]

Chap 114.

Administration to be granted on the estate of Peter Capen.

Release of the Commonwealth's interest in said estate.

Provided no heir at law appears within six months.

RESOLVE for the payment of sundry Printers and Miscellaneous Accounts.

Resolved, That there be allowed and paid out of the public treasury, to the several corporations and persons mentioned in the accompanying roll, the sums set against their names respectively, amounting in the whole to the sum of eight thousand and thirty-four dollars and six cents; the same being in full discharge of the accounts and demands to which they refer; and that a warrant be drawn accordingly. [*Approved by the Governor, March 16, 1844.*]

Chap 115.

Allowance of \$8034 46 10 printers, &c.,

RESOLVE in favor of the widow of Charles Lincoln.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of Charles Lincoln, late warden of the States Prison, in Charlestown, the sum of fifteen hundred dollars, being the amount of one year's salary of that officer; and the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, March 16, 1844.*]

Chap 116.

Allowance of \$1500 to the widow of the late warden of the State Prison.

RESOLVE relating to Revolutionary Papers.

Resolved, That the secretary of the Commonwealth be authorized and directed to cause twenty-two volumes of "Continental Rolls" to be rebound; and to cause the indexes of these rolls which are defaced and worn, to be

Chap 117.

Indexes to continental rolls to be copied and volumes of rolls bound.

copied: *provided*, that all the expense under this resolve shall not exceed seventy-five dollars.

Washington rolls to be indexed, provided, &c.

Resolved, That the secretary be further authorized and directed to cause such volumes as were returned from Washington in the year 1843, and in his opinion require indexing, to be fully indexed as soon as possible: *provided however*, that the whole expense of indexing all such rolls as require indexing, shall not exceed fifteen hundred dollars. [*Approved by the Governor, March 16, 1844.*]

Chap 118.

RESOLVES CONCERNING the Commissioners to locate Grants, under the late Treaty with Great Britain.

More than two hundred acres may be set off, provided, &c.

Resolved, That the commissioners may set off to any individual a larger quantity of land than two hundred acres, whenever in their opinion it is necessary to do so, in order that they may better carry out the object and intentions of the treaty; or when justice or good policy require it.

Lots to be set off, though not occupied six years before the treaty of Washington.

Resolved, That said commissioners are hereby required to set off a lot of land to each settler on the undivided lands within the territory referred to in the resolves passed the twenty-fourth day of March, one thousand eight hundred and forty-three, authorizing the appointment of the said commissioners, which settler had commenced his improvements on such lot before the signing of the treaty of Washington, notwithstanding that his possession should not have continued six years at the time of making said treaty. And in the return which the commissioners shall make to the land offices of the states of Massachusetts and Maine, they shall return a separate list of such lots as have not been held six years before the date of the treaty of Washington; and the land agents of said states are authorized to convey such lots to the persons to whom they are set off, for such sum as they may deem just and equitable. The said agents are further authorized to receive in payment for said land, labor on the roads, or cash at their discretion.

Separate returns of such lots to be made to the land offices of Massachusetts and Maine.

Who may convey them on reasonable terms, &c.

Resolved, That the powers and duties of any commissioners who have been or may be appointed by the governor and council under the authority conferred by the resolves passed on the twenty-fourth day of March, one thousand eight hundred and forty-three, shall cease and determine from and after the first day of January next; and the duties of said commissioners shall, from and after that date be performed by the land agent. And the said commissioners are hereby directed to make their final report to the governor and council on or before the said day, in the manner provided in the resolves aforesaid.

Commissioners' powers and duties to be transferred to the land agent after January 1st, 1845.

Resolved, That the said commissioners shall henceforth confine their surveys to such lands as are held by this Commonwealth in common with the state of Maine.

Surveys to be confined to lands held in common with the state of Maine.

Resolved, That his excellency the governor be requested

to transmit a copy of these resolves to the governor of the state of Maine. [*Approved by the Governor, March 16, 1844.*]

Copy to be transmitted to the governor of Maine.

RESOLVE concerning the manner of making claims for the support of State Paupers.

Chap 119.

Resolved. That no payment shall be hereafter made from the treasury of this Commonwealth of any account for the support of state paupers, unless said account shall be certified under oath or affirmation, by a majority of the selectmen, or overseers of the poor of the town or city presenting it: and such certificate shall declare that the amount claimed has been expended in conformity with the laws of the Commonwealth relating to the support of state paupers, and that every person for whose support payment is claimed, has been actually and entirely supported by such town or city the whole number of days specified in such claim. The directors of the House of Industry, and the superintendent and steward of the Hospital for the Insane in the city of Boston, shall have the same privileges, and be subject to the same restriction, that the selectmen and overseers of the poor are subject to in this resolve. And the secretary of the Commonwealth is hereby directed to incorporate the substance of this resolve in the blank returns for the support of state paupers. [*Approved by the Governor, March 16, 1844.*]

Claims for the support of state paupers, how to be authenticated.

Provision for the city of Boston, in the premises.

Secretary to give notice of this resolve.

RESOLVE relating to the Salary of the Clerk in the Adjutant General's office.

Chap 120.

Resolved. That there be allowed and paid out of the treasury of the Commonwealth, to William Learnard, clerk in the office of the adjutant general, such a sum, as together with what he has already received, will make up his salary as said clerk until the fourteenth day of April last, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, March 16, 1844.*]

Salary of William Learnard continued to April 14th, 1843.

A RESOLVE to pay for altering the table of the Senate.

Chap 121.

Resolved. That the governor be requested to draw warrants on the treasury in favor of the clerk of the Senate, for such sums as may be necessary to pay the expense of altering the table in the senate chamber, agreeably to the order of the Senate of the twelfth day of March instant. [*Approved by the Governor, March 16, 1844.*]

Warrant in favor of the clerk of the Senate, for such sums, &c.

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, APRIL 17, 1844.

I HEREBY CERTIFY, that I have compared the printed copies of the Acts and Resolves, contained in this pamphlet, with the originals, and find the same to be correct.

JOHN G. PALFREY,

Secretary of the Commonwealth.

ROLL OF PAUPER ACCOUNTS.

[SEE CHAP. 10, PAGE 296.]

COUNTY OF ESSEX.

Amesbury,	for support, &c., of State Paupers,	\$5 00
Andover,	same,	233 36
Beverly,	same,	36 25
Bradford,	same,	54 44
Danvers,	same,	186 94
Essex,	same,	51 10
Georgetown,	same,	298 57
Gloucester,	same,	197 65
Haverhill,	same,	82 91
Lynn,	same,	414 28
Manchester,	same,	50 40
Marblehead,	same,	35 65
Methuen,	same,	14 84
Middleton,	same,	36 82
Newburyport,	same,	1355 99
Newbury,	same,	287 75
Rowley,	same,	6 58
Rockport,	same,	269 59
Salem,	same, \$1888 99, and small pox ac- count, 154 77,	2043 76
Salisbury,	same,	9 45
Saugus,	same,	17 15
Topsfield,	same,	25 55
Wenham,	same,	4 69
Whole amount for Essex,		\$5718 62

COUNTY OF MIDDLESEX.

Acton,	for support, &c., of State Paupers,	\$6 12
Ashby,	same,	25 55
Boxboro',	same,	18 57
Billerica,	same,	29 89
Brighton,	same,	33 21
Burlington,	same,	38 15
Cambridge,	same,	1635 26
Carlisle,	same,	25 55
Charlestown,	same,	4945 27

PAUPER ACCOUNTS.

Chelmsford,	for support, &c., of State Paupers,	. \$6 79
Concord,	same, . . . . .	. 46 99
Dracut,	same, . . . . .	. 42 87
Framingham,	same, . . . . .	. 43 30
Hopkinton,	same, . . . . .	. 21 35
Holliston,	same, . . . . .	. 21 35
Lexington,	same, . . . . .	. 51 69
Lincoln,	same, . . . . .	. 12 18
Littleton,	same, . . . . .	. 87 06
Lowell,	same,	2326 31
Malden,	same, . . . . .	. 81 40
Marlboro'	same, . . . . .	. 12 91
Medford,	same, . . . . .	. 362 00
Natick,	same, . . . . .	. 24 47
Newton,	same, . . . . .	. 122 54
Pepperell,	same, . . . . .	. 3 78
Reading,	same, . . . . .	. 17 11
Shirley,	same, . . . . .	. 29 20
Somerville,	same, . . . . .	. 3 56
Stoneham,	same, . . . . .	. 25 55
Townsend,	same, . . . . .	. 42 70
Tyngsboro'	same, . . . . .	. 55 26
Waltham,	same, . . . . .	. 67 82
Watertown,	same, . . . . .	. 272 12
Wayland,	same, . . . . .	. 5 97
Woburn,	same, . . . . .	. 64 69

Whole amount for Middlesex, . . . \$10,608 54

COUNTY OF WORCESTER.

Ashburnham,	for support, &c., of State Paupers,	. \$15 47
Auburn,	same, . . . . .	. 25 55
Brookfield,	same, . . . . .	. 28 80
Boylston,	same, . . . . .	. 1 47
Charlton,	same, . . . . .	. 63 77
Dana,	same, . . . . .	. 94 90
Dudley Indians,	to Nathaniel Hunt for his account,	. 196 99
Douglas,	for support, &c. of State Paupers,	. 48 69
Fitchburg,	same, . . . . .	. 14 89
Grafton,	same, . . . . .	. 26 70
Hardwick,	same, . . . . .	. 14 60
Holden,	same, . . . . .	. 25 28
Hubbardston,	same, . . . . .	. 25 55
Harvard,	same, . . . . .	. 5 00
Leicester,	same, . . . . .	. 145 78
Leominster,	same, . . . . .	. 11 76
Mendon,	same, . . . . .	. 52 24
Milford,	same, . . . . .	. 25 55

PAUPER ACCOUNTS.

Millbury,	for support, &c. of State Paupers,	. \$44 48
New Braintree,	same, . . . . .	. 80 99
Northboro',	same, . . . . .	. 25 55
Northbridge,	same, . . . . .	. 4 06
N. Brookfield,	same, . . . . .	. 61 54
Oakham,	same, . . . . .	. 65 09
Oxford,	same, . . . . .	. 76 69
Petersham,	same, . . . . .	. 68 71
Shrewsbury,	same, . . . . .	. 7 59
Spencer,	same, . . . . .	. 40 15
Sturbridge,	same, . . . . .	. 143 00
Sutton,	same, . . . . .	. 12 64
Upton,	same, . . . . .	. 25 55
Uxbridge,	same, . . . . .	. 32 35
Warren,	same, . . . . .	. 31 51
Webster,	same, . . . . .	. 63 98
Westboro',	same, . . . . .	. 30 14
Worcester,	same, . . . . .	. 750 31
Whole amount for Worcester,		<u>\$2387 32</u>

COUNTY OF HAMPSHIRE.

Amherst,	for support, &c. of State Paupers,	. \$88 21
Belchertown,	same, . . . . .	. 36 75
Chesterfield,	same, . . . . .	. 25 55
Cummington,	same, . . . . .	. 25 55
Easthampton,	same, . . . . .	. 102 20
Granby,	same, . . . . .	. 82 18
Goshen,	same, . . . . .	. 15 68
Northampton,	same, . . . . .	. 384 68
Norwich,	same, . . . . .	. 20 05
Prescott,	same, . . . . .	. 13 26
Plainfield,	same, . . . . .	. 22 14
South Hadley,	same, . . . . .	. 17 79
Southampton,	same, . . . . .	. 33 84
Westhampton,	same, . . . . .	. 29 30
Worthington,	same, . . . . .	. 17 94
Whole amount for Hampshire, ,		<u>\$915 12</u>

COUNTY OF HAMPDEN.

Blandford,	for support, &c. of State Paupers,	\$103 11
Brimfield,	same, . . . . .	. 144 45
Chester,	same, . . . . .	. 162 16
Granville,	same, . . . . .	. 65 80
Longmeadow,	same, . . . . .	. 2 03

PAUPER ACCOUNTS.

Ludlow,	for support, &c. of State Paupers,	\$144 22
Monson,	same, . . . . .	. 142 48
Montgomery,	same, . . . . .	. 13 94
Palmer,	same, . . . . .	. 182 76
Russell,	same, . . . . .	. 55 65
Southwick,	same, . . . . .	. 10 72
Springfield,	same, . . . . .	. 481 12
Tolland,	same, . . . . .	. 23 76
Westfield,	same, . . . . .	. 315 08
W. Springfield,	same, . . . . .	. 113 65
Wilbraham,	same, . . . . .	. 13 97
Whole amount for Hampden,		<u>\$1974 90</u>

COUNTY OF FRANKLIN.

Conway,	for support, &c. of State Paupers,	.\$36 93
Charlemont,	same, . . . . .	. 43 75
Coleraine,	same, . . . . .	. 51 10
Deerfield,	same, . . . . .	. 25 55
Greenfield,	same, . . . . .	. 59 36
Gill,	same, . . . . .	. 39 51
Leyden,	same, . . . . .	. 91 25
Rowe,	same, . . . . .	. 9 17
Shelburne,	same, . . . . .	. 53 23
Shutesbury,	same, . . . . .	. 105 80
Whately,	same, . . . . .	. 25 55
Whole amount for Franklin,		<u>\$541 20</u>

COUNTY OF BERKSHIRE.

Adams,	for support, &c., of State Paupers,	<u> </u>
Becket,	same, . . . . .	.\$100 53
Cheshire,	same, . . . . .	. 106 40
Dalton,	same, . . . . .	. 57 40
Egremont,	same, . . . . .	. 116 80
Gt. Barrington,	same, . . . . .	. 103 65
Hancock,	same, . . . . .	. 68 90
Hinsdale,	same, . . . . .	. 63 77
Lanesboro',	same, . . . . .	. 276 03
Lenox,	same, . . . . .	. 67 28
Lee,	same, . . . . .	. 252 49
Mt. Washington,	same, . . . . .	. 41 26
New Marlboro',	same, . . . . .	. 92 88
Otis,	same, . . . . .	. 45 63
Pittsfield,	same, . . . . .	. 451 57
Peru,	same, . . . . .	. 72 50

PAUPER ACCOUNTS.

339

Richmond,	for support, &c. of State Paupers,	. \$57 75
Stockbridge,	same, . . . . .	. 113 28
Sandisfield,	same, . . . . .	. 141 63
Sheffield,	same, . . . . .	. 97 11
Tyringham,	same, . . . . .	. 88 97
W. Stockbridge,	same, . . . . .	. 75 33
Williamstown,	same, . . . . .	. 143 36
Washington,	same, . . . . .	. 323 66
Whole amount for Berkshire,		<u>\$2,958 18</u>

COUNTY OF NORFOLK.

Brookline,	for support, &c. of State Paupers,	. \$25 55
Bellingham,	same, . . . . .	. 6 12
Braintree,	same, . . . . .	. 77 73
Canton,	same, . . . . .	. 176 82
Cohasset,	same, . . . . .	. 20 23
Dedham,	same, . . . . .	. 16 06
Dorchester,	same, . . . . .	. 41 79
Franklin,	same, . . . . .	. 4 62
Medfield,	same, . . . . .	. 8 15
Medway,	same, . . . . .	. 9 60
Milton,	same, . . . . .	. 117 10
Needham,	same, . . . . .	. 8 68
Quincy,	same, . . . . .	. 118 41
Randolph,	same, . . . . .	. 500 57
Roxbury,	same,	\$919 77
	small pox,	51 24
		<u>971 01</u>
Sharon,	for support, &c. of State paupers,	. 25 55
Stoughton,	same, . . . . .	. 87 08
Walpole,	same, . . . . .	. 33 41
Wrentham,	same, . . . . .	. 49 77
Weymouth,	same, . . . . .	. 122 77
Whole amount for Norfolk,		<u>\$2,421 02</u>

COUNTY OF BRISTOL.

Attleboro',	for support, &c. of State Paupers,	. \$25 40
Berkley,	same, . . . . .	. 51 10
Dartmouth,	same, . . . . .	. 93 01
Dighton,	same, . . . . .	. 14 60
Easton,	same, . . . . .	. 85 85
Fall River,	same,	1,312 30
Fall River Indians,	to Holder Wadell, guardian,	200 82
Fairhaven,	for support, &c. of State Paupers,	321 56

PAUPER ACCOUNTS.

Freetown,	for support, &c. of State Paupers,	. \$23 59
Norton,	same, . . . . .	. 11 00
New Bedford,	same,	2,423 01
Pawtucket,	same, . . . . .	. 28 21
Rehoboth,	same, . . . . .	. 294 29
Raynham,	same, . . . . .	. 5 52
Seekonk,	same, . . . . .	. 21 33
Somerset,	same, . . . . .	. 25 55
Swansey,	same, . . . . .	. 124 74
Taunton,	same, . . . . .	. 556 88
Westport,	same, . . . . .	. 51 10
Whole amount for Bristol,		<u>\$5,669 86</u>

COUNTY OF PLYMOUTH.

Abington,	for support, &c. of State Paupers,	\$28 84
Carver,	same, . . . . .	. 25 55
Duxbury,	same, . . . . .	. 26 39
E. Bridgewater,	same, . . . . .	. 116 80
Hanover,	same, . . . . .	. 56 92
Hingham,	same, . . . . .	. 5 95
Kingston,	same, . . . . .	. 25 55
Marshfield,	same, . . . . .	. 38 39
Middleboro',	same, . . . . .	. 199 08
N. Bridgewater,	same, . . . . .	. 172 53
Pembroke,	same, . . . . .	. 43 16
Plymouth,	same, . . . . .	. 14 68
Rochester,	same, . . . . .	. 54 84
Scituate,	same, . . . . .	. 62 62
W. Bridgewater,	same, . . . . .	. 43 75
Warcham,	same, . . . . .	. 62 62
Whole amount for Plymouth,		<u>\$977 67</u>

COUNTY OF BARNSTABLE.

Barnstable,	for support, &c. of State Paupers,	\$25 55
Brewster,	same, . . . . .	. 22 96
Chatham,	same, . . . . .	. 25 55
Dennis,	same, . . . . .	. 3 15
Marshpee,	same, . . . . .	. 317 34
Orleans,	same, . . . . .	. 25 55
Sandwich,	same, . . . . .	. 26 53
Truro,	same, . . . . .	. 21 90
Yarmouth,	same, . . . . .	. 27 83
Whole amount for Barnstable,		<u>\$496 36</u>

PAUPER ACCOUNTS.

311

COUNTY OF DUKE'S COUNTY.

Gay Head, for support of a State Pauper. \$25 55

COUNTY OF NANTUCKET.

Nantucket, for support, &c. of State Paupers, \$389 65

COUNTY OF SUFFOLK.

Boston,	for support of State Paupers in the several wards, . . .	\$ 6,402 06	
	In the Houses of Indus- try and Reformation, . . .	11,132 85	
	Smallpox patients, . . .	398 82	
	Burial of State paupers, . . .	580	
	Support of State pau- pers in the Lunatic Hospital, . . .	9,511 42	
		<hr/>	28,025 15
Chelsea			26 08
			<hr/>
Whole amount for Suffolk,			\$28,051 23

RECAPITULATION BY COUNTIES.

Suffolk, including \$9,511 42 for support of lunatics,	\$28,051 23
Essex,	5,718 62
Middlesex,	10,608 54
Worcester,	2,387 32
Hampshire,	915 12
Hampden,	1,974 90
Franklin,	541 20
Berkshire,	2,958 18
Norfolk,	2,421 02
Bristol,	5,669 86
Plymouth,	977 67
Barnstable,	496 36
Duke's County,	25 55
Nantucket,	389 65
	<hr/>
	\$63,135 22

MISCELLANEOUS ACCOUNTS.

John Marsh, stationery from March 22d to Dec. 30th, 1843,	\$199 38
William D. Ticknor, for directories, &c.	4 75
Roberts & Thaxter, for binding for House of Representatives,	183 50
W. T. Hawes, for carriages for governor and staff,	3 00
N. H. Streeter, " " " "	16 00
William Learnard, for Old South Church,	20 00
I. S. Withington, for music at Old South,	20 00
Stephen L. White, for notifying Gov. Morton of his election,	2 00
	<hr/>
	448 63

CORONERS' ACCOUNTS.

William Andrews, to Nov. 11th, 1843,	52 56
Jabez Pratt, to Feb. 15th, 1844,	113 96
Mace Smith, to Feb. 1st, "	209 50
Nath. Watson, to Dec. 28th, 1843,	21 20
Theodore Andrews, to Dec. 20, 1843,	8 00
John B. Kirkham, to April 21, "	37 36
Town of Palmer, for burying a stranger,	14 35
Benajah Mason, Aug. 21, 1843,	14 40
William Hamilton,	9 25
Elisha M. Hinkley, to Jan. 22, 1844,	33 00
	<hr/>
	\$513 58

SHERIFFS' ACCOUNTS.

Ebenezer Shute, for services general election,	\$24 00
Samuel Chandler, for returning votes, &c., to April, 1843,	35 56
Uriah Gardner, for serving injunction on Citizen's Bank,	4 30
	<hr/>
	\$63 86

STATE LUNATIC PAUPERS.

County of Essex, for support of 27 State paupers,	\$2796 43
" " Middlesex, " " 20 " "	1905 00
" " Essex, for support of paupers in House of Correction,	32 34
Overseers of town of Becket, for removing State paupers,	31 80
	<hr/>
	\$4765 57

RECAPITULATION.

Newspapers and publishers,	\$521 11
Miscellaneous,	448 63
Coroners,	513 58
Sheriffs,	63 86
State Lunatic Paupers,	4765 57
	<hr/>
	\$6312 75

ACCOUNTS audited by the Treasurer, February 29th, 1844, per Resolve of Feb. 8, 1832.
NEWSPAPERS, PRINTING, &c.—[SEE CHAP. 51, PAGE 308.]

ALLOWED TO	NAME OF PAPER.	Advertising.	Publishing Laws.	Papers.	Total.
P. Allen & Son,	Pittsfield Sun,	\$6 41	\$16 67	\$11 25	\$23 08
Proprietors of	Boston Daily American,				11 25
Samuel Bowles,	Springfield Republican,	4 75	16 67		21 42
Dearborn & Butterfield,	Lowell Patriot and Advertiser,	15 00	33 34		48 34
Elijah Porter,	Westfield News Letter,	6 00	16 66		22 66
J. W. D. Hall,	Taunton Whig,		16 66		16 66
W. A. Hawley,	Hampshire Gazette,		16 67	4 50	21 17
Douglas S. Hubbard,	Berkshire County Whig,	2 00	16 66	2 50	21 16
Justice Jones,	Vesperus,			50	50
R. R. Kinsley,	Weekly Visitor,	5 00	16 66		21 66
William Schoutler,	Lowell Courier and Journal,		33 32		33 32
William Stowe,	Springfield Gazette,	4 00	16 67	2 50	23 17
Calvin Torrey,	Westfield Spectator,	6 41	16 67		23 08
		49 57	216 65	21 25	287 47

SHERIFFS.

NAME.	COUNTY.	AMOUNT.
Calvin Willard,	Worcester,	\$84 74
C. Rice,	Hampden,	72 12
John Nevers,	Franklin,	73 90
Horatio Leonard,	do.	10 70
David Crocker, estate,	Bristol,	6 50
	Barnstable,	
	Distributing packages and returning votes,	
	do.	
	do.	
	do.	
	do.	
		247 96

MISCELLANIES.

P. L. Cushman, expenses as escort of the body of Hon. William Whitaker,	\$11 37
Myron Lawrence " "	10 20
James Loring, for 18 copies of Massachusetts Register,	15 75
Charles Stimpson, stationery for Senate,	176 78
Joseph Tucker, for recording rail-road mortgages,	2 00
Benjamin Stevens, paid for do. do.	4 00
William D. Ticknor, stationery for Secretary's office,	16 32
William A. Wells, binding for the library,	270 51
	<hr/>
	\$506 93
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AGGREGATE.

Newspapers, &c.,	\$287 47
Sheriffs,	247 96
Miscellanies,	506 93
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	\$1042 36
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MISCELLANEOUS ACCOUNTS.

[SEE CHAP. 52, PAGE 308.]

Audited by the Committee on Accounts, March 1st, 1844.

Town of Adams, for support of State Paupers,	\$316 08
Town of Holden, " " "	2 50
Town of Taunton, " " "	15 00
Town of Wilbraham, " " "	17 00
J. D. Cushing, for publishing Laws, &c., in Berkshire Courier,	21 67
S. S. Eastman, for publishing Laws, &c., in Greenfield Gazette,	26 84
Wm. Eddy, for advertising in New Bedford Bulletin,	4 00
S. B. Phinney, for publishing Laws, &c., in Barnstable Patriot.	22 41
G. W. Young, for publishing Laws, &c., in Plymouth Rock,	24 47
Nathan Hayward, sheriff of Plymouth county,	34 50
John Nevers, sheriff of Franklin county,	10 40
Thomas Sumner, coroner, to February 4th, 1844,	6 00
James B. Crocker, for expenses incurred during the sickness of Nehemiah Baker, and the removal of his remains,	144 23
Jehiel Abbott, for visiting the pub. charit. institutions,	5 00
Luther Metcalf, " " "	4 80
H. A. Delano, " " "	13 75
T. J. Gridley, " " "	13 75
Paul Kittredge, " " "	3 25
James Means, " " "	3 25
Hazewell & Simonds, for publishing Laws, &c., in Concord Freeman,	20 66
John Morissey, for publishing Laws, &c., in Nantucket Inquirer,	45 32
	<hr/>
	\$754 88

ROLL OF MILITARY ACCOUNTS, 1843.

[SEE CHAP. 102, PAGE 325.]

DIVISION INSPECTORS. \$25 per annum.

Ebenezer W. Stone, 1st Div. from Jan. 1 to Dec. 31, 1843,	\$25 00
Thomas J. Adams, 2nd Div. from Jan. 1 to Dec. 31, 1843,	25 00
Wendell T. Davis, 3rd Div. from Feb. 16 to April 16, 1843,	4 16
Samuel A. Shackford, 3rd Div. from April 28 to Dec. 31, 1843,	16 80
	<hr/>
	\$70 96

BRIGADE INSPECTORS. \$25 per annum.

John C. Park, 1st Brig. from May 27 to Dec. 31, 1843,	\$14 85
Vinson Blanchard, 2d Brig. from April 1, 1842, to Dec. 31, 1843,	43 75
Augustus L. Barrett, 3d Brig. from Jan. 1 to Dec 31, 1843,	25 00
Nathaniel Conant, 4th Brig. from Jan. 1 to Dec. 31, 1843,	25 00
Perley Gould, 5th Brig. from Jan. 1 to Dec. 31, 1843,	25 00
Leonard S. Jous, 6th Brig. from June 10 to Dec. 31, 1843,	13 90
	<hr/>
	\$147 50

ADJUTANTS. \$25 per annum.

Joseph W. Magee, 1st Batt. Cav. from Jan. 1 to Dec. 31, 1843,	25 00
Jeremiah Russell, 1st Reg. Art. from Sept. 7, 1842, to May 23, 1843,	17 71
Charles O. Wardwell, 1st Reg. Art. from Sept. 20, 1843, to Dec. 31, 1843,	6 95
Gardner A. Burbank, 2d Reg. Art. from Jan. 1 to Dec. 31, 1843,	25 00
William F. Arnold, 3d Reg. Art. from Jan. 1 to July 12, 1843,	13 32
Francis Allen, 1st Batt. Art. from Jan. 1. to Dec. 21, 1843,	25 00

MILITARY ACCOUNTS.

349

Thomas T. Law, 2d Batt. Art. from Jan. 1 to Dec. 31, 1843,	25 00
Jeremiah Farris, 3d Batt. Art. from Jan. 1 to Aug. 29, 1842,	16 60
Francis J. Noyes, 3d Batt. Art. from Jan. 1 to Dec. 31, 1843,	25 00
Hiram Scripture, 4th Batt. Art. from Jan. 1 to Dec. 31, 1843,	25 00
B. Franklin Edmands, 1st Reg. L. I. from Jan. 1 to Dec. 31, 1843,	25 00
Joseph Sprague, 2d Reg. L. I. from Jan. 1 to March 31, 1843,	6 25
Woodbridge Brown, 3d Reg. L. I. from Jan. 1 to Dec. 31, 1843.	25 00
Moses F. Winn, 4th Reg. L. I. from April 15, 1842, to Dec. 31, 1843,	42 75
Jonathan L. Kimball, 6th Reg. L. I. from Jan. 1 to Dec. 31, 1843,	25 00
George H. Kitteridge, <i>pro tem.</i> , 7th Reg. L. I. from Jan. 1 to Dec. 31, 1843,	25 00
John M. Goodhue, 8th Reg. L. I. from March 10 to Dec. 31, 1843,	20 14
Francis J. Barrett, 9th Reg. L. I. from Jan. 1 to Oct. 15, 1842,	19 79
Antipas Maynard, 9th Reg. L. I. from Oct. 17, 1842, to Sept. 11, 1843,	22 49
Charles A. Mauu, 10th Reg. L. I. from Jan. 1 to Aug. 1, 1843, (<i>pro tem.</i>)	14 58
Samuel P. Smith, 1st Batt. L. I. from Jan. 1 to Sept. 1, 1843, (<i>pro tem.</i>)	16 67
Isaac W. Vincent, 2d Batt. L. I. from May 2, 1842, to Dec. 31, 1843,	39 93
John P. Hubbard, 4th Batt. L. I. from Sept. 1 to Dec. 31, 1843, (<i>pro tem.</i>)	8 33
	<hr/>
	\$495 51

HAULING ARTILLERY.

Enos Turner, Boston South Artillery, 1843, inspection and review, \$12. Exper. gunnery, \$10,	22 00
Thomas W. Brown, Boston Columbian Artillery, 1843, inspection and review, \$13 50,	13 50
Ephraim B. Richards, Boston Washington Artillery, 1843, inspection and review, \$15. Exper. gunnery, \$15,	30 00
Benjamin H. Burrill, Roxbury Artillery, 1843, inspection and review, \$18,	18 00
Benjamin Stone, Jr., Dorchester Artillery, 1843, inspection and review, \$10 75,	10 75

Henry A. Torrey, Weymouth Artillery, 1843, inspection and review, \$13 75,	13 75
Wendell Hall, Plymouth Artillery, 1843, inspection and review, \$30,	30 00
Benjamin N. Curtis, Hanover Artillery, 1843, inspection and review, \$27,	27 00
Holland W. Noyes, Abington Artillery, 1842, inspection and review, \$20, \$20 00	
Holland W. Noyes, Abington Artillery, 1843, inspection and review,	25 00
	<hr/>
	45 00
Luen C. Leonard, Norton Artillery, 1843, inspection and review, \$30,	30 00
Richard Barrett, Concord Artillery, 1843, inspection and review, \$35. Exper. gunnery, \$15,	50 00
Jonathan S. Parker, Lexington Artillery, 1843, inspection and review, \$30,	30 00
Horace Hammond, Waltham Artillery, 1843, inspection and review, \$25. Exper. gunnery, \$15,	40 00
Thomas Critchett, Charlestown Artillery, 1843, inspection and review, \$18. Exper. gunnery, \$18,	36 00
Josiah K. Bennett, Groton Artillery, 1842, inspection and review, \$15, \$15 00	
Josiah K. Bennett, Groton Artillery, 1843, inspection and review,	30 00
	<hr/>
	45 00
Stephen Ilsley, Newburyport Artillery, 1843, inspection and review, \$35. Exper. gunnery, \$15,	50 00
Thomas Baker, Gloucester Artillery, 1843, inspection and review, \$15. Exper. gunnery, \$15,	30 00
William T. Gale, Lynn Artillery, 1843, inspection and review, \$20. Exper. gunnery, \$15,	35 00
John W. Rhoades, Salem Artillery, 1843, inspection and review, \$15. Exper. gunnery, \$15,	30 00
John Amsden, Buckland Artillery, 1843, inspection and review, \$24,	24 00
Daniel Crosby, Greenfield Artillery, 1843, inspection and review, \$7. Exper. gunnery, \$11,	18 00
Franklin K. Hitchcock, Northampton Artillery, 1843, inspection and review, \$28,	28 00
L. V. Campbell, Plainfield Artillery, 1843, inspection and review, \$29,	29 00
Theodore Bridgman, Belchertown Artillery, 1843, inspection and review, \$21 50,	21 50
Albert Firman, Mouson Artillery, 1843, inspection and review, \$29,	29 00
	<hr/>
	\$735 50

RECAPITULATION.

Division Inspectors,	\$70 96
Brigade Inspectors,	147 50
Adjutants,	495 51
Hauling Artillery,	735 50
	<hr/>
	\$1449 47

ADJUTANT GENERAL'S OFFICE, }
Boston, Feb. 23, 1844. }

I hereby certify that I have examined the accounts contained in the foregoing roll, and that they are correctly vouched and cast.

JOSEPH F. BOYD,
Adjutant and Acting Quarter Master General.

SECOND ROLL OF MILITARY ACCOUNTS.

[SEE CHAP. 102, PAGE 225.]

Samuel L. Bardwell, Adjutant, 3 Reg. Art. from July 23 to Dec. 31, 1843,	\$11 00
Gilbert Ferrin, Adjutant, 5th Reg. L. Inf. from Jan. 1 to Dec. 31, 1843,	25 00
Edward C. Craig, Adjutant, pro tem. 1st Batt. L. Inf. from Sept. 15 to Dec. 31, 1843,	7 28
Darwin E. Stewart, of Leominster Artillery, 1842, inspection and review,	20 00
Joseph S. Darling, of Leominster Artillery, 1843, inspection and review,	20 50
	\$83 78

ADJUTANT GENERAL'S OFFICE, }
Boston, March 7, 1844. }

I hereby certify that I have examined the foregoing accounts, and that they are correctly vouched and cast.

JOSEPH F. BOYD, *Adj. Gen.*

NEWSPAPER.

ALLOWED TO	PAPERS.	Papers.	Advertising.	Publishing Laws.		Total.
				1812.	1813.	
John W. Alden,	Financier,	\$29 81	.	.	\$29 84	
Edmund Anthony,	Bristol County Democrat,	3 00	.	.	19 66	
Elijah Ashley,	Independent Democrat,	5 00	.	\$16 66	5 00	
Proprietors of .	Daily Advertiser,	145 49	\$10 37	.	155 86	
Proprietors of .	Boston Courier,	223 26	19 64	50 00	306 00	
Proprietors of .	Bay State Democrat,	167 04	41 02	49 98	258 04	
John N. Bradley & Co.	Mail and Yankee Nation,	52 08	39 00	\$16 67	157 76	
William Brown,	Salem Gazette,	2 91	.	.	2 91	
Samuel Bowles,	Springfield Republican,	7 25	.	.	7 25	
Beals & Greene,	Boston Post,	449 57	51 21	50 00	553 81	
Joseph Breck & Co.	N. E. Farmer,	29 25	.	.	29 25	
G. W. Bazin,	Boston Trumpet,	17 98	.	.	17 98	
G. G. Channing,	Christian World,	4 50	.	.	4 50	
Chapman & Palfrey,	Salem Register,	7 87	2 25	16 66	26 78	
David Clapp, Junr.	Medical and Surgical Journal,	28 68	.	.	28 68	
W. W. Clapp & Son,	Evening Gazette,	121 38	2 50	.	123 88	
Clark & Woodbridge,	Puritan,	33 31	.	.	33 31	
S. Cobb,	Christian Freeman,	17 01	.	.	17 01	
Wm. S. Damrell,	Christian Reflector,	23 28	.	.	23 28	
J. B. Dow,	Witness and Advocate,	8 75	.	.	8 75	
Dutton & Wentworth,	Evening Transcript,	2 88	32 10	16 67	51 65	
W. S. Fisher,	Yarmouth Register,	9 00	10 25	.	19 25	
Proprietors of .	N. E. Democrat,	149 00	.	.	149 00	
Proprietors of .	Zion's Herald,	20 95	.	.	20 95	

NEWSPAPER ACCOUNTS—Continued.

ALLOWED TO	PAPERS.	Papers.	Advertising.	Publishing Laws.		Total.
				1842.	1843.	
Proprietors of	Liberator,	\$22 80	.	.	\$22 80	
" "	Ploughman,	45 65	.	\$16 67	62 32	
" "	Times and Notion,	35 84	.	.	35 84	
" "	Boston Times, . . . . .	.	\$40 69	.	40 69
" "	Uncle Sam,	17 82	.	.	17 82	
J. B. Hall,	House We Live In,	35 25	.	.	35 25	
Alanson Hawley,	Hampden Post,	2 20	.	.	2 20	
Charles C. Haswell,	Concord Freeman,	4 50	.	.	4 50	
Howland, Bradbury & Co.	Daily Bee,	52	.	.	52	
W. Hayden and T. M. Brewer,	Boston Atlas,	322 87	11 00	33 34	367 21	
Ives & Pease,	Salem Observer,	2 00	2 25	16 67	20 92	
Benjamin Lindsey,	New Bedford Mercury,	2 92	.	33 34	36 26	
J. B. Mann,	Norfolk Democrat,	2 50	.	16 67	19 17	
N. Moore,	Boston Recorder,	44 22	.	.	44 22	
Charles Montague,	Massachusetts Eagle,	1 75	.	16 66	18 41	
William Nichols,	Christian Watchman,	4 27	.	.	4 27	
Nichols & Crowell,	" "	28 55	.	.	28 55	
T. F. Norris,	Olive Branch,	88 08	.	.	88 08	
J. M. Pettengill,	Transcript, Amesbury, . . . . .	.	.	16 67	16 67
S. B. Phinney,	Barnstable Patriot,	7 50	.	.	7 50	
R. L. Porter,	American Traveller,	137 39	.	16 66	154 05	
David Reed,	Christian Register,	22 83	.	.	22 83	
E. G. Robinson,	Norfolk Democrat,	9 39	.	.	9 39	
William Schouler,	Lowell Journal,	10 00	.	.	10 00	
Sleeper & Rogers,	Mercantile Journal,	147 05	.	50 01	197 06	
H. Terry,	Northampton Democrat,	1 85	.	.	1 85	

NEWSPAPER ACCOUNTS—Continued.

ALLOWED TO	PAPERS.	Papers.	Advertising.	Publishing Laws.		Total.
				1842.	1843.	
C. Torrey,	Boston Spectator,	\$1 00				\$1 00
Levi Whitman,	Berkshire Washingtonian,		\$5 00			5 00
N. Willis,	Youth's Companion,	7 42				7 42
Otis Brewer,	Boston Cultivator,	54 90				54 90
John A. Green,	Quincy Patriot,	2 00	8 00			10 00
Morss & Brewster,	Newburyport Herald,	8 25				8 25
		2643 73	278 31	16 67	466 67	3405 38

MISCELLANEOUS ACCOUNTS.

Audited March 14th, 1844.

Eayrs & Fairbanks, stationery for Secretary's Office,	\$193 50	
Eayrs & Fairbanks, stationery for Secretary's Office,	218 02	
Eayrs & Fairbanks, stationery for Treasurer's Office,	50 34	
Eayrs & Fairbanks, stationery for Adjutant General's Office,	62 47	
Eayrs & Fairbanks, stationery for Senate and House of Representatives,	743 22	
Eayrs & Fairbanks, stationery for Senate,	46 52	
	<hr/>	\$1314 07
John Marsh, stationery for Senate and House of Representatives,	43 00	
John Marsh, stationery for Secretary's Office,	1 25	
John Marsh, stationery,	3 69	
	<hr/>	47 94
Charles Stimpson, stationery for House of Representatives,	9 15	
G. B. Wheeler, repairs on State House,	630 34	
Town of Springfield, smallpox,	325 02	
Benjamin Stevens, balance due him,	437 61	
Lewis Josselyn, services after adjournment,	164 00	
W. P. Gregg, services after adjournment,	92 00	
George Bemis, services rendered commissioners for codifying criminal law,	500 00	
W. B. Hows, services rendered commissioners for codifying criminal law,	45 00	
A. F. Dalton, services rendered as assistant messenger to governor and council,	28 00	
Joseph E. Sprague, sheriff of Essex County,	31 40	
Isaiah Stoddard, for services at State House,	4 50	
Charles Mendell, for services at State House,	1 50	
Joseph Stark, for services at State House,	1 50	
Nathaniel Greene, postage to March 15th,	38 40	
Robert Cowden, lumber,	61 14	
Aaron Guild, bill of lumber, (two bills,)	38 29	
Joshua Owen, labor,	24 00	
James Smith, laborer,	39 01	
C. W. Haven, painting,	148 40	
Kittredge & Blake, upholsterers,	111 95	

MISCELLANEOUS ACCOUNTS.

357

Hannah N. Baxter, repairing carpets, . . .	31 96
Daniel Safford & Co., blacksmiths, . . .	72 02
Asa Swallow, masonry, . . .	25 08
R. Herring, repairing roofs, . . .	10 05
Charles Brooks & Co., hardware, . . .	40 39
W. H. Henderson, sundries, . . .	33 51
Bryent & Herman, stove for Green Room, . . .	34 63
William Rotch, stoves, grates, &c. . . .	29 00
James Hendley, sundries, . . .	40 94
Kendall P. Saunders, baskets, pails, &c. . . .	10 83
S. Williard, Jr., repairing clocks, . . .	4 50
J. P. Bradlee & Sons, oil, . . .	119 25
Zelotes Hosmer, lamps, . . .	15 52
J. Collamore, lamp glasses, . . .	1 50
O. W. Allen, twine, . . .	2 28
Charles Parker, carriages for governor and council,	62 00
Town of Rehoboth, error in pauper account, . . .	1 00
	<hr/>
	\$4628 68

AGGREGATE.

Printers,	\$3405 38
Miscellaneous,	4628 68
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	\$8034 06

INAUGURAL ADDRESS
OF
HIS EXCELLENCY GEORGE N. BRIGGS.

REPRESENTATIVES' CHAMBER, JAN. 10, 1844.

At a quarter past twelve o'clock, His Excellency the Governor, accompanied by the Lieutenant Governor, the members of the Council, and the Secretary, and attended by a joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives in convention, and delivered the following

ADDRESS:

*Fellow Citizens of the Senate
and House of Representatives,—*

SELECTED according to the forms of the constitution, we have assembled to take counsel for the good of the Commonwealth.

The right of choosing their own rulers, the most important right that belongs to men as members of a political community, is more perfectly enjoyed by the people of these United States, than by any other portion of the human race.

Men have been struggling for it from the earliest ages. Though at some periods, and in some countries, it has been partially gained, by portions of the people, it was never fully recognized, and freely enjoyed, until consummated by the American revolution.

The constitution, which is to guide and control our action, was formed during that revolution. The men who made it were among the actors in the great scenes of independence. Before the noise of battle had ceased, or its smoke had passed away, they did this work of peace. How well they did it, time has shown.

That instrument proclaims the same great political truth, in regard to the rights of man that is written in the declaration of independence;—that “all men are born free and equal.” And

that truth, from the time of the adoption of our constitution, has been in practical operation in this Commonwealth. Since then, no human being has been held to involuntary servitude within her borders.

Soon after its adoption, the highest judicial tribunal in the State decided that slavery did not, and could not exist in Massachusetts. Indeed, there is reason to believe, that before the existence of our Constitution, our highest court held the opinion, that the declaration of independence put an end to slavery in this State.

With this fact in relation to slaves and slavery, in her own history, can it be a matter of surprise to any one, that her people at home, and their representatives in the Federal Government, should feel bound, by every consideration of justice and humanity, to oppose the least extension of an institution which they believe to be morally and politically wrong, and to exert every power, consistent with their constitutional obligations to the Union, to hasten the time when every human being in this Republic shall enjoy "the inalienable right of life, liberty, and the pursuit of happiness."

The political and civil equality of our citizens has always been an admitted and cherished sentiment of the people of this ancient Commonwealth. Though, at first, a pecuniary qualification for public officers and for voters was required, subsequent amendments have abolished all such qualifications in the officers with two exceptions, and the possession of no amount of property is now required to make a voter. One year's residence within the State and six months in the town, and the payment by the citizen of the smallest state or county tax that may have been assessed upon him, gives him the right of suffrage. The Constitution and the laws know no distinction of persons. They throw their protecting shield over the poorest and humblest, and restrain the arm of the proudest and strongest citizen.

This House of Representatives exhibits the amplest development of the democratic principle of any legislative assembly upon the face of the earth. It admirably combines the principle of town and popular representation. Every incorporated town in the State, with certain limitations—unfortunately, as it seems to me, imposed by a recent amendment to the Constitution—has a right to a representative in this General Court. After that, the additional number is regulated by the number of its inhabitants.

Most of the practical business of the people of the State, relating to public affairs, is transacted by themselves in their town meetings. For all such purposes, every town is a pure, simple democracy. These democracies are represented by men of their own choice in the legislature of the State. This numerous representation in the popular branch, brings the representative into immediate contact with his constituents, keeps

him under the check of a direct responsibility, and, through him, carries among the mass of the people a familiar acquaintance with the affairs and the working of their government, unknown to other systems. A distinguished statesman in another part of the Union, pronounced this system the most perfect in the world, and expressed his regret that it could not be adopted in his own state. Here, it has justified the hopes of its patriotic founders, and all are cheered with the belief that their enlightened and liberty-loving descendants will make it perpetual.

If the progress of a people in the various branches of industry, and their success in the numerous enterprizes calculated to improve their condition; if a laudable attention to intellectual and moral culture, and the advancement in literature, and in the arts and sciences; if the promotion of general education among all classes of people, at the public expense, and the unrestrained liberty of conscience and the free enjoyment of the christian religion, professed indeed in many different forms, but all inculcating piety towards God and honesty and good will among men, are evidences of a happy form of government, and of judicious legislation, the people of Massachusetts may point to their past and present condition in support of their institutions.

She has by no means kept pace in the rapid increase in population with her younger sister states. But notwithstanding there has been a constant flow of her people to the other states, and her artists, her mechanics, her farmers and her professional men, may be found in every part of the republic, her numbers have been steadily increasing ever since she became an independent state. With about one third as many inhabitants as all the rest of New England, the increase of her population from 1830 to 1840 was within a small fraction equal to the whole of theirs. She has, at this time, more people to the square mile of her territory than any state in the union, or upon this continent. Her territory occupies but a small space on the map of that country which now embraces twenty-six free states, with nearly twenty millions of inhabitants; but that territory, small as it is, furnished sixty-nine thousand of the two hundred and twenty thousand soldiers who won the victories of the revolution.

Massachusetts has at this time a capital invested in manufactures, of \$42,000,000. The annual value of her manufactures is more than \$80,000,000. With a hard and unyielding soil, which gives to the husbandman nothing, but in return for the most severe labor, her agricultural productions amount to \$15,000,000. As a commercial state, she is second in the Union only to her neighbor New York, with her three millions of people. The entire tonnage of the United States in 1841, was 2,230,744. Of this Massachusetts had 545,901. Her citizens have nearly \$12,000,000 invested in the fisheries, which is

more than twice as much as all the rest of the Union. Sixteen thousand of her robust and manly sons are engaged in that hazardous business, encountering the perils and hardships of the ocean, bringing up treasures from its deep to adorn and enrich the land. The United States had in the year before mentioned 10,068 enrolled and registered seamen, 4,031 of this number were our people.

With her 737,000 population, she receives annually, from the other states of the confederacy, their products to the amount of \$40,000,000. Laying out of the estimate the value of domestic manufactures which are exported, and this sum equals one half of the products of this country, sold to all the rest of the world. This single fact weighs down a volume of speculations and theories, against the practical wisdom of that truly American system, recommended by Washington and sanctioned by nearly all his successors in office, which encourages and protects the labor of our own people, promotes a free interchange of commodities between the different states, and creates a market for their productions, which could not be found in any other country.

It appears by the statistical tables of the United States, that she had 4 colleges, with 769 students; 251 academies and grammar schools, with 16,746 scholars, and 3,362 common and primary schools, with 160,258 scholars—158,351 of whom are educated at the public expense. We pay yearly, nearly one million of dollars for purposes of education. With all these facilities for education, too many children are growing up among us without receiving its blessings.

In a state where the right of suffrage is so nearly universal, as it is here, and where every man is a man, no youth should be permitted to grow up in ignorance. It is much cheaper and a thousand times more delightful, to cultivate and enlighten the child, than to support and punish matured poverty and vice.

In their pursuits of gain, our citizens have not overlooked or neglected the claims of humanity. The provisions made from year to year for the deaf and dumb, evince the benevolence of the Legislature towards that class of unfortunate ones. The Eye and Ear Infirmary of this city. The Institution for the Blind, and the flourishing and well conducted Asylums for the Insane, are the brightest jewels of the Commonwealth. The erection of houses of correction, where juvenile offenders can be restrained and reformed by kindness, instead of being lost in the infamy of the penitentiary, is alike the dictate of wisdom and humanity.

In common with the rest of the civilized world, we have shared largely in the fruits of the great moral temperance reformation which has distinguished the nineteenth century.

The numerous rail-roads leading from this metropolis to different parts of the state, which have been constructed within

the last few years, by incorporated companies, aided by the credit of the state, will, it is believed, be great public benefits. Compared with the monuments of folly and vanity of other times and other countries, which have exhausted the treasures, without improving the condition of their down-trodden millions, these will remain lasting memorials of the enterprise of our citizens and of the remarkable age in which we live. The city of Albany, the capital of the state of New York, at the distance of two hundred miles from this city, across the Green Mountains, is brought within eleven hours travel of it.

Cars richly laden with the varied productions of the distant West, are hourly rolling through the mountains and over the vallies of our Commonwealth, and pouring those productions into the heart of this growing city. What we witness here in this respect, is going on in most of the other states of this Union. Stimulated by the spirit of the times, most of the states have embarked largely, some of them quite too largely in works of improvement. To accomplish their object, immense public debts have been incurred. Those revulsions which have shaken the whole business world, have arrested the progress of many of those works after great amounts had been expended upon them, and lessened the income from others which were completed. These, with other causes, have embarrassed several of the deeply indebted states, and rendered them unable, for the time being, to meet their engagements.

Most of the state stocks being held by subjects and capitalists of foreign countries, the inability to meet their payments promptly has unfortunately affected injuriously the credit of our whole country abroad. Not understanding clearly the distinct and independent character of our state governments, so far as such things are concerned, strangers impute the fault of the delinquent states to the whole country.

But the countenance which the doctrine of repudiation has received in some of the states, has done more to excite alarm in the minds of those who hold our stocks, and inflicted a severer wound upon the honor and credit of the country than every thing else. It is not strange that it should be so. If individuals refuse to pay their debts, the tribunals of all civilized countries afford the means of redress against the wrong doer. But when states refuse to fulfil their promises, the moral sense of mankind is shocked at the enormity of the act, and there is no remedy but an appeal to the sword. It is hardly possible to believe that any state of this confederacy will persevere in the purpose of getting rid of her debt at so dear a rate as the loss of her character.

Massachusetts by a direct interest in the works of improvement within her limits, and by lending her credit to others to complete those works, has incurred a debt a fraction over six millions of dollars.

She owns one million of stock, and for the balance is liable

for the several corporations which own the works, and for security for that liability she holds the pledge of the works themselves. As between her and the holders of her scrip, the debt is her own. She will treat it as her own, and pay it as her own. Under no possible circumstances will she attempt to evade or put it off. For the payment of every dollar, principal and interest, her word of honor is pledged. That word of honor will be kept. The holders of her promises to pay, whoever they may be, and wherever they may be, may count upon those promises as so much gold and silver.

I am sure that I am authorized by every member of this Legislature, and by every citizen whom he represents, from this high place, to make this declaration: Of her ability to pay there is no more doubt than of her will to do so.

That tireless enterprise and sleepless industry which produce one hundred millions of value annually, without the natural resources of many of our sister states, will never leave her unable to pay her debts. If a requisition upon her people, in the form of a just and equal tax upon their property should be rendered necessary to fulfil her engagements, or defray the expense of any beneficial, or authorized public object, it would be cheerfully and promptly met.

The records of her past history must be blotted out, the monuments of her former deeds must fall down and decay, before any of her authorities, or any of her citizens, shall refuse, promptly and honestly, to pay the last dollar that she owes.

The propriety of laws enforcing a strict accountability in all the officers of the government, and the duty of a strict economy in every branch of the public service, is too universally known and admitted, to require a repetition. Economy in public affairs is by no means limited in its application to the mere amount of money expended in carrying on the government. It is of the first importance to inquire for what purposes the money of the people is expended, and the manner that those who receive it perform their duty.

The rules and principles which govern a prudent and sagacious man in conducting his own matters, are properly applicable to public matters. Such a man will employ no more persons than are necessary to carry on his business with success. When he fixes upon the *number* of persons, he then looks out for the *proper* persons to do his business. He will then give them such a compensation as will be a just reward for their labor, and will be likely to secure such services as long as he may need them. Public offices are public trusts, created for the benefit of the whole people, and not for the benefit of those who may fill them.

There should be no more offices in the state than the public good demands. Suitable and proper persons should be appointed to fill them, and their duties ought to be clearly defined by law. The pay attached to all offices should be such as to secure

competent men to fill them with ability and honor. He who, at their request, serves the public faithfully, has a right to a just compensation for his services. When appointed to the post, the officer should be held to a personal discharge of his trust. If the pay is too large, selfishness, stimulated by the lust of gain, will adroitly seize upon the place, to the exclusion of honesty, ability and fidelity. If it is too small, meritorious indigence will be shut out of public employment, and the wealthy only will fill the places of trust; or the reckless and unprincipled will gain them, with the hope of making up the deficiency of pay, by plundering the public.

The principle laid down by Mr. Jefferson, and repeated by many who have succeeded him, but generally neglected in practice, that public officers should be fully protected in the enjoyment of their opinions, and in the exercise of the elective franchise, but restrained from partisan interference in politics, experience has shown to be a sound one. If fairly carried out, it would not only be beneficial to the officer, but it would have a tendency to secure a right discharge of his official duties. As a matter of policy, a public servant could in no way reflect so much honor upon those who appointed him, or do so much credit to his party, as by honestly fulfilling the appropriate duties of his office.

With our numerous representation, perhaps there is no one mode by which so much economy in the public expenses could be attained, as by shortening the sessions of the Legislature.

This is a matter entirely within your control, and with great respect I make the suggestion. I would by no means have you neglect or pass with improper haste any of the appropriate business of legislation.

It seems to me that a careful observer of the course of things in this country, will be impressed with the idea, that too much legislation, both in the states and in congress, is one of the prominent evils of the times. Simplicity, certainty, and stability in the laws which give title to the property, and regulate the business intercourse of the citizens of a state, are of very great importance. Frequent changes in existing laws, are constantly defeating these objects, and rendering the business transactions of men, and the tenure of their property, uncertain. Every new law, and every alteration of an old one, sows the seeds of litigation in the community. And the conflicting interests, and disturbed passions of men, will generally insure a plentiful harvest.

A reference to the number of cases in the late volumes of our own reports, which arise upon the statute laws of the state, will throw light upon this subject.

The practice of discussing subjects in the assemblies of the states, that appropriately belong to the national legislature—which has increased within the last few years—tends very much to disturb the harmony of local legislation, as well as to

protract their sessions and increase the expenses of the States. The members of congress from a state, and the members of a state legislature, are chosen by the same constituency, but for very different objects. Upon the common and ordinary subjects of legislation, it is difficult to understand how the one can properly interfere with the duties of the other. If this practice continues to increase, there is reason to fear the effect will be to lessen the already diminished weight and dignity of the states, and build up and strengthen the central power at Washington. It cannot be denied by those who have carefully watched the progress of such things, that the action of state legislatures on exciting political topics, often have their origin at the seat of the general government, and are designed to accomplish some party purpose there. The danger of such a course is, that, in times of high party agitation, the state legislatures will sink from the lofty position which, in our complicated and beautiful system of government they ought to occupy, and become the mere outposts of a great central political encampment in the district of Columbia. Would it not be safer and wiser for the state assemblies to confine their discussions and action, to matters which properly belong to them, and leave all national questions of ordinary legislation to those who are chosen by the people to conduct them.

There are occasions and subjects upon which it is the right and the duty of the state legislatures to speak, though action in the first instance may belong to Congress. Questions which involve some great interests, or the constitutional and reserved powers of the states, or the liberty of their citizens, are of this character. When, upon such questions and such occasions, they send up their opinions, properly expressed, to the great council of the nation, they should go up as the united, solemn voice of the people of the state, uttered through their representatives. Under such circumstances, the opinion of a state, expressed with dignity by its constitutional organ, would be respected by those to whom it should be addressed.

A sense of official duty impels me to invite your attention to that part of an act, passed at the last session of our legislature, entitled "an act establishing the salaries of certain officers," which reduces the salaries of the judges of the supreme judicial court.

I do this without regard to the competency of those salaries before, or since their reduction, and solely upon constitutional grounds. Has the legislature the constitutional power to reduce the salaries of the judges of the supreme judicial court below the amount at which they were established by law at the time when they were appointed and accepted of their offices?

This is a question of deep interest to the people of this Commonwealth. It should be met and discussed with calmness.

Let the constitution speak for itself. The twenty-ninth article of the bill of rights says, "it is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and *independent*, as the lot of humanity will admit."

"It is therefore not only the best policy, but *for the security of the rights of the people and of every citizen*, that the judges of the supreme court should hold their offices as long as they behave themselves well,—and that they should have *honorable* salaries ascertained and *established* by standing laws." In the 13th article of the first section of the 2d chapter, it is declared "that *permanent* salaries shall also be *established* by law for the justices of the supreme judicial court. And if it should be found that any of the salaries aforesaid, *so established*, are insufficient, they shall from time to time, be enlarged as the General Court shall judge proper." By the established laws of the Commonwealth, in full force when the present excellent and learned judges of that court were appointed, the salary of the chief justice was fixed at \$3500, and the associate justices at \$3000 each. Can comment or argument make the intention and meaning of the clear minded authors of that instrument, more obvious or certain than it is made by their own implicit language?

The article in the bill of rights which has been quoted, declares that "it is the right of every citizen to be tried by judges as *free, impartial and independent* as the lot of humanity will admit." The *freedom, impartiality and independence* of the judges was the object to be secured. And this object was to be attained for the *security of the life, liberty, property and character of the citizen*.

It then names the means of accomplishing this important end. And they are two: First, the judges "shall hold their offices as long as they behave themselves well;" and secondly, "they shall have *honorable salaries* ascertained and *established* by standing laws." It is quite apparent that either of these means alone would have been of very little worth towards accomplishing the end. Are judges dependent upon another department of the government for their appointment, and the amount of their pay from year to year, as *independent* in the sense of the bill of rights, as they would be if they held their offices as long as they behaved themselves well, and had salaries established by law, beyond the control of that other department, during their continuance in office? The lot of humanity must be changed before this question can be answered in the affirmative. The word *honorable*, qualifies the amount of the salary. The terms ascertained and established by standing laws, if they have any definite meaning, would seem to distinguish what their authors intended to do for the

judges, from the uncertain mode of paying them by fees and perquisites, from leaving the amount of their compensation to be settled by the legislature from year to year, and providing for them a permanent support.

The provision in the 2d chapter shows what was intended by salaries ascertained and established by standing laws, by saying that "*permanent* salaries shall be established by law for the justices of the supreme judicial court."

It is sometimes said, that if the legislature have the power to raise the salaries of the judges, they also have the power to reduce them.

However plausible this argument might have been, if the constitution had been silent about it, it loses all its force when it is shown that an express power is given to increase them, when it shall be found that those established are insufficient.

In such a case they are to "be enlarged as the general court shall judge proper." If the cautious and far seeing men who framed that instrument, intended to confer upon the legislature the power to reduce as well as to enlarge the judges salaries, what possible reason can be given why they did not say so. In the 3d article of the 6th chapter, "power is given to the legislature, from time to time, to increase such qualifications as to property of the persons to be elected to offices, as the circumstances of the Commonwealth shall require."

From this express power, given to increase the property qualifications of the officers named, can the right to reduce them be argued? It is believed no such argument has ever been put forth. An amendment to the constitution has subsequently abolished those qualifications. More than sixty different Legislatures have discharged their high official functions under the authority of our time-honored constitution, and no one of that number in all the revolutions of parties, except the one assembled during the last year, have ever exercised such a power as we are now discussing. The existing judges were appointed under the constitution, to hold their offices as long as they should behave themselves well. They accepted their appointments to their responsible and laborious offices with the knowledge that their salaries were ascertained and established by standing laws. The plain language of that sacred instrument was before them; and the uniform and unquestioned construction of all parties, and of every Legislature, for more than three score years, had declared their salaries to be permanent. Can those salaries, or any part of them, now be taken from those judges without violating the good faith of the state? Can the independence of the judges of that important tribunal, which is a separate department of your government, be shaken, without disregarding that vital article in the bill of rights, which declares "that it is the *right* of every citizen to be tried by judges as *free impartial*, and *independent* as the lot of humanity will admit."

The importance of an impartial interpretation of the laws and administration of justice, by independent judges, was not over estimated by our discreet and patriotic fathers. They held that the rights of the citizen required the independence of the judge. They engraved it upon the tablet of their constitution, that it was "not only the best policy, but for the security of the rights of the people and of every citizen, that the judges of the supreme court should hold their offices as long as they behaved themselves well, and that they should have honorable salaries established by law;" that they should have *permanent* salaries. The law under consideration in effect proclaims, that those salaries declared by the constitution to be *established* and *permanent*, shall be held at the *pleasure* of the legislative department of the government, and be reduced at their *will*. One of the most illustrious statesmen of our country, in a commentary upon the constitution of the United States, in discussing the judiciary department, says, "in the general course of human nature, a power over a man's subsistence, is a power over his will, and we can never hope to see realized in practice, the complete separation of the judicial from the legislative power in any system, which leaves the former dependent for pecuniary resources on the occasional grants of the latter." All history attests the truth and justice of his remark.

The question before us is not so much what the constitution should be, as what it is. If its existing provisions deny to the Legislature the power to take away the salaries of the judges, it is the supreme law of the state, and the Legislature must bow to it with reverence until it is changed by the power which made it.

There can be no citizen in Massachusetts who would consent to save a few hundred dollars per annum at so costly a sacrifice as a violation of the constitution. Such would be a false economy; an economy dangerous and fatal to liberty. What would be said of the prudence and economy of a farmer, who, to save the expense of a dozen rods of fence, would throw open his rich and half-grown field of corn to the ravages of his own and his neighbor's cattle? By one such act of folly, he would destroy the fruits of his labor for months, and blast the hopes of his harvest.

Unsettle and subvert the laws of the state, which protect the person and secure the property of the citizen; throw down the pillars of the constitution, which mark and define the limits of Legislative power; leave every question to the impulses and excitements of the day, and what would property be worth? What would life itself be worth in such a state of things? These views upon this momentous subject have been frankly presented to you, and I now submit it to your grave and candid consideration.

The people of all free governments will be divided into po-

litical parties. The security of liberty is increased by such divisions. Differences of opinion upon measures best calculated to promote the public good, lead to discussion, and discussion leads to the discovery of truth. But the members of different parties should remember, that they are all brethren of the same family. That they have one country to serve, and that one destiny awaits them. All are interested alike in the cause of freedom and human rights, all are alike affected by bad laws, and all receive the benefit of just and wise measures. The author of the declaration of independence, when officially addressing the two great political parties of his time, said "we are all republicans, we are all federalists." If the sentiment of this passage could be generally diffused into the minds of our fellow citizens, it would modify the excess of political feelings, and tame the fierce spirit of struggling partisans.

When the open and manly champions of equal and just laws, sink into the designing advocates of party, and the divided masses range themselves under their selfish leaders, and forget their true interest in their zeal for a petty triumph over their opposing brethren, the morals of the community suffer, and liberty itself is endangered. A spirit of liberality and forbearance towards those of our fellow citizens who differ from us in opinion, whilst it involves no sacrifice of principle on our part, would give them evidence of our sincerity, and open their minds to hear our arguments.

If when parties gain power, they would wield that power for the benefit of the whole people, by the support of wise and moderate measures, they would disarm, at least, the reasonable part of their adversaries, and manifest to the world the truth of their professions when striving for the ascendancy. A majority which uses its power for mere party purposes, and disregards the interests and tramples on the rights of the minority, is a despotism. It is no less odious and oppressive because it is wielded by many, instead of one hand.

And a minority, which, by all the means it can devise, misrepresents, embarrasses, and thwarts the measures of a majority, because they are the measures of a majority, is a faction. High professions of patriotism, and regard for the people's rights, will not change the real character of parties which act upon such principles.

Having been, by the favor of a portion of my fellow citizens, for several years employed in another branch of the public service, I am not so familiar with the details of the affairs of the Commonwealth, as to enable me to treat of them in this address. The state of the treasury has been laid before you by the report of the treasurer.

Should the public interest require any subject from the executive department to be laid before you during the session, it will be done by special communication.

The balance claimed to be due from the general government

to this state and the state of Maine, for money expended in the public defence during the late war with Great Britain, has not yet been paid. The claim long since passed through the proper accounting offices, and is believed to rest on the same principles upon which allowances for similar claims have been made to other states, and needs only an act of appropriation to do us justice. It is hoped that justice may be done during the present session of congress.

We are instructed by our bill of rights, that "a frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty and to maintain a free government; and that the people have a right to require of their lawgivers and magistrates an exact observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth."

The constitution itself makes it "the duty of the Legislature and magistrates," among other things, "to cherish the interests of literature and the sciences, and all seminaries of them, especially the University at Cambridge, public schools and grammar schools in the towns, to encourage private societies and public institutions, rewards and immunities for the promotion of agriculture, arts and sciences, commerce, trades, manufactures, and a natural history of the country, to countenance and inculcate the principles of benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings, sincerity, good humor, and all social affections, and generous sentiments among the people."

Legislators of Massachusetts,—these are the high and noble purposes for which this government was instituted. They bear the impress of the great men who formed, and the brave and patriotic people who adopted the constitution in which they are written. They are purposes worthy the attention of the representatives of an enlightened Commonwealth. To carry them forward you are clothed with the power of making laws. The successive legislatures which have followed each other during two entire generations of men, have made those principles the landmarks, to guide their official course: how far they transcend in reason and dignity the narrow and selfish purposes of party policy.

Few, if any communities, in the history of the human race, have, for the same period of time, enjoyed more uninterruptedly the highest degree of personal, civil and religious liberty allotted to man on earth, and more firmly advanced in those improvements, which ornament and elevate society, than have the people of Massachusetts. May we not cherish the hope, that under the blessings of Providence, those sacred institutions will continue to have a salutary and controlling influence over the minds and hearts of the present and future generations.

With profound gratitude to the Supreme Ruler of the world for the mercies of the past year, and for the liberal and wise institutions which he has caused to come down unimpaired to us from our fathers, and invoking that wisdom which he gave to their councils to guide our deliberations, let us enter upon the duties assigned us.

M E S S A G E S .

To the House of Representatives :

In compliance with the request of the Honorable House, contained in their order of the fourth instant, I inform them that the Executive was duly impressed with the importance and delicate nature of the agency established by the "Resolves relating to the imprisonment of citizens of this Commonwealth, in other States," and with the difficulty of selecting individuals who would execute all the duties devolved upon them with ability and fidelity, and without interrupting or endangering the friendly relations now happily subsisting between this State and its associates in the Union.

A consideration of the expense which might attend the execution of the commission, as well as the facility of performing the duty required and the import of the resolves themselves, all pointed to the selection of agents who were residents of the cities named in the resolves.

After much time spent in inquiry, and in seeking for individuals of high characters and acknowledged efficiency, on the first day of November last, John A. Maybin, Esquire, of New Orleans, and Benjamin Faneuil Hunt, Esquire, of Charleston, two men alike distinguished for their talents, their humanity, and their moral worth, were, with the advice and consent of the Council, appointed agents for their respective ports. A commission, with a copy of the resolves aforesaid, annexed, and a letter of instructions, of all which copies are herewith transmitted, were at once forwarded, by mail, to each of the agents.

From Mr. Hunt, no reply has been received.

On the twenty-fourth of November last, a letter, of which a copy is herewith transmitted, was received from Mr. Maybin, declin-

ing the appointment and returning his commission. At the next subsequent meeting of the Council, William Gardner, Esquire, of New Orleans, a man believed to be, in every respect, well qualified to discharge the duties of the agency, was appointed his successor. A commission, copy of the resolves, and letter of instructions, exact counterparts of those sent to Mr. Maybin, were forwarded, by mail, to Mr. Gardner, on the twenty-first of December last. No reply has been received from him. This is "all the action that has been had," by the Executive, "under said resolves."

MARCUS MORTON.

Council Chamber, Jan. 5, 1844.

To the Senate :

I herewith transmit to the Honorable Senate, for the information of the two Houses, the following documents, received from my predecessor :

1—The annual return of the Adjutant General, showing the state of the military force of the Commonwealth, and the present condition of the arsenals and the arms and munitions therein

2—The annual reports of the Trustees, the Superintendent and Treasurer of the State Lunatic Hospital.

3—The annual reports of the Inspectors, Warden, Chaplain, and Physician of the State Prison.

4—A preliminary report of the Commissioners appointed to locate grants, and determine the extent of possessory claims under the treaty of Washington.

5—Resolutions of the General Assembly of the State of Connecticut, "in relation to the tariff, to the franking privilege, to the French spoliations, and to West Point Academy."

6—Resolutions of the Legislature of New Hampshire, relating to refunding a fine imposed on General Jackson.

7—Resolutions of the Legislature of Alabama, in relation to the assumption and repudiation of state debts, and to the controversy between New York and Virginia.

8—Resolutions of the Legislature of South Carolina, in relation to the annexation of Texas to the Union, and to the assumption of the debts of the states by the United States.

9—Correspondence with the War Department, relative to the removal of the United States troops from Forts Kent and Fairfield.

10—Resolutions and declaration of a convention of delegates from the states and territories of the west and south-west, relative to the occupation of the Oregon Territory.

11—A letter from the Secretary of State, with a copy of a communication from the British Minister, covering an abstract

account of the disputed territory fund, and a list of bonds belonging to the same fund.

I also transmit the final report of the Bank Commissioners for 1843.

The above named documents being all transmitted in the original, it is respectfully requested that they may be communicated by the Senate to the other branch of the Legislature.

GEORGE N. BRIGGS.

Council Chamber, Jan. 12, 1844.

To the Senate :

In compliance with the request of the Senate, I transmit to them a copy of the record of the Executive Council, which relates to the State Map, since the last legislative action upon the subject, together with the papers relating thereto. It is believed that they are the records and papers intended to be called for by the order of the 11th instant. If the Senate should desire copies of those relating to the proceedings of past years, they will be communicated as soon as the time necessary for making copies will permit.

GEORGE N. BRIGGS.

Council Chamber, Jan. 13, 1844.

To the Senate :

I herewith transmit to the Honorable Senate for the information of the two Houses, the Report of the Board of Education, together with that of its Secretary, for the past year.

GEORGE N. BRIGGS.

Council Chamber, Jan. 17, 1844.

To the Senate :

In compliance with the request of the Honorable Senate, I herewith transmit a copy of so much of the records of the Council for the years 1813-41, as relates to the distribution of religious books in the State Prison, with the accompanying documents.

GEORGE N. BRIGGS.

Council Chamber, Jan. 18, 1844.

To the Senate :

In compliance with the request of the Honorable Senate, I herewith transmit a list of all the civil officers, commissioners

and agents appointed by Executive or Legislative authority, during the last political year.

GEORGE N. BRIGGS.

Council Chamber, Jan. 30, 1844.

To the Senate :

In compliance with the request of the Honorable Senate in their order of the 27th instant, I herewith transmit a copy of the Council record, of the appointment of commissioners under the resolve of March 18, 1843; also, copies of the report of said commissioners, and of orders of Council dated June 21, and July 1, 1843.

GEORGE N. BRIGGS.

Council Chamber, Jan. 31, 1844.

To the Senate :

In compliance with the request of the Honorable Senate, in their order of the third instant, I transmit herewith copies of all the records of proceedings of the Council, and all documents upon the files of the Council relating to the survey and sale of the arms, ordnance, ordnance-stores, and munitions of war, formerly or now belonging to the State; and also in reference to the sale of the arsenal in Boston, together with all the correspondence with the Acting Quarter Master General, and all reports and returns made to the Acting Quarter Master General in regard thereto, in the years 1843 and 1844; excepting such records, &c., as were furnished to the Senate on the thirty-first day of January last.

GEORGE N. BRIGGS.

Council Chamber, Feb. 7, 1844.

To the Senate :

I transmit herewith to the Honorable Senate, a copy of a report of a committee of the Executive Council, on the affairs of the State Prison, accepted Nov. 1, 1843, in which is embraced the report of commissioners on the subject of repairs, referred to in the order of the Senate of the 7th instant.

GEORGE N. BRIGGS.

Council Chamber, Feb. 9, 1844.

To the Senate and House of Representatives :

In the report of the Warden of the State Prison, made to the Governor in November last, he says, "there are four convicts in the prison wholly or partially deranged, and consequently

unsafe persons to be at large in the prison yard. No suitable accommodations are provided for insane persons. The only thing that can be done for them is to shut them up in solitary cells, where the diseases of the mind instead of being healed are aggravated and confirmed. One man has been confined in this way for several years, two others for shorter periods of time."

The inspectors of the prison in their report call the attention of the government to the fact that there are several insane persons in the prison, for whom no suitable provision is made. They further say, "they have reason to apprehend that some of these persons were insane at the time of committing the offences of which they were convicted, and have been so during the whole period of their confinement." I have seen those unfortunate men and witnessed the cheerless and gloomy cells in which, from necessity, under existing laws, they are shut up. With no one to look after them capable of administering to minds diseased, they are left alone to the workings of their disordered brains. There is reason to believe that cases, which in their early stages would yield to proper treatment, if neglected as these persons now are, will end in hopeless insanity.

It seems inhuman and cruel that persons bereft of their reason, upon whom punishment can produce no useful effect, should be made to suffer more severely than those who are conscious they are paying the just penalty of violated law.

Existing laws make provisions for sending persons in county gaols, under sentence, who may become insane, to the State Lunatic Hospital at Worcester. And if on the trial for an offence before the courts, a jury find the prisoner not guilty by reason of insanity, the court have power to send him to the Lunatic Hospital. This has been done in the case of the miserable man who killed the late Warden of the State Prison, whilst his fellow prisoners are shut up in their cells.

I recommend the enactment of a law, directing that convicts in the State Prison who shall be found to be insane, shall be removed to the State Lunatic Hospital, at Worcester, until their reason shall be restored, or the time for which they are committed to prison shall have expired.

To ascertain the fact of insanity, the cases of those convicts who appear to be so might be submitted to the examination of persons whose education and professional experience qualify them to be judges. Perhaps a commission consisting of the Superintendents of the State Lunatic Hospital at Worcester, and of the McLean Asylum, and the Physician of the State Prison, would constitute a safe and careful board for such a purpose. Whether the persons to make such examination should be named in the law, or left to be appointed in some other mode, will be for the Legislature to decide if they shall see fit to act on the subject.

It appears to me that the condition of the present lunatic in-

mates of our State Prison calls for prompt action on the part of the Legislature.

I deem it my duty to direct your attention to their situation, and respectfully but urgently to invite you to make immediate provisions for their relief.

GEORGE N. BRIGGS.

Council Chamber, Feb. 10, 1844.

To the Senate :

In compliance with the request of the Honorable Senate, in their order of the 9th instant, I transmit herewith a list of all civil officers appointed by the Executive from the 11th of January, 1842, to the 20th of January, 1843, being the political year 1842-3; also a statement of the number of civil officers appointed annually for ten years past.

No appointment appears to have been made during the year 1843, to fill a vacancy in any office caused by the removal of the incumbent, except that of the Adjutant General.

GEORGE N. BRIGGS.

Council Chamber, Feb. 17, 1844.

To the House of Representatives :

I herewith transmit to the Honorable House, for the information of both Houses, resolves of the State of Maine, in relation to certain funds.

GEORGE N. BRIGGS.

Council Chamber, Feb. 20, 1844.

To the Senate :

The Senate are respectfully informed, in reply to their order of the 20th instant, that the Executive has no means of furnishing information concerning either branch of the inquiry included in that order. The documents from which it might have been obtained, are believed to have been among the papers conveyed to Washington by the agents appointed in the year 1823 to prosecute the claims of this Commonwealth on the United States, for expenditures for militia services during the late war; which papers do not appear to have been returned into the custody of the Commonwealth.

GEORGE N. BRIGGS.

Council Chamber, Feb. 21, 1844.

To the Senate :

In compliance with the resolves of 1837, chapter 30, I herewith transmit to the Honorable Senate, to be laid before both

houses, a report of the penal code of Massachusetts, prepared by the commissioners appointed to reduce so much of the common law of Massachusetts, as relates to crimes and punishments and the incidents thereof, to a written and systematic code.

With the report I transmit certain documents, in print and manuscript, therein referred to, and a separate report of John Gray Rogers, Esq., one of the commissioners.

GEORGE N. BRIGGS.

Council Chamber, Feb, 24, 1844.

To the Senate and House of Representatives :

I herewith transmit, for the consideration of the Honorable Senate and House of Representatives, a copy of a letter this day received from the governor of Maine, accompanied by resolves of that state," additional to resolves authorizing the appointment of commissioners to locate grants, and determine the extent of possessory claims, under the late treaty with Great Britain."

GEORGE N. BRIGGS.

Council Chamber, March 5, 1844.

To the Senate :

I herewith transmit, for the information of the Legislature, a communication from the governor of Mississippi, accompanied by resolves of the legislature of that state concerning the annexation of Texas to the United States.

GEORGE N. BRIGGS.

Council Chamber, March 11, 1844.

To the Senate :

In compliance with an order of the Honorable Senate of the 12th instant, I herewith transmit a tabular statement of the amounts paid for printing, under the direction of the board of education, during the seven years since the creation of that board. The reports of the board have made part of the same volume with the reports of its secretary, and there are no materials in the public offices for distinguishing between the cost of the abstracts of school returns, and that of other blanks.

GEORGE N. BRIGGS.

Council Chamber, March 13, 1844.

To the Senate :

I have received a printed communication purporting to be from the Governor of the State of Virginia, forwarding a copy of Resolutions passed by the General Assembly of that State on the 15th of February last, on the subject of Resolves passed by the Legislature of this Commonwealth on the 16th day of January, proposing so to amend the Constitution of the United States, as that representatives and direct taxes shall be apportioned among the several states, which are or may be included within this Union, according to their respective numbers of free persons, excluding Indians not taxed.

With the abovenamed Resolutions, in obedience to the fourth in the series, the Resolves of this Commonwealth, with the letter of the Secretary accompanying them, are returned to the Governor of Massachusetts. The Resolves of Virginia are not authenticated in the manner usual in such communications.

These proceedings, on the part of the General Assembly of Virginia, are, as far as I know, without a precedent in the correspondence between states of this Union.

The Resolves of this Commonwealth, above referred to, with a verbal alteration, have been passed by two successive Legislatures with great unanimity. They propose, in a respectful and constitutional manner, an amendment to the Constitution of the United States.

The manner in which they have been treated by the government of Virginia demands your prompt and cautious consideration.

While I am persuaded that the Legislature of Massachusetts will under no circumstances forget, or disregard that courtesy and decorum which should always mark the conduct of the members of this confederacy towards each other, I trust they will on this occasion maintain the ground which they have deliberately taken, with a manliness and dignity, that become the representatives of an enlightened and independent people.

GEORGE N. BRIGGS.

Council Chamber, March 14, 1844.

LIST
OF THE
CIVIL GOVERNMENT
OF THE
Commonwealth of Massachusetts,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR 1844.

HIS EXCELLENCY
GEORGE N. BRIGGS,
GOVERNOR.

HIS HONOR
JOHN REED,
LIEUTENANT GOVERNOR.

COUNCIL.
GEORGE MOREY,
ALFRED D. FOSTER,
ROBERT S. DANIELS,
EDWARD A. NEWTON,
THADDEUS SPAULDING,
THOMAS FRENCH,
CHARLES MARSTON,
WILLIAM G. BATES,
JAMES ARNOLD.

JOHN G. PALFREY,
Secretary of the Commonwealth.

William Tufts, 1st Clerk.

Charles W. Lovett, 2d Clerk.

THOMAS RUSSELL,

Treasurer and Receiver General of the Commonwealth.

Joseph Foster, 1st Clerk.

David Wilder, Jr. 2d Clerk.

SENATE.

JOSIAH QUINCY, JR.

PRESIDENT.

SUFFOLK DISTRICT.

Josiah Quincy, Jr.
Jeffrey Richardson,
Nathaniel Hammond,

Charles Francis Adams,
John C. Park.

ESSEX DISTRICT.

Allen W. Dodge,
John Safford,
Francis S. Newhall,

Alfred Kittredge,
Thomas J. Clark,

MIDDLESEX DISTRICT.

Stevens Hayward,
Asa F. Lawrence,
Henry Wilson,

Charles Choate,
Isaac Livermore,
Royal Southwick.

WORCESTER DISTRICT.

Levi Lincoln,
Solomon Strong,
Linus Child,

Alexander DeWitt,
Dan Hill.

HAMPSHIRE DISTRICT.

Myron Lawrence,

Benjamin Barrett.

FRANKLIN DISTRICT.

William Whitaker,*

Polycarpus L. Cushman.

HAMPDEN DISTRICT.

Joseph M. Forward,

Jehiel Abbott.

* Mr. Whitaker having died during the session of the Legislature, Henry W. Cushman, Representative from Bernardston, was elected to fill the vacancy.

BERKSHIRE DISTRICT.

Henry H. Cock,

Asahel Buck, Jr.

NORFOLK DISTRICT.

Benjamin F. Copeland,

Joseph Richards.

Luther Metcalf,

PLYMOUTH DISTRICT.

Morrill Allen,

Jesse Murdock.

BRISTOL DISTRICT.

Elnathan P. Hathaway,

Cyrus E. Clark.

Johnson Gardner,

BARNSTABLE DISTRICT.

Solomon Davis,

John B. Dillingham.

NANTUCKET AND DUKES CO. DISTRICT.

Obed Barney.

 CHARLES CALHOUN, *Clerk.*
W. P. GREGG, *Assistant Clerk.*REV. JAMES F. CLARKE, *Chaplain.*MILTON HALL, *Doorkeeper.*EDWIN HILLS, *Assistant Messenger.*TILSON FULLER, *Page.*

HOUSE OF REPRESENTATIVES.

THOMAS KINNICUTT,
SPEAKER.

COUNTY OF SUFFOLK.

Boston,

John Atkins,
George T. Bigelow,
Luther Blodgett,
Joseph Bell,
Larra Crane,
Peleg W. Chandler,
Bradley N. Cumings,
John Codman,
Luther S. Cushing,
Edmund Dwight,
Ebenezer Ellis,
David Francis,
Daniel L. Gibbens,
John C. Gray,
H. B. C. Greene,
Jabez C. Howe,
Samuel F. Holbrook,
William H. Lane,
Ezra Lincoln,
Benson Leavitt,
James Means,
Ezra Palmer,
William W. Parrott,
Julius A. Palmer,
Samuel Pettes,
Jona. Preston,
Charles T. Russell,
Asa Swallow,
J. T. Stevenson,

<i>Boston,</i>	Samuel W. Sloan, Thomas Tolman, Joel Wheeler, Samuel Wales, Jr., James S. Wiggin, William Willett,
<i>Chelsea,</i>	Hosea Ilsley,

COUNTY OF ESSEX.

<i>Amesbury,</i>	
<i>Andover,</i>	
<i>Beverly,</i>	Edwin M. Stone, John Picket,
<i>Boxford,</i>	
<i>Bradford,</i>	
<i>Danvers,</i>	Frederick Morrill, Joshua Silvester, Moses Burnham, Jr., Henry P. Chaplin, Jonathan Burnham, Jr., Silas Bray, Elbridge Day,
<i>Essex,</i>	
<i>Georgetown,</i>	
<i>Gloucester,</i>	
<i>Hamilton,</i>	
<i>Haverhill,</i>	
<i>Ipswich,</i>	
<i>Lynn,</i>	Cyrus Washburn, Israel Perkins, Jesse L. Lewis, Caleb M. Long, Enoch Russell, Albert E. Low, Samuel Chinn, 2d, William H. Reynolds,
<i>Lynnfield,</i>	
<i>Manchester,</i>	
<i>Marblehead,</i>	
<i>Methuen,</i>	
<i>Middleton,</i>	
<i>Newbury,</i>	Jacob Atkinson, Thomas Huse, Issac H. Boardman, Ebenezer Bradbury,
<i>Newburyport,</i>	

<i>Newburyport,</i>	Charles H. Balch,
<i>Rockport,</i>	William Grover,
<i>Rowley,</i>	Luther Moody,
<i>Salem,</i>	Leverett Saltonstall,
	Israel Ward, Jr.,
	Allen Putnam,
	George Wheatland,
	William P. Endicott,
	Daniel Potter,
<i>Salisbury,</i>	
<i>Saugus,</i>	Benjamin F. Newhall,
<i>Topsfield,</i>	Charles C. Brackett,
<i>Wenham,</i>	
<i>West Newbury,</i>	

COUNTY OF MIDDLESEX.

<i>Acton,</i>	Ivory Keyes,
<i>Ashby,</i>	
<i>Bedford,</i>	John W. Simonds,
<i>Boxboro',</i>	
<i>Billerica,</i>	John Eames,
<i>Brighton,</i>	Henry H. Larnard,
<i>Burlington,</i>	Abner Shed,
<i>Cambridge,</i>	Levi Farwell,
	John Sargent,
	Ezekiel Hayden,
<i>Carlisle,</i>	
<i>Charlestown,</i>	Freeman F. Tilden,
	Richard Frothingham, Jr.,
	Philip B. Holmes,
	Absalom Rand,
<i>Chelmsford,</i>	Paul Kittredge,
<i>Concord,</i>	Anthony Wright,
<i>Dracut,</i>	Fisher A. Hildreth,
<i>Dunstable,</i>	Henry Parkhurst,
<i>Framingham,</i>	Moses Edgell,
<i>Groton,</i>	George S. Boutwell,
<i>Holliston,</i>	
<i>Hopkinton,</i>	Nehemiah Pierce,
<i>Lexington,</i>	

<i>Lincoln,</i>	Ezekiel Wright,
<i>Littleton,</i>	Joshua Swan,
<i>Lowell,</i>	William Schouler,
	James Fenno,
	John W. Holland,
	Daniel Balch,
	Joseph M. Dodge,
	John A. Knowles,
	Franklin Farrar,
	John L. Fitts,
<i>Malden,</i>	Jonathan Oakes,
<i>Marlboro',</i>	Abel Rice,
<i>Medford,</i>	Thacher R. Raymond,
<i>Natick,</i>	John Kimball,
<i>Newton,</i>	Otis Trowbridge,
<i>Pepperell,</i>	Arnold Hutchinson,
<i>Reading,</i>	Addison Flint,
<i>Sherburne,</i>	John Leland,
<i>Shirley,</i>	Jonas Holden,
<i>Somerville,</i>	
<i>South Reading,</i>	Jonas Cowdrey,
<i>Stoneham,</i>	George Cowdrey, Jr.
<i>Stow,</i>	Joel Walcott,
<i>Sudbury,</i>	James Moore,
<i>Townsend,</i>	Henry Sceva,
<i>Tewksbury,</i>	Edward Kendall,
<i>Tyngsboro',</i>	
<i>Waltham,</i>	John M. Peck,
<i>Watertown,</i>	
<i>Wayland,</i>	
<i>West Cambridge,</i>	George Stearns,
<i>Westford,</i>	George Harlow,
<i>Wilmington,</i>	
<i>Woburn,</i>	Nathaniel A. Richardson,
<i>Weston,</i>	Edwin Hobbs,

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	
<i>Athol,</i>	Samuel Sweetser,

<i>Auburn,</i>	Thomas Merriam,
<i>Barre,</i>	James Holland,
<i>Berlin,</i>	Oliver B. Sawyer,
<i>Bolton,</i>	Joel Barnard,
<i>Boylston,</i>	John T. Cotton,
<i>Brookfield,</i>	
<i>Charlton,</i>	William B. Boomer,
<i>Dana,</i>	
<i>Douglas,</i>	Joseph Batchelder,
<i>Dudley,</i>	
<i>Fitchburg,</i>	
<i>Gardner,</i>	Joseph Wright,
<i>Grafton,</i>	
<i>Hardwick,</i>	Stephen W. Paige,
<i>Harvard,</i>	Ellis Harlow,
<i>Holden,</i>	Ira Broad,
<i>Hubbardston,</i>	
<i>Lancaster,</i>	John M. Washburn,
<i>Leominster,</i>	Leonard Burrage,
<i>Leicester,</i>	John Woodcock,
<i>Lunenburg,</i>	Sewell Boutwell,
<i>Mendon,</i>	Peter Gaskill, Jr.
<i>Milford,</i>	Adam Hunt,
<i>Millbury,</i>	
<i>New Braintree,</i>	Henry A. Delano,
<i>Northboro',</i>	Cyrus Gale,
<i>Northbridge,</i>	Washington White,
<i>North Brookfield,</i>	
<i>Oakham,</i>	Horace P. Wakefield,
<i>Oxford,</i>	Jasper Brown,
<i>Paxton,</i>	Gaius Conant,
<i>Petersham,</i>	Seth Hapgood,
<i>Phillipston,</i>	Jason Goulding,
<i>Princeton,</i>	Israel Everett,
<i>Royalston,</i>	Barnet Bullock,
<i>Rutland,</i>	Henry Brigham,
<i>Shrewsbury,</i>	
<i>Southboro',</i>	
<i>Southbridge,</i>	William Haskell,
<i>Spencer,</i>	Jabez Green,

<i>Sterling,</i>	Manasseh Houghton,
<i>Sutton,</i>	Zelek Darling, Jr.
<i>Sturbridge,</i>	Hezekiah Allen,
<i>Templeton,</i>	Charles T. Fisher,
<i>Upton,</i>	
<i>Uxbridge,</i>	
<i>Warren,</i>	Daniel A. Hathaway,
<i>Webster,</i>	Solomon Robinson,
<i>Westboro',</i>	Josiah Brigham,
<i>West Boylston,</i>	Brigham Prescott,
<i>Westminster,</i>	
<i>Winchendon,</i>	Warham Rand,
<i>Worcester,</i>	Thomas Kinnicutt,
	Fitzroy Willard,
	Nathaniel Brooks,

COUNTY OF HAMPSHIRE.

<i>Amherst,</i>	Timothy J. Gridley,
<i>Belchertown,</i>	Gideon Ames,
<i>Chesterfield,</i>	Alvan Macomber,
<i>Cummington,</i>	Robert Dawes, Jr.
<i>Easthampton,</i>	Eleazer W. Hannum,
<i>Enfield,</i>	Luther Chapin, Jr.
<i>Granby,</i>	Eli Moody,
<i>Greenwich,</i>	Samuel Hale,
<i>Goshen,</i>	
<i>Hadley,</i>	Samuel Nash,
<i>Hatfield,</i>	
<i>Middlefield.</i>	Matthew Smith,
<i>Northampton,</i>	Erastus Hopkins,
	Nathan Dikeman,
<i>Norwich,</i>	Garry Munson,
<i>Pelham,</i>	Calvin D. Eaton,
<i>Plainfield,</i>	Jerijah Barber,
<i>Prescott,</i>	Barry W. Aldrich,
<i>South Hadley,</i>	Erastus T. Smith,
<i>Southampton,</i>	
<i>Westhampton,</i>	John A. Judd,
<i>Ware,</i>	Jonathan Harwood,

Williamsburg,
Worthington,

Joel Hayden,
Ethan C. Ring.

COUNTY OF HAMPDEN.

Blandford,
Brimfield,
Chester,
Granville,
Holland,
Longmeadow,
Ludlow,
Monson,
Montgomery,
Palmer,
Russell,
Southwick,
Springfield,
Tolland,
Wales,
Westfield,

West Springfield,

Wilbraham,

Leverett Sackett,

Hector Campbell,
Henry Clark,

Calvin Burt,
Dennis Knowlton,

Amos M. Wheeler,
Gilbert Barker,
Jere. W. Bishop,
Gideon Stiles,
Harvey Danks,

Cornelius Miller,
S. R. B. Lewis,
George Sackett,
Isaac Roberts,
Asa Clark,
Samuel Bebee.

COUNTY OF FRANKLIN.

Ashfield,
Bernardston,
Buckland,
Charlemont,
Coleraine,
Conway,
Deerfield,
Erving,
Gill,
Greenfield,
Hawley,
Heath,
Leyden,

Henry W. Cushman,
Ansel Taylor,
Waitstill Hastings,
Arad Towne,
Otis Childs,
Zebadiah Graves,

Alvin P. Haskins,
George Lathrop,
Luther Gale,

<i>Leverett,</i>	
<i>Monroe,</i>	
<i>Montague,</i>	Nathan Hosmer,
<i>New Salem,</i>	Josiah B. Harding,
<i>Northfield,</i>	Charles Osgood,
<i>Orange,</i>	Benjamin Mayo,
<i>Rowe,</i>	
<i>Shelburne,</i>	John H. Morse,
<i>Shutesbury,</i>	Samuel F. Dudley,
<i>Sunderland,</i>	
<i>Warwick,</i>	William E. Russell,
<i>Wendell,</i>	Luther Stone,
<i>Whately,</i>	

COUNTY OF BERKSHIRE.

<i>Adams,</i>	
<i>Alford,</i>	
<i>Becket,</i>	Isaac S. Wadsworth,
<i>Cheshire,</i>	
<i>Clarksburg,</i>	Daniel Mowry,
<i>Dalton,</i>	David Smith,
<i>Egremont,</i>	
<i>Florida,</i>	
<i>Great Barrington,</i>	William Selkirk,
<i>Hancock,</i>	
<i>Hinsdale,</i>	Oliver P. Colt,
<i>Lanesboro',</i>	Henry Mead,
<i>Lee,</i>	Zach Winegar,
<i>Lenox,</i>	Major S. Wilson,
<i>Mount Washington,</i>	John D. Joyce,
<i>New Ashford,</i>	
<i>New Marlboro',</i>	Zenas Rhoads,
<i>Otis,</i>	Calvin Barker,
<i>Peru,</i>	Lemuel Frissell,
<i>Pittsfield,</i>	Ensign H. Kellogg,
	Titus Goodman,
<i>Richmond,</i>	William Peirson,
<i>Sandisfield,</i>	
<i>Savoy,</i>	

Stockbridge,
Sheffield,
Tyringham,
Washington,
W. Stockbridge,
Williamstown,
Windsor,

Robert E. Galpin,
 Heman McIntyre,
 John Branning,
 Alvah Eames,
 Pearly Truesdell,
 Amasa Shattuck,

COUNTY OF NORFOLK.

Braintree,
Bellingham,
Brookline,
Canton,
Cohasset,
Dedham,
Dover,
Dorchester,

James M. Freeman,
 Thomas Kendall,
 John Endicott,
 Josiah O. Lawrence,
 Merrill D. Ellis,

Foxboro,'
Franklin,
Medfield,
Medway,
Milton,
Needham,
Quincy,
Randolph,
Roxbury,

Samuel P. Loud,
 Nathaniel Ford,
 Francis Dane,
 Saul B. Scott,
 Hinsdale Fisher,
 Horace Richardson,
 Thomas T. Wadsworth,
 George Smith,

Sharon,
Stoughton,
Walpole,
Weymouth,

Wrentham,

Aaron Prescott,
 Samuel H. Walley, Jr.
 Samuel Guild,
 Samuel Jackson,
 Erastus Richards,
 Nathan Drake, Jr.
 Oliver W. Allen,
 Ira Curtis,
 Oran White,
 Preston Day,

COUNTY OF BRISTOL.

Attleboro,'

Lemuel May,
 Forrist Foster,

<i>Berkley,</i>	Leander Andros,
<i>Dartmouth,</i>	James Rider,
	George Kirby,
<i>Dighton,</i>	Joseph Pitts,
<i>Easton,</i>	Lincoln Drake,
<i>Fairhaven,</i>	Joseph Tripp,
<i>Fall River,</i>	Simeon Borden,
	Nathan Durfee,
	Thomas D. Chaloner,
<i>Freetown,</i>	Bradford Braley,
<i>Mansfield,</i>	Orin S. Kingsbury,
<i>New Bedford,</i>	Henry Taber,
	Abraham H. Howland,
	J. H. W. Page,
	Calvin Staples,
	Benj. S. Rotch,
<i>Norton,</i>	Earl Hodges,
<i>Pawtucket,</i>	Wm. D. Bullock,
<i>Raynham,</i>	Abishai Lincoln,
<i>Rehoboth,</i>	Childs Luther,
<i>Seekonk,</i>	Viall Medbery,
<i>Somerset,</i>	
<i>Swanzey,</i>	James Cornell,
<i>Taunton,</i>	Stephen L. White,
	Alpheus Sanford,
	Elias Richmond,
<i>Westport,</i>	

COUNTY OF PLYMOUTH.

<i>Abington,</i>	Stetson Raymond,
<i>Bridgewater,</i>	Henry Sherman,
<i>Carver,</i>	Joshua Brewster, 2d,
<i>Duxbury,</i>	
<i>E. Bridgewater,</i>	Thomas Holmes,
<i>Halifax,</i>	Oren Josselyn,
<i>Hanover,</i>	Luther Holmes,
<i>Hanson,</i>	John Beal,
<i>Hingham,</i>	
<i>Hull,</i>	

<i>Kingston,</i>	Edward P. Little,
<i>Marshfield,</i>	Morrill Robinson,
<i>Middleboro',</i>	Wm. Shurtleff, 2d,
<i>N. Bridgewater,</i>	Daniel Huntington,
<i>Pembroke,</i>	
<i>Plymouth,</i>	Benjamin Bagnall,
	Edmund Robbins,
<i>Plympton,</i>	Lewis Bradford,
<i>Rochester,</i>	Silas B. Allen,
	Loring Meigs,
<i>Scituate,</i>	
<i>Wareham,</i>	Stephen C. Burgess,
<i>W. Bridgewater,</i>	Jonas Hartwell.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	Josiah Hinckley,
	Job Handy,
<i>Brewster,</i>	Elijah Cobb,
<i>Chatham,</i>	Joseph Young, Jr.,
<i>Dennis,</i>	Nehemiah Baker,
<i>Eastham,</i>	Elijah E. Knowles,
<i>Falmouth,</i>	Samuel P. Crosswell,
<i>Harwich,</i>	James Long,
<i>Orleans,</i>	Seth Higgins,
<i>Provincetown,</i>	Thomas Lothrop,
<i>Sandwich,</i>	Benjamin Bourne,
	Asahel Cobb,
<i>Truro,</i>	Hugh Hopkins,
<i>Wellfleet,</i>	Isaac Paine,
<i>Yarmouth,</i>	James B. Crocker.

DUKES COUNTY.

Chilmark,
Edgartown,
Tisbury,

COUNTY OF NANTUCKET.

Nantucket,

George G. Folger,
David Baker,
Charles Wood,
Daniel Jones, Jr.

CHARLES W. STOREY, JR., *Clerk.*

AUSTIN PHELPS, *Chaplain.*

BENJAMIN STEVENS, *Sergeant-at-Arms to the General Court.*

CYRUS CHASE, *Messenger to the Governor and Council.*

EDMUND S. BRIGHAM, *Watchman to the State House.*

ALEXIS POOL,
DAVID MURPHY, } *Doorkeepers to the House of Representatives.*
E. W. PALMER, }

TIMOTHY HAYS, *Page to the House of Representatives.*

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1845:

TOGETHER WITH THE ROLLS AND MESSAGES.

—
PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH.
—



Boston:

DUTTON AND WENTWORTH, PRINTERS TO THE STATE.

.....
1845.

☞ The General Court of 1845 assembled in the State House, in Boston, on Wednesday, the first day of January, and was prorogued on Wednesday, the twenty-sixth day of March. The oaths of office were administered to His Excellency, GEORGE N. BRIGGS, on the fourth day of January.

GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS.

1845.

An Act concerning Elections in the City of Boston for the present year.

Chap. 1.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. If it shall appear by the certificate of the mayor and aldermen of the city of Boston, made in pursuance of an act passed on the fifth day of June, in the year one thousand eight hundred and thirty, entitled "an act providing in certain cases for the election of mayor of the city of Boston," that, at the elections held in said city in the month of December last, no person had a majority of all the votes then given for mayor; and if, upon examination, made according to law, by said mayor and aldermen, it shall also appear that a majority of the aldermen voted for at said elections were not chosen, it shall be lawful for the members of the board of aldermen then elected, and who shall have taken the oaths prescribed by law, and the members of the common council then elected, and who shall have taken the oaths prescribed by law, to proceed to organize their respective boards in the manner pointed out in the first section of the act above-mentioned. And the board of aldermen so elected and organized, shall forthwith issue warrants for the election of a mayor in the manner provided in said act; and they shall also forthwith issue warrants for the election of aldermen to fill the vacancies in their own board. And the like proceedings shall be had, as provided in the said act, in relation to the election of mayor, until all such vacancies in the board of aldermen shall be filled.

When no mayor nor majority of aldermen are chosen in December, the aldermen and common councilors, chosen and qualified, shall organize their respective boards, and the aldermen shall issue warrants, &c.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, Jan. 4, 1845.*]

When to take effect.

Chap. 2.

An Act to incorporate the South Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated in
South Boston
for 23 years,

to insure fire
risks on the mu-
tual principle.

William B. Dorr, Wilder Harding, Caleb Thurston, their associates and successors, are hereby made a corporation, by the name of the South Mutual Fire Insurance Company, in that part of the city of Boston called South Boston, in the county of Suffolk, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, throughout the Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, Jan. 22, 1845.*]

Chap. 3.

An Act to incorporate the Jones Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
cotton and
woollen goods
in Templeton.

SECT. 1. Alexander De Witt, Francis Skinner, and Dexter W. Jones, their associates and successors, are hereby made a corporation, by the name of the Jones Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Templeton, in the county of Worcester; and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not
to exceed
\$50,000, and
capital stock
\$100,000.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate not exceeding the amount of fifty thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars. [*Approved by the Governor, Jan. 22, 1845.*]

Chap. 4.

An Act to establish the Cabot Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated till Oc-
tober 1st, 1851,
as bankers in
Cabotville.

SECT. 1. N. P. Aines, John Chase, D. M. Bryant, Robert Bemis, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Cabot Bank, to be established at Cabotville, in the town of Springfield, in the county of Hampden, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

SECT. 2. The stock in said bank shall be transferred only at its banking house and in its books. Stock how transferred.

SECT. 3. The capital stock of said corporation shall consist of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in, on or before the first day of January next. [*Approved by the Governor, Jan. 24, 1845.*] Capital stock \$150,000, in shares of \$100, to be paid as stockholders may direct, before Jan. 1st, 1846.

An Act to continue in force An Act to incorporate the Mercantile Wharf Corporation.

Chap. 5.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The act of the year one thousand eight hundred and twenty-six, incorporating the Mercantile Wharf Corporation, shall be and remain in force for the term of thirty years from the twentieth day of June, in the year one thousand eight hundred and forty-six; and the said corporation shall be continued through that term, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-third and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, Jan. 24, 1845.*]

Corporation continued till June 20th, 1876.

An Act to incorporate the Proprietors of Leyden Chapel.

Chap. 6.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Henry Clark, William Adams and Peter Harvey, their associates and successors, are hereby made a corporation, by the name of "Proprietors of Leyden Chapel," with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated as a religious society in Boston.

SECT. 2. Said corporation may hold such real and personal estate, not exceeding in value the sum of thirty thousand dollars in the aggregate, as may be necessary for the erection of a chapel for public worship in the city of Boston.

Estate not to exceed \$30,000.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, Jan. 24, 1845.*]

When to take effect.

An Act to incorporate the Lynn Natural History Society.

Chap. 7.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Benjamin F. Mudge, his associates and successors, are hereby made a corporation, by the name of the Lynn Natural History Society, for the purpose of encouraging and

Persons incorporated.

advancing the study of Natural History, with all the powers and privileges, and subject to all the liabilities, contained in the forty-fourth chapter of the Revised Statutes of this Commonwealth, and, for the purpose aforesaid, may hold real and personal estate to an amount not exceeding twenty thousand dollars. [Approved by the Governor, Jan. 24, 1845.]

Estate not to exceed \$20,000.

Chap. 8.

An Act to incorporate the Greenfield and Northampton Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated.

SECT. 1. Henry W. Clapp, Ralph Williams, Henry W. Cushman, their associates, successors and assigns, are hereby made a corporation, by the name of the Greenfield and Northampton Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes relating to Rail-road Corporations, and in all other statutes subsequently passed, relating to Rail-road Corporations.

Location of the road.

SECT. 2. The said corporation is hereby empowered and authorized to locate, construct, and fully complete a rail-road with one or more tracks, from some convenient point on the location of the Northampton and Springfield Rail-road, at or near the terminus of said rail-road in the town of Northampton, northward, across the canal of the New Haven and Northampton Company in said Northampton, passing near the bend in Connecticut River, thence through the westerly part of the town of Hatfield and the easterly part of the town of Whately, near the villages of South Deerfield and Deerfield, crossing Deerfield River at Cheap-side in said Deerfield, and terminating at some convenient point in or near the village of Greenfield aforesaid.

Capital stock not to exceed \$500,000, in shares of \$100.

SECT. 3. The capital stock of said corporation shall consist of not more than five thousand shares, the number of which shall be determined from time to time, by the directors of said corporation, and no assessment shall be laid thereon of a greater amount, in the whole, than an hundred dollars on each share. And said corporation may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Investment.

Time for location and completion of road.

SECT. 4. If the said corporation be not organized, and the location of that part of its road within the county of Hampshire, filed with the commissioners of that county, and the location of that part of its said road within the county of Franklin, filed with the commissioners of that county, within two years from the passage of this act; or

if the said road be not completed within four years from the passage of this act, then the same shall be void.

SECT. 5. The said corporation is hereby authorized to enter with its rail-road, by proper turn-outs and switches, at a point of the Northampton and Springfield Rail-road, near the depot of the said Northampton and Springfield Rail-road, in the town of Northampton, paying for the right to use the same, such a rate of tolls, as the Legislature may, from time to time, prescribe, and complying with such reasonable rules and regulations as may be established by said Northampton and Springfield Rail-road Corporation. *Provided, however,* that the said Greenfield and Northampton Rail-road Company shall not enter upon said Northampton and Springfield Rail-road, with any motive power, unless the Northampton and Springfield Rail-road Corporation shall refuse or neglect to draw over its road, the cars of the Greenfield and Northampton Rail-road Company, upon such terms and conditions as may, from time to time, be prescribed by the Legislature.

May enter upon and use the Northampton and Springfield Rail-road; *provided, &c.*

SECT. 6. The Legislature may, after the expiration of five years from the time when the said rail-road shall be opened for use, from time to time, reduce the rate of tolls or other profits upon said road. But the tolls shall not, without the consent of said corporation, be so reduced as to produce, with said profits, less than ten per cent. per annum.

The Legislature may reduce tolls and profits after five years; *provided, &c.*

SECT. 7. The Legislature may authorize any company to enter with another rail-road at any point of said Greenfield and Northampton Rail-road, and to use the same, paying therefor such a rate of toll or compensation as the Legislature may, from time to time, prescribe, complying with such reasonable rules and regulations as shall be established by said Greenfield and Northampton Rail-road Company. *Provided, however,* that no other corporation shall enter upon said Greenfield and Northampton Rail-road, with any motive power, unless the said Greenfield and Northampton Rail-road Company shall neglect or refuse to draw over its road, or any part thereof, the cars of any other rail-road company, which may be authorized to enter with its rail-road, upon said Greenfield and Northampton Rail-road.

The Legislature may authorize its use by any other company.

Provided, &c.

SECT. 8. The said Greenfield and Northampton Rail-road Company, and the Northampton and Springfield Rail-road Corporation, are hereby authorized to unite in such a manner, and on such terms as the respective corporations may agree; and when the said corporations have so united, they shall become one corporation, by the name of the Connecticut River Rail-road Company; and all the franchises, property, privileges, duties and liabilities, granted, acquired, or incurred under the authority of the charters of said corporations, shall be held, enjoyed and performed by the said

May be united with the Northampton and Springfield Rail-road Company.

Provided, &c.

Connecticut River Rail-road Company: *provided, however,* that no such union shall take place, without a vote of two thirds of the legal votes of the said Greenfield and Northampton Rail-road Company, and also of the said Northampton and Springfield Rail-road Corporation.

When to take effect.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, Jan. 25, 1845.*]

Chap. 9.

An Act to incorporate the Proprietors of the Winchendon Academy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated.

Ephraim Murdock, Ephraim Murdock, Jr., Elisha Murdock, their associates and successors, are hereby made a corporation, by the name of the Winchendon Academy, to be established in the town of Winchendon, in the county of Worcester, with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, with power to hold real and personal estate to an amount not exceeding ten thousand dollars, to be devoted exclusively to the purposes of education. [*Approved by the Governor, Jan. 25, 1845.*]

Estate not to exceed \$10,000.

Chap. 10.

An Act to incorporate the Lowell Machine Shop.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated.

SECT. 1. Abbott Lawrence, Nathan Appleton and John A. Lowell, their associates and successors, are hereby made a corporation, by the name of the Lowell Machine Shop, for the purpose of making machinery and manufacturing cotton, iron, and wool, in the city of Lowell, in the county of Middlesex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To manufacture machinery, cotton, iron, and wool in Lowell.

Real estate not to exceed \$200,000, and capital stock \$500,000.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of two hundred thousand dollars, and the whole capital stock of the said corporation shall not exceed the amount of five hundred thousand dollars. [*Approved by the Governor, Jan. 29, 1845.*]

Chap. 11.

An Act to incorporate the Massasoit Steam Mill Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated.

SECT. 1. Nathan Durfee, Joseph Durfee, their associates and successors, are hereby made a corporation, by the name of the Massasoit Steam Mill Company, for the purpose of

manufacturing cotton goods in the town of Fall River, in the county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To manufacture cotton goods in Fall River.

SECT. 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of three hundred thousand dollars. [Approved by the Governor, Jan. 29, 1845.]

Real estate not to exceed \$100,000, and capital stock \$300,000.

An Act in addition to an Act incorporating the Revere Copper Company.

Chap. 12.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Revere Copper Company are hereby empowered to increase their capital stock to the sum of five hundred thousand dollars, and to hold, for the use of said corporation, real estate, in the harbor of Boston, to an amount not exceeding one hundred thousand dollars. [Approved by the Governor, Jan. 29, 1845.]

Capital stock may amount to \$500,000, and real estate to \$100,000.

An Act to increase the capital stock of the Perkins Mills.

Chap. 13.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Perkins Mills are hereby authorized to increase their capital stock, by the creation of such number of shares, not exceeding fifty of one thousand dollars each, as the said corporation may require for the convenient management of their business. [Approved by the Governor, Jan. 29, 1845.]

Capital stock may be increased by 50 shares of \$1000.

An Act establishing the salary of the District Attorney for the Southern District of this Commonwealth.

Chap. 14.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

From and after the first day of April, in the year one thousand eight hundred and forty-five, the district attorney for the Southern District of this Commonwealth shall receive a salary of one thousand dollars a year, to be paid to him out of the treasury of this Commonwealth, in equal quarterly payments, in full for all services rendered by him. [Approved by the Governor, Jan. 29, 1845.]

Salary to be \$1000 annually from April 1, 1845.

An Act to incorporate the Parker Mills.

Chap. 15.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows, viz :

SECT. 1. John A. Parker, Benjamin Rodman, and

Persons incorporated,

to manufacture iron, &c., cotton and wool, in Wareham.

Estate not to exceed \$150,000, and capital stock \$300,000.

Thomas J. Coggeshall, their associates and successors, are hereby made a corporation, by the name of the Parker Mills, for the purpose of manufacturing iron, zinc, copper, lead, cotton, and wool, in the town of Wareham, in the county of Plymouth; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred and fifty thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of three hundred thousand dollars. [*Approved by the Governor, Jan. 29, 1845.*]

Chap. 16. An Act in addition to an Act entitled An Act to establish the Fall River Iron Works Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May manufacture cotton yarn and cloth, and print cotton.

SECT. 1. The Fall River Iron Works Company is hereby authorized to manufacture cotton yarn and cloth, and to print cotton cloths.

Estate not to exceed \$500,000, and capital stock \$1,000,000.

SECT. 2. Said corporation, for the purposes aforesaid, may hold real estate to the amount of five hundred thousand dollars, and the whole capital stock shall not exceed one million of dollars. [*Approved by the Governor, Jan. 29, 1845.*]

Chap. 17. An Act concerning Mutual Fire Insurance Companies.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Policies create a lien on the personal property insured, to secure deposit notes, &c.

Every policy made by any Mutual Fire Insurance Company shall, of itself, create a lien on the interest of any person insured, in any personal property thereby insured, for the securing the payment of his deposit note, and of any sums for which he may be assessed in consequence of effecting such policy: *provided*, the extent of such liability, and the intention of such corporation to rely upon such lien, shall be set forth in the policy; and that, upon the alienation of the property to a bona fide purchaser, the lien shall cease, unless such policy shall be continued in force by consent of the purchaser. [*Approved by the Governor, Jan. 29, 1845.*]

Provided, &c.

An Act to incorporate the Essex Hosiery Company.

Chap. 18.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Joel Woodbury, Henry H. Fuller, John Earl, Jr., their associates and successors, are hereby made a corporation, by the name of the Essex Hosiery Company, for the purpose of manufacturing cotton and woollen, and other goods in the towns of Danvers and Lynnfield, in the county of Essex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture cotton, &c. in Danvers and Lynnfield.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred thousand dollars; and the whole capital stock shall not exceed the amount of three hundred thousand dollars. [Approved by the Governor, Jan. 29, 1845.]

Real estate not to exceed \$100,000, and capital stock \$300,000.

An Act in addition to an Act to incorporate the Clinton Company.

Chap. 19.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Clinton Company, incorporated on the eighth day of March, in the year one thousand eight hundred and thirty-eight, are hereby authorized to increase their capital to three hundred thousand dollars, with liberty to hold real estate to the amount of one hundred thousand dollars.

Capital stock may amount to \$300,000, and real estate to \$100,000.

SECT. 2. The said Clinton Company are hereby authorized to exercise their corporate franchise in the town of Boylston, as well as in the town of Lancaster.

Franchise may be exercised in Boylston and Lancaster.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, Jan. 29, 1845.]

When to take effect.

An Act to incorporate the Boston Steam Flour Mill Company.

Chap. 20.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Henry F. Baker, John L. Dimmock, William Bartlett, Jr., their associates and successors, are hereby made a corporation, by the name of the Boston Steam Flour Mill Company, for the purpose of manufacturing flour in that part of the city of Boston called East Boston, in the county of Suffolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture flour in East Boston.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dol-

Real estate not to exceed \$50,000, and

capital stock
\$250,000.

lars, and the whole capital stock of said corporation shall not exceed the sum of two hundred and fifty thousand dollars. [*Approved by the Governor, Jan. 30, 1845.*]

Chap. 21. An Act giving further time to the President, Directors and Company of the Bank of Norfolk to close their concerns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Incorporation
continued to
April 24, 1846.

The President, Directors and Company of the Bank of Norfolk are hereby continued a body corporate for the period of one year from the twenty-fourth day of April, in the year one thousand eight hundred and forty-five, with all the powers and privileges, and subject to the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, Jan. 30, 1845.*]

Chap. 22. An Act authorizing the appointment of an additional Master in Chancery in the county of Middlesex.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Five masters in
Middlesex.

SECT. 1. His excellency the governor, by and with the advice and consent of the council, is hereby authorized to appoint an additional master in chancery in and for the county of Middlesex, and the number of masters in chancery for said county shall hereafter be five.

When to take
effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, Jan. 30, 1845.*]

Chap. 23. An Act to incorporate the Dighton Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated to in-
sure fire risks in
Dighton for 28
years, on the
mutual princi-
ple.

Seth Talbot, Anthony Reed, Anthony Shove, their associates and successors, are hereby made a corporation, by the name of the Dighton Mutual Fire Insurance Company, in the town of Dighton, in the county of Bristol, for the term of twenty-eight years, for the purpose of insuring dwelling houses, and other buildings and personal property throughout the Commonwealth, against loss by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, Jan. 30, 1845.*]

An Act giving further time to the President, Directors and Company of the American Bank to close their concerns. *Chap. 24.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The president, directors and company of the American Bank are hereby continued a body corporate for the period of two years from the eighteenth day of February, in the year one thousand eight hundred and forty-five, with all the powers and privileges, and subject to the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, Jan. 30, 1845.*]

Incorporation continued to Feb. 18, 1847.

An Act to render void certain doings of the Traders Bank in Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : *Chap. 25.*

The elections made and other proceedings had at a meeting of the stockholders of the Traders Bank, in Boston, on the thirtieth day of October, in the year one thousand eight hundred and forty-four, are hereby declared valid, in the same manner as they would have been had said meeting been notified according to law. [*Approved by the Governor, Jan. 30, 1845.*]

Confirmation of the doings of Oct. 30, 1844.

An Act in addition to "An Act to incorporate the Proprietors of the Second Congregational Meeting-house in Nantucket." *Chap. 26.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The third section of "An Act to incorporate the Proprietors of the Second Congregational Meeting-house in Nantucket," passed the fourteenth day of June, in the year one thousand eight hundred and ten, is hereby so altered and amended, that all assessments which may hereafter be made by said proprietors upon the pews and seats of their meeting-house, shall be upon a valuation of said pews and seats, made by a committee appointed at a meeting held September twenty-eighth, in the year one thousand eight hundred and forty-four, said valuation to be recorded upon the records of the society.

Assessments upon pews, &c. to be made upon a valuation, &c.

SECT. 2. All provisions of the act to which this is an addition, inconsistent with this act, are hereby repealed.

Repeal of inconsistent provisions.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, Jan. 31, 1845.*]

When to take effect.

Chap. 27.

An Act to punish unlawful attempts to cause Abortion.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Unlawful attempts, &c. when proving fatal, to be accounted felony, and punished by confinement in the state prison.

Whoever, maliciously or without lawful justification, with intent to cause and procure the miscarriage of a woman then pregnant with child, shall administer to her, prescribe for her, or advise or direct her to take or swallow, any poison, drug, medicine or noxious thing, or shall cause or procure her with like intent, to take or swallow any poison, drug, medicine or noxious thing ; and whoever maliciously and without lawful justification, shall use any instrument or means whatever with the like intent, and every person, with the like intent, knowingly aiding and assisting such offender or offenders, shall be deemed guilty of felony, if the woman die in consequence thereof, and shall be imprisoned not more than twenty years, nor less than five years in the State Prison ; and if the woman doth not die in consequence thereof, such offender shall be guilty of a misdemeanor, and shall be punished by imprisonment not exceeding seven years, nor less than one year, in the state prison or house of correction, or common jail, and by fine not exceeding two thousand dollars. [*Approved by the Governor, Jan. 31, 1845.*]

Not proving fatal, to be accounted misdemeanor, and punished by imprisonment, &c. and by fine not exceeding \$2000.

Chap. 28.

An Act to punish Larceny in shops and other places in the night time.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Larceny, &c. to be punished by imprisonment, &c., or by fine and imprisonment, &c.

Every person who shall feloniously steal, take and carry away the money, goods, chattels or property of another, in the night time, in any office, bank, shop or warehouse, ship or vessel, shall be punished by solitary imprisonment in the state prison or house of correction, not exceeding five days, and by confinement afterwards to hard labor, not exceeding five years, or by fine not exceeding three hundred dollars, and imprisonment in the common jail not exceeding two years. [*Approved by the Governor, Jan. 31, 1845.*]

Chap. 29.

An Act to incorporate the Hampshire and Franklin Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. I. Timothy J. Gridley, Luke Sweetser, Parsons West, and their associates and successors, are hereby made a corporation, by the name of the Hampshire and Franklin Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes,

and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all other general laws subsequently passed relating to rail-road corporations.

SECT. 2. Said corporation is hereby empowered and authorized to locate, construct and fully complete a rail-road, with one or more tracks, from some convenient point in the village of Hockanum, or Holyoke, in the town of Hadley, in the county of Hampshire, passing through the towns of Hadley, Amherst and Sunderland, to some convenient point upon the Vermont and Massachusetts Rail-road, in either of the towns of Montague or Erving, in the county of Franklin.

Location of road.

SECT. 3. The capital stock of said corporation shall consist of not more than six thousand shares, the number of which shall, from time to time, be determined by the directors of said corporation, and no assessment shall be laid thereon of a greater amount in the whole, than one hundred dollars on each share; and said corporation may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Capital not to exceed \$600,000, in shares of \$100.

Investment.

SECT. 4. If said corporation be not organized, and that part of the location of its road within the county of Hampshire be not filed with the county commissioners in that county, and the location of that part of its road within the county of Franklin be not filed with the county commissioners of that county, within two years from the passage of this act; or if said road be not completed within four years from the passage of this act, then the same shall be void.

Time for locating and completing the road.

SECT. 5. Said corporation is hereby authorized to enter upon and unite their rail-road, by proper turn-outs and switches, with the Vermont and Massachusetts Rail-road, at any convenient point in either of the towns of Montague or Erving, and use the same or any part thereof, paying therefor such a rate of toll or compensation, as the legislature may from time to time, prescribe, or that may be fixed by any general law of the Commonwealth, and complying with the rules and regulations which may be established by said Vermont and Massachusetts Rail-road Company: *provided however*, that said corporation, hereby established, shall not enter upon said Vermont and Massachusetts Rail-road with any motive power, unless said Vermont and Massachusetts Rail-road Company shall refuse to draw over their road, or any part thereof, the cars of the corporation hereby established: *and provided further*, that said corporation shall not be at liberty, against the consent of said Vermont and Massachusetts Rail-road Company, to so enter

May enter upon and use the Vermont and Massachusetts Rail-road.

Provided, &c.

upon said Vermont and Massachusetts Rail-road as to interfere with their depot buildings.

May enter upon and use the Northampton and Springfield Rail-road.

SECT. 6. Said Hampshire and Franklin Rail-road Company may also enter upon and unite their rail-road, by proper turnouts and switches, with the Northampton and Springfield Rail-road, at some convenient place within the village of Hockanum, or Holyoke, in the town of Hadley, if said Northampton and Springfield Rail-road shall be constructed to said village, and use said Northampton and Springfield road, or any part thereof, paying for the same such a rate of toll or compensation as the Legislature may, from time to time, prescribe, or that may be fixed by any general law of this Commonwealth, and complying with the rules and regulations which may be established by said Northampton and Springfield Rail-road Corporation: *provided, however*, that said Hampshire and Franklin Rail-road Company shall not enter upon said Northampton and Springfield Rail-road with any motive power, unless said Northampton and Springfield Rail-road Corporation shall refuse to draw over their road, or any part thereof, the cars of said Hampshire and Franklin Rail-road Company: *and provided further*, that said company shall not enter with their rail-road, upon the road of said Northampton and Springfield Rail-road Corporation, against their consent, so as to interfere with their depot buildings.

Provided, &c.

The Legislature may authorize its use by any other company.

SECT. 7. The Legislature may authorize any company to enter with another rail-road upon, and use the said Hampshire and Franklin Rail-road, or any part thereof, paying therefor such a rate of toll or compensation, as the Legislature may, from time to time prescribe, complying with such rules and regulations as the said Hampshire and Franklin Rail-road Company may prescribe: *provided however*, that no other corporation shall enter upon said Hampshire and Franklin Rail-road, with any motive power, unless said Hampshire and Franklin Rail-road Company shall neglect or refuse to draw over its road, or any part thereof, the cars of any other rail-road company which may be authorized to enter with its road upon the road hereby established.

Provided, &c.

The Legislature may reduce the tolls after five years.

SECT. 8. The Legislature may, after the expiration of five years from the time when the road of said Hampshire and Franklin Rail-road Company shall be opened for use, from time to time, alter and reduce the rate of toll or profits upon said road: but said tolls shall not, without the consent of said corporation, be so reduced as to produce, with said profits, less than ten per cent. per annum.

Provided, &c.

When to take effect.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 1, 1845.*]

An Act to incorporate the Equitable Marine Insurance Company.

Chap. 30.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Daniel Small, C. U. Grozier, David Brown, Jr., their associates and successors, are hereby made a corporation, for the term of twenty years, by the name of the Equitable Marine Insurance Company, to be established in the town of Provincetown, in the county of Barnstable, for the purpose of making maritime loans and insurance against maritime losses on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

Persons incorporated,

to insure marine risks in Provincetown, for 20 years, on the mutual principle.

SECT. 2. No policy of insurance shall be issued by said company, until a fund of fifty thousand dollars in cash shall have been paid in for the protection of the assured, and invested as by law required of other insurance companies incorporated in this Commonwealth.

No policy to be issued till \$50,000 have been paid in and invested, &c.

SECT. 3. The said company may pay semi-annually the legal interest on the aforesaid fund, and may pay the principal of the fund, whenever their net profits shall amount to the sum of fifty thousand dollars, and the same shall have been invested according to law as aforesaid; and no further division of the net profits, or funds of the company shall be made, without leaving at least fifty thousand dollars invested as aforesaid, until the expiration of this act.

Legal interest to be paid, and principal after the investment of \$50,000 profits.

No further division to take place except of excess over \$50,000.

SECT. 4. The guarantee capital, provided for in this act, shall be in addition to any resources which can be converted into premiums. [Approved by the Governor, Feb. 10, 1845.]

Guaranty capital independent of resources convertible into premiums.

An Act concerning the Central Bridge Corporation.

Chap. 31.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The proprietors of Central Bridge, their successors and assigns, are hereby authorized to raise a sum, not exceeding five thousand dollars in addition to the sum of nine thousand dollars, which they were authorized to raise by the act to which this is supplementary, for the purpose of defraying the excess above that sum in the cost of reconstructing their bridge, and the expenses incidental thereto; and for rebuilding in part the stone piers and abutments, and protecting the whole structure by a permanent and substantial covering.

Authorized to raise \$5000 in addition, &c.

SECT. 2. The said sum of five thousand dollars shall constitute a part of the capital stock of the said corporation, in addition to the amount provided for in said act; and the said proprietors shall, in relation thereto, enjoy the same

Said \$5000 to constitute part of the capital stock, &c.

rights and powers, and be subject to the same conditions, as are set forth in said act.

To be raised by assessment, or by a creation of new shares, as majority of stockholders shall decide.

New shares of the same value as old, &c.

Rights and liabilities of stockholders in respect thereto.

SECT. 3. To enable the said proprietors to raise the said additional amount of capital stock, they are hereby empowered to assess upon the stockholders of said corporation a sum not exceeding five thousand dollars, or to create one hundred new shares, as may be determined by a majority of said proprietors, at any legal meeting. And the said new shares, if created, shall be respectively of the same value as the existing shares, and may be taken by the said proprietors in the proportions in which they shall severally hold stock at the time when this act shall take effect. But if any proprietor shall refuse or neglect to take the number of shares to which he is entitled under this act, or under the act to which this is supplementary, and to pay to the treasurer of the said corporation his proportional part of the additional capital stock; then, after the expiration of thirty days from the day when this act shall take effect, a majority of said proprietors may, at any legal meeting, make such disposition of said shares as they may think proper, and such delinquent proprietor shall have no further right or interest in them.

When to take effect.

SECT. 4. This act shall take effect, when accepted by the said proprietors, at any legal meeting held within three months after its final passage. [*Approved by the Governor, Feb. 10, 1845.*]

Chap. 32.

An Act to increase the Capital Stock of the Ballard Vale Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Capital increased by \$100,000.

The Ballard Vale Company are hereby authorized to increase their capital stock, by adding thereto the sum of one hundred thousand dollars, so that the whole capital stock of said corporation may amount to the sum of two hundred thousand dollars. [*Approved by the Governor, Feb. 10, 1845.*]

Chap. 33.

An Act concerning the Election of State Directors of the Western Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Third and fourth directors chosen, to serve for one year; others for two years, &c.

SECT. 1. At the next election of the directors of the Western Rail-road Corporation on the part of this Commonwealth, said directors shall be chosen separately, and the two directors who shall be first chosen shall hold their offices two years; and the two next chosen shall hold their offices one year from the time of election, and until others are chosen in their stead. And after the next election, two

directors shall be chosen annually, who shall hold their offices two years, and until others are chosen in their places.

SECT. 2. In case of the death, resignation, removal from the state, or removal from office by the governor and council, of any director hereafter chosen, the next Legislature thereafter shall proceed to elect a director to fill the vacancy so created, for the unexpired term.

Filling of vacancies for an unexpired term.

SECT. 3. The governor, with the advice of the council, may, for good and substantial reasons on complaint, at any time remove from office any of the state directors of said corporation, and appoint others in their stead, and the persons so appointed shall hold their offices until an election by the next Legislature thereafter, to fill the vacancies, as provided in the second section of this act.

Removals and appointments by the governor and council.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 10, 1845.*]

When to take effect.

An Act relating to the Manufacturers Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Chap. 34.

The Manufacturers Bank, heretofore in Rowley, but now in Georgetown, shall hereafter be known by the name of the Manufacturers Bank in Georgetown. [*Approved by the Governor, Feb. 10, 1845.*]

To be called the Manufacturers Bank, in Georgetown.

An Act to incorporate the Globe Mutual Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Chap. 35.

SECT. 1. William Hales, Philo S. Shelton, Atkins Adams, their associates and successors, are hereby made a corporation for the term of twenty years, by the name of the Globe Mutual Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses and losses by fire, on the mutual principle, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

Persons incorporated in Boston for 20 years,

to insure marine and fire risks on the mutual principle.

SECT. 2. No policy of insurance shall be issued by said company, until a fund of one hundred thousand dollars in cash shall have been paid in for the protection of the assured, and invested as by law required of other insurance companies incorporated in this Commonwealth.

No policy to be issued till after the investment of \$100,000.

SECT. 3. The said company may pay semi-annually the legal interest on the aforesaid fund, and may pay the prin-

Legal interest may be paid,

and principal after the investment of \$100,000 net profits; and no further division to take place except of excess over \$100,000.

Guaranty capital to be independent of resources convertible into premiums.

cipal of the fund, whenever their net profits shall amount to the sum of one hundred thousand dollars, and the same shall have been invested according to law as aforesaid; and no further division of the net profits or funds of the company shall be made, without leaving, at least, one hundred thousand dollars invested as aforesaid, until the expiration of this act.

SECT. 4. The guaranty capital provided for in this act, shall be in addition to any resources which can be converted into premiums. [*Approved by the Governor, Feb. 10, 1845.*]

Chap. 36. An Act establishing the Salary of the District Attorney for the Northern District.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Annual salary raised to \$1000 after April 1, 1845.

From and after the first day of April, in the year one thousand eight hundred and forty-five, the district attorney for the northern district of this Commonwealth, shall receive a salary of one thousand dollars a year; to be paid to him out of the treasury of the Commonwealth, in equal quarterly payments, in full for all services rendered by him. [*Approved by the Governor, Feb. 10, 1845.*]

Chap. 37. An Act to incorporate the Fitchburg Woollen Mill.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated to manufacture woollen goods in Fitchburg.

SECT. 1. Daniel Kimball, William B. Town, Peter Porter, their associates and successors, are hereby made a corporation, by the name of the Fitchburg Woollen Mill, for the purpose of manufacturing woollen goods in the town of Fitchburg, in the county of Worcester, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$50,000, and capital stock \$100,000.

SECT. 2. The said corporation may hold real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the sum of one hundred thousand dollars. [*Approved by the Governor, Feb. 10, 1845.*]

Chap. 38. An Act to incorporate the Bristol Printing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated to manufacture, dye, print, and

SECT. 1. Samuel L. Crocker, Royal A. Crafts, and George A. Crocker, their associates and successors, are hereby made a corporation, by the name of the Bristol

Printing Company, for the purpose of manufacturing, dyeing, printing, and bleaching cotton, silk and woollen goods, in the town of Taunton, in the county of Bristol; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

bleach cotton, silk, and woollen goods in Taunton.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars. [Approved by the Governor, Feb. 10, 1845.]

Real estate not to exceed \$100,000, and capital stock \$200,000.

An Act to alter the Name of the "Institution for Savings in Haverhill and its vicinity."

Chap. 39.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The "Institution for Savings in Haverhill and its vicinity," incorporated February eighth, one thousand eight hundred and twenty-eight, shall be hereafter known and called by the name of the Haverhill Savings Bank. [Approved by the Governor, Feb. 11, 1845.]

To take the name of the Haverhill Savings Bank.

An Act concerning the Taunton Branch Rail-road Corporation.

Chap. 40.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time allowed to the Taunton Branch Rail-road Corporation, for the completion of the extension of their rail-road to the Taunton River, by an act entitled "an act authorizing the Taunton Branch Rail-road Corporation to extend their road and increase their capital stock," passed on the sixth day of March, in the year eighteen hundred and forty-four, is hereby extended to the first day of June, in the year eighteen hundred and forty-six. [Approved by the Governor, Feb. 11, 1845.]

Time for completing road extended to June 1, 1846.

An Act giving further time to the President, Directors and Company of the Middlesex Bank to close their concerns.

Chap. 41.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The President, Directors and Company of the Middlesex Bank are hereby continued a body corporate, for a period of two years from the fourth day of April, in the year one thousand eight hundred and forty-five, with all the powers and privileges, and subject to the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [Approved by the Governor, Feb. 11, 1845.]

Incorporation continued to April 4, 1847.

Chap. 42. An Act concerning the Hartford and Springfield Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To take the name of the New Haven, Hartford and Springfield Rail-road Company.

The second section of the "act in addition to an act to incorporate the Hartford and Springfield Rail-road Corporation," passed on the twenty-third of February, in the year one thousand eight hundred and forty-four, is hereby so far altered and amended as that the corporation therein named shall be called the New Haven, Hartford and Springfield Rail-road Company, instead of the New Haven and Springfield Rail-road Company, as is therein now provided. [*Approved by the Governor, Feb. 12, 1845.*]

Chap. 43. An Act to authorize the Union Wharf Corporation to extend their wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Truro may be extended 100 feet, &c. provided, &c.

The Union Wharf Corporation are hereby authorized to extend and maintain their wharf, in the town of Truro, in the county of Barnstable, into the harbor of said Truro in a northwesterly direction, to a distance not exceeding one hundred feet; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, this grant shall not, in any manner, interfere with the legal rights of any persons whatever. [*Approved by the Governor, Feb. 12, 1845.*]

Chap. 44. An Act to reduce the capital stock of the Millbury Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock may be reduced to \$50,000 after April 1st, 1845, when a commissioner, &c. shall have certified, &c.

SECT. 1. From and after the first day of April next, the president, directors and company of the Millbury Bank are hereby authorized to reduce their capital stock to the sum of fifty thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place until a commissioner, to be appointed by the governor and council for that purpose, at the expense of said corporation, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it, and that after the payment thereof, and extinguishing the number of shares hereby authorized to be extinguished, the net sum of fifty thousand dollars will remain in said bank as capital stock in funds, available for all usual and proper banking purposes.

Reduction to be made by extin-

SECT. 2. To reduce said capital stock as aforesaid, the said corporation shall extinguish five hundred shares there-

in, so that each of the remaining five hundred shares shall be of the par value of one hundred dollars.

SECT. 3. From and after the first day of April next, previous to which time the commissioner herein provided for shall make and deliver his certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank, shall have relation to, and be governed by, said reduced capital stock of fifty thousand dollars; and until the said first day of April next, and the said certificate shall have been made and delivered as aforesaid, said bank shall continue to pay into the treasury of the Commonwealth, the tax required by law to be paid on the present capital of said bank; and nothing contained in this act shall be construed to affect the liability of the corporation, or of the individual stockholders, as established by the act incorporating said bank, and the several acts in addition thereto.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 14, 1845.*]

An Act concerning the Stoughton Branch Rail-road Company.

Chap. 45.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The corporation established by an act passed on the sixteenth day of March, in the year one thousand eight hundred and forty-four, to construct a rail-road from a point on the Boston and Providence Rail-road, in the town of Canton, to the town of Stoughton, shall be called and known by the name of the Stoughton Branch Rail-road Company, and this shall be the only legal corporate name of said company.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 15, 1845.*]

An Act in addition to an Act to incorporate the American Factory.

Chap. 46.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The American Factory, in addition to their present powers, are hereby authorized to manufacture wool, and goods of which wool is a component part. [*Approved by the Governor, Feb. 15, 1845.*]

An Act to incorporate the Boston Duck Company.

Chap. 47.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Augustus H. Fiske, John S. Wright, and Elijah Loring, their associates and successors, are hereby

guishing 500 shares.

Rights and liabilities thenceforward to have reference to reduced capital.

When to take effect.

Corporation named.

When to take effect.

May manufacture wool and woollen goods.

Persons incorporated to manufacture cotton

and woollen goods and machinery in Palmer.

made a corporation, by the name of the Boston Duck Company, for the purpose of manufacturing cotton and woollen goods, and machinery, in the town of Palmer, in the county of Hampden, and in the town of Belchertown, in the county of Hampshire; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$200,000, and capital stock \$500,000.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate not exceeding the amount of two hundred thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of five hundred thousand dollars. [*Approved by the Governor, Feb. 15, 1845.*]

Chap. 48.

An Act to incorporate the Neponset Reservoir Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated to construct and maintain a reservoir in Foxborough.

SECT. 1. Truman Clark, Leonard Morse, and Joshua Stetson, Jr., their associates and successors, are hereby made a corporation, by the name of the Neponset Reservoir Company, for the purpose of constructing and maintaining a reservoir by the erection of a dam across the Neponset River, in the town of Foxborough, in the county of Norfolk; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$5,000, and capital stock \$6,000.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of five thousand dollars; and the whole capital stock shall not exceed six thousand dollars. [*Approved by the Governor, Feb. 18, 1845.*]

Chap. 49.

An Act to authorize Nathan and Joseph Durfee to extend their wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Wharf in Fall River may be extended to the channel of Taunton River, &c.
Provided, &c.

Nathan and Joseph Durfee are hereby authorized to extend their wharf to the channel of Taunton River, in the town of Fall River, and to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, Feb. 18, 1845.*]

An Act to authorize Benjamin W. Miller to extend his wharf.

Chap. 50.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Benjamin W. Miller is hereby authorized to extend his wharf to the channel of Taunton River, in the town of Fall River, and to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, Feb. 18, 1845.*]

Wharf in Fall River may be extended to the channel of Taunton River, &c.
Provided, &c.

An Act to incorporate the Seamen's Aid Society.

Chap. 51.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Ann E. Coffin, Marion Ruthven, and Hannah B. Chickering, their associates and successors, are hereby made a corporation, by the name of the "Seamen's Aid Society," for the purpose of relieving sick and disabled seamen and their families, and to afford aid and encouragement to the poor and industrious females belonging to the families of seamen; to promote the education of seamen's children, and improve the character and condition of seamen and their families; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to relieve seamen, &c.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate and personal property to an amount not exceeding one hundred thousand dollars.

Estate not to exceed \$100,000.

SECT. 3. Said corporation shall have power to take and receive, for the purposes aforesaid, any bequest or legacy which heretofore may have been made to the "Seamen's Aid Society."

May receive bequests made to the voluntary society of the same name.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 18, 1845.*]

When to take effect.

An Act to authorize Richard Borden to build a wharf.

Chap. 52.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Richard Borden is hereby authorized to build and maintain a wharf, or wharves, from land owned by him, lying on the easterly side of Mount Hope Bay, in the town of Fall River, and to extend said wharf, or wharves, unto the channel of said bay, and to lay vessels at said wharf, or wharves, and receive wharfage and dockage therefor: *pro-*

Wharves may be built in Fall River to the channel of Mount Hope Bay, &c.

Provided, &c.

vided, that this act shall in no wise affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, Feb. 18, 1845.*]

Chap. 53. An Act authorizing the President, Directors and Company of the Freeman's Bank to increase their capital stock.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital may be increased by \$50,000, in shares of \$100, &c.

SECT. 1. The president, directors and company of the Freeman's Bank, in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine: *provided*, that the whole amount shall be paid in, on or before the first Monday in October next.

Provided, &c.

Liabilities of increased capital.

SECT. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said corporation is now subject.

Certificate, &c. to be returned to the Secretary.

SECT. 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier under oath, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of the Commonwealth. [*Approved by the Governor, Feb. 19, 1845.*]

Chap. 54. An Act to authorize the Fall River Iron Works Company to extend their wharves.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharves may be extended to the channel of Mount Hope Bay, &c. *Provided, &c.*

The Fall River Iron Works Company are hereby authorized to extend their wharves to the channel of Mount Hope Bay, in the town of Fall River, and to lay vessels at said wharves, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, Feb. 19, 1845.*]

Chap. 55. An Act concerning Insurance Companies.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Investments may be made in rail-road stock. *Provided, &c.*

From and after the passage of this act, any insurance company may invest its funds in the stock of any rail-road corporation created by the Legislature of this Commonwealth, whose capital has been wholly paid in: *provided*,

that not more than one third part of the capital of any insurance company, shall be invested in rail-road stock, nor more than one fifth part, in the stock of any one rail-road corporation. [*Approved by the Governor, Feb. 19, 1845.*]

An Act to change the Name of the Salem Children's Friend Society.

Chap. 56.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Salem Children's Friend Society may take the name of the Salem Seaman's Orphan and Children's Friend Society, and said name shall hereafter be considered as the only legal corporate name of said society. [*Approved by the Governor, Feb. 19, 1845.*]

May take the name of, &c.

An Act to authorize Godfrey Rider to build a wharf.

Chap. 57.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Godfrey Rider is hereby authorized to build and maintain a wharf, from land owned by him in the town of Provincetown, unto the channel of Provincetown harbor, and to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, this act shall in no wise affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, Feb. 19, 1845.*]

Wharf may be built to the channel of Provincetown harbor, &c.

Provided, &c.

An Act concerning the Fire Department of the City of Salem.

Chap. 58.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city council of the city of Salem may annually select seven of the firewards chosen by said city, who shall constitute a board of engineers of the fire department; and said board shall select one of said number as chief engineer of the fire department.

Board of seven engineers may be selected from firewards by city council, and may select a chief engineer.

SECT. 2. Said board of engineers shall have all the powers, and exercise all the authority, which firewards, by the laws of the Commonwealth, and by an act passed on the sixteenth day of June, in the year one thousand eight hundred and twenty-seven, providing for the appointment of engine men in the town of Salem, now possess and are authorized to exercise.

To exercise the powers of firewards.

SECT. 3. Said board of engineers shall have the control and direction of all other firewards who may be appointed by said city councils; and if any fireward shall neglect or refuse to obey any orders given him by any of said board of engineers, or neglect or refuse to perform any service, which may be assigned to him by any of said board in the

And control and direct other firewards.

Firewards may be dismissed by city council for insubordination, or other cause, and their places supplied by city council.

Repeal of inconsistent provisions.

When to take effect.

regular performance of their duties, the city council may dismiss and remove the fireward so offending, and appoint another in his place.

SECT. 4. The said city councils may, at any time, dismiss and remove any of the firewards, and appoint others in their places.

SECT. 5. All acts, and parts of acts inconsistent with this act, are hereby repealed.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 19, 1845.*]

Chap. 59.

An Act in addition to an Act to establish the Granite Bridge Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Drivers of loads weighing more than 7 tons liable for damages.

SECT. 1. If any person shall drive a team carrying a load of more than seven tons weight, exclusive of the carriage and cattle, over the Granite Bridge, the owner of such team shall be liable to the proprietors of said bridge, for all damages that said proprietors shall suffer by reason of the passage of such load over said bridge.

Rates of toll.

SECT. 2. The rates of toll on said bridge shall be, for every horse and rider two cents; for each horse and cart, or wagon, four cents; for each cart, or wagon, drawn by two beasts, five cents; for each cart, or wagon, drawn by four beasts, eight cents; and for every additional yoke of oxen, or horse, one cent.

Repeal of inconsistent provisions.

SECT. 3. So much of the act to establish the Granite Bridge Corporation, as is inconsistent with this act, is hereby repealed. [*Approved by the Governor, Feb. 19, 1845.*]

Chap. 60.

An Act to authorize Gardner Greenleaf to extend his wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Boston may be extended to the line, &c.

Gardner Greenleaf is hereby authorized to extend his wharf, in the westerly part of the city of Boston, to the line established by the act concerning the harbor of Boston, passed on the sixth day of March, in the year one thousand eight hundred and forty-one, and shall have the right to lay vessels at the sides and end of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as shall extend below low water mark, shall be built on piles, and that the provisions of this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 20, 1845.*]

Provided, &c.

An Act to incorporate the South Cove Insurance Company.

Chap. 61.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William C. Fay, Charles Ellis, John M. Mayo, their associates and successors, are hereby made a corporation for the term of twenty years, by the name of the South Cove Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans and insurance against maritime losses and losses by fire, on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

Persons incorporated for 20 years to insure marine and fire risks in Boston on the mutual principle.

SECT. 2. No policy of insurance shall be issued by said company, until a fund of one hundred thousand dollars in cash shall have been paid in, for the protection of the assured, and invested as by law required of insurance companies heretofore incorporated.

Policies not to be issued before the investment of \$100,000.

SECT. 3. The said company may pay, semi-annually, the legal interest on the aforesaid fund, and may pay the principal of the fund, whenever their net profits shall amount to the sum of one hundred thousand dollars, and the same shall have been invested according to law as aforesaid; and no further division of the net profits or funds of the company shall be made, without leaving at least one hundred thousand dollars invested as aforesaid, until the expiration of this act.

Interest may be paid semi-annually, and principal after the investment of \$100,000 net profits.

SECT. 4. The guaranty capital provided for in this act, shall be in addition to any resources which can be converted into premiums. [Approved by the Governor, Feb. 20, 1845.]

Guaranty capital additional to resources convertible into premiums.

An Act concerning the Boston and Providence Rail-road Corporation.

Chap. 62.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston and Providence Rail-road Corporation, are hereby authorized to subscribe for stock of the Stoughton Branch Rail-road Company, to an amount not exceeding the sum of forty thousand dollars.

May invest \$40,000 in stock of the Stoughton Branch Rail-road.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 20, 1845.]

When to take effect.

An Act to authorize Amos and Timothy B. Wood to extend their wharf.

Chap. 63.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Amos and Timothy B. Wood are hereby authorized to Wharf in Bos-

ton may be extended to the line, &c.

extend their wharf, in the westerly part of the city of Boston, to the line established by the act concerning the harbor of Boston, passed on the sixth day of March, in the year one thousand eight hundred and forty-one, and shall have the right to lay vessels at the sides and end of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf, as shall extend below low water mark, shall be built on piles, and that the provisions of this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 22, 1845.*]

Provided, &c.

Chap. 64.

An Act concerning Trust Estates.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Property held in trust for minors, insane persons, married women, or persons out of the state, may be sold and conveyed by guardians and other persons, under the authority of the Supreme Court; *provided, &c.*

When any person, seized or possessed of any estate, real, personal, or mixed, or any interest therein, upon any trust or trusts, express or implied, shall be under the age of twenty-one years, insane, femme covert, or be out of the jurisdiction of this Commonwealth, or not amenable to the process of any court therein, having equity powers, and, in the opinion of the supreme judicial court, it be fit that a sale should be made of such estate, or of any interest therein, or that a conveyance be made thereof, in order to carry into effect the objects of the trusts concerning the same: then and in every such case, said supreme judicial court may, by its decree, on bill, or petition, as the case may require, direct and order such sale or conveyance to be made, and appoint any suitable person whom they think proper, in the place of such trustee, to convey such estate or interest therein, to such person as may become the purchaser, or as such decree or order may require. And if any person so seized, or possessed of the same, or entitled thereto upon any trust, shall be within the jurisdiction of the court, he or his guardian may be ordered to make such conveyances as the court may deem suitable or proper. [*Approved by the Governor, Feb. 22, 1845.*]

Chap. 65.

An Act to alter the Name of the Second Church and Society of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

May take the name of the Second Church.

SECT. 1. The Second Church and Society of Boston, incorporated February fourth, in the year one thousand eight hundred and twenty-four, shall hereafter be known and called by the name of the Second Church.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 22, 1845.*]

An Act to authorize William Wood to extend his wharf.

Chap. 66.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as

William Wood is hereby authorized to extend his wharf, in the westerly part of the city of Boston, to the line established by the act concerning the harbor of Boston, passed on the sixth day of March, in the year one thousand eight hundred and forty-one, and shall have the right to lay vessels at the sides and end of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as shall extend below low water mark, shall be built on piles, and that the provisions of this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 22, 1845.*]

Wharf in Boston may be extended to the line, &c.

Provided, &c.

An Act to increase the Duties and establish the Salary of the Attorney of the Commonwealth for the County of Suffolk.

Chap. 67

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The attorney of the Commonwealth for the county of Suffolk, in addition to the duties now required by law, shall perform all the duties heretofore required to be performed by the attorney general, in chapter thirteen, and sections twenty-five and thirty-three of the Revised Statutes; and shall also give his advice and direction in all matters of law, to the secretary, treasurer, and receiver general and adjutant general of the Commonwealth, in relation to their official duties.

Shall perform the duties of attorney general, &c.

SECT. 2. From and after the first day of April, in the year one thousand eight hundred and forty-five, the attorney of the Commonwealth for the county of Suffolk, shall receive a salary of two thousand dollars a year, to be paid quarterly, out of the treasury of said Commonwealth, and to be in full for all services rendered by him, and he shall render to the treasurer of said county, a quarterly account of all fees, bills of costs and moneys received by him, by virtue of his office, and shall account with the treasurer of the Commonwealth for the same. [*Approved by the Governor, Feb. 24, 1845.*]

Salary to be \$2000 after April 1, 1845.

Accounts, &c., to be rendered quarterly.

An Act to amend an Act concerning Notes payable on demand.

Chap. 68.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. An act "concerning notes payable on demand," passed the sixth day of April, in the year one thousand eight hundred and thirty-nine, is hereby amended in the

Indorse substituted for indorser in Act of 1839, chap. 121.

first section thereof, by striking out the word "indorser" and inserting the word "indorsee."

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 24, 1845.*]

Chap. 69.

An Act to authorize Edward A. Raymond to extend his wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Boston may be extended to the line, &c.

Edward A. Raymond is hereby authorized and empowered to extend and maintain his wharf in the city of Boston, to the line established by the act concerning the harbor of Boston, passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as shall extend below low water mark, shall be built on piles, and that the provisions of this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 24, 1845.*]

Provided, &c.

Chap. 70.

An Act requiring Constables to give Bonds in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Selectmen may require constables to give bonds for \$500, or more, conditioned, &c.

SECT. 1. The selectmen of any town may require that any person who may be chosen constable, shall give bonds to the inhabitants of said town, with sureties to be approved by the selectmen, in a penal sum not less than five hundred dollars, with condition for the faithful performance of his duties as constable in the service of all civil processes which may be committed to him; and any person injured by any breach of the condition of said bond, may, at his own expense, institute a suit thereon in the name of said inhabitants, and prosecute the same to final judgment and execution.

Writ in suit on such bonds, to be indorsed by party in interest, &c.

SECT. 2. In such suit the writ shall be indorsed by the person or persons for whose benefit the suit is brought, and in case neither of the said persons is an inhabitant of this Commonwealth, it shall also be indorsed by some other responsible indorser, residing within this Commonwealth, and the like proceedings shall be had thereon, to final judgment as in a suit by a creditor on administration bonds.

Suit, how to be prosecuted.

Execution for defendant's costs, how issued.

SECT. 3. If judgment in such case shall be for the defendants, execution shall issue for costs against such indorser or indorsers, in like manner as if they were plaintiffs of record in such suit.

Constables not to serve a civil process before

SECT. 4. No constable, of whom such bonds shall be required, shall be competent to serve any civil process, till

such bond shall be duly executed, approved, and filed in the town clerk's office, and no person of whom such bond shall be required as aforesaid, shall be liable to any fine for the non-acceptance of the office of constable.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 24, 1845.*]

the filing of a bond, &c., nor to be liable to a fine, &c., when bonds are required.

When to take effect.

An Act to authorize the Inhabitants of Truro, in the county of Barnstable, to construct a Bridge.

Chap. 71.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The inhabitants of the town of Truro, in the county of Barnstable, are hereby authorized to construct a bridge across Hopkins Creek, in said town, provided the arch over said creek shall be made high and wide enough for boats and scows to pass under at full sea. And said inhabitants, in carrying into effect the provisions of this act, shall in all respects conform to the existing laws relative to laying out town ways. [*Approved by the Governor, Feb. 26, 1845.*]

Bridge across Hopkins creek.

Dimensions of arch.

Existing laws, &c., must be observed.

An Act relating to the Western Rail-road Stock Sinking Fund.

Chap. 72.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act passed March third, in the year one thousand eight hundred and forty-two, entitled "an act relating to the sinking fund for the payment of the Commonwealth's shares in the Western Rail-road," is hereby repealed.

Repeal of former act.

SECT. 2. The treasurer and receiver general is hereby authorized and directed to invest all money now in hand, or which may hereafter be received, belonging to said sinking fund, with the approbation of the Governor and Council.

Governor and Council to direct investments.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 26, 1845.*]

When to take effect.

An Act to change the time for holding certain Probate Courts in the County of Plymouth.

Chap. 73.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The terms of the probate courts, which are now by law required to be held in Middleborough, in and for the county of Plymouth, on the last Tuesday in May in each year; and at Rochester, in and for said county, on the Wednesday next after the last Tuesday of May in each year, shall hereafter be held in said Middleborough, on the first Tuesday of May in each year, and at said Rochester,

Probate Courts in Middleborough and Rochester, when to be held.

on the Wednesday next after the first Tuesday of May in each year, instead of the times first aforementioned. And all matters and processes which are now returnable to said court at said Middleborough and Rochester, on the respective days first above mentioned, may be returned to and acted upon, by said court at said Middleborough and Rochester, on the respective days last above mentioned.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 26, 1845.*]

Chap. 74.

An Act to incorporate the Concord Steam Power Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated to manufacture and print cotton and woollen goods, and furnish and let steam power, &c., in Concord.

SECT. 1. David Loring, William H. Milton, and Samuel O. Mead, their associates and successors, are hereby made a corporation, by the name of the Concord Steam Power Company, for the purpose of manufacturing and printing cotton and woollen goods, and furnishing and letting steam power, to be used for manufacturing and the mechanic arts in the town of Concord, in the county of Middlesex, and, for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$100,000, and capital stock \$300,000.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of three hundred thousand dollars. [*Approved by the Governor, Feb. 26, 1845.*]

Chap. 75.

An Act to authorize George C. Thacher to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Wharf in Boston may be extended to the line, &c.

George C. Thacher is hereby authorized to extend his wharf, in the southerly part of the city of Boston, to the line established by the act concerning the harbor of Boston, passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf, as shall extend beyond low water mark, shall be built on piles, and that the provisions of this act shall in no wise affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, Feb. 26, 1845.*]

Provided, &c.

An Act concerning Alien Passengers.

Chap. 76.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The treasurer of every town and city in this Commonwealth, shall pay into the treasury of the Commonwealth, the sums now remaining in their hands, received from alien passengers; and said town and city treasurers shall annually, hereafter, in the month of May, pay into the treasury of the Commonwealth, all balances remaining in their hands, under the provisions of the two hundred and thirty-eighth chapter of the statutes of the year one thousand eight hundred and thirty-seven. [Approved by the Governor, Feb. 26, 1845.]

Town treasurers to pay balances of receipts from alien passengers into the treasury of the Commonwealth.

An Act to amend an Act in addition to the several Acts concerning the Militia.

Chap. 77.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. An act in addition to the several acts concerning the militia, passed the fourteenth day of March, in the year one thousand eight hundred and forty-four, is hereby amended in the twelfth section thereof, by inserting after the word "statutes" the words "of the year one thousand eight hundred and forty."

Amendment of the act of 1844, chap. 101, by inserting "of the year 1840."

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 26, 1845.]

When to take effect.

An Act concerning Limited Partnerships.

Chap. 78.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

From and after the passage of this act, no portion of the seventh section of the thirty-fourth chapter of the Revised Statutes shall be so construed, as to require any firm to insert all the names of the general partners in the style of the firm, when a firm shall consist of more than three general partners. [Approved by the Governor, Feb. 26, 1845.]

Exception to the provision of Rev. Stat. chap. 34, § 7, when a firm consists of more than three general partners.

An Act relating to the Fishery in Ipswich River.

Chap. 79.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The owners or occupants of the dam at the Ipswich Manufacturing Company's Mill, in Ipswich, their successors and assigns, shall, within six months from the passage of this act, construct, in the manner prescribed by the committee hereinafter named, a good and sufficient passage-way for the fish to pass over said dam up Ipswich

Passage-way to be made for fish within six months, over a dam across Ipswich river.

and to be kept open annually from April 10 to June 1, under a penalty of \$20 for each day of neglect, &c.

Committee to direct the construction.

Repeal of inconsistent provisions.

river; and the said owners shall keep said passage-way, or cause the same to be kept open and in good repair, from the tenth day of April to the first day of June, annually, under a penalty not exceeding twenty dollars for each and every day they shall neglect so to do, to be recovered in any court of competent jurisdiction, to the use of the town which shall sue therefor.

SECT. 2. Solomon Davis, of Truro; Oliver Ames, of Easton; John Dunlap, of Provincetown; James Long, of Harwich; Josiah O. Lawrence, of Cohasset; Caleb Lombard, of Wellfleet, and Richard Stevens, of Truro, are hereby appointed a committee for the purpose named in the preceding section.

SECT. 3. All provisions of law, inconsistent with this act, are hereby repealed. [*Approved by the Governor, Feb. 26, 1845.*]

Chap. 80.

An Act to incorporate the Steel Cannon Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated to manufacture cannon, &c., in Brighton.

SECT. 1. Daniel Treadwell, Horace Gray, Francis C. Lowell, their associates and successors, are hereby made a corporation, by the name of the Steel Cannon Company, for the purpose of manufacturing cannon, and any machinery which may be used for the manufacture thereof, in the town of Brighton, in the county of Middlesex, and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$200,000, and capital stock \$300,000.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of two hundred thousand dollars, and the whole capital stock of said corporation shall not exceed the sum of three hundred thousand dollars. [*Approved by the Governor, Feb. 26, 1845.*]

Chap. 81.

An Act to authorize Benjamin V. French and Moses French, junior, to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Wharf in Boston to be extended to a line, &c.

Benjamin V. French and Moses French, junior, proprietors of a wharf situate and fronting on Broad street, in the city of Boston, known as "Maine wharf," are hereby authorized to extend and maintain their said wharf into the harbor channel, as far as the line established by the act entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," passed the nineteenth day of April, in the year one thousand eight hundred and

thirty-seven, and shall have the right to lay vessels at the sides and end of said wharf, and to receive dockage and wharfage therefor: *provided*, that so much of said wharf as shall be erected under this act, shall be built on piles, and that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 27, 1845.*]

Provided, &c.

An Act to increase the Capital Stock of the Nashua and Lowell Rail-road Corporation.

Chap. 82.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The Nashua and Lowell Rail-road Corporation are hereby authorized to increase their capital stock to an amount not exceeding fifty thousand dollars, by creating an additional number of shares, not exceeding five hundred of one hundred dollars each, for the purpose of constructing an additional track to that part of their road lying within this Commonwealth.

Capital stock may be increased by 500 shares of \$100.

SECT. 2. Said additional shares shall be disposed of in such manner as said corporation shall determine, and be assessed as the directors shall deem expedient.

To be disposed of by corporation and assessed by directors.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 27, 1845.*]

When to take effect.

An Act to authorize Thomas Richardson to extend his Wharf.

Chap. 83.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Thomas Richardson, proprietor of a certain wharf called Bull's wharf, situated on Broad street, near the end of Summer street, in the city of Boston, is hereby authorized to extend and maintain his said wharf into the harbor channel, as far as the line established by the act entitled, "an act to preserve the harbor of Boston, and to prevent encroachments therein," passed the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and shall have the right to lay vessels at the sides and end of said wharf, and to receive dockage and wharfage therefor: *provided*, that so much of said wharf, as shall be erected under this act, shall be built on piles, and that this act shall in no wise affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, Feb. 27, 1845.*]

Wharf in Boston may be extended to the line, &c.

Provided, &c.

Chap. 84.

An Act relating to Charles River and Warren Bridges.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Warrants to be drawn, from time to time, in favor of the agent.

The Governor is hereby authorized to draw warrants, from time to time, on the Charles River and Warren Bridge Fund, in favor of the agent of said bridges, as the same may be needed for their maintenance. [*Approved by the Governor, Feb. 27, 1845.*]

Chap. 85.

An Act to establish the Cabot Savings Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Cabotville.

Sylvanus Adams, Rufus Whittier, and R. E. Bemis, their associates and successors, are hereby made a corporation, by the name of the Cabot Savings Bank, to be established at Cabotville, in the county of Hampden, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, in the forty-fourth chapter of the acts passed in the year one thousand eight hundred and forty-one, and in all other laws of the Commonwealth relating to institutions for savings. [*Approved by the Governor, Feb. 27, 1845.*]

Chap. 86.

An Act to authorize William P. Eddy and Daniel B. Eddy to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Somerset may be extended 30 feet.

William P. Eddy and Daniel B. Eddy, owners of a certain wharf situate on the west bank of Taunton River, in the town of Somerset, are hereby authorized to extend and maintain the said wharf into the said river the distance of thirty feet, and shall have a right to lay vessels at the sides and end of said wharf, and to receive dockage and wharfage therefor: *provided*, that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 28, 1845.*]

Provided, &c.

Chap. 87.

An Act to authorize Leonard Chace and Benjamin G. Chace to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Somerset may be extended to the ship channel.

Leonard Chace and Benjamin G. Chace, owners of a certain wharf situate on the west side of Taunton Great River, in the town of Somerset, are hereby authorized to enlarge, extend and maintain the said wharf to the line of the ship

channel in said river, and shall have the right to lay vessels at the sides and end of the same, and receive dockage and wharfage therefor: *provided*, that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 28, 1845.*]

Provided, &c.

An Act to incorporate the Tremont Iron Company.

Chap. 88.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Charles L. Hayward, William Thomas, James T. Hayward, their associates and successors, are hereby made a corporation, by the name of "Tremont Iron Company," for the purpose of manufacturing iron in the town of Wareham, in the county of Plymouth; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated to manufacture iron in Wareham.

SECT. 2. The said corporation, for the purposes aforesaid, may hold real estate to the amount of fifty thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars. [*Approved by the Governor, Feb. 28, 1845.*]

Real estate not to exceed \$50,000, and capital stock \$150,000.

An Act to authorize Thomas Tileston to extend his Wharf.

Chap. 89.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Thomas Tileston, proprietor of a certain wharf known as Tileston's wharf, situate and fronting on Broad street, in the city of Boston, is hereby authorized to extend and maintain said wharf, into the harbor channel, as far as the line established by the act entitled "an act to preserve the harbor of Boston and to prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and shall have the right to lay vessels at the sides and end of said wharf, and to receive dockage and wharfage therefor: *provided*, that so much of said wharf as shall be erected under authority of this act shall be built upon piles, and that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 28, 1845.*]

Wharf in Boston may be extended to a line &c.

Provided, &c.

An Act to incorporate the Worcester Aqueduct Company.

Chap. 90.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The inhabitants of the Centre School District in the town of Worcester, in the county of Worcester, as

Centre School District in Worcester in-

corporated to
construct an
aqueduct, &c.

the limits of said district are now defined, are hereby made a corporation, by the name of the Worcester Aqueduct Company, for the purpose of constructing and maintaining an aqueduct to conduct water from Bladder pond, in said town, to said district, for the extinguishment of fires within said district, and for other uses, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, so far as the same are applicable to said corporation, and not inconsistent with the provisions of this act.

Call for organi-
zation of first
meeting.

SECT. 2. The first meeting of said inhabitants under this act, may be called by any justice of the peace for said county of Worcester, upon application in writing of any five of said inhabitants qualified to vote in town affairs, and he shall give written notice thereof, setting forth the time, place and purposes of said meeting, by posting said notice in at least six public places in said district, not less than seven days before the time of said meeting, and by publishing the same in one of the newspapers printed in said Worcester, before said meeting. Said justice shall preside at said meeting until a moderator is chosen.

Qualification of
voters.

SECT. 3. No person shall be allowed to vote at such meeting, or at any subsequent meeting of said corporation, except the inhabitants of said district qualified to vote in town affairs.

Election, duties,
&c. of clerk.

SECT. 4. Said corporation shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, by the moderator in open meeting, or by a justice of the peace. He shall make a fair record of all votes passed at any meeting of said corporation, and certify the same when required, and shall hold his office until another clerk is chosen and sworn in his stead: *provided*, that any clerk may resign his office or be removed by vote of the corporation. At all meetings of said corporation a moderator shall be chosen, who shall have the same powers as the moderator of a town meeting.

Moderator at
meetings.

Call and organi-
zation of meet-
ings.

SECT. 5. Meetings of said corporation, after the first, shall be called by the clerk, whenever he shall be required in writing by the committee of managers, hereinafter provided for, or by ten of the inhabitants of said district qualified as aforesaid, and he shall give notice of every such meeting, by posting written or printed notifications thereof in at least six public places within said district, not less than seven days prior to the day of holding the same, which notifications shall contain a brief statement of the matters to be acted upon at said meeting. He shall also publish such notification, in at least one of the newspapers printed in said Worcester, before the day of said meeting. The clerk shall preside at such meetings until a moderator is chosen. In case of a vacancy in the office of clerk, meet-

ings shall be called in like manner by the committee of managers, who shall preside in his stead.

SECT. 6. Said corporation may, at any meeting called as aforesaid, vote to raise money for the accomplishment of the purposes contemplated by this act, and the clerk shall certify to the assessors of the town of Worcester aforesaid all sums of money which shall be voted to be raised as aforesaid, which sums shall be assessed upon the polls and estates of the inhabitants of said district, and collected by the officers of said town, in the same manner as the town taxes are assessed and collected, and shall be paid over by the collector of the town taxes to the treasurer of the town, who shall hold the same, subject to the order of the committee of managers aforesaid. The assessors, collector and treasurer of said town, shall have the same powers, perform the same duties, and be subject to the same liabilities, in reference to the assessment, collection and keeping the moneys voted by said corporation as aforesaid, as are provided in reference to the assessment, collection and keeping of moneys raised by towns, and may make abatements in the same manner.

Assessment and collection by town officers of taxes voted by the corporation.

SECT. 7. Said corporation shall choose, from time to time, a committee of five managers, who shall have the care, custody and management of the money raised as aforesaid, and other funds of the corporation, and shall expend the same in the manner prescribed by the bye-laws and votes of the corporation; and such committee shall be accountable to the corporation for all money so intrusted to them.

Custody and disposal of moneys by a committee of managers chosen by corporation.

SECT. 8. Said corporation may dig up and open any street or way in said town, for the purpose of placing such pipes, fixtures and other appurtenances of said aqueduct, as may be necessary for constructing, maintaining and managing the same: *provided*, that the convenient passing of teams and carriages is not prevented thereby, and that any injury thus done to any street or way shall be repaired by said corporation. Said corporation may also enter upon any lands, and lay, erect and maintain all such pipes, conductors of water, and other appurtenances of said aqueduct as may be necessary for the purpose aforesaid; and if any proprietor, or person interested in such land, do not agree with said corporation upon the price to be paid for such use of the same, such proprietor, or person interested, may have his damages assessed in the manner provided in the one hundred and sixteenth chapter of the Revised Statutes.

Corporation may open ways, and enter upon lands.

Provided, &c.

SECT. 9. Said corporation may purchase and hold real estate, for the purposes aforesaid, to the amount of ten thousand dollars in value.

Real estate not to exceed \$10,000.

SECT. 10. The inhabitants of said district shall be liable for all the acts, proceedings and contracts of said corporation, in the same way and manner, and by the same reme-

Liabilities of the district for acts of the corporation.

dies, as the inhabitants of towns are liable for the acts, proceedings and contracts of towns in their corporate capacity.

Penalties for defiling or corrupting the water.

SECT. 11. Any person who shall maliciously defile or corrupt the waters which supply said aqueduct, or shall maliciously injure said aqueduct, or any of its appurtenances, shall forfeit, for each offence, a sum not exceeding one hundred dollars, to the use of said town of Worcester, and shall also be liable to pay treble the amount of damages sustained by said corporation, to be recovered by them in an action on the case.

When to take effect.

SECT. 12. This act shall not take effect until the same is accepted at a meeting of the inhabitants of said district, called for that purpose, by a majority of those present and voting thereon. [Approved by the Governor, Feb. 28, 1845.]

Chap. 91.

An Act relating to the Fishway at Manning's Dam across Ipswich River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Passage-way for fish to be made over a dam in Ipswich River,

SECT. 1. The owner or occupants of the dam erected by Thomas Manning, across Ipswich River, his assigns or successors, may construct, in the manner prescribed by the committee hereinafter named, a good and sufficient passage-way for the fish to pass over said dam up Ipswich River; and the said owner or owners shall keep said passage-way, or cause the same to be kept open, and in good repair, from the tenth day of April to the first day of June, annually, under a penalty not exceeding twenty dollars for each and every day they shall neglect so to do, to be recovered in any court of competent jurisdiction, to the use of the town which shall sue therefor.

and kept open annually, from April 10 to June 1.

Penalty of \$20 for each day's neglect.

Committee to direct construction.

SECT. 2. Solomon Davis, of Truro; Oliver Ames, of Easton; John Dunlap, of Provincetown; James Long, of Harwich; Josiah O. Lawrence, of Cohasset; Caleb Lombard, of Wellfleet; and Richard Stevens, of Truro; are hereby appointed a committee for the purpose named in the preceding section.

Repeal of former laws after construction.

SECT. 3. Whenever a fishway shall be constructed at said Manning's Dam, as ordered by the above committee, all former laws relating to fishways at said dam shall be repealed. [Approved by the Governor, Feb. 28, 1845.]

Chap. 92.

An Act to authorize the Fall River Whaling Company to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Wharf in Fall River may be

The Fall River Whaling Company are hereby authorized to extend and maintain their wharf, in the town of Fall

River, to the line of the ship channel in Taunton River, and shall have a right to lay vessels at the sides and end of said wharf, and to receive dockage and wharfage therefor: *provided*, that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 28, 1845.*]

extended to the ship channel.

Provided, &c.

An Act to authorize Samuel Rodman to construct a Wharf.

Chap. 93.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Samuel Rodman, owner of certain lands situate on the east shore of Taunton Great River, in the town of Fall River, is hereby authorized to construct and maintain a wharf, westerly from said lands to the line of the ship channel in said river; and shall have a right to lay vessels at the sides and end of said wharf, and to receive dockage and wharfage therefor: *provided*, that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 28, 1845.*]

Wharf may be built in Fall River to the ship channel.

Provided, &c.

An Act to change the Name of the Second Universalist Society in Gloucester.

Chap. 94.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. "The Second Universalist Society in Gloucester" shall be known and called by the name of the First Universalist Society in Rockport, and as such shall hold and possess all the property, and be entitled to all the rights and privileges, and subject to all the liabilities, of said Second Universalist Society.

May take the name of the First Universalist Society in Rockport, &c.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 28, 1845.*]

When to take effect.

An Act to incorporate the Ashburnham Reservoir Company.

Chap. 95.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Jacob Osgood, Amos Tayler, George Blackburn, their associates and successors, are hereby made a corporation, by the name of the "Ashburnham Reservoir Company," for the purpose of constructing, supporting and occupying a reservoir of water by means of dams, in the town of Ashburnham, in the county of Worcester, for the supply of mills situated on the stream below said reservoir, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated to construct, &c. a reservoir, &c. in Ashburnham.

SECT. 2. Said corporation may hold, for the purpose

Real estate not

to exceed
\$10,000, and
capital stock
\$12,000.

ses aforesaid, real estate to the amount of ten thousand dollars; and the whole amount of the capital of said company shall not exceed twelve thousand dollars. [*Approved by the Governor, Feb. 28, 1845.*]

Chap. 96. An Act to authorize the South Boston Iron Company to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Boston may be extended to a line, &c.

The South Boston Iron Company are hereby authorized to extend and maintain their wharf, situate in the southerly part of the city of Boston, lying between Thacher's wharf and Coney's wharf, to the line established by an act of the Legislature, passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," and shall have the privilege of laying vessels at the sides and end of said wharf, and of receiving wharfage and dockage therefor: *provided*, that so much of said wharf as shall be erected under this act, extending from low water mark to the above-named line, shall be built on piles, and that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 28, 1845.*]

Provided, &c.

Chap. 97. An Act relating to the Vermont and Massachusetts Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Incorporation continued, provided any section of the road, &c. is completed before March 15th, 1847.

SECT. 1. So much of the third section of an act entitled an act to incorporate the Vermont and Massachusetts Rail-road Company, passed March 15th, in the year one thousand eight hundred and forty-four, as provides that if said company shall not complete their road, from the termination of the Fitchburg Rail-road as far as Baldwinville, within three years from the date of said act, is hereby repealed, provided any section of their road between Fitchburg and Athol, shall be completed within said three years of like extent.

Act to take effect when accepted by corporation.

SECT. 2. This act shall not take effect until accepted at a legal meeting of the Vermont and Massachusetts Rail-road Company. [*Approved by the Governor, Feb. 28, 1845.*]

Chap. 98. An Act to authorize William H. Prentice to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Boston may be extended to the line, &c.

William H. Prentice, proprietor of a wharf situate and fronting on Broad street, in the city of Boston, between Russia and Tileston's wharves, is hereby authorized to ex-

tend and maintain his said wharf into the harbor channel, as far as the line established by the act entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, with the same rights and privileges in said wharf, so extended, as he now legally has and enjoys: *provided*, that so much of said wharf as shall be erected under this act, shall be built on piles, and that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, Feb. 28, 1845.*]

Provided, &c.

An Act to establish the Cohasset Savings Bank.

Chap. 99.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Paul Pratt, Henry J. Turner and John Bates, their associates and successors, are hereby made a corporation, by the name of the Cohasset Savings Bank, to be established in the town of Cohasset, in the county of Norfolk, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, in the forty-fourth chapter of the acts passed in the year one thousand eight hundred and forty-one, and in all other laws of the Commonwealth relating to the institutions for savings. [*Approved by the Governor, Feb. 28, 1845.*]

Persons incorporated in Cohasset.

An Act concerning the Distribution of School Returns and other Documents and Papers relating to Schools.

Chap 100.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

It shall be the duty of the Secretary of the Commonwealth to cause the blank school returns and registers, the abstract of school returns, and the report of the Secretary of the Board of Education, when the same shall be received by him, to be forwarded to the sheriffs of the several counties for distribution; and it shall be the duty of the sheriffs to forward the same to the town clerks of the several towns, within their counties respectively; and the sheriffs shall be entitled to receive, for such distribution, three cents for each copy so distributed, to be paid by the State treasurer. [*Approved by the Governor, March 4, 1845.*]

School documents to be distributed by the Secretary to the sheriffs, and by the sheriffs to the town clerks.

Compensation of the sheriffs.

An Act to reduce the Capital Stock of the Merchants Bank, in Salem.

Chap 101.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. From and after the eighth day of March next, Capital may

be reduced to \$200,000 after March 8, 1845, when a commissioner, &c. shall have certified, &c.

the president, directors and company of the Merchants Bank, in Salem, are hereby authorized to reduce their capital stock to the sum of two hundred thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall any reduction take place, until a commissioner, to be appointed by the Governor and Council for that purpose, at the expense of said corporation, shall have certified in writing to the Governor and Council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it; and that after payment thereof, and the repayment to its stockholders of such sum on each share of said stock, as said commissioner shall judge may be paid, that the net sum of two hundred thousand dollars will remain in said bank as capital stock in funds available for all usual and proper banking purposes.

Reduction to be made by reducing the shares to \$50, &c.

SECT. 2. The reduction of the capital stock of the said bank shall be made by reducing the par value of the shares in the same, from one hundred dollars to fifty dollars per share, and refunding to the holders of the stock, the difference ascertained by the said commissioner, in the manner before provided.

Tax to be levied as heretofore till March 8, 1845, and till a commissioner shall have reported.

SECT. 3. From and after the said eighth day of March next, previous to which time the commissioner herein provided for, shall make and deliver his certificate to the Governor and Council as aforesaid, all the rights, duties and liabilities of the said bank, shall have relation to, and be governed by said reduced capital stock of two hundred thousand dollars. And until the said eighth day of March next, and the said certificate shall have been made and delivered as aforesaid, the said bank shall continue to pay into the treasury of the Commonwealth, the tax required by law to be paid on the present capital of said bank. And nothing contained in this act shall be construed to affect the liability of the corporation or of the individual stockholders, as established by the act incorporating the said bank, and the several acts in addition thereto.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 5, 1845.*]

Chap 102.

An Act to incorporate the Worcester and Nashua Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated to build, &c., a rail-road.

SECT. 1. John Davis, Stephen Salisbury, William A. Wheeler, their associates and successors, are hereby made a corporation, by the name of the Worcester and Nashua Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, contained in the forty-fourth chapter of the Revised Statutes,

and in that part of the thirty-ninth chapter of said statutes which relates to rail-road corporations, and in the public statutes subsequently passed relating to such corporations.

SECT. 2. Said corporation is hereby empowered and authorized to locate, construct, and maintain a rail-road with one or more tracks, from Worcester towards Nashua, in the state of New Hampshire, to the line of said state of New Hampshire, beginning at some convenient point on the Boston and Worcester Rail-road, or on the Worcester Branch Rail-road, or on the Norwich and Worcester Rail-road, in the town and county of Worcester, and thence to cross the south branch of the Nashua river, by the best route and at the most convenient and suitable place anywhere in the towns of Sterling, West Boylston or Boylston, above Scaur bridge in said Boylston, and thence by the most convenient and useful route in the direction of Nashua, crossing the Boston and Fitchburg Rail-road, and thence by such route and in such direction to the State line, where it can be best united with a rail-road from said Nashua to said State line. And said corporation, in selecting and defining such route, may pass through such of the following towns as they shall deem expedient, to wit: Worcester, Holden, West Boylston, Sterling, Boylston, Shrewsbury, Lancaster, Bolton, Harvard, Shirley, Groton, Pepperell, Dunstable, Leominster, Lunenburg, Stow, Acton, Boxborough, Littleton and Townsend, all within this Commonwealth: *provided, however*, that said corporation shall not enter upon or pass over with any car, any part of said Boston and Worcester Rail-road, which lies east of the Deep-cut, so called, in Worcester, without the consent of the directors of the Boston and Worcester Rail-road Corporation.

Location of road.

Provided, &c.

SECT. 3. The capital stock of said corporation shall consist of not more than fifteen thousand shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon to a greater amount in the whole, than one hundred dollars on each share.

Capital stock not to exceed \$1,500,000. in shares of \$100.

SECT. 4. Said corporation may take, purchase and hold such real estate on the line of their road, and purchase and hold such cars, materials, engines and other property, as may be necessary and convenient for depots, for the use of said road, for the transportation of persons, goods, and merchandise, and for the management of the corporate business.

Estate, real and personal.

SECT. 5. Said corporation may enter with their rail-road by proper turnouts and switches, upon the Boston and Worcester Rail-road, subject to the proviso contained in the second section, upon the Norwich and Worcester Rail-

May enter upon and use other roads, *provided, &c.*

road, and the Worcester Branch Rail-road, at any convenient point in the town of Worcester, west of the Deep-cut aforesaid: and may use said rail-roads or any part thereof, paying therefor such rate of toll or compensation, as the Legislature may, from time to time, prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, and complying with such reasonable rules and regulations, as may be established by said Boston and Worcester, Norwich and Worcester, and Worcester Branch Rail-road Corporations.

And said corporation may, in like manner, and under the same provisions and restrictions, enter with their rail-road upon the Fitchburg Rail-road, at the place where their road crosses the same: *provided, however*, that said corporation shall not enter upon either of the rail-roads of said other corporations, in this section mentioned, with any motive power, unless the said road or either of them, shall refuse to draw over their road or any part thereof, the cars of said Worcester and Nashua Rail-road Company; and then it shall so enter only upon the road of the corporation so refusing to draw over their road, the cars of the Worcester and Nashua Rail-road Corporation.

Road to be located, &c. within 3 years, and completed within 6, &c.

SECT. 6. If said corporation shall not, within three years, file a location of their route in the manner required by law, and shall not, in building, construct as rapidly and as much in length of their road, between the southern terminus and the Fitchburg Rail-road, as may be constructed between said Fitchburg Rail-road and the State line, and shall not, within six years, complete the whole road so far that it shall be opened for use, then this act shall be void.

The Legislature may reduce the tolls, &c., after 5 years; *provided, &c.*

SECT. 7. The Legislature may, after five years from the time when said road shall be opened for use throughout, from time to time, reduce the rate of tolls and other profits upon the same; but without the consent of said company, they shall not be so reduced as to yield less than ten per cent. per annum to the stockholders.

The Legislature may authorize its use by other companies.

SECT. 8. The Legislature may authorize any corporation to enter with another rail-road at any point of the rail-road hereby authorized, paying for the right to use the same, or any part thereof, such rate of toll or compensation as the Legislature may, from time to time, prescribe, and complying with such rules and regulations as said Nashua and Worcester Rail-road Company may lawfully establish: *provided, however*, that no other corporation shall enter upon said road with any motive power, unless the said company shall refuse to draw over their road, or any part thereof, the cars of said road so authorized to enter upon their road.

Provided, &c.

May be united with the Nashua and Groton Company.

SECT. 9. Said Worcester and Nashua Rail-road Company are hereby authorized to unite with the Nashua and Groton Rail-road Company, which was incorporated by

the Legislature of New Hampshire, to build a road from Nashua to the State line, at the northern terminus of said Worcester and Nashua Road; and when the two companies shall have so united, the stockholders of the one company shall become the stockholders of the other company, and the two companies shall constitute one corporation, by the name of the Worcester and Nashua Rail-road Company, and the franchise, property and power acquired under the authority of said States respectively, shall be held and enjoyed by all the stockholders, in proportion to the number of shares or amount of property held by them respectively, in either or both of said corporations.

SECT. 10. One or more of the directors, or other officers of said united corporations, shall, at all times, be an inhabitant of this Commonwealth, on whom process against said company may be legally served, and said company shall be held to answer in the jurisdiction, where the service is made and the process is returnable.

One officer of united company to be an inhabitant of Massachusetts, &c.

SECT. 11. Said company shall keep separate accounts of their expenditures in Massachusetts and New Hampshire respectively, and two commissioners shall be appointed, one by the governor of each State, to hold their offices for the term of three years, and to be reasonably compensated by said company, who shall decide what portion of all expenditures of said company, and of its receipts and profits properly pertain to that part of the road lying in Massachusetts and in New Hampshire respectively, and the annual report required to be made to the Legislature of this Commonwealth, shall be approved by the commissioners.

Accounts of expenditures in Massachusetts and New Hampshire to be kept distinct. A commissioner to be appointed, &c. in each State, to determine proportions of expenses, receipts and profits.

SECT. 12. Said company and the stockholders therein, so far as their road shall be situated in Massachusetts, shall be subject to all the duties and liabilities of the Worcester and Nashua Rail-road Company, created by the provisions of this act and the laws of the State, to the same extent that the Worcester and Nashua Company would have been liable if no union had taken place.

Corporation to be subject to laws of Massachusetts, &c., for as much of their road as lies therein.

SECT. 13. The provisions contained in the four preceding sections, shall not take effect until the Legislature of New Hampshire shall have passed an act containing similar provisions, nor until said provisions shall have been accepted by the stockholders of said two corporations respectively, at legal meetings called for that purpose.

Parts of this law not to take effect till after certain action of New Hampshire and of the corporations.

SECT. 14. Said corporation may purchase or hire the Worcester Branch Rail-road, and use the same, and may receive a conveyance thereof, and of its franchise, rights, powers and privileges, subject to the restrictions of its charter, upon such terms as may be mutually agreed upon by the directors of the two corporations; and in case of such purchase and conveyance, the said Worcester Branch

Corporation may purchase, &c. the Worcester Branch Rail-road, the corporation of which shall then be merged, &c.

Rail-road Corporation shall be merged in the corporation created by this act.

When to take effect.

SECT. 15. This act shall take effect from and after its passage. [*Approved by the Governor, March 5, 1845.*]

Chap 103.

An Act to incorporate the Massachusetts Temperance Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to promote temperance.

SECT. 1. John C. Warren, Moses Grant, Walter Channing, Stephen Fairbanks, Henry Edwards, Charles Brown, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Temperance Society, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate not to exceed \$50,000.

SECT. 2. The said corporation may take and hold real and personal estate, to an amount not exceeding fifty thousand dollars: *provided*, that the annual income thereof shall be appropriated to the purpose of promoting the cause of temperance.

Income to be appropriated, &c.

May receive bequests made to the private association of the same name.

SECT. 3. The said corporation shall be capable in law to receive any bequest heretofore made or given to the association heretofore known as the Massachusetts Temperance Society.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 5, 1845.*]

Chap 104.

An Act to incorporate the Crocker Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to manufacture cotton goods in Fitchburg.

SECT. 1. John A. Carpenter, John P. Welch, Alvah Crocker, their associates and successors, are hereby made a corporation, by the name of "Crocker Mills," for the purpose of manufacturing cotton goods, in the town of Fitchburg, in the county of Worcester, and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$30,000, and capital stock \$100,000.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital stock shall not exceed the sum of one hundred thousand dollars. [*Approved by the Governor, March 5, 1845.*]

An Act establishing the Salaries of the First and Second Clerks in the Office of the Treasurer and Receiver General of the Commonwealth.

Chap 105.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

From and after the first day of April, in the year one thousand eight hundred and forty-five, the first and second clerks in the office of the Treasurer and Receiver General shall each receive a salary of one thousand dollars a year; and the salaries of said clerks shall be payable quarterly; and said sum shall be in full for all services to be rendered in said office. [*Approved by the Governor, March 5, 1845.*]

Salaries to be \$1,000 after April 1, 1845.

An Act to repeal the Charter of the Phœnix Bank in Charlestown.

Chap 106.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act entitled an act to incorporate the President, Directors and Company of the Phœnix Bank, in Charlestown, passed March thirteenth, in the year one thousand eight hundred and thirty-two, and also the act entitled an act to increase the capital stock of the Phœnix Bank, passed March thirty-first, in the year one thousand eight hundred and thirty-six, are severally hereby repealed: *provided*, that nothing in this act shall be so construed as to absolve the said corporation, or any director or stockholder thereof, from any liability or penalty created by the acts hereby repealed, or by any other act, or statute, or statutes of this Commonwealth.

Repeal of charter, and of additional act.

Provided, &c.

SECT. 2. The receivers of the said Phœnix Bank, heretofore appointed by the supreme judicial court, and any other receivers who may be appointed in their place, shall have the same powers, in all respects, as though they had been appointed under the provisions of the forty-fourth chapter of the Revised Statutes, and such powers may be continued as long as the said court shall deem necessary.

Receivers, &c. to have the same powers, &c., and to be continued at the discretion of the Supreme Court.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 6, 1845.*]

When to take effect.

An Act to Apportion and Assess a Tax of Seventy-five Thousand Dollars.

Chap 107.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Each city, town, district or other place, herein-after named, within this Commonwealth, shall be assessed and pay the several sums with which they stand respectively charged in the following Schedule :

COUNTY OF SUFFOLK.

Boston,	Twenty-five thousand four hundred eighty-eight dollars and seventy-five cents,
Chelsea,	One hundred eighty dollars and seventy-five cents.

COUNTY OF ESSEX.

Amesbury,	One hundred sixty-one dollars and twenty-five cents,
Andover,	Three hundred eighty-four dollars and seventy-five cents,
Beverly,	Three hundred forty-two dollars and seventy-five cents,
Boxford,	Ninety-eight dollars and twenty-five cents,
Bradford,	One hundred and fourteen dollars,
Danvers,	Four hundred eighty-four dollars and fifty cents,
Essex,	One hundred and seventeen dollars,
Georgetown,	Ninety-four dollars and fifty cents,
Gloucester,	Two hundred forty-nine dollars and seventy-five cents,
Hamilton,	Sixty-one dollars and fifty cents,
Haverhill,	Three hundred twenty-two dollars and fifty cents,
Ipswich,	Two hundred five dollars and fifty cents,
Lynn,	Three hundred eighty-three dollars and twenty-five cents,
Lynnfield,	Forty-two dollars and seventy-five cents,
Manchester,	Ninety dollars,
Marblehead,	Four hundred twenty-seven dollars and fifty cents,
Methuen,	One hundred and fifty-three dollars,
Middleton,	Fifty-four dollars and seventy-five cents,
Newbury,	Two hundred forty-three dollars and seventy-five cents,
Newburyport,	Seven hundred eighty-six dollars and seventy-five cents,
Rockport,	One hundred two dollars and seventy-five cents,
Rowley,	Sixty-seven dollars and fifty cents,
Salem,	Two thousand four hundred forty-three dollars and fifty cents,
Salisbury,	One hundred ninety-one dollars and twenty-five cents,
Saugus,	Fifty-nine dollars and twenty-five cents,
Topsfield,	Ninety-eight dollars and twenty-five cents,
Wenham,	Fifty-two dollars and fifty cents,
West Newbury,	One hundred twenty-four dollars and fifty cents.

COUNTY OF MIDDLESEX.

Acton,	Seventy dollars and fifty cents,
Ashby,	Eighty-six dollars and twenty-five cents,
Bedford,	Sixty-two dollars and twenty-five cents,
Boxborough,	Thirty-seven dollars and fifty cents,
Billerica,	One hundred and eight dollars,
Brighton,	One hundred twenty dollars and seventy-five cents,
Burlington,	Thirty-six dollars,
Cambridge,	One thousand one hundred two dollars and fifty cents,
Carlisle,	Fifty-one dollars and seventy-five cents,
Charlestown & Somerville,	{ One thousand twenty-two dollars and twenty-five cents,
Chelmsford,	One hundred and seventeen dollars,
Concord,	One hundred fifty-seven dollars and fifty cents,
Dracut,	One hundred and thirty-eight dollars,
Dunstable,	Forty-nine dollars and fifty cents,
Framingham,	Two hundred twenty-one dollars and twenty-five cents,
Groton,	One hundred eighty-five dollars and twenty-five cents,
Holliston,	One hundred twelve dollars and fifty cents,
Hopkinton,	One hundred thirty-five dollars and seventy-five cents,
Lexington,	One hundred forty-seven dollars and seventy-five cents,
Lincoln,	Sixty dollars,
Littleton,	Sixty dollars,
Lowell,	Two thousand four hundred and seventy-eight dollars,
Malden,	One hundred fifty-nine dollars and seventy-five cents,
Marlborough,	One hundred seventy-two dollars and fifty cents,
Medford,	Two hundred seventy-five dollars and twenty-five cents,
Natick,	Seventy-eight dollars and seventy-five cents,
Newton,	Two hundred thirty-four dollars,
Pepperell,	Ninety-eight dollars and twenty-five cents,
Reading,	One hundred thirty-one dollars and twenty-five cents,
Sherburne,	Eighty-four dollars,
Shirley,	Sixty-three dollars,
South Reading,	Eighty dollars and twenty-five cents,
Stoneham,	Sixty-two dollars and twenty-five cents,
Stow,	Eighty-seven dollars and seventy-five cents,
Sudbury,	One hundred seven dollars and twenty-five cents,

Townsend,	Ninety-nine dollars,
Tewksbury,	Eighty-seven dollars,
Tyngsborough,	Sixty-eight dollars and twenty-five cents,
Waltham,	Two hundred and sixty-seven dollars,
Watertown,	Two hundred forty-one dollars and fifty cents,
Wayland,	Sixty-two dollars and twenty-five cents,
W. Cambridge,	One hundred and twenty-three dollars,
Westford,	Ninety-three dollars and seventy-five cents,
Weston,	Ninety-nine dollars,
Wilmington,	Fifty-three dollars and twenty-five cents,
Woburn,	One hundred ninety-one dollars and twenty-five cents.

COUNTY OF WORCESTER.

Ashburnham,	One hundred and eleven dollars,
Athol,	Ninety-four dollars and fifty cents,
Auburn,	Forty-eight dollars,
Barre,	Two hundred forty-eight dollars and twenty-five cents,
Berlin,	Fifty-one dollars and seventy-five cents,
Bolton,	One hundred three dollars and fifty cents,
Boylston,	Sixty-three dollars and seventy-five cents,
Brookfield,	One hundred seventy-two dollars and fifty cents,
Charlton,	One hundred sixty-two dollars and seventy-five cents,
Dana,	Thirty-three dollars,
Douglas,	One hundred forty-six dollars and twenty-five cents,
Dudley,	One hundred fourteen dollars and seventy-five cents,
Fitchburg,	One hundred ninety-one dollars and twenty-five cents,
Gardner,	Ninety-three dollars,
Grafton,	Two hundred ten dollars and seventy-five cents,
Hardwick,	One hundred fifty-two dollars and twenty-five cents,
Harvard,	One hundred thirteen dollars and twenty-five cents,
Holden,	One hundred thirty-eight dollars and seventy-five cents,
Hubbardston,	One hundred eleven dollars and seventy-five cents,
Lancaster,	One hundred twenty-three dollars and seventy-five cents,
Leicester,	One hundred seventy-three dollars and twenty-five cents.

Leominster,	One hundred sixty dollars and fifty cents,
Lunenburg,	One hundred and five dollars,
Mendon,	Three hundred thirty-two dollars and twenty-five cents,
Milford,	One hundred and fourteen dollars,
Millbury,	One hundred and forty-one dollars,
New Braintree,	Ninety-five dollars and twenty-five cents,
Northborough,	Ninety-six dollars,
Northbridge,	Seventy-nine dollars and fifty cents,
N. Brookfield,	One hundred twelve dollars and fifty cents,
Oakham,	Seventy-five dollars and seventy-five cents,
Oxford,	One hundred sixty-five dollars and seventy-five cents,
Paxton,	Forty-two dollars and seventy-five cents,
Petersham,	One hundred and sixty-five dollars,
Phillipston,	Seventy-three dollars and fifty cents,
Princeton,	One hundred twenty-one dollars and fifty cents,
Royalston,	One hundred eighteen dollars and fifty cents,
Rutland,	One hundred ten dollars and twenty-five cents,
Shrewsbury,	One hundred thirteen dollars and twenty-five cents,
Southborough,	Seventy-eight dollars and seventy-five cents,
Southbridge,	One hundred forty-five dollars and fifty cents,
Spencer,	One hundred twenty-seven dollars and fifty cents,
Sterling,	One hundred twenty-six dollars and seventy-five cents,
Sturbridge,	One hundred fifty-seven dollars and fifty cents,
Sutton,	One hundred eighty-five dollars and twenty-five cents,
Templeton,	One hundred and fifty dollars,
Upton,	Eighty-nine dollars and twenty-five cents,
Uxbridge,	One hundred eighty-five dollars and twenty-five cents,
Webster,	One hundred twenty-two dollars and twenty-five cents,
Warren,	One hundred and fourteen dollars,
Westborough,	One hundred and fifteen dollars and fifty cents,
West Boylston,	Ninety-four dollars and fifty cents,
Westminster,	One hundred twenty-one dollars and fifty cents,
Winchendon,	One hundred twenty-two dollars and twenty-five cents,
Worcester,	Nine hundred fourteen dollars and twenty-five cents.

COUNTY OF HAMPSHIRE.

Amherst,	One hundred and seventy-one dollars,
Belchertown,	One hundred and thirty-eight dollars,
Chesterfield,	Sixty-six dollars,
Cummington,	Sixty-six dollars and seventy-five cents,
Easthampton,	Forty-eight dollars and seventy-five cents,
Enfield,	Seventy dollars and fifty cents,
Goshen,	Thirty-six dollars,
Granby,	Sixty-two dollars and twenty-five cents,
Greenwich,	Forty-four dollars and twenty-five cents,
Hadley,	One hundred twenty-nine dollars and seven- ty-five cents,
Hatfield,	One hundred twelve dollars and fifty cents,
Middlefield,	Fifty-seven dollars and seventy-five cents,
Northampton,	Two hundred and ninety-seven dollars,
Norwich,	Forty-six dollars and fifty cents,
Pelham,	Forty-five dollars and seventy-five cents,
Plainfield,	Fifty-five dollars and fifty cents,
Prescott,	Forty-two dollars,
Southampton,	Sixty-five dollars and twenty-five cents,
South Hadley,	Seventy-six dollars and fifty cents,
Ware,	One hundred and five dollars,
Westhampton,	Forty-five dollars,
Williamsburg,	Eighty-nine dollars and twenty-five cents,
Worthington,	Eighty-one dollars and seventy-five cents.

COUNTY OF HAMPDEN.

Blandford,	One hundred five dollars and seventy-five cents,
Brimfield,	One hundred fourteen dollars and seventy- five cents,
Chester,	Sixty-eight dollars and twenty-five cents,
Granville,	Seventy-eight dollars and seventy-five cents,
Holland,	Thirty dollars,
Longmeadow,	Ninety dollars and seventy-five cents,
Ludlow,	Ninety-six dollars and seventy-five cents,
Monson,	One hundred sixty-four dollars and twenty- five cents,
Montgomery,	Twenty-seven dollars and seventy-five cents,
Palmer,	One hundred seventy-nine dollars and twen- ty-five cents,
Russell,	Thirty-five dollars and twenty-five cents,
Southwick,	Seventy-eight dollars and seventy-five cents,
Springfield,	Nine hundred thirty-five dollars and twenty- five cents,
Tolland,	Forty-four dollars and twenty-five cents,
Wales,	Thirty-nine dollars,

Westfield,	Two hundred forty-five dollars and twenty-five cents,
W. Springfield,	Two hundred forty-six dollars and seventy-five cents,
Wilbraham,	One hundred three dollars and fifty cents.

COUNTY OF FRANKLIN.

Ashfield,	Ninety dollars and seventy-five cents,
Bernardston,	Fifty-seven dollars,
Buckland,	Forty-five dollars and seventy-five cents,
Charlemont,	Sixty-two dollars and twenty-five cents,
Coleraine,	One hundred twelve dollars and fifty cents,
Conway,	One hundred nine dollars and fifty cents,
Deerfield,	One hundred forty-eight dollars and fifty cents,
Erving,	Sixteen dollars and fifty cents,
Gill,	Forty-eight dollars,
Greenfield,	One hundred forty-six dollars and twenty-five cents,
Hawley,	Fifty dollars and twenty-five cents,
Heath,	Fifty-two dollars and fifty cents,
Leverett,	Forty-five dollars and seventy-five cents,
Leyden,	Forty-four dollars and twenty-five cents,
Montague,	Sixty-six dollars and seventy-five cents,
Munroe,	Twelve dollars,
New Salem,	Seventy-two dollars,
Northfield,	One hundred fourteen dollars and seventy-five cents,
Orange,	Eighty-one dollars,
Rowe,	Forty-three dollars and fifty cents,
Shelburne,	Sixty-seven dollars and fifty cents,
Shutesbury,	Forty-eight dollars and seventy-five cents,
Sunderland,	Forty-eight dollars and seventy-five cents,
Warwick,	Seventy-dollars and fifty cents,
Wendell,	Fifty dollars and twenty-five cents,
Whately,	Sixty-one dollars and fifty cents.

COUNTY OF BERKSHIRE.

Adams.	Two hundred and ten dollars,
Alford,	Twenty-seven dollars,
Becket,	Sixty dollars and seventy-five cents,
Cheshire,	Eighty-three dollars and twenty-five cents,
Clarksburg,	Sixteen dollars and fifty cents,
Dalton,	Seventy-one dollars and twenty-five cents,
Egremont,	Sixty-five dollars and twenty-five cents,
Florida,	Nineteen dollars and fifty cents,
Gt. Barrington,	One hundred sixty-eight dollars and seventy-five cents.

Hancock,	Eighty-one dollars and seventy-five cents,
Hinsdale,	Sixty-one dollars and fifty cents,
Lanesborough,	Ninety-dollars and seventy-five cents,
Lee,	One hundred and thirty-two dollars,
Lenox,	Eighty-four dollars,
Mt. Washington,	Fifteen dollars and seventy-five cents,
New Ashford,	Nineteen dollars and fifty cents,
N. Marlborough,	One hundred four dollars and twenty-five cents,
Otis,	Fifty-seven dollars and seventy-five cents,
Peru,	Forty-two dollars,
Pittsfield,	Two hundred eighty-one dollars and twenty-five cents,
Richmond,	Sixty-one dollars and fifty cents,
Sandisfield,	Ninety-eight dollars and twenty-five cents,
Savoy,	Thirty-five dollars and twenty-five cents,
Stockbridge,	One hundred twenty-three dollars and seventy-five cents,
Sheffield,	One hundred sixty-eight dollars,
Tyringham,	Seventy dollars and fifty cents,
Washington,	Forty-one dollars and twenty-five cents,
W. Stockbridge,	Eighty dollars and twenty-five cents.
Williamstown,	One hundred forty-seven dollars and seventy-five cents,
Windsor,	Fifty-three dollars and twenty-five cents,
Boston Corner,	Two dollars and twenty-five cents.

COUNTY OF NORFOLK.

Bellingham,	Seventy-three dollars and fifty cents,
Braintree,	One hundred forty-three dollars and twenty-five cents,
Brookline,	One hundred eighty-one dollars and fifty cents,
Canton,	One hundred forty-six dollars and twenty-five cents,
Cohasset,	Eighty-one dollars and seventy-five cents,
Dedham,	Three hundred nine dollars and seventy-five cents,
Dorchester,	Four hundred twenty-six dollars and seventy-five cents,
Dover,	Forty-eight dollars and seventy-five cents,
Foxborough,	Seventy dollars and fifty cents,
Franklin,	One hundred and eleven dollars,
Medfield,	Sixty dollars,
Medway,	One hundred thirty-three dollars and fifty cents,
Milton,	One hundred sixty-nine dollars and fifty cents,
Needham,	One hundred and two dollars,

Quincy,	Two hundred forty-seven dollars and fifty cents,
Randolph,	Two hundred and thirteen dollars,
Roxbury,	Eight hundred twenty-five dollars and seventy-five cents,
Sharon,	Eighty-one dollars and seventy-five cents,
Stoughton,	One hundred twelve dollars and fifty cents,
Walpole,	One hundred and five dollars,
Weymouth,	Two hundred thirty-five dollars and fifty cents,
Wrentham,	One hundred sixty-eight dollars and seventy-five cents.

COUNTY OF BRISTOL.

Attleborough,	Two hundred fifteen dollars and twenty-five cents,
Berkley,	Forty-seven dollars and twenty-five cents,
Dartmouth,	Two hundred seventy-seven dollars and fifty cents,
Dighton,	Ninety-two dollars and twenty-five cents,
Easton,	One hundred twelve dollars and fifty cents,
Fairhaven,	Three hundred and ninety dollars,
Fall River,	Six hundred forty-one dollars and twenty-five cents,
Freetown,	One hundred four dollars and twenty-five cents,
Mansfield,	Eighty dollars and twenty-five cents,
New Bedford,	One thousand five hundred ten dollars and fifty cents,
Norton,	One hundred and forty-seven dollars,
Pawtucket,	One hundred forty dollars and twenty-five cents,
Raynham,	Seventy-two dollars,
Rehoboth,	One hundred twenty-seven dollars and fifty cents,
Seekonk,	One hundred and eight dollars,
Somerset,	Sixty-two dollars and twenty-five cents,
Swanzy,	Ninety-three dollars,
Taunton,	Five hundred and eighty-two dollars,
Westport,	One hundred seventy-five dollars and fifty cents.

COUNTY OF PLYMOUTH.

Abington,	One hundred and forty-four dollars,
Bridgewater,	One hundred forty dollars and twenty-five cents,
Carver,	Fifty-four dollars,
Duxbury,	One hundred and eighty-nine dollars,

E. Bridgewater,	Ninety-seven dollars and fifty cents,
Halifax,	Forty-two dollars,
Hanover,	Eighty-six dollars and twenty-five cents,
Hanson,	Sixty-two dollars and twenty-five cents,
Hingham,	Two hundred nineteen dollars and seventy-five cents,
Hull,	Fifteen dollars and seventy-five cents,
Kingston,	One hundred five dollars and seventy-five cents,
Marshfield,	One hundred seventeen dollars and seventy-five cents,
Middleborough,	Two hundred eight-two dollars and seventy-five cents,
N. Bridgewater,	One hundred twenty-two dollars and twenty-five cents,
Pembroke,	Eighty-one dollars,
Plymouth,	Four hundred fifteen dollars and fifty cents,
Plympton,	Forty-eight dollars,
Rochester,	Two hundred eight dollars and fifty cents.
Scituate,	Two hundred and thirty-seven dollars,
Wareham,	One hundred and thirty-five dollars,
W. Bridgewater,	Seventy-seven dollars and twenty-five cents.

COUNTY OF BARNSTABLE.

Barnstable,	Two hundred and sixteen dollars,
Brewster,	Sixty dollars.
Chatham,	Eighty-five dollars and fifty cents,
Dennis,	One hundred and twenty-three dollars,
Eastham,	Thirty-eight dollars and twenty-five cents.
Falmouth,	One hundred eighty dollars and seventy-five cents,
Harwich,	Eighty dollars and twenty-five cents,
Orleans,	Fifty-seven dollars and seventy-five cents,
Provincetown.	One hundred nineteen dollars and twenty-five cents,
Sandwich,	Two hundred fifteen dollars and twenty-five cents,
Truro,	Forty-seven dollars and twenty-five cents,
Wellfleet,	Fifty-nine dollars and twenty-five cents,
Yarmouth,	One hundred twenty-eight dollars and twenty-five cents.

DUKES COUNTY.

Chilmark,	Seventy-four dollars and twenty-five cents,
Edgartown,	One hundred twenty-seven dollars and fifty cents,
Tisbury,	Ninety dollars and seventy-five cents.

COUNTY OF NANTUCKET.

Nantucket, One thousand four hundred and seventy-three dollars.

AGGREGATE OF THE SEVERAL COUNTIES.

Suffolk, Twenty-five thousand six hundred sixty-nine dollars and fifty cents,
 Essex, Seven thousand nine hundred fifty-seven dollars and fifty cents,
 Middlesex, Nine thousand five hundred seventy-nine dollars and seventy-five cents,
 Worcester, Seven thousand seven hundred thirty dollars and twenty-five cents,
 Hampshire, One thousand nine hundred fifty-three dollars,
 Hampden, Two thousand six hundred eighty-four dollars and twenty-five cents,
 Franklin, One thousand seven hundred and sixty-seven dollars,
 Berkshire, Two thousand five hundred seventy-four dollars and seventy-five cents,
 Norfolk, Four thousand forty-seven dollars and seventy-five cents,
 Bristol, Four thousand nine hundred seventy-eight dollars and fifty cents,
 Plymouth, Two thousand eight hundred eighty-one dollars and fifty cents,
 Barnstable, One thousand four hundred ten dollars and seventy-five cents,
 Dukes, Two hundred ninety-two dollars and fifty cents,
 Nantucket, One thousand four hundred and seventy-three dollars.

SECT. 2. The Treasurer of this Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city, town, district or other place, taxed as aforesaid, requiring them respectively, to assess, in dollars and cents, the sum so charged, according to the provisions of the seventh chapter of the Revised Statutes, and to add the amount of such tax to the amount of town and county taxes, to be by them assessed in each city, town and district respectively.

Treasurer to issue his warrant to selectmen or assessors, to assess proportion of tax in their towns, &c.

SECT. 3. The Treasurer, in his said warrant, shall require the said selectmen or assessors respectively, to pay, or to issue their several warrant or warrants, requiring the treasurers of their several cities, towns or districts, to pay to the said Treasurer of the Commonwealth, on or before

Time and manner of collecting tax.

the first day of February, in the year one thousand eight hundred and forty-six, the sums against said cities, towns, and districts respectively, in this act contained; and the selectmen or assessors respectively, shall return a certificate of the names of such treasurers, with the sum, which each may be required to collect, to the said Treasurer of the Commonwealth, some time before the first day of December next.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 7, 1845.*]

Chap 108.

An Act to incorporate the Isle Royal Copper Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated to manufacture copper, &c., in Suffolk, Norfolk, or Bristol.

SECT. 1. Charles Scudder, Thomas Jones, Charles Henshaw, their associates and successors, are hereby made a corporation, by the name of the Isle Royal Copper Company, for the purpose of procuring and smelting copper ore, and manufacturing copper; such smelting and manufacturing to be carried on in the county of Suffolk, Norfolk, or Bristol, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$100,000, and capital stock \$300,000.

SECT. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of one hundred thousand dollars; and the whole capital stock of said company shall not exceed the sum of three hundred thousand dollars.

Furnaces, &c. not to be erected in towns without the consent of town officers, obtained after notice, &c.

SECT. 3. The said corporation shall not erect any furnace or other works, for the purpose of smelting copper ores within the limits of any city or town in either of said counties, unless they shall first serve notice in writing of their intended location of such furnace or other works on the clerk of said city or town, and also publish a similar notice by advertising the same once a week for four weeks in some newspaper printed in said city or town, or if there shall be no newspaper printed in said city or town, then in some newspaper printed in the county; and after the expiration of two weeks from the serving of such notice on the clerk, and the last time of advertising the same as aforesaid, shall obtain a certificate from the mayor and aldermen of said city, or of the selectmen of such town, signifying their consent to the erection of such furnace or other works, in the place which may be so designated by the said corporation. [*Approved by the Governor, March 7, 1845.*]

An Act to incorporate the Medford Branch Rail-road Company.

Chap 109.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James O. Curtis, Henry L. Stearns, Joseph Manning, Junior, David Lawrence, Nathaniel H. Bishop, and Andrew Blanchard, Junior, their associates and successors, are hereby made a corporation, by the name of the Medford Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, relating to rail-road corporations, and the public statutes subsequently passed, relating to such corporations.

Persons incorporated to construct &c. a rail-road.

SECT. 2. The said corporation is hereby authorized to construct and maintain a rail-road, extending from some point near Great Bridge, so called, in Medford, in a southeasterly direction, to some convenient point of intersection with the Boston and Maine Rail-road Extension Company's road, in the towns of Somerville or Malden.

Location of road.

SECT. 3. The capital stock of said corporation shall consist of not more than one thousand shares of one hundred dollars each, the number of which shall be determined from time to time by the directors of said corporation ; and the said corporation may take, purchase and hold such real estate on the line of said rail-road, and may purchase and hold such cars, engines and other personal property, as may be necessary and convenient for the purposes of their incorporation.

Capital stock not to exceed \$100,000 in shares of \$100, &c.

Estate, real and personal.

SECT. 4. If the said corporation be not organized, and the location of its rail-road filed with the county commissioners of the county of Middlesex, within one year from the passage of this act, or if the said rail-road shall not be constructed within two years from the passage of this act, then the same shall be void.

Road to be located within one year, and completed within two years, from March 7, 1845.

SECT. 5. The said Medford Branch Rail-road Company may enter and unite their rail-road with the Boston and Maine Rail-road Extension Company's road, at the point of intersection therewith, mentioned in the second section ; but neither company shall have a right to run their cars or engines on the road of the other, but on terms and conditions mutually agreed upon by the parties, or prescribed by the Legislature.

Road may be united with that of the Boston &c. Extension Company.

Provided, &c.

SECT. 6. The said corporation is hereby authorized and empowered to transfer all its property, rights and privileges and franchise, under this charter, to the Boston and Maine Rail-road Extension Company, or its successors, whenever the said Boston and Maine Rail-road Extension Company, or its successors, shall elect to receive and hold the same,

Property &c. may be transferred to the Boston &c. Extension Company.

Provided, &c.

in such manner and on such terms as shall be mutually agreed upon, and upon such transfer all the powers and privileges hereby granted, shall be vested in the said Boston and Maine Rail-road Extension Company or its successors.

When to take effect.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 7, 1845.*]

Chap 110.

An Act to change the Name of the First Reformed Methodist Society in Brewster.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To take the name of the First Wesleyan Society in Brewster.

SECT. 1. The First Reformed Methodist Society in Brewster, shall be known and called by the name of the First Wesleyan Methodist Society in Brewster, and as such shall hold and possess all the property, and be entitled to all the rights and privileges, and subject to all the liabilities of said First Reformed Methodist Society in Brewster.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 7, 1845.*]

Chap 111.

An Act requiring additional Returns from Agricultural Societies.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To make annual returns to the Secretary, embracing reports, &c. and statements, &c.

SECT. 1. Every agricultural society entitled to receive money from the treasury of the Commonwealth, shall, in addition to the return of premiums paid, now required to be made in the month of January, make full returns of their doings into the office of the Secretary of State, on or before the first day of January, in every year, embracing all reports of committees, and all statements of experiments and cultivation, deemed by the officers of the several societies worthy of publication.

Passages in reports &c. to be marked.

SECT. 2. The secretary of each society, whether his return be in printed or manuscript form, shall mark, in a manner to be easily distinguished, those passages in the several reports and statements which he regards as most worthy of public notice, study and application.

Copy of this act to be transmitted by the Secretary.

SECT. 3. The Secretary of State is directed to transmit a copy of this act to the secretary of every incorporated agricultural society in the Commonwealth, on or before the first day of September, 1845.

Abstract to be annually published by the Secretary.

SECT. 4. The Secretary of State is hereby directed to cause as full an abstract from said returns to be made and published in each year, for distribution. as in his judgment will prove useful.

SECT. 5. Any agricultural society which shall neglect, in any year, to comply with the provisions of this act, shall forfeit its claim to bounty from the Commonwealth the succeeding year.

Penalty of neglect on the part of Societies.

SECT. 6. Any parts of passed acts inconsistent with the provisions of this, are hereby repealed. [*Approved by the Governor March 7, 1845.*]

Repeal of inconsistent provisions.

An Act to provide for the Equitable Distribution of the Income of the Lexington Ministerial Fund.

Chap 112.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. If the voluntary religious societies in the town of Lexington, known as the First Baptist Society, the Second Congregational Society, and the First Universalist Society, or any, or either of them, shall become legally separated from the First Congregational Society in said town, and be duly incorporated as distinct ecclesiastical bodies, on or before the first day of May next, the trustees of the Lexington Ministerial Fund, on the first day of June, in the year one thousand eight hundred and forty-six, and thenceforward in the month of June in every year, shall pay to the treasurers of the said First Congregational Society, the First Baptist Society, the Second Congregational Society, and the First Universalist Society, respectively, or such of them as may have been incorporated, their respective proportions of the annual income of said fund, to be ascertained in the manner hereinafter directed.

Trustees to pay to certain societies their proportion of the income of the fund, in June of every year after 1845.

Provided, &c.

SECT. 2. All persons now members of said First Congregational Society shall be considered members thereof, until they file with the clerk of said society a written notice, declaring the dissolution of their membership, as required by law, or become members of one of the other religious societies in said town abovementioned; and any persons, after the first day of May, in the year one thousand eight hundred and forty-five, may become members of said First Congregational, said First Baptist, Second Congregational, and First Universalist Societies, respectively, in any way authorized by law; and any person hereafter becoming a member of either of said societies, shall thereby cease to be a member of any other of said societies.

Conditions of membership of said societies.

SECT. 3. It shall be the duty of the respective treasurers of said four religious societies, (or of such of them as may be duly incorporated,) on or before the tenth day of May next, to make returns to the said trustees of the names of those persons who may be members of said societies, on the first day of May next, of which they are treasurers respectively, to enable the said trustees to ascertain the portions of the said income due to them respectively; and to make

Names of members to be returned by treasurers to trustees on or before May 10, 1845, on or before May 10, 1851, and every tenth year thereafter.

similar returns on or before the tenth day of May, in the year one thousand eight hundred and fifty-one, and each succeeding tenth year, of the names of the members of said societies, on the first day of the same May in which the return is made.

Income to be first apportioned in the ratio of aggregate property of members, May 1, 1845, assessed according to valuation of 1840.

SECT. 4. The portions of the income of said fund payable to each of said four religious societies respectively, or of such of them as may be duly incorporated, until the first day of May, in the year one thousand eight hundred and fifty-one, shall be in proportion to the aggregate amount of real and personal property, of the members of each of said societies, on the first day of May, in the year one thousand eight hundred and forty-five, assessed for town taxes in said town of Lexington, according to the valuation thereof made by the assessors in the year one thousand eight hundred and forty.

After May 1, 1851, to be apportioned in the ratio of aggregate property of members &c. as ascertained by the decennial valuations.

SECT. 5. From and after the first day of May, in the year one thousand eight hundred and fifty-one, for the next ten years, the portions of the income payable to said four religious societies respectively, or such of them as may have been duly incorporated, shall be in proportion to the aggregate amount of the real and personal property of the members of each of said societies on said first day of May, in the year one thousand eight hundred and fifty-one, assessed for town taxes in said town of Lexington, according to the valuation thereof, to be made by the assessors in the year one thousand eight hundred and fifty: and the portions of the said income payable to each of said societies shall in like manner be regulated, for each succeeding ten years, by the next preceding decennial valuation.

To be expended annually for the support of public worship.

SECT. 6. The portions of the income of said fund received by the treasurers of each of said four religious societies, shall always be expended annually for the support of public worship in said societies respectively.

Vacancies among trustees to be filled by ballots of the societies in rotation.

SECT. 7. Whenever any vacancy shall occur in the office of trustee of said Fund, by death, resignation, or removal, the first vacancy so occurring shall be filled by an election by ballot, at a meeting of the members of said First Congregational Society called for that purpose; the second vacancy shall be filled in the same manner, at a meeting of the members of said First Baptist Society, if in existence; the third in the same manner at a meeting of the members of said Second Congregational Society, if in existence; the fourth, in the same manner at a meeting of the members of said First Universalist Society, if in existence; and all succeeding vacancies shall be filled by said societies in the same order. No person shall be eligible as trustee except he be an inhabitant of said Lexington, and a member of some one of the said four religious societies; and if any one of said four religious societies shall not be

Trustees to be inhabitants &c. and members, &c.

in existence, so as to exercise the right of electing a trustee at the time any vacancy occurs, or shall neglect, for the space of six months, to fill any such vacancy, then the right to fill such vacancy shall pass to the next society in the order above named.

Provision in case of non-election by any society.

SECT. 8. The said trustees shall make a report annually, in writing, in the month of May, to the treasurers of said four religious societies, a copy of which shall be delivered to each of said treasurers, of what funds and estates said trustees hold, and by what tenures; what money and effects are due to them, and how the same are secured; and what sums of money have been received and paid by said trustees, during the preceding year. In case the said trustees shall neglect or refuse to make such annual report, it shall be good cause of removal, unless they can give a sufficient excuse for such neglect or refusal to the satisfaction of the parties interested. The said four societies, or such of them as may be duly incorporated, at a general meeting, shall have power to remove any of the trustees of said fund, who may become unfit, by reason of age, infirmity, misconduct, or other cause, to discharge their duties. Such a meeting may be called by the treasurers of said societies or a majority of the treasurers of such of said societies as may be duly incorporated, by a written notice of the time, place, and object of the meeting, signed by the persons calling it, and affixed to the outer doors of each of the meeting-houses of the societies to be notified, nine days at least before the time of meeting.

Trustees to make annual reports to treasurers, &c.

Provisions for removal of trustees.

SECT. 9. The fourth and fifth sections of the act entitled "An Act to incorporate the Trustees of the Lexington Ministerial Fund," passed on the sixteenth day of June, in the year one thousand eight hundred and seventeen, and all other parts of said act, inconsistent with the foregoing provisions, are hereby repealed.

Repeal of parts of the act of 1817, chap. 25.

SECT. 10. This statute shall not go into operation, but be null and void, unless the inhabitants of the said town of Lexington, shall, at a legal meeting, held on or before said first day of May next, pass a vote assenting to, and approving of this act. And neither the said First Baptist, Second Congregational, or First Universalist Societies, shall be respectively entitled to receive any portion of the income of the said fund, or be entitled to any benefit from this act, before the first day of May, in the year one thousand eight hundred and fifty-one, unless it shall be organized and incorporated, on or before the said first day of May next; nor at any future time, unless it has been incorporated before the first day of May preceding one of the decennial apportionments of said income. [Approved by the Governor, March 10, 1845.]

To take effect, provided, &c.

Chap 113. An Act establishing the Salaries of the First and Second Clerks in the Office of the Secretary of the Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Annual salaries to be \$1,000 after April 1, 1845.

From and after the first day of April, in the year one thousand eight hundred and forty-five, the first clerk in the office of the Secretary of the Commonwealth shall receive a salary of one thousand dollars a year, and the second clerk in the aforesaid office shall also receive a salary of one thousand dollars a year; and the salaries of said clerks shall be payable quarterly, which said several sums shall be in full for all services to be rendered in said office. [*Approved by the Governor, March 11, 1845.*]

Chap 114. An Act to amend the Charter of the Proprietors of the First Wesleyan Methodist Meeting-house in Lowell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Excess of income over six per cent. to be appropriated to the support of public worship.

SECT. 1. The third section of an act incorporating said proprietors, passed on the eighth day of March, in the year one thousand eight hundred and forty-four, is amended by repealing the last clause thereof, including the words following, to wit: "provided that the proceeds of the same shall be applied exclusively to parochial purposes:" *provided, however*, that all the excess of income of said proprietors over six per cent., if any, shall be appropriated exclusively to the support of public worship in said meeting-house.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 11, 1845.*]

Chap 115. An Act to establish the Winchendon Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to construct a rail-road.

SECT. 1. Ephraim Murdock, Jr., Salma Hale, Thomas M. Edwards, their associates and successors, are hereby made a corporation, by the name of the Winchendon Rail-road Corporation, with all the powers and privileges, and subject to all the duties, liabilities and provisions, contained in that part of the thirty-ninth chapter of the Revised Statutes, and the statutes subsequently passed, which relates to rail-road corporations, and also in the forty-fourth chapter of said Revised Statutes. The said corporation is hereby authorized and empowered to locate, construct, and finally complete a rail-road, with one or more tracks, from some convenient point at the southern boundary of the State of New Hampshire, in the town of Fitzwilliam or the town of

Location of road, &c.

Rindge, and passing thence to some convenient point at or near Winchendon Village, or Waterville Village, in said town of Winchendon, or in either of the towns of Royalston, or Templeton, or Gardner, upon the rail-road which may hereafter be constructed by the Vermont and Massachusetts Rail-road Company, with liberty to enter with said rail-road upon said Vermont and Massachusetts Rail-road, at either of the points aforesaid, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the Legislature may, from time to time, prescribe, or as may be fixed by the provisions of any general laws of this Commonwealth, and complying with such rules and regulations as may be established by said Vermont and Massachusetts Rail-road Company: *provided, however,* that said Winchendon Rail-road Corporation shall not enter upon said Vermont and Massachusetts Rail-road with any motive power, unless said Vermont and Massachusetts Rail-road Company shall refuse to draw over their road, or any part thereof, the cars of the said Winchendon Rail-road Corporation: *and provided, further,* that if said Vermont and Massachusetts Rail-road Company shall not, within two years from the first day of April next, locate and construct their rail-road, from the Fitchburg Rail-road in Fitchburg, through Winchendon Village, to their chartered line in Royalston, then said Winchendon Rail-road Corporation are hereby authorized and empowered to locate, construct, and extend their road through said Winchendon to some convenient point upon the said Vermont and Massachusetts Rail-road, in the town of Ashburnham, with the same liberty to enter upon said last-mentioned road, at the latter point, and use the same under the same restrictions and conditions as are above provided.

SECT. 2. The capital stock of said Winchendon Rail-road Company shall consist of not more than four thousand shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share.

SECT. 3. If the location of said rail-road be not filed, according to law, within four years from the first day of April next, or if said company shall not complete said rail-road to the extent provided for in the first section of this act, according to the terms therein stated, within five years from the first day of April next, then this act shall be null and void.

SECT. 4. The Legislature may authorize any company to enter with another rail-road at any point of said Winchendon Rail-road, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the Le-

May enter upon, and use the Vermont and Massachusetts Rail-road.

Provided, &c.

Capital stock not to exceed 400,000 in shares of \$100.

Time for locating and completing road.

The Legislature may authorize any other company to enter upon and use the road.

gislature may, from time to time, prescribe, or as may be fixed by any general law of this Commonwealth, and complying with such rules and regulations as said Winchendon Rail-road Corporation may prescribe: *provided, however*, that no other corporation shall enter upon said Winchendon Rail-road with any motive power, unless said Winchendon Rail-road Corporation shall refuse to draw over their road, or any part thereof, the cars of any other rail-road corporation which may be authorized to enter with their rail-road upon said Winchendon Rail-road.

Provided, &c.

The Legislature, after 5 years, may reduce tolls and profits, *provided, &c.*

SECT. 5. The Legislature may, after the expiration of five years from the time when the said rail-road shall be opened for use, from time to time, reduce the rates of toll, or other profits, upon said rail-road; but said tolls or other profits shall not, without the consent of said corporation, be so reduced as to produce, with said profits, less than ten per cent. per annum.

May unite with the Cheshire Rail-road Company, under the name of that corporation, &c.

SECT. 6. The Legislature of the State of New Hampshire having established a corporation by the name of the Cheshire Rail-road Company, and empowered said company to construct a rail-road from any point on the south line of said State, in said Fitzwilliam or Rindge, through Keene to the western boundary of said State, in Walpole or Charlestown, the corporation by this act created and established is hereby authorized, should it be thought expedient, to connect the Winchendon and Cheshire Rail-roads, and place them under the management and direction of one company, to unite with the said Cheshire Rail-road Company; and when said corporations shall have been united as aforesaid, the stockholders of one corporation shall become and be stockholders of the other, and the two companies shall constitute one corporation, under the name of the Cheshire Rail-road Company; and all the franchises, property, powers and privileges, granted and acquired under the authority of said States respectively, shall be held and enjoyed by all the said stockholders, in proportion to the amount of property or interest held by them respectively, in either or both of said corporations.

One officer of the corporation, after such union, must be an inhabitant of Massachusetts.

SECT. 7. In case the two corporations shall unite as aforesaid, one or more of the directors, or other officers of the corporation so formed, shall, at all times, be an inhabitant of this Commonwealth, on whom processes against said company, and notices to the same, may be legally served, and said company shall be held to answer in the jurisdiction where the service is made, and the process is returnable. And the corporation so formed shall keep separate accounts of their expenditures in Massachusetts and New Hampshire; and one commissioner shall be appointed by the Governor of each State aforesaid, to hold their offices for

Separate accounts, commissioners of expenditures, receipts, and profits, &c. and reports, &c.

the term of four years, who shall decide what portion of all the expenditures of said company, and of its receipts and profits, properly pertain to that part of the road within, and what portion to that part without, this Commonwealth; and the annual report required to be made to the Legislature of this Commonwealth shall be approved by the said commissioners, and shall show the expenditures, receipts and profits belonging to the respective parts of said road, in each of the States aforesaid: and said commissioners shall be reasonably compensated by said company.

SECT. 8. The corporation formed as aforesaid, and the stockholders therein, so far as their road shall be situated in Massachusetts, shall be subject to all the duties and liabilities of the Winchendon Rail-road Corporation, created by this act, and to the general laws of the State, to the same extent as said company, and the stockholders therein would be, were the whole line of said rail-road located and constructed within the limits of Massachusetts: *provided, however,* that the provisions contained in this and the two preceding sections of this act, shall not take effect until the Legislature of New Hampshire shall enact similar provisions, nor until said provisions shall have been accepted by the stockholders of said corporations respectively, at legal meetings held for the purpose.

Liabilities of the corporation in Massachusetts.

Provided, &c.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, March 13, 1845.*]

When to take effect.

An Act establishing the Salary of the Messenger to the Governor and Council. *Chap 116.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

From and after the first day of April, in the year one thousand eight hundred and forty-five, the salary of the messenger to the Governor and Council shall be six hundred dollars a year, which shall be in full for all services rendered by him in the public offices of the Commonwealth. [*Approved by the Governor, March 13, 1845.*]

Annual salary \$600 after April 1, 1845.

An Act in addition to an Act concerning the Beaches of the town of Chelsea. *Chap 117.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Any person who shall take, carry away, or remove, by land or by water, any stones, gravel or sand, from any of the beaches in the town of Chelsea, excepting that part of the beach which is included between the Point of Pines, so called, and a cedar post standing on the beach, about three hundred and fifty rods southeast from said Point of Pines, shall, for each offence, forfeit a sum not exceeding twenty

Penalty not exceeding \$20 for carrying away stones, &c. from beaches in Chelsea, except, &c.

dollars, to be recovered by complaint or indictment, in any court of competent jurisdiction. [*Approved by the Governor, March 14, 1845.*]

Chap 118.

An Act concerning the Punishment of Convicts.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Imprisonment for non-payment of fine and costs.

Any person convicted of any crime punishable by fine and costs of prosecution, and liable to imprisonment in the county jail for the non-payment of a fine and costs of prosecution, may be sentenced to suffer such imprisonment in the house of correction instead of the jail, and be confined at hard labor, either in the jail or the house of correction. [*Approved by the Governor, March 14, 1845.*]

Chap 119.

An Act to incorporate the Harvard Musical Association.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to promote musical education, &c.

SECT. 1. John Pickering, Junior, Henry Gassett, Junior, and John S. Dwight, their associates and successors, are hereby made a corporation, by the name of the "Harvard Musical Association," for the purpose of promoting education in the science and practice of music, and of raising and holding a fund for the benefit of indigent members of the association; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate not to exceed \$10,000.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate and personal property to an amount not exceeding ten thousand dollars. [*Approved by the Governor, March 14, 1845.*]

Chap 120.

An Act to authorize the Old Colony Rail-road Corporation to construct a Bridge over Jones's River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Width of draw in bridge in Kingston to be 30 feet. Direction to be determined by a commissioner, &c. after notice, &c.

SECT. 1. The Old Colony Rail-road Corporation is hereby authorized to construct and maintain a bridge over and across Jones's River, in Kingston, in the line of said rail-road, with a draw thirty feet in width. The direction of said draw shall be determined by a commissioner, to be appointed by the Governor and Council, at the expense of said corporation, whose decision thereupon shall be made in writing, after due notice to the town of Kingston, and all other persons interested therein as land owners along the bank of said river, between the site of the proposed bridge

and the stone bridge upon the county road across said river, leading from Plymouth to the village of Kingston. The said corporation shall be held liable to raise or open said draw whenever required, so as to furnish all proper and reasonable accommodation for vessels having occasion to pass through the same.

Corporation to raise and open the same, &c.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 14, 1845.]

When to take effect.

An Act to increase the Capital Stock of the Roxbury Color and Chemical Manufactory.

Chap 121.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The "Roxbury Color and Chemical Manufactory," are hereby authorized to increase their capital stock by adding thereto one hundred thousand dollars; twenty-five thousand dollars of which may be in real estate. [Approved by the Governor, March 14, 1845.]

Capital may be increased by \$100,000, of which \$25,000 may be in real estate.

An Act to authorize the First Parish in Malden to sell Parsonage Property.

Chap 122.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The first parish in the town of Malden, is hereby authorized to sell and convey any or all their parsonage lands, with the buildings thereon, belonging to said parish, situate in said town, and the treasurer of said parish, for the time being, is authorized to execute a deed or deeds to convey the same.

Treasurer may execute conveyances.

SECT. 2. The proceeds of the sale of said property shall be invested in such manner as said parish shall direct, and the income arising therefrom, shall be applied to the support of the ministry in said parish.

Investment, and application of income.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, March 14, 1845.]

When to take effect.

An Act to establish the Lancaster Savings Bank.

Chap 123.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

John M. Washburn, Thomas B. Warren, Anthony Lane, their associates and successors, are hereby made a corporation, by the name of the Lancaster Savings Bank, to be established in the town of Lancaster, in the county of Worcester, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [Approved by the Governor, March 14, 1845.]

Persons incorporated.

Chap 124.

An ACT to establish the Dividing Line between the towns of Hatfield and Williamsburg.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Commencement and direction of dividing line.

SECT. 1. The dividing line between the towns of Williamsburg and Hatfield, in the county of Hampshire, shall commence at the southeast angle of the town of Williamsburg, at a point fifty-five rods and seventeen links, in a direction nearly east from a stone monument on the west side of Horse Mountain road, on the line between the towns of Northampton and Williamsburg; and shall thence run north eleven degrees and thirty minutes west, to the south line of the town of Whately.

Lands to be set off and annexed, on both sides.

SECT. 2 All the land lying on the west side of the line above described, which heretofore constituted part of the town of Hatfield, is hereby set off and annexed to the town of Williamsburg; and all the land lying on the east side of the said line, which heretofore was within the town of Williamsburg, is hereby set off and annexed to the town of Hatfield.

Transfer of citizenship.

SECT. 3. All persons residing on the lands aforesaid, shall be deemed to be inhabitants of the town to which the said lands are respectively annexed, and shall be entitled to all the civil and political rights and privileges therein, that they enjoyed as inhabitants of the town from which the said lands are severed.

Williamsburg liable for the support of paupers having a legal settlement, &c.

SECT. 4. The town of Williamsburg shall be liable for the support of all poor persons who are now chargeable upon the town of Hatfield, and who have derived their legal settlement from the ownership of, or residence upon, any land which is hereby set off to said town, in the same manner, and to the same extent, as the town of Hatfield is now, and would continue to be, liable, if this act had not passed.

Williamsburg to pay to Hatfield proportions of county and State taxes, &c.

SECT. 5. The inhabitants of the town of Williamsburg shall hereafter pay to the town of Hatfield, such proportion of all county and State taxes, as shall be assessed upon the town of Hatfield, for the lands and estate hereby set off from said town, and annexed to Williamsburg; such proportion to be ascertained and determined by the town valuation, made in the year one thousand eight hundred and forty.

When to take effect.

SECT. 6. This act shall take effect from and after its passage. [Approved by the Governor, March 14, 1845.]

An Act to establish the Boylston Bank in Boston.

Chap 125.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Joseph H. Hayward, John Redman and Josiah Vose, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Boylston Bank, to be located in that part of the city of Boston, south of Bedford and West streets, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Persons incorporated as bankers in Boston till October 1, 1851.

SECT. 2. The stock of said bank shall be transferable only at its banking house and in its books.

Stock transferable at banking house, &c.

SECT. 3. The capital stock of said corporation shall consist of the sum of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in on or before the first day of January next. [*Approved by the Governor, March 14, 1845.*]

Capital to consist of \$150,000 in shares of \$100, &c.

Provided, &c.

An Act to authorize the Old Colony Rail-road Corporation to extend their Road across the Channel between South Boston and Boston proper, above the North Free Bridge.

Chap 126.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Old Colony Rail-road Corporation is hereby authorized to locate and construct a rail-road, commencing at a point on the Old Colony Rail-road, in South Boston, between Turnpike and First street, nearly opposite the South Boston Iron Foundry, and thence continuing to the northerly wharf of the South Boston Iron Company, thence crossing the channel by a bridge to the depot wharf of the Boston and Worcester Rail-road Corporation, and thence to the vicinity of Albany and Beach streets: *provided*, that nothing herein contained shall authorize the said Old Colony Rail-road Corporation to extend their rail-road farther than the southeasterly margin of the said channel, or to build a bridge across the same, unless an agreement in writing shall first be entered into by the said corporation, with the directors of the Boston and Worcester Rail-road Corporation, by which the said last named corporation shall give their consent thereto, and to an arrangement for the passing of the locomotives and cars of the said Old Colony Rail-road Corporation over the premises of the said Boston

Location of road and bridge.

Provided, &c.

and Worcester Rail-road Corporation, within limits afore-said.

Width and construction of draw.

SECT. 2. The bridge across said channel shall have a draw thirty-one feet in width, with suitable piers; the pier nearest the Old South Boston Bridge to be placed on the side of the draw next to South Boston; and the pier nearest the North Free Bridge, to be placed on the side of the draw next to Boston proper: and the said bridge, draw and piers shall be constructed under the direction of a commissioner, to be appointed by the Governor and Council, at the expense of the Old Colony Rail-road Corporation; and the said corporation shall be held liable to keep said draw in good repair, and to open the same when required, so as to afford all reasonable and proper accommodation for vessels having occasion to pass through the same.

Bridge, &c. to be constructed under direction of a commissioner, &c.

Corporation to open the same, &c.

Motive power &c., to be regulated by mayor and aldermen of Boston.

SECT. 3. The motive power, and the rate of speed for crossing any of the streets in the city of Boston, as well as the securities at the crossings, shall be regulated in such manner as shall be required by the mayor and aldermen of said city.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1845.*]

Chap 127.

An Act to authorize the Construction of a Bridge over Manamsha Creek.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated, to build and maintain a bridge between Chilmark and Gayhead, &c.

SECT. 1. Thomas Cooper, Michael Madison, Freeman Cottle, and such others, as may associate with them, are hereby authorized to construct and maintain a bridge, at their own expense, over Manamsha creek, between the town of Chilmark and the Indian settlement, known by the name of Gayhead, in Dukes County, of sufficient width to accommodate the travel over said creek; said bridge to be built of good materials, and sufficiently high to admit boats to pass under the same, and to have sufficient railings to protect travellers, and no toll shall be charged or taken for passing over the same.

Provided, &c.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1845.*]

Chap 128.

An Act to increase the Capital Stock of the Union Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock may be increased by \$25,000, in shares of \$100, &c.

The Union Insurance Company, in the town of Provincetown, are hereby authorized to increase their capital stock, by an addition thereto of the sum of twenty-five thousand dollars, to be divided into shares of one hundred dollars, to be collected and paid in such instalments, and under

such provisions and penalties, as the president and directors of the said company may appoint. [*Approved by the Governor, March 15, 1845.*]

An Act to incorporate the Third Congregational Society in Danvers.

Chap 129.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Samuel P. Fowler, Frederic How, Jonathan Perry, and all other persons who are or may become proprietors in the new meeting-house, on Porter's Plains, so called, in Danvers, and their successors, are hereby made a corporation, by the name of the Third Congregational Society in Danvers, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the twentieth and forty-fourth chapters of the Revised Statutes, so far as said provisions shall be applicable in such case.

Persons incorporated.

SECT. 2. The said society shall have the power to hold and manage any estate, the annual income of which, exclusive of their meeting-house and land under and adjoining the same, shall not exceed two thousand dollars, and which shall be applied exclusively to parochial purposes.

Annual income of estate exclusive, &c., not to exceed \$2000, to be applied, &c.

SECT. 3. Said society shall have power to assess upon the pews in their meeting-house, according to a valuation thereof, to be first made and recorded by the clerk of said society, such sums as may be, from time to time, voted by said society, to be raised for the support of public worship in said meeting-house, and for all other parochial purposes; and all such assessments may be collected in the manner provided in the thirty-second, thirty-third and thirty-fourth sections of the twentieth chapter of the Revised Statutes.

Corporation may assess pews according to valuation, &c.

SECT. 4. At all meetings of the corporation, the proprietors of the pews, and no other persons, shall be entitled to vote, allowing two votes for every pew.

Qualifications of voters.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1845.*]

When to take effect.

An Act to incorporate the White Pond Fishing Company.

Chap 130.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Henry Kelley, John Robbins, Job Chase, their associates and successors, are hereby made a corporation, by the name of the White Pond Fishing Company, in Harwich, for the purpose of making improvements, for the preservation and taking of fish, called alewives, in a brook between Herring River, and a pond known as the White Pond, in said Harwich, and for that purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated, to improve the ale-wive fishery in Harwich.

Penalties for taking, &c. fish, without the leave of said corporation.

SECT. 2. If any person, without the permission of said corporation, shall take, catch, or haul on shore, any of said fish in the brook or the pond, from which said brook issues, he shall forfeit and pay a fine not exceeding five dollars for each offence, if the quantity so taken be less than one barrel: but if the quantity be more than one barrel, such person so offending shall forfeit and pay for each barrel of fish so taken, five dollars for the use of said corporation, to be recovered in any court proper to try the same.

Satisfaction for damages.

SECT. 3. If any damage shall be done by said corporation to the property of any individual not a member of the corporation, such individual shall be entitled to reasonable damage therefor.

Abutters may become members of the corporation, *provided, &c.*

SECT. 4. All persons who now are, or shall hereafter be, owners of land, adjoining said brook or pond, may become members of said corporation, subject, however, to pay their proportional part of the expense which shall have been incurred by said corporation, before the time of their admission.

When to take effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1845.*]

Chap 131.

An Act in addition to an Act to incorporate the Richmond Iron Works.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May transact business in Great Barrington and Richmond.

SECT. 1. The corporation known by the name of the Richmond Iron Works, is hereby authorized to carry on the business, for which it was incorporated, as well in the town of Great Barrington, in the county of Berkshire, as in the town of Richmond.

Real estate may be increased by \$50,000, and capital stock may not exceed \$200,000.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, in addition to the amount now authorized by their act of incorporation, and the whole capital stock of the company which it may hold, shall not exceed the sum of two hundred thousand dollars. [*Approved by the Governor, March 15, 1845.*]

Chap 132.

An Act to incorporate the Dorr Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to manufacture hosiery in Roxbury.

SECT. 1. Henry Edwards, James A. Dorr, William G. Lewis, their associates, successors and assigns, are hereby made a corporation, by the name of the Dorr Manufacturing Company, for the purpose of manufacturing hosiery, in the town of Roxbury, in the county of Norfolk, and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth

in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said corporation may, for the purposes aforesaid, hold real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars. [Approved by the Governor, March 15, 1845.]

Real estate not to exceed \$50,000, and capital stock \$200,000.

An Act in addition to an Act to incorporate the Berkshire Rail-road Company.

Chap 133.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Berkshire Rail-road Company are hereby authorized to locate and construct a branch rail-road, from some convenient point, northerly from the depot at Vandusen-ville, in Great Barrington, through or near Housatonic-ville, and on the west side of the Housatonic River to the Stockbridge Iron Works; and, in the laying out, constructing, and use of said branch rail-road, the said company shall possess all the powers, enjoy all the privileges, and be subject to all the liabilities, which are granted to and imposed upon them by their original charter, and by such other provisions of law, relating to rail-roads, as have been subsequently passed.

Location of branch rail-road.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 15, 1845.]

When to take effect.

An Act to incorporate the Grafton Aqueduct Company.

Chap 134.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Lovel Baker, Samuel Wood, Lovel Stow, their associates and successors, are hereby made a corporation, by the name of the Grafton Aqueduct Company, for the purpose of maintaining an aqueduct as now constructed, or for the purpose of constructing and maintaining a larger one, if necessary, to conduct water from the springs situated on land of Dennis Warren in Grafton, in the county of Worcester, to the several houses and other buildings of the several individuals composing said corporation, and to other places in the Centre Village in said Grafton, for useful purposes, agreeably to the provisions contained in the fortieth chapter of the Revised Statutes, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, so far as the same are applicable to said corporation, and not inconsistent with other provisions of this act.

Persons incorporated, to maintain, or construct and maintain, an aqueduct in Grafton.

SECT. 2. The capital stock of said company shall be

Capital stock

not to exceed \$5,000, in shares of \$25. Privilege of stock-holders. Conveyance of shares, fines and assessments.

divided into shares of twenty-five dollars each, and shall not exceed, in the whole, the sum of five thousand dollars. Each share shall entitle the owner to take his proportional part of the water from the main pipe of said aqueduct.

SECT. 3. The shares aforesaid may be conveyed, and fines and assessments may be imposed and collected, in such manner as said corporation, by their by-laws, shall determine. Such fines and assessments shall constitute a lien upon the shares respectively.

Duties of gauger, to be annually chosen.

SECT. 4. A suitable person shall be annually chosen and sworn to gauge and distribute, as near as may be, to individual members of the corporation, their respective and equal proportions of the water; and said gauger shall be a competent witness in the collection of fines under the by-laws of said corporation, notwithstanding he may be a member of said corporation.

May purchase, &c. real estate, and dig up, &c. streets.

SECT. 5. Said corporation may purchase and hold real estate for the purposes aforesaid, and may dig up and open any street or way in said town for the purpose of placing such pipes and fixtures and other appurtenances of said aqueduct, as may be necessary for the purpose of maintaining the same; *provided*, that the convenient passing of teams and carriages is not prevented thereby, and that any injury thus done to any street or way shall be repaired by said corporation.

Provided, &c.

Penalties for defiling and corrupting the waters.

SECT. 6. Any person who shall maliciously defile or corrupt the waters which supply said aqueduct, or shall maliciously injure said aqueduct or any of its appurtenances, shall forfeit for each offence a sum not exceeding one hundred dollars to the use of said town of Grafton; and shall also be liable to pay three times the amount of damages sustained by said corporation, to be recovered by them in an action of the case.

Private property only to be acquired by contract.

SECT. 7. Nothing in this act shall enable said corporation to appropriate individual property to their own use, unless it be by contract or agreement with the owner thereof. [*Approved by the Governor, March 15, 1845.*]

Chap 135. An Act establishing the Salaries of the Judge and Register of Probate for the County of Nantucket.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Annual salary \$200 for Judge, and \$300 for Register, after April 1, 1845.

SECT. 1. From and after the first day of April, in the year one thousand eight hundred and forty-five, the Judge of Probate for the county of Nantucket, shall receive for his services an annual salary of two hundred dollars; and the Register of Probate for said county, shall receive for his services an annual salary of three hundred dollars; and said salaries shall be payable quarterly out of the treasury of the Commonwealth.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed. *[Approved by the Governor, March 15, 1845.]* Repeal of inconsistent provisions.

An Act in addition to an Act entitled An Act to incorporate the Trinity Church in the town of Bridgewater. *Chap 136.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All questions relative to the use, occupancy, repairs or rebuilding of any church, edifice, or place of public worship, which the Trinity Church in Bridgewater may own, shall be determined by the pew owners present and voting thereon, each pew owner to be entitled to as many votes as he shall own pews in said church, edifice, or place of public worship. Pew-owners to manage property in church, having one vote for every pew.

SECT. 2. Said corporation shall have power to make by-laws, determining the manner by which persons hereafter may become members of said corporation. May make by-laws respecting the admission of members.

SECT. 3. The second section of the act to which this is in addition, is hereby repealed. Repeal of act of 1815, chap. 12, sect. 2.

SECT. 4. This act shall take effect from and after its passage. *[Approved by the Governor, March 15, 1845.]* When to take effect.

An Act concerning the Proprietors of the Mount Hope Canal and Wharf Company. *Chap 137.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The term of years, during which the proprietors of the Mount Hope Canal and Wharf Company were authorized, by "an act passed the third day of March, in the year one thousand eight hundred and forty-two," to construct their canal, as set forth in the fourth section of said act, is hereby extended one year from the passage of this act, anything in the said fourth section to the contrary notwithstanding. *[Approved by the Governor, March 15, 1845.]* Time for building canal extended to March 15, 1846.

An Act to authorize Isaac Vincent to plant Oysters in Acushnet River. *Chap 138.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Isaac Vincent of Fairhaven, in the county of Bristol, his heirs and assigns, are hereby authorized to plant and dig oysters in the waters and flats of the Acushnet River, from high water mark to the channel of said river, in front of said Vincent's lot of land in New Bedford, bounded southerly by land of Levi Howes, northerly by land of Nathaniel S. Spooner, and easterly by said river. May plant and dig oysters in New Bedford, &c.

SECT. 2. The said Vincent, his heirs and assigns, shall Penalty for

planting and digging, &c. within 20 years, without permission of said Vincent, &c.

have the exclusive use of the said waters and flats, to the said extent for the purpose of planting and digging oysters for the term of twenty years; and if any person shall within said limits dig for or take any oysters during the term aforesaid, without leave of said Vincent, his heirs or assigns, he shall forfeit and pay a fine not exceeding five dollars for each offence, to be recovered in any court proper to try the same. [*Approved by the Governor, March 17, 1845.*]

Chap 139.

AN ACT to authorize the First Parish or Congregational Society in Barre to tax Pews.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Assessments to be made, &c. upon a valuation, &c.

SECT. 1. The First Parish or Congregational Society in Barre is hereby authorized to assess upon the pews, in any meeting-house which said parish may hereafter build, or which may be hereafter conveyed to said parish, for the purpose of public worship, any sum or sums of money which shall hereafter be voted to be raised by said parish for the support of public worship, and other parochial charges, and for the repairs of such meeting-house, according to a valuation of said pews, which shall first be agreed upon by said parish and recorded; and all such assessments may be collected in the manner provided by the thirty-second, the thirty-third and thirty-fourth sections of the twentieth chapter of the Revised Statutes.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1845.*]

Chap 140.

AN ACT to incorporate the Nissetisset Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to manufacture woollen goods in Pepperell.

SECT. 1. John Farrar, Farewell Farrar, their associates and successors, are hereby made a corporation, by the name of the Nissetisset Manufacturing Company, for the purpose of manufacturing woollen goods in the town of Pepperell, in the county of Middlesex; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$20,000, and capital \$50,000.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed fifty thousand dollars. [*Approved by the Governor, March 17, 1845.*]

An Act to authorize the East Parish Congregational Society in Haverhill to sell their Parsonage Lands. *Chap 141.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The East Parish Congregational Society in Haverhill is hereby authorized to sell the several tracts of land owned by said parish, lying in said town, and the treasurer of the parish, for the time being, is authorized to execute a deed or deeds to convey the same. Parish treasurer may execute conveyances.

SECT. 2. The proceeds of the sale of said property shall be invested in such manner as said parish shall direct, and the income arising therefrom shall be applied to the support of the minister in said parish. Investment and application of income.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1845.*] When to take effect.

An Act authorizing the town of Barnstable to construct a Bridge. *Chap 142.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The inhabitants of the town of Barnstable, in the county of Barnstable, are hereby authorized to construct and maintain a bridge across a certain stream of tide water in the village of Centerville, in said town, at the southerly termination of a road passing near the house of Clement Killey ; said bridge to be built in such form, and under such restrictions, as may be consistent with the ordinary and accustomed use of said stream. [*Approved by the Governor, March 17, 1845.*] Location, construction, and maintenance, form, &c., of a bridge in Centerville.

An Act to incorporate the First Congregational Society in Fairhaven. *Chap 143.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. William L. B. Gibbs, F. R. Whitwell, Nathan Church, and such persons as are or shall become proprietors of pews in the meeting-house situated on the corner of Center and William streets, in Fairhaven, county of Bristol, and their successors, are hereby made a corporation, by the name of the First Congregational Society in Fairhaven, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the twentieth and forty-fourth chapters of the Revised Statutes, so far as said provisions shall be applicable in such case. Persons incorporated to support congregational worship.

SECT. 2. The said society shall have the power to hold and manage any estate, the income of which, exclusive of their meeting-house and lot, shall not exceed two thousand dollars, and which shall be applied exclusively to parochial purposes. Estate, exclusive, &c., may be such as to yield an income of \$2,000, to be applied to parochial purposes.

Assessments to be made on pews upon a valuation, &c.

SECT. 3. The said society shall have power to assess, upon the pews in their meeting-house, according to a valuation thereof, to be first made and recorded by the clerk of said society, such sums as may be from time to time voted by said society to be raised for the support of public worship in said meeting-house, and for other parochial purposes; and all such assessments may be collected in the manner provided in the thirty-second, thirty-third and thirty-fourth sections of the twentieth chapter of the Revised Statutes.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1845.*]

Chap 144.

An Act to incorporate the Cohasset Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Cohasset for 28 years, to insure fire risks on the mutual principle.

John Bates, Henry J. Turner, Josiah O. Lawrence, their associates and successors, are hereby made a corporation, by the name of the Cohasset Mutual Fire Insurance Company, in the town of Cohasset, in the county of Norfolk, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, throughout the Commonwealth, against loss by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, March 18, 1845.*]

Chap 145.

An Act to establish the Hampshire and Franklin Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated as bankers in Amherst till Oct. 1, 1851.

SECT. 1. John Dickinson, Jr., David Mack, Jr., Luke Sweetser, their associates and successors, are hereby created a corporation, by the name of the President, Directors and Company of the Hampshire and Franklin Bank, to be established in Amherst, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and requirements, contained in the thirty-sixth and forty-fourth chapters of the Revised Statutes, and all other laws of the Commonwealth relating to banks and banking.

Transfer of stock.

SECT. 2. The stock in said bank shall be transferable only at its banking house and in its books.

Capital to consist of \$100,000, in shares of \$100, to be paid, &c.

SECT. 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct:

provided, the whole be paid in, on or before the first day of *Provided, &c.*
 April, one thousand eight hundred and forty-six. [*Ap-
 proved by the Governor, March 18, 1845.*]

An Act to change the Name of the First Congregational Church and Society *Chap 146.*
 in Troy.

*BE it enacted by the Senate and House of Representa-
 tives, in General Court assembled, and by the authority of
 the same, as follows :*

SECT. 1. The First Congregational Church and Society *To be named
 in Troy, shall be known and called by the name of the
 First Congregational Society in Fall River, and as such
 shall hold and possess all the property, and be entitled to
 all the rights and privileges, and subject to all the liabilities
 of said First Congregational Church and Society in
 Troy.* *the First Con-
 gregational
 Society in Fall
 River, &c.*

SECT. 2. This act shall take effect from and after its *When to take
 passage. [Approved by the Governor, March 18, 1845.]* *effect.*

An Act to incorporate the East Boston Cotton Mills.

Chap 147.

*BE it enacted by the Senate and House of Representa-
 tives, in General Court assembled, and by the authority of
 the same, as follows :*

SECT. 1. Robert G. Shaw, Caleb Chase, Thomas Motley, *Persons incor-
 Jr., their associates and successors, are hereby made a cor-
 poration, by the name of the East Boston Cotton Mills, for
 the purpose of manufacturing cotton goods by steam at
 East Boston, in the county of Suffolk ; and, for this purpose,
 shall have all the powers and privileges, and be subject to
 all the duties, restrictions and liabilities, set forth in the
 thirty-eighth and forty-fourth chapters of the Revised Stat-
 utes.* *porated to man-
 ufacture cotton
 goods by steam
 in Boston.*

SECT. 2. Said corporation may hold, for the purpo- *Real estate not
 ses aforesaid, real estate to the amount of two hundred
 thousand dollars ; and the whole capital stock of said cor-
 poration shall not exceed five hundred thousand dollars.
 [Approved by the Governor, March 18, 1845.]* *to exceed
 \$200,000, and
 capital
 \$500,000.*

An Act to incorporate the Marblehead Manufacturing Company.

Chap 148.

*BE it enacted by the Senate and House of Representa-
 tives, in General Court assembled, and by the authority of
 the same, as follows :*

SECT. 1. Jason Chamberlin, John Quiner, William Ham- *Persons incor-
 mond, their associates and successors, are hereby made a
 corporation, by the name of the Marblehead Manufacturing
 Company, for the purpose of manufacturing cotton goods in
 the town of Marblehead, in the county of Essex ; and, for
 this purpose, shall have all the powers and privileges, and
 be subject to all the duties, restrictions and liabilities, set
 forth in the thirty-eighth and forty-fourth chapters of the
 Revised Statutes.* *porated to man-
 ufacture cotton
 goods in Mar-
 blehead.*

Real estate not to exceed \$100,000, and capital \$200,000.

SECT. 2. The said corporation, for the purposes aforesaid, may hold real estate to the amount of one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed two hundred thousand dollars. [*Approved by the Governor, March 18, 1845.*]

Chap 149.

An Act relating to the Fishery in Little River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Repeal of act of 1821, chap. 67, § 5.

SECT. 1. The fifth section of the act passed on the fourteenth day of February, in the year one thousand eight hundred and twenty-one, is hereby repealed.

Persons entitled to take fish with seines in Little River, &c. on certain days.

SECT. 2. All persons now having a right of fishing with seines in that section of Little River which lies within seventeen rods from its junction with Mystic River, in the county of Middlesex, may take fish in the manner provided by law, on two Mondays successively in three of the Mondays between the first day of March and the last day of June, in each year, except on the first and second Mondays of the time, during which persons living in West Cambridge and Somerville, and having a right to fish in that part of Little River south of Alewife Bridge and the Winter Hill road, may exercise that right, and on no other days.

Penalty for fishing on other days.

SECT. 3. Every person offending against this act, shall forfeit and pay, to any persons who shall sue for the same, a sum not exceeding twenty dollars.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 18, 1845.*]

Chap 150.

An Act to incorporate the Massachusetts Academy of Agriculture.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Westborough for purposes of education.

SECT. 1. Joseph Breck, George Denny, Marshal P. Wilder, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Academy of Agriculture, in Westborough, in the county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Real estate not to exceed \$50,000, and personal estate \$25,000.

SECT. 2. The said corporation may hold real estate to the value of fifty thousand dollars, and personal estate to the value of twenty-five thousand dollars, to be devoted to the purposes of education. [*Approved by the Governor, March 18, 1845.*]

An Act to incorporate the Mercantile Library Association.

Chap 151.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Alexander L. Stimson, Nathaniel P. Kemp, Elliot C. Cowdin, M. A. Herrick, Alonzo C. Haskell, G. Francis Thayer, their associates and successors, are hereby made a corporation, by the name of the Mercantile Library Association, of Boston, for the purpose of diffusing and promoting knowledge among young men, now engaged in, or destined for the mercantile profession, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated in Boston to diffuse and promote knowledge among young men, &c.

SECT. 2. The said corporation may hold real and personal estate, to be used for the purposes aforesaid, not exceeding in all, the value of fifty thousand dollars, the legal title of which shall be in five trustees, to be appointed by a majority of the members of the corporation, and all of the said trustees shall be of adult age, but subject, in care and management and disposal thereof, to the control and direction of a majority of a joint board, consisting of the said trustees and of the board of directors for the time being, which board of directors shall not consist of more than thirteen members.

Estate not to exceed \$50,000, to be held by 5 trustees, and managed by a joint board of trustees and not more than 13 directors, to be appointed, &c.

SECT. 3. Persons engaged in mercantile pursuits, or preparing themselves therefor, and above the age of fourteen years, shall be eligible as members of the corporation, and entitled to vote and act as officers thereof, excepting that no person under twenty-one years of age, shall be a trustee. [*Approved by the Governor, March 18, 1845.*]

Qualifications of members.

An Act to incorporate the New England Historic Genealogical Society.

Chap 152.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles Ewer, J. Wingate Thornton, Joseph Willard, their associates and successors, are hereby made a corporation, by the name of the New England Historic Genealogical Society, for the purpose of collecting, preserving, and occasionally publishing, genealogical and historical matter, relating to early New England families, and for the establishment and maintenance of a cabinet; and for these purposes, shall have all the powers and privileges, and, be subject to all the duties, requirements and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated to collect, preserve and publish genealogical matter, &c.

SECT. 2. The said corporation may hold and possess real and personal estate, to an amount not exceeding twenty thousand dollars. [*Approved by the Governor, March 18, 1845*]

Estate not to exceed \$20,000.

Chap 153. An Act concerning Rewards for the Prosecution and Conviction of Forgers and other Offenders.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Rewards may be paid after conviction and before sentence, at the discretion of the Governor and Council.

The rewards provided for in the nineteenth section of the one hundred and twenty-seventh chapter of the Revised Statutes, may, at the discretion of the Governor, with the advice of the Council, be paid after conviction, and before sentence of the offenders therein named. [*Approved by the Governor, March 18, 1845.*]

Chap 154. An Act to revive the Charter of the Pittsfield and North Adams Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Charter revived, provided the road be located, &c., by March 18, 1847, and completed by March 18, 1848.

SECT. 1. The act to establish the Pittsfield and North Adams Rail-road Corporation, passed on the third day of March, in the year one thousand eight hundred and forty-two, is hereby revived, and declared to be in full force: *provided*, if said corporation shall not have been organized, and the location of their rail-road, upon the route described in said act, have been filed with the county commissioners for the county of Berkshire, within two years, and their road completed within three years from the passage of this act, then this act shall be void.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 18, 1845.*]

Chap 155. An Act to increase the Number of Justices of the Court of Common Pleas.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Court to consist of 6 judges.

SECT. 1. The number of Justices of the Court of Common Pleas, shall be six, instead of five, as now provided by law.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 18, 1845.*]

Chap 156. An Act to incorporate the Quincy Savings Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Quincy.

Thomas Greenleaf, John M. Gourgas, Junior, and Josiah Brigham, their associates and successors, are hereby incorporated by the name of the Quincy Savings Bank, to be established in the town of Quincy, and shall be entitled to all the powers and privileges, and be subject to all the duties and liabilities, contained in the thirty-sixth chapter of

the Revised Statutes, and in all other laws of the Commonwealth, relating to institutions for savings. [*Approved by the Governor, March 18, 1845.*]

AN ACT relating to Common Schools.

Chap 157.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Instead of the single sheets for school registers, now annually transmitted to the school committees by the Secretary of State, he is hereby required to transmit register books, sufficient to last for five or more years, in such form as the Board of Education shall prescribe; and no school teacher shall be entitled to receive payment for his or her services, until the register for his or her school, properly filled up and completed, shall be deposited with the school committee, or with such person as they may designate to receive it. [*Approved by the Governor, March 18, 1845.*]

Registers sufficient for five years to be transmitted to the school committees.

Teachers not entitled to payment till register has been deposited, &c.

AN ACT authorizing Judges of Probate to appoint Trustees in certain cases.

Chap 158.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

If in any will, creating a trust or trusts, the testator shall have omitted to appoint a trustee to carry the same into effect, the Judge of Probate may, after notice to all persons interested, appoint a trustee. And every trustee appointed by any Judge of Probate, by force of this act, shall have and exercise the same powers, rights and duties, as if he had been originally appointed by the testator, and the trust estate shall vest in him in like manner as it would have vested, if appointed by the testator. [*Approved by the Governor, March 18, 1845.*]

Appointment of trustees when not appointed by testator.

Powers and duties of such trustees.

AN ACT to unite the Boston and Maine, and the Boston and Maine Rail-road Extension Companies.

Chap 159.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston and Maine Rail-road Extension Company, and the Boston and Maine Rail-road are hereby authorized, by a vote of the stockholders of each of said corporations, at meetings called for the purpose, to unite themselves in one corporation, to be called the Boston and Maine Rail-road; and when such votes shall have been passed by said corporations, they shall thereupon become one corporation, with the name aforesaid; and all the franchises, property, powers and privileges, now enjoyed by, and all the restrictions, liabilities, and obligations imposed upon said two corporations, by virtue of their respective charters, shall

Union of corporations by votes of stockholders in both.

appertain to said united corporation, in the same manner as if the same had been contained in or acquired under an original charter.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March, 19, 1845.*]

Chap 160.

An Act establishing the Salary of the Register of Probate for Dukes County.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Annual salary to be \$150, after April 1, 1845.

From and after the first day of April, in the year one thousand eight hundred and forty-five, the Register of Probate for Dukes county shall receive a salary of one hundred and fifty dollars a year, payable quarterly from the treasury of the Commonwealth. [*Approved by the Governor, March 20, 1845.*]

Chap 161.

An Act to incorporate the Herring River Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to deepen &c. Herring River in Harwich.

SECT. 1. Anthony Kelley, Job Chase, and Richard Baker, Jr., their associates and successors, are hereby made a corporation, by the name of "the Herring River Company," for the purpose of deepening and protecting the mouth and channel of Herring River, so called, in the town of Harwich and county of Barnstable, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Authorized to make excavations, &c.

Provided, &c.

SECT. 2. Said company, for the purposes aforesaid, are hereby authorized to make excavations, embankments and fences, and to drive piles along the banks of said river and into the sea, in such direction and to such extent, as they shall deem expedient; *provided*, that in no case shall the legal rights of any persons or corporations whatever, be affected by this act.

Penalty of \$50 &c. for injuring works.

SECT. 3. Any person who shall wilfully and maliciously injure or destroy any embankments, fences, piles, or other works, erected by said company, in accordance with the provisions of this act, shall be liable to a penalty of fifty dollars for each offence, to the use of the Commonwealth, to be recovered by indictment therefor.

When to take effect.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1845.*]

An Act in relation to the Compensation of Sheriffs.

Chap 162.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The third section of the seventy-fifth chapter of the acts of eighteen hundred and forty-three, entitled "an act regulating the compensation of sheriffs," is hereby repealed.

Repeal of act of 1843, chap. 75, § 3.

SECT. 2. The several sheriffs of the Commonwealth shall receive the same compensation from the State or county treasuries, as is prescribed by the provisions of the Revised Statutes, for services rendered by them in the distribution of proclamations, precepts, or other documents, or in returning votes to the office of the Secretary of the Commonwealth. And if any sheriff shall wilfully neglect or refuse to return any votes committed to him by the selectmen of any town, he shall forfeit a sum not exceeding two thousand dollars.

Compensation for services &c. to be such as are allowed by Rev. Stat.

Penalty for neglect &c. not to exceed \$2000.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, March 20, 1845.]

When to take effect.

An Act to incorporate the Essex Company.

Chap 163.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Samuel Lawrence, John Nesmith, Daniel Saunders, and Edmund Bartlett, their associates and successors, are hereby made a corporation, by the name of the Essex Company, for the purpose of constructing a dam across Merrimack river, and constructing one or more locks and cauals in connection with said dam, to remove obstructions in said river by falls and rapids, from Hunt's Falls to the mouth of Shawsheen river, and to create a water power to use, or sell, or lease to other persons or corporations, to use for manufacturing and mechanical purposes; and, for these purposes, shall have all the powers and privileges, and be subject to all the duties, and liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated to construct a dam across Merrimack river, &c.

SECT. 2. Said corporation may hold real estate not exceeding, exclusive of the expenditure for the dam and canals, three hundred thousand dollars, and the whole capital stock of said corporation shall not exceed one million dollars, and said stock shall be divided into shares not exceeding one hundred dollars each.

Real estate, exclusive, &c. not to exceed \$300,000, and capital \$1,000,000, in shares of \$100.

SECT. 3. The said corporation is hereby authorized and empowered to construct and maintain a dam across said river, either at Deer Jump Falls, or Bodwell's Falls, or some point in said river between said falls, and all such canals and locks as may be necessary for the purposes

Location of dam, canals and locks.

- aforesaid; and for the purpose of making said dam, and constructing the main canal for navigation, or transports, may take, occupy, and inclose any of the lands adjoining said canals and locks, or dam, which may be necessary for building or repairing the same, for towing paths, and other necessary purposes, not exceeding twenty feet on each side of said canal, or locks, and may blow up and remove any rocks in said river, and dig in any of the lands near to said river, through which it may be necessary to pass said main canal: *provided*, that said corporation shall not obstruct the passage of rafts, masts, or floats of timber down said river earlier than the first day of June, in building said dam, nor keep the same obstructed for a longer time than five months before the opening of said canal for the passage thereof.
- May take lands, &c.**
- Provided, &c.**
- Construction &c. of bridges,**
- and of fishways.**
- Dimensions, tending, &c. of canals and locks.**
- Fishways, &c. to be made to the satisfaction of the county commissioners of Essex, after due notice, &c.**
- SECT. 4. If there shall be occasion, in the prosecution of the powers and purposes aforesaid, to make a canal across any public highway, or if highways shall hereafter be laid out across such canal, it shall be the duty of said corporation to make sufficient bridges across said canal, and to keep them in good repair.
- SECT. 5. The said corporation shall make and maintain, in the dam so built by them across said river, suitable and reasonable fishways, to be kept open at such seasons as are necessary and usual for the passage of fish.
- SECT. 6. The said corporation shall erect, and forever maintain such canal and locks as shall be necessary around any dam constructed by them; the locks to be not less than twenty feet in width, and ninety feet in length; and said canal shall be so constructed, that there shall be easy, safe, and convenient access to, and egress from, the same; with fastenings and moorings for the reconstruction of rafts or floats, alter the egress; and shall be free and not subject to any charges whatever for the passage of rafts of wood and lumber, masts, and floats of timber, and be tended by a keeper employed by said corporation, and opened at all reasonable times, promptly, for such passage.
- SECT. 7. The fishways in said dam, and the entrance and exit of said canal, and the moorings and fastenings at the exit, shall be made to the satisfaction of the county commissioners of the county of Essex, who shall, on application to them by said corporation, after due notice, in such manner as they shall deem reasonable, to all persons interested therein, and a hearing of the parties, prescribe the mode of constructing the same; and any person who shall be dissatisfied with the construction thereof, when the same are completed, may make complaint to said county commissioners, setting forth that the same, or either of them, are not constructed according to the prescription of said commissioners; and said commissioners, after due notice as

aforesaid, shall proceed to examine the same, and shall accept the same, if they shall be of opinion that they are built and made according to such prescriptions; or, if they shall be of opinion that the same are not made according to the prescription, may require the same to be further made and completed, till they shall be satisfied to accept the same; and the expenses of said commissioners, in such examination, shall be paid by the said corporation.

SECT. 8. Any person who shall be damaged in his property by said corporation, in cutting or making canals through his lands, or by flowing the same, or in any other way in carrying into effect the powers hereby granted, unless said corporation shall, within thirty days after request in writing, pay or tender to said person a reasonable satisfaction therefor, shall have the same remedies as are provided by law, for persons damaged by rail-road corporations, in the thirty-ninth chapter of the Revised Statutes.

Remedy of parties injured.

SECT. 9. For the purpose of reimbursing said corporation in part for the cost and expense of keeping said locks and canals in repair, and in tending the same, and in clearing the passages necessary for the transit of boats and merchandise, and other articles through said canal, the following toll is hereby established and granted to said corporation on all goods, boats and merchandise, excepts rafts of wood and lumber, masts and floats of timber passing down said canal, and on all goods carried up through said canal, namely: on salt, lime, plaster, bar iron, pig iron, iron castings, anthracite coal, stone and hay, eight cents per ton of twenty-two hundred and forty pounds; on bituminous coal, twelve cents per chaldron of thirty-six bushels; on bricks, sixteen cents per thousand; on manure, fifty cents per load; on oak timber, thirty-five cents per ton of forty cubic feet; on pine plank and boards, thirty cents per thousand, board measure; on ash and other hard stuff, forty cents per thousand, board measure; on posts and rails, fifteen cents per hundred; on tree nails, thirty cents per thousand; on hop poles, twenty cents per thousand; on hard wood, twenty cents per cord; on pine wood, sixteen cents per cord; on bark, twenty cents per cord; on white oak pipe staves, one dollar per thousand; on red oak pipe staves, sixty-seven cents per thousand; on white oak hogshead staves, sixty cents per thousand; on red oak hogshead staves, forty cents per thousand; on white oak barrel staves, twenty cents per thousand; on hogshead hoops, sixteen cents per thousand; on barrel hoops, twelve cents per thousand; on hogshead hoop poles, thirty cents per thousand; on barrel hoop poles, twenty cents per thousand; on all articles of merchandise not enumerated, ten cents per ton of twenty-two hundred and forty pounds: *provided, Provided, &c.*

Tolls to be levied on goods, boats, &c.

that the rates of toll aforesaid shall be subject to the direction of the Legislature.

Dam not to be built to flow the water higher than the foot of Hunt's Falls, &c., which point, &c. is to be fixed by commissioners, &c.

SECT. 10. The said dam shall not be built to flow the water in said river higher than the foot of Hunt's Falls, in the ordinary run and amount of water in the river, and a commission of three competent persons, to be appointed, one by the said corporation, and one by the proprietors of the locks and canals on Merrimack River; and a third by the two thus appointed, shall, upon the application of either party, fix and determine, by permanent monuments, the point in said river, which is the foot of Hunt's Falls; and shall also, upon the like application, fix and determine the height of the dam of this corporation, and of the flash boards to be used thereon, whose award and determination shall be final and binding upon all parties forever. And if either party shall refuse, after request in writing by the other, for the space of thirty days, to name such commissioner, or in case of a vacancy in such commission, for any cause, either party may apply to the Governor of this Commonwealth, who is hereby empowered to fill such vacancy. And the said point of the foot of Hunt's Falls, shall be fixed within sixty days after such application to the commissioners, and the height of the permanent dam shall be fixed and determined within one year after such application.

When to take effect.

SECT. 11. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1845.*]

Chap 164.

An Act to annex a part of the town of Dartmouth to the town of New Bedford.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows, viz :

Lands to be set off and annexed.

SECT. 1. So much of the town of Dartmouth, in the county of Bristol, as lies easterly of a line beginning at a point near the northwest corner of Clark's Cove, and running five rods east of Charles A. Walter's dwelling-house, in a direct line to the west line of the lane next west of Melatiah Hathaway's dwelling-house, and thence to the stone monument near Allen's Mills, being one of the monuments between the towns of New Bedford and Dartmouth, with all the inhabitants and estates thereon, is hereby set off from the town of Dartmouth, and annexed to the town of New Bedford.

Inhabitants and estates to pay taxes already assessed by Dartmouth.

SECT. 2. Said inhabitants and estates so set off, shall be liable to pay all taxes that have been legally assessed on them by the town of Dartmouth, in the same manner as if this act had not been passed.

New Bedford to pay to Dartmouth proper-

SECT. 3. Said town of New Bedford shall pay over to the said town of Dartmouth, all such sums of money as

shall be levied and collected from the inhabitants and estates set off as aforesaid, for their proportion of any State or county tax, until a new valuation of estates shall be made according to the provision of the Constitution.

tion, &c. of State and county taxes till another valuation.

SECT. 4. If any persons who have heretofore gained a legal settlement in the town of Dartmouth, by reason of residence on the territory set off as aforesaid, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall come to want, and stand in need of relief and support, they shall be relieved and supported by the town of New Bedford, in the same manner as if they had gained a legal settlement in that town.

New Bedford to support paupers having a settlement on lands set off, &c.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1845.*]

When to take effect.

An Act concerning the Taunton and South Boston Turnpike Corporation.

Chap 165.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All proceedings had, and all acts done by said corporation, for the purpose of locating and establishing the turnpike gates, now existing upon said road, for the purpose of taking toll, that is to say, the turnpike gate situated in Canton, in the county of Norfolk, and the turnpike gate, situated near Bernard Alger, in Easton, and the turnpike gate, situated in Raynham, in the county of Bristol, between the Taunton line and the house of Samuel S. Pratt, in Raynham, be, and they are hereby confirmed and made valid.

Confirmation of proceedings had in locating turnpike gates, &c.

SECT. 2. Said corporation shall have the right to claim and receive full toll, according to the rates established by law, at said toll gate, situated in Canton, in the county of Norfolk, and half toll at said gate, situated in Easton, and half toll at said gate, situated in Raynham, as they have heretofore done, subject to the limitations and restrictions contained in the twenty-fifth section of the thirty-ninth chapter of the Revised Statutes: *provided*, that this act shall not be construed to relieve said corporation from liability to make and maintain the travelled part of their turnpike, of the width named in the fifth section of the thirty-ninth chapter of the Revised Statutes.

Corporation may claim tolls, &c., at certain gates.

Provided, &c

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1845.*]

When to take effect.

An Act concerning Bail in Criminal Cases.

Chap 166.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Whenever any person under indictment for

A justice of a

court, or commissioner, &c. may fix and receive bail for a person arrested after adjournment of the court.

Recognizances, &c., to run for successive terms of a court, till final decree, &c.

In failure of appearances agreeable to recognizance, default may be recorded, &c.

any offence bailable by law, shall be arrested after the adjournment of the court in which the same is triable, any justice of the same court, or any standing or special commissioner, appointed for such purpose by the same court, shall be authorized to fix the amount of the bail, and receive bail in the same manner as the court in which the indictment is pending might do.

SECT. 2. Whenever any court or magistrate shall, in pursuance of law, take any recognizance of any person, either with or without surety, binding such person to appear at any term of any court, to answer to any charge against him, or to prosecute any appeal or bill of exceptions, it shall be the duty of such court or magistrate so to frame the condition of such recognizance, as to bind such person, not only personally to appear at the term of the court so expressed, and abide the order and sentence of the court, but also, that he will in like manner personally appear at any subsequent term of said court, to which the same may be continued, if not previously surrendered and discharged, and so from term to term, until the final decree, sentence or order of the court thereon, and shall abide such final sentence, order or decree of the court, and not depart without leave.

SECT. 3. When any person under recognizance in any criminal prosecution, either to appear and answer, or to prosecute an appeal or bill of exceptions, shall fail to appear for either of the purposes aforesaid, either at the term at which the said recognizance is returnable, or at any adjournment thereof, or at any succeeding term of said court, to which such case may be lawfully continued, his default may be recorded, and the obligation of such person, and his sureties, shall be deemed forfeited by such failure, and the like proceedings may be had thereon, as in other cases for the recovery of the penalty of recognizances taken in criminal cases. [*Approved by the Governor, March 20, 1845.*]

Chap 167.

An Act to incorporate the Elliot Religious Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Newton.

SECT. 1. Joseph Bacon, William Jackson, Otis Trowbridge, and all other persons, who are, or may become proprietors of pews in the new meeting-house at Newton Corner, so called, in Newton, and their successors, are hereby made a corporation, by the name of the Elliot Religious Society, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, so far as the same shall be applicable to such case.

Estate in addi-

SECT. 2. Said corporation shall have the power to hold

and manage, in addition to their meeting-house and land under and adjoining the same, any estate, the annual income of which shall not exceed one thousand dollars, and which shall be applied exclusively to parochial purposes.

SECT. 3. Said corporation shall have power to assess upon the pews in their meeting-house, according to a valuation thereof, to be first made and recorded by the clerk of said corporation, such sums of money, as may be from time to time, voted to be raised for the support of public worship, and for other parochial purposes. And all such assessments may be collected in the manner provided in the thirty-second, thirty-third, and thirty-fourth sections of the twentieth chapter of the Revised Statutes.

SECT. 4. At all meetings of the corporation, the proprietors of the meeting-house, and no other persons, shall be entitled to vote.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1845.*]

tion, &c. may be sufficient to yield an income of \$1000, to be applied to parochial purposes.

Corporation may assess taxes upon pews on a valuation, &c., to be collected, &c.

Qualification of voters.

When to take effect.

An Act to incorporate the Marblehead Female Humane Society.

Chap 168.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Hannah Reed, Rebecca Bartlett, and Lydia B. Hooper, their associates and successors, are hereby made a corporation, by the name of the Marblehead Female Humane Society, for charitable and benevolent purposes, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated for charitable purposes.

SECT. 2. The said corporation may take and hold real and personal estate, for the purposes aforesaid, to an amount not exceeding ten thousand dollars. [*Approved by the Governor, March 20, 1845.*]

Estate not to exceed \$10,000.

An Act to incorporate the Brook Farm Phalanx.

Chap 169.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. George Ripley, Charles A. Dana, and Lewis H. Ryckman, their associates and successors, are hereby made a corporation, by the name of the Brook Farm Phalanx, for the purpose of promoting education, agricultural knowledge and habits of manual and mechanical industry, and for these purposes shall have all the powers and privileges, and be subject to all the duties and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated to promote education, &c.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to an amount not exceeding one hun-

Estate not to exceed \$100,000.

Estate subject to taxation.

dred thousand dollars: *provided, however*, that this corporation shall not avail itself of the exemption from taxation, provided in the fifth section of the seventh chapter of the Revised Statutes. [*Approved by the Governor, March 20, 1845.*]

Chap 170. An Act authorizing the Northampton and Springfield Rail-road Corporation to change their Location.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Location of road.

SECT. 1. The Northampton and Springfield Rail-road Corporation may construct, and open for use, a branch rail-road, from the main track of their road, in the village of Cabotville, to and near the mills in said village, passing up the south bank of Chicopee river, near the same, and thence extending up said river, into the Chicopee Falls village; *provided, however*, that the location of that part of their branch extending to the mills in said Cabotville, shall be filed with the county commissioners of the county of Hampden, within one year from the passage of this act; and for that part of their branch extending from said Cabotville mills, into said Chicopee Falls village, the location shall be filed with the said county commissioners, in five years from the passage of this act.

Location of parts of the road to be filed in 1 year, and in 5 years, from March 21, 1845.

Road may be located agreeably to the act of 1842, chap. 41.

SECT. 2. Said corporation may construct, and open for use, their road, commencing at a point in Northampton, defined in the act to which this act is in addition, passing down on the west side of the Connecticut river, and near the same, through a part of Hadley, Easthampton, Northampton South Farms, so called, and West Springfield, and crossing said river at or near the village of Willimansett, in the town of Springfield, to a line designated in the act to which this act is in addition.

Powers and liabilities of the corporation.

SECT. 3. The said corporation, in the construction of their rail-road and branch, as designated in the foregoing sections, may exercise all the powers and privileges, and shall be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the Revised States, which relates to rail-road corporations, and in the several statutes subsequently passed relating to such corporations.

May construct a bridge, &c.

SECT. 4. The said Northampton and Springfield Rail-road Corporation may construct and maintain a bridge at Willimansett Falls, across Connecticut river, and across the canal and works of "The Proprietors of Locks and Canal on Connecticut river, at South Hadley;" and the Court of Common Pleas may, upon the request of said proprietors, appoint commissioners, who, after hearing the parties, shall

award a gross sum to be paid to said proprietors, which shall be in full satisfaction for all claim which they may make for the damage done to their property and works, and for the legal liability, if any, of the proprietors, to persons navigating said river, or canal, for injuries occasioned to them by the construction and maintenance of said bridge.

Damages may be assessed by commissioners, appointed by the court of common pleas.

SECT. 5. The time for filing the location of said Northampton and Springfield Rail-road, with the county commissioners of the counties of Hampden and Hampshire, from Northampton to its junction with the Western Rail-road, and with the Hartford and Springfield Rail-road, in Springfield, is hereby extended to the first day of July next; and the location thus filed, as herein provided, shall be as valid and effectual, as if filed within the time or times prescribed in the act to which this act is in addition.

Extension of time for filing location, to July 1, 1845.

SECT. 6. Said corporation may divert the course of Mill river, in Northampton, near its mouth, so far as may be necessary to conduct it into the main channel of the Connecticut river, at a point east of said rail-road.

Mill river may be diverted, &c.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 21, 1845.*]

When to take effect.

An Act to obtain Statistical Information in relation to certain Branches of Industry.

Chap 171.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The assessors of each city and town in the Commonwealth shall, between the first day of May and the first day of October next, make return to the Secretary of the Commonwealth of the facts as they exist in each city or town, on the first day of April next, in relation to the following matters, to wit :

Assessors, between May 1 and October 1, 1845, to make return of certain facts to the Secretary.

The number of cotton mills in the town. The whole number of cotton spindles. The quantity of cotton consumed during the year ending the first day of April, one thousand eight hundred and forty-five. The number of yards of cotton cloth manufactured during said year, with a description of the same. Gross value of cotton cloth manufactured. The number of pounds and the description of cotton yarn manufactured, and not made into cloth. Gross value of cotton yarn manufactured. The quantity of cotton thread manufactured. Value of cotton thread. Quantity of cotton batting manufactured. Value of cotton batting. Quantity of pelisse wadding manufactured. Value of pelisse wadding. Number of yards of cotton flannel manufactured. Value of the cotton flannel. The amount of capital invested in the manufacture of cotton. The number of males employed in said businesses. Number of females employed in same. The number of calico manu-

Concerning cotton mills and goods, &c.

factories. Number of yards of calico printed during the year as aforesaid. Gross value of calico printed. Number of yards of goods bleached and colored in said calico factories and not printed. Value of the goods bleached and colored. The amount of capital invested in calico establishments. Number of males employed in said business. Number of females employed in same. The number of establishments for bleaching or coloring cotton goods, and not connected with calico establishments. Number of yards of goods bleached or colored, in said establishments, during said year. Value of goods bleached or colored. Amount of capital invested in said bleaching and coloring establishments. Number of hands employed in same.

Woollen mills
and goods, &c.

The number of woollen mills. Number of sets of woollen machinery. Number of pounds of wool consumed during said year. Number of yards of broadcloth manufactured. Value of the broadcloth manufactured. Number of yards of cassimere manufactured. Value of cassimere. Number of yards of satinet. Value of satinet. Number of yards of Kentucky jeans. Value of Kentucky jeans. Number of yards of flannel, or blanketing. Value of flannel or blanketing. Number of pounds of woollen yarn manufactured and not made into cloth. Value of woollen yarn. The amount of capital invested in said business. Number of males employed in the manufacture of wool. Number of females employed in same.

Carpeting man-
ufactured, &c.

The number of mills for the manufacture of carpeting. Number of pounds of wool consumed in the manufacture of carpeting. Number of yards of carpeting manufactured. Value of carpeting manufactured. Amount of capital invested in said business. Number of males employed in the manufacture of carpeting. Number of females employed in same.

Worsted goods,
&c.

The number of establishments for the manufacture of worsted goods, or goods of which worsted is a component part. Number of yards of such goods manufactured during said year. Value of the same. Number of pounds of worsted yarn manufactured, and not made into cloth. Value of worsted yarn. Amount of capital invested in the manufacture of worsted. Number of males employed in said business. Number of females employed in the same.

Hosiery, &c.

The number of establishments for the manufacture of hosiery. Quantity and description of hosiery manufactured. Value of hosiery manufactured. Number of pounds of yarn manufactured, and not made into hosiery. Value of yarn manufactured. Amount of capital invested in said business. Number of males employed in same. Number of females employed in same.

Linen goods,
&c.

The number of establishments for the manufacture of linen. Number of yards of linen manufactured. Value of

same. Quantity of linen thread manufactured. Value of linen thread. Amount of capital invested in said business. Number of males employed in same. Number of females employed in same.

The number of silk manufactories. Number of yards of silk manufactured during said year. Value of same. Number of pounds of sewing silk manufactured. Value of sewing silk. Amount of capital invested in said business. Number of males employed in same. Number of females employed in same.

The number of rolling, slitting, and nail mills. Quantity of iron manufactured by said rolling mills, and not made into nails. Value of iron thus manufactured. Number of machines for manufacture of nails. Quantity of nails manufactured during said year. Value of nails manufactured. Amount of capital invested in rolling, slitting and nail mills. Number of hands employed in said business.

The number of forges. Number of tons of bar iron, anchors, chain cables, and other articles of wrought iron manufactured by said forges, during said year. Value of said bar iron, chain cables, anchors, and other articles. Amount of capital invested. Number of hands employed.

The number of furnaces for the manufacture of pig iron. Number of tons of pig iron manufactured. Value of the pig iron. Amount of capital invested in said business. Number of hands employed in same.

The number of furnaces for the manufacture of hollow ware and castings, other than pig iron. Number of tons of hollow ware and other castings manufactured. Value of hollow ware and castings. Amount of capital invested in said business. Number of hands employed in same.

The number of establishments for the manufacture of cotton, woollen, and other machinery. Gross value of machinery manufactured during said year. Amount of capital invested in said business. Number of hands employed in same.

The number of establishments for the manufacture of steam engines and boilers. Value of steam engines and boilers manufactured during said year. Amount of capital invested in said business. Number of hands employed in same.

The number of shops for the manufacture of fire engines. Number of fire engines manufactured during said year. Value of fire engines manufactured. Number of hands employed in said business.

The number of scythe manufactories. Number of scythes manufactured during said year. Value of scythes manu-

Silk goods, &c.

Rolling mills,
nails, &c.Forges, bar
iron, &c.

Pig iron, &c.

Hollow ware,
castings, &c.

Machinery, &c.

Steam engines,
&c.Fire engines,
&c.

Scythes, &c.

factured. Amount of capital invested in said business. Number of hands employed in same.

- Axes, &c. The number of axe manufactories. Number of axes, hatchets, and other edge tools manufactured during said year. Value of the same manufactured. Amount of capital invested in said business. Number of hands employed in same.
- Cutlery, &c. The number of establishments for the manufacture of cutlery. Value of cutlery manufactured. Amount of capital invested in said business. Number of hands employed in same.
- Screws, &c. The number of screw manufactories. Number of gross of screws manufactured during said year. Value of screws manufactured. Amount of capital invested in said business. Number of hands employed in same.
- Butts, hinges, &c. The number of establishments for the manufacture of butts or hinges. Number of dozen of iron butts or hinges manufactured. Value of iron butts or hinges. Number of dozen of brass or composition butts or hinges manufactured. Value of brass or composition butts or hinges. Amount of capital invested in said business. Number of hands employed in same.
- Latches, door handles, &c. The number of establishments for the manufacture of latches and door handles. Number of dozen of door handles and latches manufactured during said year. Value of door handles and latches. Amount of capital invested in said business. Number of hands employed in same.
- Locks, &c. The number of lock manufactories. Number of locks manufactured during said year. Value of locks manufactured. Amount of capital invested in said business. Number of hands employed in same.
- Tacks, brads, &c. The number of tack and brad manufactories. Quantity of tacks and brads manufactured. Value of tacks and brads. Amount of capital invested in said business. Number of hands employed in same.
- Shovels, &c. The number of manufactories of shovels, spades, forks and hoes. Value of shovels, spades, forks and hoes manufactured. Amount of capital invested in said business. Number of hands employed in same.
- Ploughs, &c. The number of plough manufactories. Number of ploughs and other agricultural tools manufactured during said year. Value of the same. Amount of capital invested in said business. Number of hands employed in same.
- Iron railing, &c. The number of shops for the manufacture of iron railing, iron fences, and iron safes. Value of iron railing, iron fences, and iron safes manufactured during said year. Amount of capital invested in said business. Number of hands employed in same.
- Copper, &c. The number of copper manufactories. Quantity of copper manufactured during said year. Value of the same.

Amount of capital invested in said business. Number of hands employed in same.

The number of brass foundries. Value of articles manufactured in said foundries during said year. Amount of capital invested in said business. Number of hands employed in same. Brass foundries, &c.

The number of establishments for the manufacture of britannia ware. Value of britannia ware manufactured during said year. Amount of capital invested in said business. Number of hands employed in same. Britannia ware, &c.

The number of metal button manufactories. Number of gross of metal buttons manufactured during said year. Value of metal buttons manufactured. Amount of capital invested in said business. Number of hands employed in same. Metal buttons, &c.

The number of glass manufactories. Quantity of window glass manufactured during said year. Value of window glass. Value of other glass manufactured. Amount of capital invested in said business. Number of hands employed in same. Window and other glass, &c.

The number of starch manufactories. Quantity of starch manufactured, from wheat or flour, during said year. Quantity of starch manufactured from potatoes. Value of all starch manufactured. Amount of capital invested in said business. Number of hands employed in same. Starch, &c.

The number of establishments for the making of chemical preparations. Value of chemical preparations manufactured during said year. Amount of capital invested in said business. Number of hands employed in same. Chemical preparations, &c.

The number of paper manufactories. Quantity of stock made use of during said year. Quantity of paper manufactured. Value of the paper. Amount of capital invested in said business. Number of hands employed in the same. Paper, &c.

The number of musical instrument manufactories. Value of musical instruments manufactured during said year. Amount of capital invested in said business. Number of hands employed in same. Musical instruments, &c.

The number of clock manufactories. Number of clocks manufactured during said year. Value of clocks manufactured. Amount of capital invested in said business. Number of hands employed in same. Clocks, &c.

The number of pin manufactories. Quantity of pins manufactured. Value of pins manufactured. Amount of capital invested in said business. Number of hands employed in same. Pins, &c.

The number of establishments for the manufacture of chronometers, watches, gold and silver ware and jewelry. Value of the manufactures of said establishments. Amount of capital invested in said business. Number of hands employed in same. Watches, jewelry, &c.

- Brushes, &c.** The number of brush manufactories. Value of brushes of all kinds manufactured during said year. Amount of capital invested in said business. Number of hands employed in same.
- Saddles, trunks, &c.** The number of saddle, harness and trunk manufactories. Value of saddles, harnesses and trunks manufactured during said year. Amount of capital invested in said business. Number of hands employed in same.
- Upholstery, &c.** The number of upholstery manufactories. Value of upholstery manufactured during said year. Amount of capital invested in said business. Number of hands employed in same.
- Hats, caps, &c.** The number of hat and cap manufactories. Number of hats and caps manufactured during said year. Value of hats and caps manufactured. Amount of capital invested in said business. Number of hands employed in same.
- Cordage, &c.** The number of cordage manufactories. Quantity of cordage manufactured during said year. Value of cordage manufactured. Amount of capital invested in the manufacture of cordage. Number of hands employed in same.
- Cards, &c.** The number of card manufactories. Value of cards of all kinds manufactured during said year. Capital invested in said business. Number of hands employed in same.
- Salt, &c.** The number of establishments for the manufacture of salt. Number of bushels of salt manufactured during said year. Value of salt manufactured. Amount of capital invested in said business. Number of hands employed in same.
- Rail-road cars, coaches, &c.** The number of establishments for the manufacture of rail-road cars, coaches, chaise, wagons, sleighs and other vehicles. Value of rail-road cars, chaise, coaches, wagons, sleighs and other vehicles manufactured during said year. Amount of capital invested in said business. Number of hands employed in same.
- Lead, &c.** The number of lead manufactories. Value of all manufactures of lead during said year. Amount of capital invested in the lead manufacture. Number of hands employed in same.
- Sugar refineries, &c.** The number of sugar refineries. Quantity of sugar refined during said year. Value of sugar refined. Amount of capital invested in said business. Number of hands employed in same.
- Oil, sperm candles, &c.** The number of establishments for the manufacture of oil and sperm candles. Number of gallons of oil manufactured during said year. Value of oil manufactured. Number of pounds of sperm candles manufactured during said year. Value of sperm candles manufactured. Amount of capital invested in said business. Number of hands employed in same.
- Soap, tallow candles, &c.** The number of establishments for the manufacture of

soap, and tallow candles. Quantity of soap manufactured during said year. Value of soap manufactured. Number of pounds of tallow candles manufactured during said year. Value of tallow candles manufactured. Amount of capital invested in said business. Number of hands employed in same.

The number of powder mills. Quantity of powder manufactured during said year. Value of powder manufactured. Amount of capital invested in the manufacture of powder. Number of hands employed in same. Powder, &c.

The number of establishments for the manufacture of fire arms. Number and description of fire arms manufactured. Value of fire arms manufactured. Amount of capital invested in said business. Number of hands employed in same. Fire arms, &c.

The number of establishments for the manufacture of cannon. Number and description of cannon manufactured. Value of cannon. Amount of capital invested in said business. Number of hands employed in same. Cannon, &c.

The number of chocolate mills. Quantity of chocolate manufactured during said year. Value of chocolate manufactured. Amount of capital invested in said business. Number of hands employed in same. Chocolate, &c.

The number of chair and cabinet ware manufactories. Value of chairs and cabinet ware manufactured during said year. Value of chairs and cabinet ware manufactured. Amount of capital invested in said business. Number of hands employed in same. Chairs, cabinet ware, &c.

The number of tin ware manufactories. Value of tin ware manufactured during said year. Amount of capital invested in said business. Number of hands employed in same. Tin ware, &c.

The number of comb manufactories. Value of combs manufactured during said year. Amount of capital invested in said business. Number of hands employed in same. Combs, &c.

The number of establishments for the manufacture of white lead and other paints. Quantity of white lead manufactured. Value of white lead. Quantity and description of other paints manufactured. Value of other paints. Amount of capital invested in said business. Number of hands employed in same. Paints, &c.

The number of mills for the manufacture of linseed oil. Quantity of oil manufactured. Value of oil manufactured. Amount of capital invested in said business. Number of hands employed in same. Linseed oil, &c.

The number of glue manufactories, and manufactories for the preparation of gums. Value of glue and gums manufactured. Amount of capital invested in said business. Number of hands employed in same. Glue, gums, &c.

The number of establishments for the manufacture of Cotton gins, &c.

	cotton gins. Value of cotton gins manufactured during said year. Amount of capital invested in said business. Number of hands employed in same.
Flour, &c.	The number of flouring mills. Number of barrels of flour manufactured during said year. Value of flour manufactured. Amount of capital invested in said business. Number of hands employed in same.
Tanned leather, &c.	The number of tanneries. Number of hides of all kinds tanned during said year. Value of leather tanned and curried. Amount of capital invested in said business. Number of hands employed in same.
Boots, shoes, &c.	The number of pairs of boots of all kinds manufactured during said year. Number of pairs of shoes of all kinds manufactured. Value of boots and shoes manufactured. Number of males employed in the manufacture of boots and shoes. Number of females employed in same.
Straw and palm leaf bonnets and hats, &c.	The number of straw bonnets and straw hats manufactured during said year. Value of straw bonnets and straw hats manufactured. Value of straw braid manufactured, and not made into bonnets and hats. Number of palm leaf hats manufactured. Value of palm leaf hats. Number of females employed in the braiding of straw, the making of straw bonnets, straw hats and palm leaf hats.
Bricks, &c.	The number of bricks manufactured during said year. Value of bricks manufactured. Number of hands employed in the manufacture of bricks.
Mathematical instruments, &c.	The value of mathematical instruments manufactured during said year. Number of hands employed in the manufacture of mathematical instruments.
Snuff, cigars, &c.	The value of snuff, tobacco and cigars manufactured during said year. Number of hands employed in the manufacture of snuff, tobacco and cigars.
Building stone, &c.	The gross value of building stone quarried and prepared for building. Number of hands employed in quarrying and preparing building stone.
Marble, &c.	The gross value of marble quarried and prepared for market during said year. Number of hands employed in quarrying and preparing marble.
Lime, &c.	Number of casks of lime manufactured during said year. Number of hands employed in the manufacture of lime. And value of lime manufactured.
Coal, iron ore, &c.	The gross value of mineral coal and iron ore, mined during said year. Number of hands employed in mining coal and iron ore.
Whips, &c.	The gross value of whips manufactured during said year. Number of hands employed in the manufacture of whips.
Blacking, &c.	Gross value of blacking manufactured. Number of hands employed in the manufacture of blacking.
Blocks, pumps, &c.	Gross value of blocks and pumps manufactured during

said year. Number of hands employed in the manufacture of blocks and pumps.

Gross value of mechanics' tools manufactured during said year. Number of hands employed in the manufacture of mechanics' tools. Mechanics' tools, &c.

Gross value of all wooden ware, not otherwise enumerated in this act, including farming utensils, manufactured during said year. Number of hands employed in the manufacture of such wooden ware. Farming utensils, &c.

The number of corn and other brooms manufactured during said year. Value of brooms manufactured. Number of hands employed in the making of brooms. Brooms, &c.

The number of steel pens manufactured during said year. Value of steel pens manufactured. Amount of capital invested. Number of hands employed in the manufacture of steel pens. Steel pens, &c.

The quantity of lumber prepared for market. Value of lumber thus prepared. Number of hands employed in preparing lumber. Lumber, &c.

Number of cords of fire wood prepared for market. Value of the fire wood. Number of hands employed in preparing fire wood. Fire wood, &c.

The number of vessels launched during said year. Amount of the tonnage of said vessels. Value of vessels launched. Number of hands employed in ship building. Vessels launched, &c.

The number of boats built during said year. Value of boats built. Number of hands employed in the building of boats. Boats built, &c.

The gross value of all other articles manufactured in the town during said year, with a description of the same. Amount of capital invested in the business. Number of hands employed in same. Various manufactured articles, &c.

The quantity of sperm oil consumed in the several manufacturing establishments during said year. Value of sperm oil thus consumed. Quantity of whale oil consumed in said establishments. Value of whale oil consumed. Quantity of all other kinds of oil consumed in said establishments. Value of all other kinds of oil consumed. The number of tons of anthracite coal consumed in said establishments. Value of anthracite coal consumed. Quantity of bituminous coal, mined in the United States, consumed in said establishments. Value of said bituminous coal. Quantity of foreign bituminous coal consumed. Value of foreign bituminous coal. Value of all other articles of American production, excepting cotton, wool, and iron, consumed by said manufacturing establishments. Value of all other articles of foreign productions, excepting as above, consumed by same. Articles consumed in manufacturing processes, &c.

The number of vessels employed in the whale fishery. Amount of tonnage of vessels employed in whale fishery. Whale fishery, &c.

Number of gallons of sperm oil imported during the year ending on the first day of January preceding. Value of sperm oil imported. Number of gallons of whale oil imported during said year. Value of whale oil imported. Number of pounds of whalebone imported during said year. Value of whalebone imported. Amount of capital invested in the whale fishery. Number of hands employed in same.

Mackerel and cod fishery, &c.

The number of vessels employed in the mackerel and cod fisheries. Tonnage of vessels employed in said fisheries. Number of barrels of mackerel taken during the year ending on said first day of January preceding. Number of quintals of cod-fish taken. Value of mackerel taken. Value of cod-fish taken. Number of bushels of salt consumed in the mackerel and cod fisheries. Amount of capital invested in the mackerel and cod fisheries. Number of hands employed in same.

Sheep, &c.

The number of Saxony sheep of different grades. Number of merino sheep of different grades. Number of all other kinds of sheep. Gross value of all the sheep. The number of pounds of Saxony wool produced. Number of pounds of merino wool produced. Number of pounds of all other wool produced. Gross value of all wool produced in the town during said year.

Asses, mules, horses, neat cattle, swine, &c.

The number of asses and mules. Value of the asses and mules. Number of horses. Value of the horses. Number of neat cattle. Value of neat cattle. Number of swine. Value of swine.

Cereal grains, esculent vegetables, hay, hemp, flax, &c.

The number of bushels of Indian corn or maize raised during the year ending as aforesaid. Value of the Indian corn or maize. Number of bushels of wheat. Value of same. Number of bushels of rye. Value of same. Number of bushels of barley. Value of same. Number of bushels of oats. Value of oats. Number of bushels of potatoes. Value of potatoes. Quantity of other esculent vegetables. Value of other esculent vegetables. Quantity of millet raised. Value of millet. Number of tons of hay. Value of hay. Quantity of hemp raised. Value of hemp. Number of pounds of flax raised. Value of flax.

Fruits, hops, tobacco, silk, teazles, &c.

Number of bushels of fruit of various kinds. Value of fruit. Number of pounds of hops raised. Value of hops. Number of pounds of tobacco. Value of tobacco. Quantity of raw silk raised. Value of raw silk. Quantity of teazles. Value of teazles.

Butter, cheese, honey, bees-wax, shoe-pegs, &c.

Number of pounds of butter produced during said year. Value of butter. Number of pounds of cheese. Value of cheese. Number of pounds of honey. Value of honey. Number of pounds of bees-wax. Value of bees-wax. Quantity of shoe pegs manufactured.

SECT. 2. The Secretary of the Commonwealth shall cause to be printed blank tables, conveniently arranged for the return of the facts aforesaid, with blank columns for the return of facts such as are not enumerated in this act, and shall furnish three copies of the same, together with one copy of this act, to the assessors of each town, on or before the first day of May next.

Secretary to distribute blanks for returns, &c.

SECT. 3. The Secretary of the Commonwealth, after he shall have received the returns aforesaid from the assessors of the several towns, shall cause to be prepared and printed, a true abstract of the same, with each column of figures of such abstract added up, for the use of the Legislature, at the next session thereof.

Secretary to prepare and publish an abstract of returns, &c.

SECT. 4. Each assessor shall receive, from the treasury of the Commonwealth, one dollar and twenty-five cents a day for every day that he shall be employed in making the return aforesaid; and the accounts of assessors, for these services, shall be audited by a committee of the Legislature.

Compensation of assessors.

Audit of accounts.

SECT. 5. The assessors of any town may authorize either of their number, or some other suitable person, to collect the information required by this act, to whom the same allowance, per day, shall be made from the treasury of the Commonwealth, as is provided for the services of the assessors.

Assessors may employ substitutes.

SECT. 6. If the assessors of any town shall wilfully neglect to make the return aforesaid, in the manner aforesaid, such assessors shall forfeit to the Commonwealth a sum not exceeding one hundred dollars.

Penalty of neglect on the part of assessors.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 21, 1845.*]

When to take effect.

An Act to incorporate the Marblehead Breakwater Company.

Chap 172.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Joshua Orne, Ephraim Brown, Abel Gardner, their associates and successors, are hereby made a corporation, by the name of the Marblehead Breakwater Company, for the purpose of erecting a breakwater and making a dock in the harbor of Marblehead, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated to erect a breakwater, &c.

SECT. 2. The said company shall have power to erect a sufficient breakwater and sea-wall between the land of Ephraim Brown and Gerry Island, so called, in the town of Marblehead; and, for that purpose, to close up the passage between said land and said island, for the defence and protection of said dock.

Location.

May close up a passage.

Corporation may take certain lands,

SECT. 3. The said company shall have power to take and appropriate, for the use of said breakwater and dock, and for the operations necessarily connected with the same, so much of the land of Ephraim Brown, Samuel Turner, Samuel Goodwin, first, James Goodwin, Knott Martin, Thomas Wooldridge, and of the land of the heirs of Josiah P. Creasy, which appears laid down on the chart surveyed and drawn by Alonzo Lewis, of Lynn, dated the eighth day of January, in the year one thousand eight hundred and forty-five, as may be necessary for the purpose of erecting, enlarging and improving said breakwater and docks, by paying a reasonable compensation for the same, and for all damages done by taking the same.

paying reasonable compensation.

May fix ring-bolts, &c., paying damages.

SECT. 4. The said company shall also have power to fix ring-bolts, posts or spiles, for the purpose of warping vessels into and out of said dock, on the land of any person on the margin of Little Harbor, so called, by said dock, said company paying all damages that may be thereby occasioned.

Remedies for injury to property.

SECT. 5. All persons whose lands are taken for the above purpose, or who shall suffer damage by any of the above doings upon their lands or property, shall have the same remedies which are now provided for ascertaining damages in case of private property being taken for the construction or use of rail-roads, under and by virtue of the thirty-ninth chapter of the Revised Statutes, and all other acts or laws now in force in relation to such damages; and the same proceedings may be had as are prescribed by said acts and laws for the recovery of damages in cases of land taken for rail-roads.

Company must organize, &c. before April 1, 1847.

SECT. 6. This act shall be null and void, unless the said company shall organize under it, and proceed with the execution of the powers above conferred, within two years from the first day of April, in the year one thousand eight hundred and forty-five.

When to take effect.

SECT. 7. This act shall take effect from and after its passage. [Approved by the Governor, March 21, 1845.]

Chap 173.

An Act to authorize Thomas Washburn to plant Oysters.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Oysters may be planted, &c. on land described in Wareham.

SECT. 1. Thomas Washburn, of Wareham, in the county of Plymouth, his heirs and assigns, are hereby authorized to plant and dig oysters on the sea-shore adjoining land now owned by him, on or near Great Neck, so called, in said Wareham, being the same land described in the deed of one Peter Presho to said Thomas Washburn dated January 15, 1844, and acknowledged February 22, 1845.

SECT. 2. Said Washburn, his heirs and assigns, shall have the exclusive use of the waters and flats adjoining his land, for the distance of ten rods from low water mark, for the purpose of planting and digging oysters, for the term of twenty years; and if any other person shall dig or take therefrom any oysters during the term aforesaid, without leave of the owner or owners of said land, now owned by said Washburn, such person shall forfeit and pay a fine not exceeding five dollars for each offence, to the use of the Commonwealth, to be recovered in any court proper to try the same.

Exclusive right for 20 years.

Penalty of \$5 for trespass.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 21, 1845.*]

When to take effect.

An Act concerning the Boston Museum.

Chap 174.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Boston Museum, a corporation established by law, is hereby empowered to hold personal estate to the amount of thirty thousand dollars, and real estate to the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed the sum of fifty thousand dollars.

Personal estate may amount to \$30,000, real estate to \$20,000, and capital to \$50,000.

SECT. 2. Any shares heretofore issued by said corporation shall be valid, provided they shall not represent a larger amount of capital than has actually been paid in, for the permanent use of said corporation.

Shares to be valid, provided, &c.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 21, 1845.*]

When to take effect.

An Act to incorporate the Ocean Steam Mills.

Chap 175.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Benjamin Saunders, William C. Balch, Edward S. Lesley, their associates and successors, are hereby made a corporation, by the name of the Ocean Steam Mills, for the purpose of manufacturing cotton goods in the town of Newburyport, in the county of Essex; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated to manufacture cotton goods in Newburyport.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to an amount not exceeding fifty thousand dollars; and the whole capital stock of said corporation shall not exceed two hundred thousand dollars. [*Approved by the Governor, March 21, 1845.*]

Real estate not to exceed \$50,000, and capital \$200,000.

Chap 176.

An Act relating to Discharged Convicts.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Governor, with advice, &c. to appoint an agent to counsel and aid discharged convicts, &c.

SECT. 1. The Governor, with advice of the Council, is hereby authorized to appoint an agent, who shall hold his office until another is appointed in his place, whose duty it shall be to counsel and advise such discharged convicts as may seek his aid, and to take such measures to procure employment for such of them as may desire it, by corresponding with persons in mechanical and agricultural pursuits, and with benevolent individuals and associations, as he may deem proper and expedient.

Accounts to be audited by Inspectors of the State Prison.

SECT. 2. Said agent shall keep an account of the time employed and money expended in the performance of the duties of his office, and present the same to the inspectors of the State Prison, and their approval thereof shall entitle him to receive, from the treasury of the Commonwealth, a sum not exceeding three hundred dollars per annum, for which the Governor is requested to draw warrants from time to time.

Annual compensation not to exceed \$300.

SECT. 3. The office of said agent shall be located in the town of Charlestown or in the city of Boston.

Office in Charlestown or Boston. When to take effect.

SECT. 4. This act shall take effect from and after the first day of May next. [*Approved by the Governor, March 22, 1845.*]

Chap 177.

An Act to incorporate the Goodyear Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to manufacture india rubber goods in Roxbury.

SECT. 1. Henry B. Goodyear, James A. Dorr, Henry Edwards, their associates and successors, are hereby made a corporation, by the name of the Goodyear Manufacturing Company, for the purpose of manufacturing india rubber goods in the town of Roxbury, in the county of Norfolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$25,000, and capital \$100,000.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty-five thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars. [*Approved by the Governor, March 22, 1845.*]

An Act to establish the Salary of the Judge of Probate for the County of Barnstable. **Chap 178.**

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The judge of probate for the county of Barnstable shall receive an annual salary of four hundred dollars, payable quarterly. Annual salary \$400,

SECT. 2. This act shall take effect from and after the first day of April next. *[Approved by the Governor, March 22, 1845.]* after April 1, 1845.

An Act to incorporate Ohebei Shalom.

Chap 179.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Moses Ehrlish, William Goldsmith, Bernard Fox, their associates and successors, are hereby made a corporation, by the name of Ohebei Shalom, in Boston, with all the powers and privileges, and subject to all the restrictions, duties and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, as far as the same are applicable in this case. Persons incorporated to maintain Jewish worship.

SECT. 2. Said society shall have the power to hold and manage estate, real or personal, to an amount not exceeding ten thousand dollars, which shall be applied to the payment of the debts of the corporation, and to the support of public worship. Estate not to exceed \$10,000, to be applied, &c.

SECT. 3. Said society shall have power to assess upon the pews or seats in their place of worship, according to a valuation thereof, to be first made and recorded by the clerk of the corporation, such sums as may be from time to time voted by said society, to be raised for the support of public worship, and for other parochial purposes. And all such assessments may be collected in the manner provided in the thirty-second, thirty-third and thirty-fourth sections of the twentieth chapter of the Revised Statutes. Assessments to be made upon pews, according to a valuation, &c.

SECT. 4. At all meetings of the corporation, the proprietors of the pews, and no other persons, shall be entitled to vote, when the corporation own a place of public worship, allowing one vote for every pew. Collection of assessments.

SECT. 5. This act shall take effect from and after its passage. *[Approved by the Governor, March 22, 1845.]* Qualification of voters.

An Act to incorporate the City Mutual Fire Insurance Company.

Chap 180.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Samuel Millard, Solomon Piper, George Darracott, their associates and successors, are hereby made a corporation, Persons incorporated in Boston to insure

fire risks for
28 years.

by the name of the City Mutual Fire Insurance Company, to be established in the city of Boston, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, throughout this Commonwealth, against loss by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, March 22, 1845.*]

Chap 181. An Act to incorporate the Peterborough and Shirley Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECT. 1. Samuel Appleton, Levi Warren, Eleazer Brown, Isaac Parker, Cyrus Harris, James Walker, Jonas M. Melville, George Elliot, and Leonard M. Parker, their associates and successors, are hereby made a corporation, by the name of the Peterborough and Shirley Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, and the general statutes subsequently passed, relating to rail-road corporations.

Location of
road.

SECT. 2. Said company may construct and maintain a rail-road with one or more tracks, for the transportation of persons and merchandise, from a point on the Fitchburg Rail-road, near the Nashua River, in Shirley, and thence running in a northerly direction, through the towns of Shirley and Townsend, to the line of New Hampshire, at Mason, passing on the most eligible route, through or near the Morse village, so called, in Shirley, and through or near the Harbor, the Centre, and West Village, so called, in Townsend.

Capital not to
exceed \$350,-
000 in shares of
\$100.

SECT. 3. The capital stock of said corporation shall not exceed three hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and said company may purchase and hold such real estate, and engines, cars, and other property, as may be found necessary for the purposes of said road.

Estate.

May enter upon
and use the
Fitchburg Rail-
road.

SECT. 4. The said rail-road company may enter their road, by proper turnouts and switches, upon the Fitchburg Rail-road, at the point mentioned in the second section of this act, paying for the use of the same, or any part thereof, such a rate of toll, or compensation, as may be mutually agreed on by the parties, or as the Legislature may, from time to time, prescribe, and complying with such reasonable rules and regulations as may be established by said Fitchburg Rail-road Company: *provided, however,* the said

Provided, &c.

rail-road company shall not enter upon said Fitchburg Rail-road, with any motive power, unless the said Fitchburg Company shall refuse to draw over their road, or any part thereof, the cars of said company hereby incorporated.

SECT. 5. The Legislature may authorize any rail-road corporation to enter their road upon the road of the company hereby incorporated, upon the same terms and conditions as are prescribed, in the preceding section, for the entrance of the road of said company upon the road of the said Fitchburg Rail-road Company.

Legislature may authorize the use of road by other corporations.

SECT. 6. If the said company shall not, within three years, file a location of their route in the manner required by law, and shall not, within five years, complete one track of said road as far as Townsend West Village, then this act shall be void.

Road to be located, &c. within 3 years, and one track, &c. completed within 5 years.

SECT. 7. The said company is hereby authorized to unite with any rail-road company which is, or may be, incorporated in the State of New Hampshire, with authority to build a rail-road from Peterborough to the State line, at the terminus of said rail-road hereby authorized to be constructed. And when the two companies shall have so united, the stockholders of the one company shall become the stockholders of the other company, and the two companies shall constitute one corporation, by the name of the Peterborough and Shirley Rail-road Company; and the franchise, property and power acquired under the authorities of the said States respectively, shall be held and enjoyed by all the stockholders, in proportion to the number of shares or amount of property held by them respectively, in either or both of said corporations.

Company may unite with company chartered by New Hampshire, &c.

SECT. 8. One or more of the directors, or other officers of said united corporations, shall at all times be an inhabitant of this Commonwealth, on whom process against said company may be legally served, and said company shall be held to answer in the jurisdiction where the service is made and the process is returnable.

One officer of united corporation to be an inhabitant of Massachusetts.

SECT. 9. Said company shall keep separate accounts of their expenditures in Massachusetts and New Hampshire respectively; and two commissioners shall be appointed, one by the Governor of each State, to hold their offices for the term of three years, and to be reasonably compensated by said company, who shall decide what portion of all expenditures of said company, and of its receipts and profits, properly pertain to that part of the road lying in the two States respectively; and the annual report required to be made to the Legislature of this Commonwealth, shall be approved by said commissioners.

Separate accounts to be kept for the two States. Commissioners, &c. to decide on portions of expenditure, &c. within the States respectively, and to approve the annual report.

SECT. 10. Said company, and the stockholders therein, so far as their road is situated in Massachusetts, shall be subject to all the duties and liabilities created by the pro-

Liabilities of company and stockholders in Massachusetts.

visions of the laws of this Commonwealth, to the same extent as they would have been if the union of said companies had not taken place.

Provisions to be of force when adopted by New Hampshire and accepted by stockholders, &c.

SECT. 11. The provisions contained in the four preceding sections, and all the provisions of this act, which contemplate a union of said companies, shall not take effect until similar provisions shall have been authorized and adopted by the authorities of the State of New Hampshire, nor until said provisions shall have been accepted by the stockholders of said two corporations respectively, at legal meetings called for that purpose.

When to take effect.

SECT. 12. This act shall take effect from and after its passage. [*Approved by the Governor, March 22, 1845.*]

Chap 182. An Act in addition to an Act to incorporate the Boston Hemp Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Number of shares to be increased, and par value to be diminished in proportion, the capital to remain unchanged.

The Boston Hemp Company is hereby authorized to increase the number of shares in the capital stock of said company, diminishing the par value of each share in proportion to such increase, without adding to the amount of the capital stock of said corporation. [*Approved by the Governor, March 22, 1845.*]

Chap 183.

An Act to incorporate the Norfolk Lead Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to manufacture lead in Roxbury or Dorchester.

SECT. 1. Edward Winslow, Nathan T. Dow, Nathaniel Adams, their associates and successors, are hereby made a corporation, by the name of the Norfolk Lead Company, for the purpose of manufacturing lead in its various branches either in the town of Roxbury or Dorchester, in the county of Norfolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$50,000, and capital \$200,000.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed two hundred thousand dollars.

When to take effect.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 22, 1845.*]

An Act to incorporate the Globe Steam Mills.

Chap 184.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Charles H. Coffin, Edward S. Lesley, Albert Currier, their associates and successors, are hereby made a corporation, by the name of the Globe Steam Mills, for the purpose of manufacturing cotton in the town of Newburyport, in the county of Essex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated to manufacture cotton in Newburyport.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed two hundred thousand dollars. [*Approved by the Governor, March 22, 1845.*]

Real estate not to exceed \$50,000, and capital \$200,000.

An Act to incorporate the Trustees of the Second Methodist Episcopal Church in Chelsea.

Chap 185.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Henry Slade, Albert H. Brown, Lyman Mitchell, William N. Sawyer, and Thomas Bagnall, their associates and successors in office, elected according to the usages of the Methodist Episcopal Church, are constituted a body corporate, by the name of the Trustees of the Second Methodist Episcopal Church in Chelsea.

Persons incorporated.

SECT. 2. The said trustees may elect such officers and make such by-laws as they shall deem proper: *provided*, such by-laws be not repugnant to the laws of this Commonwealth.

May elect officers and make by-laws; *provided*, &c.

SECT. 3. The number of trustees shall at no time exceed nine, or be less than five.

Number of Trustees.

SECT. 4. The said trustees are hereby vested with full power to take and hold all grants and donations of real or personal estate made to the use of said church, or otherwise, and to alien or manage such real or personal estate, according to the terms and conditions of the grants or donations; and, by purchase or operation of law, to take, hold and manage any real or personal estate, in trust, for the use and benefit of said church, and to sell and convey the same, and to prosecute and defend in any action touching the same: *provided*, the annual income of the grants, donations and purchases for the use aforesaid, shall not exceed the sum of two thousand dollars.

Trustees may take and manage property, &c.

Annual income not to exceed \$2,000.

SECT. 5. Henry Slade, before named, is authorized to appoint the time and place for holding the first meeting of said trustees, and to notify them thereof.

Call of first meeting.

When to take effect.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1845.*]

Chap 186.

An Act to incorporate the Lexington and West Cambridge Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated.

SECT. 1. Benjamin Muzzy, Samuel Chandler, Larkin Turner, Jonas Munroe, William Chandler and Billings Smith, their associates, and successors, are hereby made a corporation, by the name of the Lexington and West Cambridge Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes, and all general statutes subsequently passed, that relate to rail-road corporations.

Location of road.

SECT. 2. The said company are hereby authorized and empowered, to construct and complete a rail-road, beginning in Lexington near the Monument, thence running upon the north side of the great road leading from Lexington to West Cambridge, at a convenient distance from, and nearly parallel with the same, through the East Village in Lexington, thence through the middle of West Cambridge, to a convenient point of intersection with the rail-road of the Charlestown Branch Rail-road Company in Cambridge.

Capital not to exceed \$200,000 in shares of not more than \$100.

SECT. 3. The capital stock of said company shall not exceed two thousand shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessments shall be laid thereon of a greater amount in the whole than one hundred dollars on each share.

Road to be located, &c., within 1 year, and completed within 3 years.

SECT. 4. If the said company be not organized and the location of their said road filed according to law within one year from the passing of this act; and if the said road be not completed within three years from said time, then this act shall be void. And the said corporation are hereby required to open forthwith subscription books to the capital stock of said company, and as soon as two hundred and fifty shares thereof shall be subscribed, to proceed without delay to construct, and open for use that part of said road lying between the Charlestown Branch Rail-road, and the centre of the village of West Cambridge, and, if this part of said road be not completed and opened for use as far as said village of West Cambridge, within one year from the passing of this act, then the Charlestown Branch Rail-road Company may, and are hereby authorized to construct said road from their road, to the village of West Cambridge, over the line provided in this act, and, for that purpose, and to that extent, shall have and exercise all the rights, privi-

Subscription books to be opened immediately, and a part of the road to be completed and opened as soon as may be after the subscription of 250 shares.

In case of failure to open the same within one year, the

leges and powers, and be subject to all the duties, restrictions and liabilities of the said Lexington and West Cambridge Rail-road Company, and for this purpose, the said Charlestown Branch Rail-road Company may increase their capital stock, twenty-five thousand dollars: *provided, however*, that said Charlestown Branch Rail-road Company shall only be required to file the location, and finally complete said road to the village of West Cambridge, within one year after the expiration of the time herein allowed to said Lexington and West Cambridge Rail-road Company, to build the same.

SECT. 5. The Legislature may authorize any company to enter with another rail-road, at any point of the said Lexington and West Cambridge road, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the Legislature may, from time to time, prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, complying with such rules and regulations as may be established by said Lexington and West Cambridge Rail-road Company: *provided, however*, that no other corporation shall enter upon said last mentioned road, with any motive power, unless the said Lexington and West Cambridge Rail-road Company shall refuse to draw over their road, or any part thereof, the cars of any other rail-road corporation, which may be authorized to enter with their rail-road upon the said Lexington and West Cambridge Rail-road.

SECT. 6. The Legislature may, after the expiration of five years from the time when the whole of the said rail-road shall be opened for use, from time to time, reduce the rate of toll or other profits upon said rail-road; but the tolls shall not, without the consent of said company, be so reduced as to produce, with said profits, less than ten per cent. per annum.

SECT. 7. The said company are hereby authorized and empowered to transfer their rights, privileges, and franchise, under this charter, to the Charlestown Branch Rail-road Company, and the Charlestown Branch Rail-road Company are hereby authorized to receive and hold the same, whenever a majority in interest of the stockholders of the two corporations respectively shall elect so to do; and in such case, the amount of capital stock which the Charlestown Branch Rail-road Company may hold, may be increased to the amount of two hundred thousand dollars.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1845.*]

Charlestown Branch Rail-road Company may construct, &c.

Provided, &c.

The Legislature may authorize other companies to enter upon and use the road; *provided, &c.*

The Legislature may reduce tolls and profits after 5 years, *provided, &c.*

Rights, &c. may be transferred to the Charlestown Branch Rail-road Company, &c.

Which may then increase its capital to \$200,000.

When to take effect.

Chap 187.

An Act concerning Pilots and Pilotage.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Governor, with advice, &c., may prescribe the duties and compensation of branch pilots, &c.

SECT. 1. The Governor, with the advice and consent of the Council, may, from time to time, prescribe the duties and fix the compensation of all branch pilots who have been or may hereafter be appointed by the Governor for the several harbors and coasts of this State; and all such pilots shall, upon notice thereof, conform to such rules and regulations as shall, by virtue of this act, be established.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1845.*]

Chap 188.

An Act in relation to the Costs of Trustees.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Balance of costs of Trustees payable by plaintiffs, &c.

Whenever, in any action, the goods, effects and credits in the hands of any person who shall hereafter be adjudged a trustee, shall not be of sufficient value to discharge the costs taxed in favor of such trustee, the trustee shall have judgment and execution against the plaintiff in such action, for the balance of such costs so taxed, deducting the sum disclosed, in the same manner as if such trustee had been discharged by the judgment of the court in such action. [*Approved by the Governor, March 24, 1845.*]

Chap 189.

An Act to incorporate the Harrison Avenue Congregational Society in Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. Henry H. Fuller, Manlius S. Clarke, Charles H. Warren, their associates and successors, are hereby made a corporation, by the name of "the Harrison Avenue Congregational Society in the city of Boston," with all the powers and privileges, and subject to all the duties and liabilities, set forth in the twentieth and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to this corporation.

Annual income from estate, &c. not to exceed \$2,000, to be applied to the support of public worship.

SECT. 2. Said corporation may hold, exclusive of such meeting-house as they may hereafter erect, and the land whereon the same may stand, real and personal estate, the annual income of which shall not exceed two thousand dollars, which shall be applied exclusively to the support of public worship.

Assessments to be made upon pews, according to a valuation, &c.

SECT. 3. Said corporation shall have power to assess upon the pews in their meeting-house, according to a valuation thereof, to be first made and recorded by the clerk of

said corporation, such sums as may be, from time to time, voted by said society to be raised for the support of public worship in said meeting-house, and for all other parochial purposes. And all such assessments may be collected in the manner provided in the thirty-second, thirty-third and thirty-fourth sections of the twentieth chapter of the Revised Statutes.

Collection of assessments.

SECT. 4. Every person who shall have subscribed and paid money for the purchase of land and the erection of the meeting-house to be owned by said corporation, shall be a member of said corporation, and shall be entitled to vote at all meetings thereof, in such manner as said corporation, by their by-laws, shall provide, until such subscriber shall have been repaid the amount by him so paid, according to the original condition of his subscription; and after the pews in said meeting-house, or any part thereof, shall have been sold, every proprietor of a pew shall be entitled to one vote as a member of said corporation.

Qualifications of voters.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, March 24, 1845.]

When to take effect.

An Act relating to Returns of Clerks of Manufacturing Corporations.

Chap 190.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Every clerk of any manufacturing corporation, in the return required to be made by him, by virtue of the first section of the ninety-eighth chapter of the statutes passed in the year one thousand eight hundred and forty-three, entitled "An Act for the more equal Assessment of Taxes," shall state the whole amount of the capital stock of such corporation, and the amount of real estate and machinery which was assessed to the said corporation in the last assessment of the city or town where such corporation is situated. [Approved by the Governor, March 24, 1845.]

Clerks must state the amount of capital stock, and the amount of real estate and machinery, assessed by the town.

An Act to regulate the Use of Rail-roads.

Chap 191.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No locomotive engine or other motive power shall be allowed to run upon any rail-road constructed by authority of this Commonwealth, except such as belong to, and are controlled by, the corporation owning and managing such road, unless by the consent of such corporation.

Engines, &c. may run on rail-roads only by consent of company owning the road.

SECT. 2. Every rail-road corporation, which may be the owner of any rail-road in use, is hereby required, at reasonable times, and for a reasonable compensation, to draw over their road the passengers, merchandise, and cars of

Corporations must draw passengers, &c. for other corporations, provided, &c.

Commissioners appointed by the Supreme Court, &c. to fix the rate of compensation; provided, &c.

any other rail-road corporation, which has been, or may hereafter be authorized by the Legislature to enter with their rail-road upon, or to unite the same with, the road of such corporation, and use such last named road. And if the respective corporations, whose roads are so united, shall be unable to agree upon the compensation so as aforesaid to be paid, the Supreme Judicial Court, upon the petition of either party, and upon notice to the other party, shall appoint three commissioners, who shall, upon due notice to the parties interested, proceed to determine and fix such rate of compensation. And the award of said commissioners, or a major part of them, shall be binding upon the respective corporations interested therein, until the same shall have been revised or altered by commissioners so appointed as aforesaid; but no such revision or alteration shall be made by such commissioners within one year after such decision and award shall have been made.

And to determine the times for drawing said passengers, &c.

SECT. 3. The said commissioners shall, upon the application of either party, if the respective corporations cannot agree upon the same, also determine the stated periods at which said cars are to be drawn as aforesaid, having reference to the convenience and interest of said corporations and of the public, who will be accommodated thereby.

Compensation of commissioners.

SECT. 4. The compensation of said commissioners, for their services and expenses, shall be paid by the respective corporations interested therein in equal proportions.

When to take effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1845.*]

Chap 192.

An Act relating to the Survey of the Coast of Massachusetts.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Officers of the coast survey may enter upon lands, erect stations, &c.

SECT. 1. Any person employed under and by virtue of an act of the Congress of the United States, passed the tenth day of February, in the year eighteen hundred and seven, and the supplement thereto, may enter upon lands within this State, for the purpose of exploring, surveying, triangulating, levelling, or doing any other act which may be necessary to effect the objects of said act, and may erect any works, stations, buildings or appendages, requisite for that purpose, doing no unnecessary injury thereby.

County commissioners to assess damages on the petition of either party.

SECT. 2. If the parties interested cannot agree upon the amount to be paid for the damages caused by doing any of the acts aforesaid, either of them may petition the commissioners of the county in which the land entered upon is situated, to hear the parties and assess any damages which, in the opinion of the commissioners, has accrued to the owner or possessor of the land so entered upon.

Commissioners

SECT. 3. The commissioners, as soon as may be, shall

hear the parties either with or without a view of the premises, as the commissioners shall determine, and before any hearing shall be had, shall order notice to be given to all persons interested, at least fourteen days before the time of hearing.

to give an early hearing after due notice.

SECT. 4. The commissioners shall file in the office of the clerk of the court of common pleas for said county, a report of their doings, which report shall be conclusive upon the parties, unless one of them shall file, within thirty days after the term of said court, which shall be held next after said report shall be filed, a petition to the said court, that a trial be had in the case in said court; and after notice to the opposite party, a trial shall be had in said court, in the same manner in which other civil cases are there tried.

Appeal from award of commissioners to the court of common pleas.

SECT. 5. The person so entering upon land as aforesaid, may tender to the party injured, sufficient amends therefor, and if the damages finally assessed shall not exceed the amount so tendered, the person so entering shall recover his costs; and, in all other cases, the prevailing party shall recover his costs.

Costs, after refusal of a tender, payable by losing party, provided, &c.

SECT. 6. In the taxation and allowance of costs in the court of common pleas, upon a trial of the case, the proceedings of the said court shall hold the same relation to the report of the commissioners, as proceedings of the same court hold to judgments of justices of the peace, in cases of appeal from said judgments, and the costs shall be taxed accordingly.

Costs in appeals from commissioners, to be taxed as in appeals from justices.

SECT. 7. If any person shall wilfully injure, deface or remove any signal, monument, building, or any appendage thereto erected, used or constructed under and by virtue of the act of Congress aforesaid, he shall forfeit the sum of fifty dollars for each offence, to be recovered by indictment, to the use of the person prosecuting; and shall also be liable for all damages sustained by the United States of America, to be recovered in an action on the case, in any court of competent jurisdiction.

Penalty of \$50, &c. for injuring signals, &c.

SECT. 8. This act shall take effect from and after its passage. [Approved by the Governor, March 25, 1845.]

When to take effect.

An Act concerning Principals, Factors and Agents.

Chap 193.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Every person, in whose name any merchandise shall be shipped for sale, shall be deemed to be the true owner thereof, so far as to entitle the consignee of such merchandise to a lien thereon for any money advanced, or securities given to the shipper thereof, for, or on account of such consignment: provided, that the lien aforesaid shall not exist when such consignee shall have notice, by the bill of lading

Consignee of merchandise to have lien thereon, to secure advances to shipper, &c. provided, &c.

or otherwise, at or before the time of the advancing of money, as aforesaid, or giving such securities, that such person is not the actual and *bona fide* owner thereof, and provided also, that the merchandise so shipped was in lawful possession of the shipper at the time of shipment.

Factor, &c., to be deemed the true owner of merchandise for the purpose of sale thereof; provided, &c.

SECT. 2. Every factor or other agent, entrusted with the possession of any merchandise for the purpose of sale, or any bill of lading consigning the same to such factor or agent for that purpose, shall be deemed to be the true owner thereof, so far as to give validity to any *bona fide* contract made by such factor or agent with any other person, for the sale of the whole or any part of such merchandise. [Approved by the Governor, March 25, 1845.]

Chap 194.

An Act to incorporate the Proprietors of Howard Hall in Lowell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to afford mutual relief.

SECT. 1. Ithamar W. Beard, Hargreaves Lord, Levi B. Stevens, their associates and successors, are hereby made a corporation, by the name of the Proprietors of Howard Hall in Lowell, for the purpose of affording mutual charitable relief, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate not to exceed \$25,000.

SECT. 2. The said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding twenty-five thousand dollars. [Approved by the Governor, March 25, 1845.]

Chap 195.

An Act to authorize the Western Rail-road Corporation to enter upon and use the Boston and Worcester Rail-road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Place of entrance.

SECT. 1. The Western Rail-road Corporation is hereby authorized to enter, with their rail-road, by proper turn-outs and switches, upon the Boston and Worcester Rail-road, at or near the place of the present junction of said road, in the town of Worcester : and may use said Boston and Worcester Rail-road, or any part thereof, paying therefor such rate of toll or compensation as the Legislature may, from time to time, prescribe, or that may be fixed under any general law of this Commonwealth, and complying with such reasonable rules and regulations as may be established by said Boston and Worcester Rail-road Corporation.

Rate of compensation for use of road, &c.

When to take effect.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 25, 1845.]

An Act to authorize Charles B. Sawyer and Stephen M. Allen to erect a Dam across Bayley's Creek. **Chap 196.**

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Charles B. Sawyer and Stephen M. Allen, of Boston, owners of water power and tide mills, called Gulf Mills, on Gulf stream or Gulf river, so called, in the town of Cohasset, their heirs and assigns, are hereby authorized and empowered to build a dam, with proper gates, outlets and sluice-ways, from a point on the neck of land called Gulf Island, on the westerly side of Bayley's creek, so called, near Cohasset harbor, thence running easterly or northeasterly across said Bayley's creek, to the easterly side thereof, so as effectually to exclude the tide-water from said Bayley's creek, and form a receiving or empty basin of the space within said dam and the banks of said creek, to receive the water from said Gulf stream, their present full basin : *provided*, said dam shall be built of sufficient width at the top, and the different parts thereof connected together by bridges, so as to render the same a free passage-way for public use, suitable for the passing of carriages and teams singly; and are also authorized and empowered to make embankments between said receiving basin and said harbor, or any other source from which tide water flows into said receiving basin, so as to prevent the tide water, at any time, flowing into said receiving basin, and also to make any number of convenient raceways from said Gulf stream, or full basin, across said Gulf Island, to said receiving basin, and maintain said dam and other works, forever.

Location of dam, &c. in Cohasset.

Dimensions of dam, bridges, &c.

Embankments and raceways.

SECT. 2. Said Sawyer and Allen, their heirs and assigns, shall pay all damages that may arise to the owners of any land in consequence of the making of said dam, embankments and raceways, and for any other damage done under this act : the said damages to be ascertained and settled in the same manner as damages for flowage are by law ascertained and settled.

Damages to be ascertained like damages for flowage.

SECT. 3. The authority given in this act to build said dam, shall not extend beyond two years from the time of its enactment. [*Approved by the Governor, March 25, 1845.*]

Dam must be built within 2 years.

An Act regulating the Use of Steam Engines and Furnaces.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. No furnace for melting of iron, or stationary steam engine, designed for use in any mill for the planing or sawing of boards, or turning of wood in any form, or when any other fuel than coal is used to create steam, shall

Iron furnaces, steam engines, &c. may not be erected, except by license

Chap 197.

granted by municipal authorities, on application, and recorded, &c.

hereafter be erected, or put up to be used, in any city or town in this Commonwealth, unless the mayor and aldermen of such city, or selectmen of such town, shall have previously granted license therefor, designating the place where the building or buildings shall be erected, in which such steam engine or furnace shall be used, the materials and construction thereof, and such other provisions and limitations, as to the height of flues, and protection against fire, as they shall judge necessary for the safety of the neighborhood; such license to be granted on written application, and to be recorded in the records of such city or town.

Municipal officers may regulate furnaces, steam engines, &c., by an order to be served upon the owner by a constable, &c.

SECT. 2. Whenever the mayor and aldermen of any city, or the selectmen of any town, after due notice in writing to the owner of any such steam engine or furnace heretofore erected, or in use, and a hearing of the matter, shall adjudge the same to be dangerous, or a nuisance to the neighborhood, they may make and record an order, prescribing such rules, restrictions and alterations, as to the building in which such steam engine or furnace is constructed or used, the construction and height of its smoke flues, or other provisions, as they shall deem the safety of the neighborhood to require; and it shall be the duty of the city or town clerk to deliver a copy of such order to a constable, who shall serve such owner with an attested copy thereof, and make return of his doings thereon to said clerk, within three days from the delivery thereof to him.

Engine, &c. erected without license, &c., or used contrary to order, to be deemed a nuisance.

SECT. 3. Any such engine or furnace hereafter erected without license, made and recorded as aforesaid in section first, shall be deemed and taken to be a common nuisance, without any other proof thereof than proof of its use; and any steam engine or furnace used contrary to the provisions of section second of this act, shall be taken and deemed to be a common nuisance.

Power of municipal officer in relation thereto.

SECT. 4. The mayor and aldermen of any city, or selectmen of any town, shall have the same power and authority to abate and remove any such steam engine or furnace erected or used contrary to the provisions of this act, as are given to the board of health, in the tenth and eleventh sections of the twenty-first chapter of the Revised Statutes.

Public notice to be given of applications for license, &c.

SECT. 5. Whenever application shall be made for license as aforesaid, the mayor and aldermen of any city, or selectmen of any town, shall assign a time and place for the consideration of the same, and shall cause public notice thereof to be given at least fourteen days beforehand, in such manner as said mayor and aldermen or selectmen may direct, and at the expense of the applicant, in order that all persons interested may be heard before the granting of a license.

SECT. 6. Any owner of a steam engine or furnace, aggrieved by any such order, as provided in section second of this act, may apply to the court of common pleas, if sitting in the county, in which such engine or furnace is situated, or to any justice thereof in vacation, for a jury, and such court or justice shall issue a warrant for a jury to be impannelled by the sheriff, in the same manner as is provided in the twenty-fourth chapter of the Revised Statutes, in regard to the laying out of highways; such application shall be made within three days after such order is served upon the said owner; and the said jury shall be impannelled within fourteen days from the issuing of said warrant.

Appeal of owners aggrieved by order of municipal officers, and proceedings thereupon.

SECT. 7. Upon any application to said court of common pleas, or to any justice thereof, for a jury, said court or justice, on granting the same, may, in its or his discretion, issue an injunction restraining the further use of said engine or furnace, until the final determination of such application by the jury and court to which such verdict may be returned.

Court or justice may restrain the use of engine while appeal is pending.

SECT. 8. The jury shall find a verdict either affirming or annulling the said order in full, or making alterations therein, as they may see fit; which verdict shall be returned to the next term of the said court by the sheriff for acceptance, in like manner as in the case of highways, and, which verdict being accepted, shall be binding to the same effect as the original order would have been without such appeal.

Verdict of jury may affirm, annul, or alter the order.

Acceptance of verdict.

SECT. 9. If the verdict shall affirm such order, costs shall be recovered by the city or town against such applicant; if the verdict shall annul such order in whole, damages and costs shall be recovered by the complainant against such city or town; and in case the verdict shall alter such order in part, the court may render such judgment as to costs, as to justice shall appertain.

Recovery of costs.

SECT. 10. This act shall not be in force in any town or city, unless the inhabitants of the town or the city council of the city, shall adopt the same at a legal meeting of said inhabitants or city council called for that purpose.

Act not to be in force till accepted by inhabitants of town and city council of cities.

SECT. 11. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1845.*]

When to take effect.

An Act amending the Tax Act of One Thousand Eight Hundred and Forty-Four.

Chap 198.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act passed March sixteenth, in the year one thousand eight hundred and forty-four, entitled "An Act to apportion and assess a Tax of seventy-five thousand

Tax of Oakham to be §75 75; of Westfield, §245 25; of Dorchester, §426 75; and of Needham, §102.

When to take effect.

dollars," is hereby amended, so that the tax for the town of Oakham, shall be seventy-five dollars and seventy-five cents; the tax for the town of Westfield shall be two hundred and forty-five dollars and twenty-five cents; the tax for the town of Dorchester shall be four hundred and twenty-six dollars and seventy-five cents; the tax for the town of Needham shall be one hundred and two dollars; any thing in said act to the contrary notwithstanding.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1845.*]

Chap 199.

An Act to encourage the Culture of Silk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Bounty of 1 dollar for every ten pounds weight of cocoons, &c.

SECT. 1. There shall be allowed and paid out of the treasury of the Commonwealth, for every ten pounds weight of cocoons of silk, the produce of silk worms raised within the Commonwealth, the sum of one dollar, and in the same proportion for any larger quantity of cocoons, to be paid to the owner of such worms, or his legal representative.

Provided, &c.

SECT. 2. This act shall be subject to all the requisitions and penalties provided in an act for the encouragement of the culture of silk, passed April eleventh, in the year one thousand eight hundred and thirty-six, with the exception of the fifth and sixth sections of said act.

When to take effect.

SECT. 3. This act shall take effect in sixty days from the time of passing the same, and continue in force during the term of three years from the time of its going into operation. [*Approved by the Governor, March 25, 1845.*]

To continue in force 3 years.

Chap 200.

An Act giving further time to the Essex Bank to close its concerns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Incorporation continued to Dec. 1, 1847.

The President, Directors, and Company of the Essex Bank, in the town of Andover, are hereby continued a body corporate for the period of two years from the first day of December, in the year one thousand eight hundred and forty-five; and the said corporation shall, during such extended term, be entitled to all the powers and privileges, which they now enjoy, and be subject to all the duties, restrictions and liabilities, and to all suits, actions or proceedings at law or in equity, to which they now are, or might have been subject, and to which they would have been subject, at the time when said corporation would otherwise cease to be a corporate body, had not this act been passed. [*Approved by the Governor, March 25, 1845.*]

An Act to incorporate the town of Blackstone.

Chap 201.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. All that part of Mendon, in the county of Worcester, which lies south of the line dividing the South Precinct from the First Precinct in said town, as established by an act of incorporation in the year one thousand seven hundred and sixty-six, shall be, and the same is hereby incorporated into a separate town, by the name of Blackstone; and the said town of Blackstone is hereby vested with all the powers, privileges, rights and immunities, and subject to all the duties and requisitions to which other towns are entitled and subjected by the Constitution and laws of this Commonwealth.

Part of Mendon to be set off.

SECT. 2. All the real and personal estate belonging to and held in common, by the inhabitants of the present town of Mendon, shall be sold, and the proceeds thereof shall be applied to the payment of the debts and charges now due and owing from the town of Mendon; and the surplus, if any, shall be divided between the said towns of Mendon and Blackstone, according to the valuation next preceding the passage of this act; and if the said proceeds, together with the money now in the treasury, and available debts due the town, shall be insufficient to pay the debts and charges aforesaid, said town of Blackstone shall pay her proportional part, according to the valuation aforesaid.

Disposal of property, and payment of debts, of Mendon.

SECT. 3. All persons legally settled in the present town of Mendon, who are now or who may hereafter become chargeable as paupers, and all persons who may hereafter become legally settled in either of said towns of Mendon and Blackstone, and may become chargeable as paupers, shall be supported by that town within the territorial limits of which they may have gained a legal settlement, or in which their settlement may have been perfected.

Support of paupers by respective towns.

SECT. 4. The inhabitants of the town of Blackstone shall be holden to pay all State, county, and town taxes legally assessed on them, to the treasurer and collector of the town of Mendon; and all moneys now in the treasury of said town, or that may hereafter be received from taxes now assessed, or directed to be assessed, shall be applied to the purposes for which they were raised and assessed, the same as if this act had not passed.

Inhabitants of Blackstone to pay taxes to treasurer of Mendon, &c.

SECT. 5. The town of Mendon shall pay to the town of Blackstone a just proportion of the Surplus Revenue of the United States, received by the town of Mendon, to be apportioned according to the census taken by authority of the State, in the year one thousand eight hundred and thirty-seven, in pursuance of "An Act concerning the deposit of the Surplus Revenue;" and the town of Blackstone shall

Interest of Blackstone in Surplus Revenue received by Mendon.

receive, in payment of their proportion, any bonds and notes, secured by mortgage on real estate, within the limits of said town of Blackstone; and the said town of Blackstone shall be holden to refund to the town of Mendon the proportion of said Surplus Revenue, so to be received by them, whenever the town of Mendon shall be required to refund the same to the Commonwealth.

Provisions for the choice of representative in the General Court.

SECT. 6. The said town of Blackstone shall remain a part of the town of Mendon, for the purpose of electing the representative to the General Court to which the town of Mendon is entitled, until the next decennial census of the inhabitants shall be taken, in pursuance of the thirteenth article of the Amendment of the Constitution. And the meeting for the choice of such representative, shall be called by the selectmen of Mendon; and the warrant shall specify ten o'clock in the forenoon, as the time when the poll at such elections shall be opened; and the same shall be opened accordingly, and be closed by one o'clock in the afternoon of the same day.

Selectmen of Blackstone to make a list of voters for representative, &c.

SECT. 7. The selectmen of Blackstone shall make a true list of persons belonging to said town, qualified to vote at every such election, and the same shall be taken and used by the selectmen of Mendon for such election, in the same manner as if it had been prepared by themselves. Such meetings shall be held in the towns of Mendon and Blackstone respectively, in alternate years, commencing with the town of Blackstone; and the selectmen of Mendon shall appoint such place for every meeting to be held in Blackstone, as the selectmen of Blackstone shall, in writing, request.

Meetings to be held in the two towns alternately, &c.

Call of meeting for the choice of town officers.

SECT. 8. Any justice of the peace within and for the county of Worcester, is authorized to issue a warrant, directed to some principal inhabitant of the said town of Blackstone, requiring him to notify and warn the inhabitants thereof qualified to act in town affairs, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of all such officers as towns are by law required to choose in the months of March or April, annually.

When to take effect.

SECT. 9. This act shall take effect from and after the passage of the same. [*Approved by the Governor, March 25, 1845.*]

Chap 202.

An Act for the Protection of Cranberries on Gay Head.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proprietors of undivided lands &c. to make regulations for

The Indians and people of color, proprietors of public and undivided lands on Gay Head, in the county of Dukes County, are hereby authorized and empowered annually, at

a proprietor's meeting called for that purpose, to fix a day on and after which it shall be lawful to pick cranberries on said lands; and if any such proprietor shall before the day so fixed, in any year, pick any cranberries on said land, he shall for each offence, forfeit the sum of ten dollars; and if any person not a proprietor and not entitled to act in the right of some proprietor, according to the usages of said Indians and people of color, shall pick any cranberries on said lands, before the expiration of ten days after the day so fixed in any year, he shall for each offence forfeit the sum of ten dollars; and the said penalties may be recovered by complaint before any Justice of the Peace, within and for said county, or by indictment. [*Approved by the Governor, March 25, 1845.*]

the picking of cranberries.

Penalties for infringement thereof.

An Act to amend the Charter of the City of Lowell.

Chap 203.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Every assessment which shall hereafter be lawfully made by the City Council of the city of Lowell, of the expense of laying down or constructing any sidewalk, in said city, shall be, and continue for the term of one year from the date of such assessment, a lien upon the several lots of land or real estate so assessed.

Assessments for laying sidewalks, &c. to be a lien on lots, &c.

SECT. 2. In case any such assessment be not paid within three months after a written demand of payment, made either upon the owner so assessed, or his tenant of the estate, in front of which such sidewalk may be situated, the treasurer of said city may enforce such lien by sale of such estate for payment of the assessment, and all incidental costs and expenses; such sale to be conducted in like manner, and subject to like rules, as to redemption and perpetuation of evidence of notice, as sales of real estate for non-payment of taxes; and any person who shall appear, by the records of the registry of deeds, to be the owner, may be deemed and taken to be the owner in fact for the purpose of such notice.

Estates to be sold for payment of assessments and costs, &c. after notice, &c.

SECT. 3. Whenever less than four aldermen of the city of Lowell shall be elected prior to the first Monday in April, in any year, the aldermen of the preceding year shall remain in office until at least four aldermen shall be chosen and qualified.

Aldermen of one year to hold over till four aldermen are chosen for the next year.

SECT. 4. The City Council of Lowell are hereby authorized to purchase one or more lots of land to be laid out and kept as public squares or malls. [*Approved by the Governor, March 25, 1845.*]

City Council may purchase lots for public squares, &c.

Chap 204. An Act in addition to an Act to incorporate the “Bartlett Steam Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Number of shares may be increased, diminishing their par value in proportion.

The “Bartlett Steam Mills” is hereby authorized to increase the number of shares in the capital stock of said corporation, diminishing the par value of each share in proportion to such increase, without adding to the amount of the capital stock of said corporation. [*Approved by the Governor, March 25, 1845.*]

Chap 205.

An Act concerning Registers of Deeds.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Form of indexes to be kept by registers.

SECT. 1. Every register of deeds, in addition to the duties now required by law, shall be, and is hereby required to keep two sets of indexes, each of which shall be divided into five columns, with titles or heads to the respective columns, on one set as follows, viz :

Day and Year of Reception.	Grantors.	Grantees.	Book.	Leaf or Page.
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And in the other set as follows, viz :

Day and Year of Reception.	Grantees.	Grantors.	Book.	Leaf or Page.
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Entries to be made within twenty-four hours, and within a reasonable time.

SECT. 2. The register of deeds shall, within twenty-four hours after any deed or other instrument, which he is by law required to record, shall have been left for record, cause the name of each and every grantor, grantee, or other party to such deed or instrument, to be entered at length and alphabetically in its appropriate index, and shall also, within a reasonable time after such deed or instrument shall have been recorded, affix to such entry the number of the book and leaf or page of the records where such deed or instrument is recorded.

Provisions respecting entry of name of grantor of estates conveyed by sheriffs, &c.

SECT. 3. Whenever the real estate of another person is sold or conveyed, by a sheriff, coroner, constable, collector, executor, or administrator, or by any other authority given by law, and not by the party, the person who owned the estate, and from whom it passes, shall, for the purposes of this act, be considered as the grantor, if his name appears in the instrument, and if it does not so appear, the grantor shall be entered as unknown, under the letter U. [*Approved by the Governor, March 25, 1845.*]

An Act to establish the Salaries of the Assistant Watchmen of the State-house. Chap 206.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The two assistant watchmen of the State-house shall receive an annual salary of five hundred dollars each, and the said salaries shall be paid in quarterly payments out of the treasury of the Commonwealth, on the first days of January, April, July and October, in every year, and in the same proportion for any part of a quarter. Annual salaries to be \$500, after April 1, 1845.

SECT. 2. This act shall take effect from and after the first day of April next. [*Approved by the Governor, March 25, 1845.*] When to take effect.

An Act to change the Names of the Persons therein mentioned. Chap 207.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

William Winthrop Andrews, now United States Consul at the Island of Malta, may take the name of William Winthrop; Moses Fisher may take the name of Moses Everett Fisher; Daniel Warren Amasa Davis Cowdin may take the name of Warren Davis; Henry Ballard, a minor, may take the name of Henry Ballard Dyer; Sarah Elizabeth Hooper, a minor, may take the name of Sarah Elizabeth King; Joachim Gervasio may take the name of Joseph Gervasio Oakes; Francis Harrison Blanchard may take the name of Francis Harrison Clay Blanchard; Oliver Ayres may take the name of Oliver Emmons Ayers; Joseph McCollum, and Thurza McCollum, his wife, and William B. McCollum, their minor son, may severally take the surname of Chandler, instead of McCollum; Moses Bullen may take the name of Moses Burlen; Horace H. Whitmore may take the name of Horace Hersey Vinton; Ann Maria Robson, a minor, may take the name of Ann Maria Armstrong; Elizabeth Robson, a minor, may take the name of Elizabeth Lydia Armstrong; Willard Feachem, a minor, may take the name of Willard Danforth; Theodore Ashley Doolittle may take the name of Theodore Ashley; Antoney Pairar may take the name of Charles Almeder Perry; John Knight Smith may take the name of John Prince Knight; Lucy Maria Faxon, an adopted daughter of Daniel Bartlett, Jr., may take the name of Lucy Faxon Bartlett; Hiram Fogg may take the name of Hiram Edwards Fogg; Mary Vose may take the name of Mary Newell; Horace Cutter may take the name of Horace Frederick Cutter; William E. Cox may take the name of William E. Warren; Charles O. Cox, a minor, may [take] the name of Charles O. Warren; Chester Peeler may take the name of Chester Peeler Suffolk.

Marshall; Sarah E. Seaman may take the name of Sarah E. Saymore; Lucinda Porter Bean may take the name of Lucinda Porter Whitman; also her minor children, Stephen Bean, may take the name of Stephen Whitman; Helen Maria Bean, may take the name of Helen Maria Whitman; Rufus Henry Bean, may take the name of Rufus Henry Whitman; Hannah Emily Bean, may take the name of Hannah Emily Whitman; Louisa Almira Bean, may take the name of Louisa Almira Whitman, and Ephraim Whitman Bean, may take the name of Ephraim Parks Whitman; Oliver Bicknell Wedge, a minor, may take the name of Oliver Bicknell Lothrop; Everard Wesley, a minor, and an adopted son of Oliver Dyer, may take the name of Everard Wesley Dyer; Temperance Ann Bickford may take the name of Georgiana Brackett; Jasper Ferdinand Way may take the name of Jasper Franklin Ferdinand; Mary Atwood may take the name of Mary Clifford; Charles Norlando Tentorni may take the name of Charles Norlando Sibley; Stephen F. Harding may take the name of Stephen F. Hoogs; Abel Wright Conant may take the name of Arnold William Conant; Simon Johnson Blanchard may take the name of Edgar Johnson Blanchard; Moses Brackett may take the name of Walter M. Brackett, all of the city of Boston. Jacob Henry Bowker, of Chelsea, may take the name of Edmund Bowker; Warren Bowker, a minor of Chelsea, may take the name of Henry Jacob Bowker; Ellery Eldridge, a minor of Chelsea, may take the name of Ellery Watson Eldridge,—all of the county of Suffolk.

Essex.

Joseph E. Killam, of Bradford, may take the name of Joseph E. Bartlett; Jonathan E. Eastland, of Marblehead, may take the name of George Eastland; Deborah Morse, of Marblehead, may take the name of Caroline Morse; Foster Smith, Jr., of Newburyport, may take the name of Foster Waldo Smith; Marie Antoinette Bliss, of Newburyport, may take the name of Marie Adelaide Otis; also, her minor son, William Starkie Bliss, may take the name of Joseph William Otis; Joseph Augustus Peabody, a minor, of Salem, may take the name of George Augustus Peabody; Mary Putnam, of Saugus, may take the name of Mary Emery; Hitte Cave Porter, of Lynn, may take the name of Ellen Maria Porter; James Bachelder French, a minor, and an adopted son of Harrison B. Fowler, of Salisbury, may take the name of Henry Harrison Fowler; Edward Payson Stimson and Sarephina Cass, minors, and adopted children of Daniel C. Bagley, of Amesbury, may take the names of Edward Stimson Bagley and Abby Bayley Bagley; Margaret Elizabeth Carmady, a minor of Andover, may take the name of Margaret Elizabeth Gray; Seabury Treadwell Witt, of Lynn, may take the name of George Seabury De Witt; Jonathan Crosby Allen, of Salem, may

take the name of Charles Crosby Allen; Asa Osgood, of Danvers, may take the name of Charles Asa Osgood; Moses A. Styles, of South Andover, may take the name of Charles D. Willoughby; Samuel Wadleigh, an adopted son of Moses Town of Andover, may take the name of Samuel Town; Barachias Hartwell Abbott, of Andover, may take the name of Hartwell B. Abbott; Ellen M. Kimball, a minor, of Bradford, may take the name of Ellen Berry Kimball; William Wallace Hinkson, a minor, of Bradford, may take the name of William Wallace Holmes; Joseph Buntin Cornelius, of Newburyport, may take the name of Joseph Buntin; and his wife, Margaret Cornelius, may take the name of Margaret Buntin; also, their children, James Hervey Cornelius, Ann Eliza Cornelius and Rebecca Cornelius, may severally take the surname of Buntin instead of Cornelius; Warren Hedding Currier, of Lynn, may take the name of Warren Holbrook Currier; William Tarbox, Lydia Tarbox and Martha Ellen Tarbox, of Lynn, may severally take the surname of Appleton instead of Tarbox; Andrew Jackson McCrate, of Salem, may take the name of William Hale; Thomas Magee, of Lynn, may take the name of Thomas Reed; William Henry Berdge, of Newburyport, may take the name of William Henry Barton, and Sarah Berdge, his wife, may take the name of Sarah Louisa Barton; also their child, Mary Adelaide Berdge, may take the name of Mary Goodrich Barton; John Bullough, and his wife, Catharine Bullough, of Newburyport, may take the surname of Bullou, instead of Bullough; and Eliza Bancroft Bullough, Catharine Moore Bullough, Nancy Kingsbury Bullough, Henry Willard Bullough, and Adaline Frances Bullough, may severally take the surname of Bullou, instead of Bullough; Liberty Bullough, of Newburyport, may take the name of Liberty Clement Bullou; Joseph Bullough, of Newburyport, may take the name of Joseph Warren Bullou; Harriet Bullough, of Newburyport, may take the name of Harriet Ann Bullou; Henrietta Bullough, of Newburyport, may take the name of Henrietta Maria Bullou; Robert Barr McClintock, of Salem, may take the name of Robert Putnam Barr; Charles Addison Noyes, of Newburyport, may take the name of Charles Albert; and Nancy Osgood Noyes, his wife, may take the name of Nancy Albert; Daniel Adams, of Newburyport, may take the name of Daniel Palmer Adams; Ruth Ann Pinkham, a minor, of Saugus, may take the name of Anna Pinkham,—all of the county of Essex. William Blacker, of Lowell,

Middlesex.

minor, of Charlestown, may take the name of Eugene Lindsey Norton; Joel Gannett, a minor, and an adopted son of William D. Eastman, of Lowell, may take the name of Joel Albert Eastman; Ruthy Ann Barrett, of Lowell, may take the name of Sarah Ann Mortimer Barrett; William Toombs and Ruth F. Toombs, his wife, of Marlborough, may take the names of William Edward Wood and Ruth Fry Wood: also, their three minor children, Louisa Elizabeth Toombs, Martha Toombs, and Mary Toombs, may take the surname of Wood instead of Toombs; Frederick Grimes, Jane Amanda Grimes, and Caroline Grimes, of Lowell, may severally take the surname of Graham instead of Grimes; Abraham Rice, of Marlborough, may take the name of Abraham Winfield Rice; Lydia Ann Brigham, an adopted daughter of William Coolidge, of Natick, may take the name of Sarah Ann Coolidge; Thomas Joyce, of Cambridge, may take the name of Thomas Joyce White; and his wife, Sally Joyce, may take the name of Sarah White; also their minor children, Charles White Joyce, and Sarah Joyce, may take the names of Charles Joyce White, and Sarah White; Calvin Richardson, 3d, of Woburn, may take the name of Calvin Baldwin Richardson; Henry Cain, of Woburn, may take the name of Henry Wendall; Zachariah Hill, of Concord, may take the name of William Adolphus Hill; Augustus Williams, of Charlestown, may take the name of Augustus Peirce; Samuel H. Liniken, of Cambridge, may take the name of Samuel L. Willard; Charles Bullough, of Newton, may take the name of Charles Nelson Bullou; Mary Abigail Temple, a minor, and an adopted daughter of Jesse Wright, of Littleton, may take the name of Mary Abigail Wright; Albert Wellington, of Medford, may take the name of Albert Kirk Wellington,—all of the county of Middlesex. Parker Howe, of Boylston, may take the name of George Parker Howe; George Washington Hodgerny, of Grafton, may take the name of George Washington Lincoln; Mary Abigail Upham, and John William Upham, of Millbury, minors, may take the surname of Copeland instead of Upham; Joseph Leland, of Northbridge, may take the name of Joseph Warren Leland; William Robinson, of Spencer, may take the name of George Robinson; Amanda Dickey, of Southbridge, may take the name of Amanda Hall; Ellen Pray Denton, an adopted minor daughter of Thomas W. Butterfield, of Worcester, may take the name of Ellen Louisa Butterfield; Allen Beaman, of Worcester, may take the name of Allen Conant Beaman; Francis D. Wheeler, of Westminster, may take the name of Clinton D. Wheeler; Charles Whitney, 2d, and George Whitney, minors, of Westminster, may take the names of Charles Hubbard Whitney, and George Edwin Whitney; Ebenezer White Sawtell, a minor, of

Worcester.

Westminster, may take the name of Walter Hubbard Farnsworth Sawtell; Abigail Larned Davis, a minor, of Oxford, may take the name of Abby Larned Davis; Martha Ann Mason, of Worcester, may take the name of Martha Pierson Mason; John Pratt, of Worcester, may take the name of John Bush Pratt; George Aspinwall, of Brookfield, may take the name of George Gray; Gamaliel Beaman, Jr. of Princeton, may take the name of Gamaliel Sawyer Beaman; Sarah Ann Channing Robinson, of Northbridge, may take the name of Martha Channing Robinson; Simeon Dwinell, of Millbury, may take the name of Simeon Du Nel; Reuben M. Hoar, of Worcester, may take the name of Reuben M. Hudson; Philo A. Wheeler, of Bolton, may take the name of Harriet Wheeler; Lyman Brooks Macular, of Worcester, may take the name of Lyman Brooks; Clarinda Maria Legg Thayer, a minor, of Milford, may take the name of Clarinda Maria Thayer Legg; Lurestan Chauvelin, of Princeton, may take the name of Luther Luton Lakey; and his wife, Asenath Chauvelin, may take the name of Asenath Lakey; also their minor children, George Augustus Chauvelin and Charles Henry Chauvelin, may take the surname of Lakey, instead of Chauvelin; Samuel Hoar and Elizabeth Hoar, his wife, of North Brookfield, may take the surname of Homer, instead of Hoar; also their children, Adin Hoar, Samuel Hoar, Jr., and Rodolphus Wilber Hoar, may severally take the names of Adin Alonzo Homer, Samuel Hoar Homer, and Rodolphus Wilber Homer; Franklin Hamant, of Sturbridge, may take the name of Benjamin Franklin; Samuel Wood, of Northborough, may take the name of Samuel Lees Wood,—all of the county of Worcester. William Quance, of Hampshire. South Hadley, may take the name of William Ransom; Frederick Plummer Tracy, of Williamsburg, may take the name of Frederick Palmer Tracy; Samuel Nash, of South Hadley, may take the name of Samuel Adams Nash,—all of the county of Hampshire. Allen Look and Harriet Hampden. Look, of Springfield, may take the names of Allen Guild Lincoln and Harriet Guild Lincoln; Albert Clark, a minor, and an adopted son of Jonathan Steele, of Springfield, may take the name of Henry Albert Steele; Fanny Hoar, of Springfield, widow, may take the name of Fanny Homer; also, her three children, Adaline, Elvira, and John Harvey Hoar, may severally take the surname of Homer instead of Hoar; Elias Bean, of Palmer, may take the name of Elias Bean Whitman,—all of the county of Hampden. Edwin Franklin. Ward, of Orange, may take the name of Edwin Daniel Ward; Porter Snow, of Whately, may take the name of Porter Howard Snow; Eunice Hibbard, of Rowe, may take the name of Eunice Emerson Hibbard; Rebecca Sears Crosby, a minor, of Hawley, may take the name of Ellen

- Berkshire. Sears Crosby,—all of the county of Franklin. Mary Elizabeth Upton, a minor, and an adopted daughter of Oliver Arnold, of Adams, may take the name of Mary Elizabeth Arnold; Joab Brace, Jr., of Lanesboro', may take the name of Edward Joab Brace,—all of the county of Berkshire.
- Norfolk. William Hartwell Johnson, of Dorchester, may take the name of Willis Hartwell Johnson Renville; James Cunningham, Jr., a minor, of Dorchester, may take the name of James Swan Cunningham; George Stearns, of Roxbury, may take the name of George Osborne Stearns; Alfred Showell Marsh, of Milton, may take the name of Alfred Showell; William Oscar Whittington, of Dorchester, a minor, may take the name of William Whittington Brooks; Mary Ann Amanda Whittington, of Dorchester, a minor, may take the name of Amanda Whittington Brooks; George Driver, of Quincy, may take the name of George W. Churchill; George Sutherland, of Quincy, may take the name of George Churchill; Dearborn Moses, of Quincy, may take the name of Moses Churchill; Antoinette S. Moffatt, of Roxbury, may take the name of Antoinette S. Jones; George T. Moffatt, a minor, of Roxbury, may take the name of George Alexander Jones,—all of the county of Norfolk.
- Bristol. Abigail Jucket, of Freetown, may take the name of Julia Palmer; George James Moore, a minor, and an adopted son of Samuel O. Dunbar, of Taunton, may take the name of George James Dunbar; Stephen Cornell, of Westport, may take the name of Stephen B. Cornell; Emily Pullen, Andrew R. Pullen, Bethany B. Pullen, David B. Pullen, and Eliza I. Pullen, of Mansfield, minors, may severally take the surname of Hyer, instead of Pullen; Caroline Wilson Smith, of Taunton, may take the name of Caroline Wilson Farnham; Josiah Gardner Johnson, a minor, and an adopted son of William Samuel Cobb, of New Bedford, may take the name of William Samuel Cobb; Hannah Elizabeth Freeman, of New Bedford, may take the name of Eliza F. Tallman,—all of the county of Bristol.
- Plymouth. Joseph Thomas Sylvester, of Hanover, may take the name of William Thomas Sylvester; James Horace Hammond, a minor, of Rochester, may take the name of John Wilks Hammond; Charles Fayette Loomis, of North Bridgewater, may take the name of La Fayette Charles Loomis; Henry Packard, of North Bridgewater, may take the name of Henry Howe Packard; George Leonard, 3d, of Middleborough, may take the name of George Savery Leonard; James Lloyd Keith, of Plymouth, may take the name of Lloyd Keith; James Otis, of Scituate, may take the name of James Ingham,—all of the county of Plymouth.
- Barnstable. Hannah S. Crocker, a minor, of Barnstable, may take the name of Persis S. Crocker; Joseph Baker, of Dennis, may take the name of Joseph Kelly Baker; Joseph Kelly, of Dennis;

may take the name of Joseph Baker Kelly: Henry Milton Gifford, a minor, of Falmouth, may take the name of Watson Hatch Gifford; Lucy Freeman, of Provincetown, may take the name of Lucy Freeman Cook; Davis Crowell Baker, of Yarmouth, a minor, may take the name of Elihu Davis Baker; Mary Crowell, of Yarmouth, a minor, may take the name of Mary Parker Crowell; Atwood Rich, a minor, of Truro, may take the name of Atwood Franklin Rich,—all of the county of Barnstable.

And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names which, by this act, they are respectively allowed to assume, as aforesaid; and the same shall hereafter be considered as their only proper and legal names. [*Approved by the Governor, March 25, 1845.*]

When to take effect.

An Act in addition to the several Acts concerning Husband and Wife.

Chap 208.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, in manner following, that is to say:

SECT. 1. At any time before a marriage shall be solemnized, the parties may enter into a contract in writing, declaring their consent that, after the marriage shall have been solemnized, the wife shall continue to hold either the whole or any designated part of the real or personal estate, or the right of action, of which she may be seized or possessed, at the time of the marriage, to her sole and separate use, free from the interference and control of her husband. Such contract may limit to the wife an estate for life in the whole or any part of the property, and designate any other limitations not repugnant to the laws of the Commonwealth; and all such limitations shall take effect at the time of the marriage, in like manner as if they had been contained in a deed conveying to the wife the property so limited.

Written contracts for separate property of the wife may be made before marriage.

SECT. 2. There shall be annexed to such contract a schedule of all the property intended to be affected thereby, which schedule shall contain a description of the property, sufficiently clear to enable any creditor of the husband to distinguish it from all other property; and such contract, together with such schedule, shall, either before the marriage, or within ninety days thereafter, be recorded in the registry of deeds for the county in which the husband resides at the time of such record, or, if he be not a resident within this Commonwealth, then in the registry of deeds for the county in which the wife resides at the time of such record, if such record be made before the marriage, or in which she last resided, if made after the marriage; and, if not so recorded, said contract shall be void.

Schedule and description of such property to be recorded with contract in the registry of deeds, &c.

Property may be conveyed by deed or bequest to married women, &c.

SECT. 3. Any person, capable in law of making a deed or will, may convey, devise or bequeath to any married woman, any property or estate to be held by her, without the intervention of a trustee, to her sole and separate use, free from the interference or control of her husband. Such conveyance, devise or bequest, may be of an absolute estate, of an estate for life, or of a less estate, with any lawful limitations after the termination of the estate so vested in such woman.

Instrument making such conveyance to be recorded in registry of deeds, &c.

SECT. 4. Whenever any grant or conveyance shall be made, pursuant to the provisions of the foregoing section, the instrument whereby it is made shall, within ninety days from the delivery thereof, be recorded in the registry of deeds for the county in which the husband shall reside at the time of such delivery; or, if he be not a resident of this Commonwealth, for the county in which the grantor shall then reside; and, if such record be not made, any creditor of the husband may attach or seize on execution any of the property so conveyed, in like manner, and with the same effect, as if this act had not been passed.

Married women may hold property, sue and be sued, &c.

SECT. 5. Whenever any property shall be secured to the sole and separate use of a married woman, or conveyed, devised or bequeathed to her, pursuant to any of the provisions hereinbefore contained, such woman shall, in respect to all such property, have the same rights and powers, and be entitled to the same remedies, in her own name, at law and in equity, and be liable to be sued at law and in equity upon any contract by her made, or any wrong by her done, in respect to such property, and also upon any contract by her made or wrong by her done before her marriage, in the same manner and with the same effect as if she were unmarried; and all such property may be attached in any such suit, and may be taken on execution, as if she held the same, being unmarried. And the original writ, by which any such action at law shall be commenced, shall contain the proper averments, to show that such action is brought upon some contract made, or wrong done, in respect to property held by such married woman, to her separate use, or is brought upon some contract by her made, or wrong by her done, before her marriage; and such averments shall be traversable.

Conveyances of property by husband to wife.

SECT. 6. Nothing contained in this act shall be construed to empower any husband to convey any of his property to his wife in other manner, or with any other effect, than if the same had not been passed.

Interest of husband in property of wives deceased intestate.

SECT. 7. If any married woman, holding property to her separate use by virtue of this act, shall die intestate, all her right and interest in any personal property thus held shall vest in her husband, unless other provision is made in relation thereto by the terms of the contracts or conveyances

hereinbefore mentioned; and he shall be entitled to his estate by the courtesy in all lands and tenements held by his wife, as if this act had not been passed: *provided, however*, that, in every such case, it shall be necessary for the husband to take administration on the estate of the deceased wife, and he shall hold such personal property, and all the interest of the wife in any real estate, saving his estate by the courtesy, subject to the payment of all debts incurred by her, either before or after the marriage.

Provided, that husbands shall take administration, &c.

SECT. 8. Upon the petition of any married woman holding property to her sole use, the supreme judicial court may appoint a trustee, or trustees, to hold the same in trust for her; and such petitioner may thereupon convey to such trustee, or trustees, all property so held by her upon such trusts and to such uses as she may declare; and thereafterwards such trustee or trustees may, in his or their own name or names, prosecute all actions commenced in relation to such property, and defend all actions brought against such woman, founded on any cause of action accruing before such conveyance. And all such property, so assigned, shall be liable in the hands of such trustee, or trustees, to be attached or taken on execution in any such action. And after such assignment to trustee, or trustees, the rights and powers conferred upon such married woman, by the fifth section of this act, shall cease, and her rights, interests and powers shall depend upon the trusts and uses declared in the instrument of conveyance to the trustee or trustees, or in other lawful declaration of trust.

Trustees of property of married women may be appointed by the Supreme Court, &c.

SECT. 9. Nothing herein contained shall be construed to repeal any existing provision of law respecting the recording of any deed of land in the county where such land lies.

Laws respecting records of deeds not here-by repealed.

SECT. 10. None of the property to be holden by any married woman, by virtue of the provisions of this act, shall be used or employed for the purposes of trade or commerce; but the same shall be invested in real estate, in stocks of the United States, in State stock, in corporation stocks, in personal securities, or in furniture in the actual use and occupation of such woman. [*Approved by the Governor, March 25, 1845.*]

Investment of property held by married women under this act.

An Act concerning the laying out Turnpike Roads as Common Highways.

Chap 209.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. So much of the sixteenth section of the thirtieth chapter of the Revised Statutes, as requires that before any turnpike road, or part thereof, shall be laid out by the county commissioners in any county as a common highway, or any alterations shall be made therein, the several

Power of county commissioners in laying out, &c. may be exercised without consent of towns.

towns within whose limits such turnpike road may be, shall assent to the same, is hereby repealed.

No town compelled to pay to county, more than one third of the cost of taking a turnpike road for a highway.

SECT. 2. No town shall be liable, or holden to refund, to any county treasurer, more than one third part of the amount paid by the county, to any turnpike corporation, as damages for taking any turnpike road for a highway. [Approved by the Governor, March 25, 1845.]

Chap 210.

An Act to increase the Capital Stock of the Western Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock may be increased within 2 years, by the addition of shares of \$100 each, &c.

SECT. 1. The directors of the Western Rail-road Corporation may increase the capital stock of said corporation, by adding thereto, from time to time, for the term of two years, a number of shares of one hundred dollars each, equal in amount to the sums heretofore paid, or hereafter to be paid, into the sinking funds of said corporation, with the interest accumulated thereon at the times of such increase of shares, and may dispose of the same at not less than one hundred dollars per share, as hereinafter provided.

Application of proceeds of sales of such shares.

SECT. 2. Three hundred and thirty thousand dollars of the proceeds of said shares shall be appropriated for additional expenditures of construction of the road and its appurtenances, between Worcester and Albany, and for engines and cars therefor; and the residue thereof may, from time to time, be added to the general receipts of the road, and be appropriated as the directors shall judge best for the interests of the corporation: *provided*, that the proceeds of all sales of shares, to a greater amount than the sums annually paid into the sinking funds, shall be appropriated to purposes of construction.

Right of the Commonwealth and of stockholders to purchase proportions of such shares.

SECT. 3. Whenever the capital stock of said corporation shall be increased as herein provided, the directors shall, before any sale of the new shares so created, give notice thereof in writing to the treasurer of the Commonwealth, and to the private stockholders, in such manner as they judge best; and the Commonwealth, and the other owners of stock at the time of such increase, may, within thirty days after such notice, take, at the par value thereof, their proportion of such increased shares, according to the number of shares in such capital stock, owned by them severally at the date of such increase. And if any shares then remain unsold, the said corporation may dispose of the same at not less than the par value thereof.

Disposal of the residue.

Conditions of purchase and payment by the Commonwealth.

SECT. 4. Whenever notice of any such increase of capital stock shall be given to the treasurer of the Commonwealth, the Governor may, if he judge best, instruct the treasurer to take the proportion of shares to which the Commonwealth may be entitled, or any part thereof; and

the Governor, with advice of Council, may draw his warrant on the treasurer in payment therefor; or he may authorize the treasurer to give the note of the Commonwealth for the same, or any part thereof, to be paid, with interest, whenever provision shall be made by law therefor.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, March 25, 1845.]

When to take effect.

An Act relating to Gaming.

Chap 211.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Every person offending against any of the provisions of the seventeenth section of the fiftieth chapter of the Revised Statutes, shall, upon the first conviction of the offence, either suffer the penalty provided for the offence by the terms of said section, or shall be imprisoned in the house of correction for a term not exceeding three months, at the discretion of the judge, who shall award the sentence; and upon any conviction of the offence after the first, the person so convicted shall be imprisoned in the house of correction for a term not more than one year. [Approved by the Governor, March 25, 1845.]

First offence in keeping billiard tables, &c. to be punished as prescribed in Rev. Stat. chap. 50, § 17, or by imprisonment, &c. not exceeding 3 months; subsequent offences by imprisonment, &c. not exceeding one year.

An Act to establish the city of New Bedford.

Chap 212.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The inhabitants of the town of New Bedford shall continue to be a body politic and corporate, under the name of the city of New Bedford, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to said town, as a municipal corporation.

New Bedford to be a city.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of six, to be denominated the board of aldermen; and one council of twenty-four, to be denominated the common council: which boards, in their joint capacity, shall be denominated the city council, and shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.

Administration, &c. to be vested in a mayor, 6 aldermen, and 24 common council, &c. to serve without compensation.

SECT. 3. It shall be the duty of the selectmen of the town of New Bedford, as soon as may be after the passage of this act, and its acceptance by the inhabitants, as here-

Selectmen to divide the town into 6 wards, &c.

inafter provided, to divide said town into six wards, to contain, as nearly as conveniently may be, an equal number of inhabitants, which proceedings of the selectmen shall be subject to the revision of the inhabitants, at a meeting which shall be called for that purpose.

Arrangement thereof to be revised every 5 years by the city council.

Election and duties of wardens, clerks,

And it shall be the duty of the city council, once in five years, and not oftener, to revise, and if it be needful, to alter said wards, in such manner as to preserve, as nearly as may be, an equal number of voters in each ward.

SECT. 4. On the first Monday of March, annually, there shall be chosen by ballot, in each of said wards, a warden and clerk, who shall hold their offices for one year, and until others have been chosen in their places. And it shall be the duty of such warden to preside at all ward meetings, with the powers of moderator of town meetings. And if, at any such meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden, pro tempore, shall be chosen by ballot. And if, at any meeting, the clerk shall not be present, a clerk pro tempore shall be chosen by ballot. The clerk shall record all the proceedings, and certify the votes given, and deliver over to his successors in office all such records and journals, together with all other documents and papers held by him in said capacity. The common council shall appoint three persons in each ward, who shall be inhabitants of the wards for which they shall be respectively appointed, to be called inspectors of elections, whose duty it shall be to assist the warden in receiving, sorting and counting the votes. And the warden, clerk and inspectors, so chosen and appointed, shall respectively be under oath faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Bristol. And all warrants for the meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned at such time, and in such manner, as the city council may, by any by-law, direct and appoint.

and inspectors of elections.

To serve under oath.

Warrants for ward and city meetings.

Elections of mayor, aldermen, and common council men.

SECT. 5. The mayor and six aldermen, one alderman being selected from each ward, shall be elected by the inhabitants of the city at large, voting in their respective wards, and four common council men shall be elected from and by each ward, being resident in the wards where elected: all said officers shall be chosen by ballot, and shall hold their offices one year from the first Monday in April, and the mayor until another shall be elected and qualified in his place.

SECT. 6. On the first Monday in March, annually, immediately after a warden and clerk shall have been elected and sworn, the qualified voters in each ward shall give in their votes for a mayor, six aldermen, one of whom shall reside in each of the wards, and four common council men: all the votes given for the several officers respectively, shall be sorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records, in words at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected common council men, certificates of their election, signed by the warden and clerk, and a majority of the inspectors of election, and shall faithfully deliver to the city clerk, a copy of the records of such election also certified by the clerk, warden, and a majority of inspectors: *provided, however*, that if the choice of common council men cannot conveniently be effected on that day, the meeting may be adjourned to another day, not more than two days thereafter, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor by a majority of the votes given in all the wards, to be notified in writing of his election: but if it shall appear that no person shall have been so elected, or if the person elected shall refuse to accept the office, the board shall issue their warrants for another election, and the same proceedings shall be had in all respects as are herein before described, for the choice of mayor, and repeated from time to time until a mayor shall be chosen. In case of the decease, resignation or absence of the mayor, and the same being declared, and a vote passed by the aldermen and common council respectively, declaring the cause and expediency of electing a mayor for the time being, to supply the vacancy thus occasioned, the aldermen and common council may meet in convention and elect a mayor to hold the office until such occasion be removed, or until a new election. And if it shall appear that the whole number of aldermen shall not have been elected, the same proceedings shall be had as are herein before directed in regard to the choice of mayor. And each alderman elected shall be notified in writing of his election by the mayor and aldermen for the time being.

Proceedings at meetings for elections.

Certificates of election.

Proceedings to supply vacancies in the office of mayor,

and of aldermen.

Administration and record of oaths of office.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Bristol.

The aldermen and common council men elect, shall, on the first Monday of April, at 10 o'clock in the forenoon, meet in convention, when the oath required by this act

shall be administered to the members of the two boards present, by the mayor, being himself first sworn as aforesaid, or by any justice of the peace for the county of Bristol, and a certificate of such oath having been taken, shall be entered in the journal of the mayor and aldermen and of the common council, by their respective clerks.

Record, &c., in case of failure to choose a mayor.

And whenever, on examination, by the mayor and aldermen for the time being, of the returns of votes given for mayor at the meeting of the citizens holden for the purpose of electing that officer, last preceding the first Monday of April, in each year, no person shall appear to have a majority of all the votes given for mayor, the mayor and aldermen by whom such examination is made, shall make a record of that fact, an attested copy of which, the city clerk shall read, at the opening of the convention to be held as aforesaid on the first Monday of April.

Organization of common council.

After the oath required by this act shall have been administered as aforesaid, the two bodies shall separate; and the board of common council shall be organized by the choice of a president and also of a clerk, who shall be under oath faithfully to perform the duties of his office, and who shall hold his office during the pleasure of the common council.

Proceedings in case of absence of the mayor elect at the time for organization.

In case of the unavoidable absence, by sickness or otherwise, of the mayor elect, on the first Monday of April, in each year, the city government shall organize itself in the mode herein before provided, and may proceed to business in the same manner as if the mayor were present, and the oath required to be taken by the mayor may, at any time thereafter, be administered as herein provided, in convention of the two branches.

Mayor pro tempore.

Duties of each board as to records, rights to seats, and new elections.

The board of aldermen may, in the absence of the mayor, choose a presiding officer pro tempore, who shall preside at joint meetings of the two boards. Each board shall keep a record of its own proceedings, and judge of the elections of its own members; and in case of failure of election, or vacancy by death, resignation or otherwise, may order new elections. And in case of any such vacancy, declared by either body, the mayor and aldermen shall issue their warrants for a new election.

Duties of mayor.

SECT. 7. The mayor, thus chosen and qualified, shall be the chief executive officer of said city. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be executed and enforced, to execute a general supervision over the conduct of all subordinate officers, and to cause their violation or neglect of duty, to be punished. He may call special meetings of the board of aldermen and common council, or either of them, when, in his opinion, the interests of the city require it, by causing a summons or notification to be left at the usual dwell-

ing-place of each member of the board or boards to be convened. He shall, from time to time, communicate to both of them such information, and recommend such measures, as the business and interests of the city may, in his opinion, require. He shall preside in the board of aldermen, and in joint meetings of the two boards, but shall have a casting vote only. The salary of the mayor, for the first year in which this charter shall take effect, shall be eight hundred dollars, and no more. He shall afterwards be compensated for his services by a salary to be fixed by the city council, payable at stated periods, and shall receive no other compensation; but such compensation shall not be increased nor diminished during the term for which he is elected.

Compensation.

SECT. 8. The executive powers of said city, generally, and the administration of police, with all the powers heretofore vested in the selectmen of New Bedford, shall be vested in the mayor and aldermen, as fully as if the same were herein specially enumerated. And the mayor and aldermen shall have full and exclusive power to appoint a city marshal and assistants, and a constable, or constables, and all other police officers, and may remove the same, when, in their opinion, sufficient cause for the removal exists. And the mayor and aldermen may require that any person who may be appointed a constable of the city shall give bonds, with such security and to such amount as they may deem reasonable and proper, before he shall be entitled to enter upon the discharge of the duties of his office; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds required by selectmen of towns in this Commonwealth. And the mayor and aldermen shall have full power to grant licenses to innholders, victuallers and retailers within the city, in as full and ample a manner as the mayor and aldermen of the city of Boston, by virtue of the laws of the Commonwealth.

Executive powers of selectmen transferred to mayor and aldermen.

Power of mayor, &c. in respect to appointments, removals, and licenses.

The city council shall, annually, as soon after their organization as may be convenient, elect, by joint ballot in convention, a city treasurer and collector of taxes, firewards, and city clerk, and shall, in such manner as the city council shall determine, by any by-law made for the purpose, appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties, and fix their compensation, in cases where such duties and compensations shall not be defined and fixed by the laws of this Commonwealth. All sittings of the common council shall be public, and all sittings of the mayor and aldermen, when they are not engaged in executive business. The city council shall take care that moneys shall not be paid from the treasury, unless granted or appropriated;

City council to appoint, &c., certain officers.

Sittings to be public, provided, &c.

Safe keeping, &c. of city property.

shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties, from all persons trusted with the receipt, custody or disbursement of money ; shall have the care and superintendence of the city buildings, and the custody and management of all city property, with the power to let, or sell what may be legally sold, and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may, in their judgment, require it And the city council shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property.

Mayor to nominate, &c.

Provided, &c.

SECT. 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination,—such nomination, however, being subject to be confirmed or rejected by the board of aldermen: *provided, however*, that no person shall be eligible to any office, the salary of which is payable out of the city treasury, who, at the time of his appointment, shall be a member either of the board of aldermen or common council. And neither the mayor, nor any alderman, or member of the common council, shall, at the same time, hold any other office under the city government.

Duties, &c. of city clerk.

SECT. 10. The city clerk, chosen by the city council, as provided in the eighth section, shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all the duties, and exercise all the powers, by law incumbent upon or vested in the town clerk of the town of New Bedford. He shall be chosen for one year, and until another is chosen and qualified in his place, but may be, at any time, removed by the city council.

Overseers of the poor.

SECT. 11. The citizens, at their respective ward meetings, to be held on the first Monday of March, annually, shall elect, by ballot, one person in each ward to be an overseer of the poor ; and the persons thus chosen shall, with the mayor of the city, together constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor for the town of New Bedford. And the citizens shall, at the same time and in like manner, elect three persons in each ward to be members of the school committee ; and the persons so chosen shall constitute the school committee, and have the care and superintendence of the public schools. And the citizens shall, at the same time and in like manner, elect one person in each ward to be an assessor ; and the persons, thus chosen assessors in the several wards, shall constitute the board of assessors, and shall exercise the powers, and be subject to

School committee.

Assessors.

the duties and liabilities, of assessors in towns. An assistant assessor for each ward may be chosen, in the same manner as is herein provided for the choice of assessor, when the city council shall so order, which assistant assessors shall be sworn to the faithful performance of their duties. All taxes shall be assessed, apportioned and collected, in the manner prescribed by the laws of the Commonwealth. *Provided, however,* that the city council may establish further or additional provisions for the collection thereof. Should there fail to be a choice of overseers of the poor, members of the school committee, assessors or assistant assessors, in any ward, the vacancy or vacancies shall be filled by the city council in convention, and the candidates for the several vacancies shall be determined in the same manner as is provided by the Constitution of this State for fixing upon the candidates to fill any vacancies which may exist in the Senate of the Commonwealth.

Proceedings to fill vacancies in said boards.

SECT. 12. The city council shall have exclusive authority and power to lay out any new street or town-way, and to estimate the damages any individual may sustain thereby; and all questions relating to the subject of laying out, widening, altering or discontinuing any street, shall be first acted upon by the mayor and aldermen. And any person aggrieved by the decision or judgment of the city council, in the estimate of damages, may make complaint to the county commissioners in the county of Bristol, at any meeting held within one year after such decision, whereupon the same proceedings shall be had, as are now provided by the laws of the Commonwealth, in cases where persons are aggrieved by the assessment of damages by selectmen, in the 24th chapter of the Revised Statutes.

Power of city council in respect to streets and ways.

SECT. 13. All the power and authority now by law vested in the board of health for the town of New Bedford, shall be transferred to, and vested in, the city council, to be carried into execution by the appointment of health commissioners, or in such other manner as the city council may deem expedient.

Health officers.

SECT. 14. The city council shall have authority to cause drains and common sewers to be laid down through any streets or private lands, paying the owners such damage as they may sustain thereby, and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewers. And may make by-laws with suitable penalties for the inspection, survey, admeasurement and sale of wood, coal and bark, brought into the city for sale.

Power of city council in respect to drains and common sewers, and to the inspection, &c. of wood, &c.

SECT. 15. The police court of the town of New Bedford, in addition to its present powers and jurisdiction, which are hereby continued to it, shall have cognizance of all offences against the by-laws and regulations which may be

Police Court.

established by the city council of the city of New Bedford, and may, on conviction thereof, award such sentence as to law and justice may appertain. And any person aggrieved by such sentence, may appeal therefrom to the court of common pleas for the county of Bristol, under the restrictions and conditions provided by law in other cases of appeal from said court.

And in all prosecutions by complaint before the said police court, founded on the special acts of the Legislature, or the ordinances or by-laws of the city of New Bedford, it shall be sufficient to set forth, in such complaint, the offence fully and plainly, substantially and formally, and on such complaint it shall not be necessary to set forth such special act, by-law, ordinance, or any part thereof, and the provisions of this section, with regard to such prosecutions, shall also apply to all prosecutions founded on the by-laws or ordinances of the town of New Bedford, which may remain in force after this act shall go into operation.

Power of city council to determine number of representatives in General Court, &c.

SECT. 16. It shall be the duty of the city council, in the month of October, annually, to meet in convention, and determine the number of representatives to be elected to the General Court by the city, in such year, and to publish such determination, which shall be conclusive, and the number thus determined shall be specified in the warrant calling meetings for the election of representatives.

Proceedings at and after meetings for election of County, State and Federal officers.

SECT. 17. All elections for county, State and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for those elections respectively; and at such meetings, all the votes given for said several officers respectively shall be sorted, counted, declared and registered in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record, in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns. And the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the Constitution and the laws of the Commonwealth.

SECT. 18. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and be entitled to the aid and assistance of all assessors, assistant assessors, and other city officers, and they shall deliver said lists, so prepared and corrected, to the clerk of said ward, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. Lists of voters.

SECT. 19. General meetings of the citizens qualified to vote, may, from time to time, be held, to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the Constitution of this Commonwealth; and such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of thirty qualified voters. Meetings of the citizens.

SECT. 20. For the purpose of organizing the system of government hereby established, and putting the same into operation in the first instance, the selectmen of the town of New Bedford, for the time being, shall, on some day during the months of March or April, of the present year, issue their warrants, seven days at least previous to the day so appointed, for calling meetings of the said citizens, at such place and hour as they may deem expedient, for the purpose of choosing a warden and clerk for each ward, and also to give in their votes for mayor and six aldermen, one from each ward, four common council men, one overseer of the poor, three members of the school committee, and one assessor from each ward; and the transcripts of the records of each ward, specifying the votes given for a mayor, six aldermen, four common council men, one overseer of the poor, three members of the school committee, and one assessor, certified by the warden and clerk of such ward, at said first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same; and in case said elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed, and to give notice thereof in the manner hereinbefore directed to the several persons elected. And at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as hereinbefore directed. And the selectmen shall appoint such time for the first meeting of the city council as they First organization of city government.

may judge proper after the choice of the city officers as aforesaid, or a majority of the members of both branches, not later than the first Monday of May, in the year one thousand eight hundred and forty-five, and shall also fix upon the place and the hour of said first meeting, and notice of the day, hour and place of said first meeting shall be published in one or more newspapers, printed in said town, and a written notice thereof shall be sent, by said selectmen, to the place of abode of each of the city officers chosen as provided in this section. And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act.

And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices respectively until the first Monday in April then next, and until others are chosen and qualified. And at the meetings to be called as provided in this section, for the choice of ward and city officers, the said inhabitants may and shall also give in their votes for county officers, which votes shall be recorded, certified and returned in the manner provided in the seventeenth section of this act.

Power of city council to make by-laws.

SECT. 21. The city council shall have power to make all such salutary and needful by-laws as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, or other authority whatever: *provided, however,* that all laws and regulations now in force in the town of New Bedford shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force, and all fines and forfeitures for the breach of any by-law, or ordinance, shall be paid into the city treasury.

Provided, &c.

Annual town meeting suspended, &c., and town officers to hold over, &c. Proceedings in case of non acceptance of this charter.

SECT. 22. The annual town meeting for the town of New Bedford, which by law is to be held in the month of February, March or April, is hereby suspended, and all town officers now in office shall hold their places until this act shall go into operation, and in case this charter shall not be accepted in the manner and form as hereinafter provided, then the selectmen shall issue their warrant according to law for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not been passed.

SECT. 23. All officers of the town of New Bedford, having the care and custody of any records, papers or property belonging to said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office.

Delivery of records, &c. to city clerk.

SECT. 24. All such acts, and parts of acts, as are inconsistent with the provisions of this act, shall be, and the same are, hereby repealed.

Repeal of inconsistent provisions.

SECT. 25. Nothing in this act contained, shall be so construed as to prevent the Legislature from altering or amending the same, whenever they shall deem it expedient.

Legislature may alter and amend this act.

SECT. 26. This act shall be void unless the inhabitants of the town of New Bedford, at a legal town meeting called for that purpose, shall, by a vote of three fifths of the voters present and voting thereon, by a written vote, determine to adopt the same within fourteen days after its passage.

Act to be void unless accepted by inhabitants, &c.

SECT. 27. This act shall go into operation, from and after its passage. [*Approved by the Governor, March 25, 1845.*]

When to take effect.

An Act relating to Religious Societies.

Chap 213.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Any corporation for religious purposes may assess, upon the pews in any meeting-house which they may hereafter erect, or procure for public worship, according to a valuation of said pews, which shall be first agreed upon and recorded by the clerk, any sum or sums of money, for the support of public worship, and other parochial charges, and for the repairs of their meeting house; and all such assessments may be collected in the manner provided in the thirty-second, thirty-third, and thirty-fourth sections of the twentieth chapter of the Revised Statutes.

In meeting-houses hereafter erected or procured, societies may assess on pews according to a valuation, &c.

Collection of assessments.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1845.*]

When to take effect.

An Act concerning Public Schools.

Chap 214.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Any child, unlawfully excluded from public school instruction, in this Commonwealth, shall recover damages therefor, in an action on the case, to be brought in the name of said child, by his guardian or next friend, in any court of competent jurisdiction to try the same, against the city or town by which such public school instruction is supported. [*Approved by the Governor, March 25, 1845.*]

Remedy for unlawful exclusion from public school instruction.

Chap 215.

An Act relating to Embezzlement.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Liability of officers of banks, to be the same as that of clerks, &c. of individuals.

The provisions of the tenth section of the 133d chapter of the Revised Statutes, shall also apply to all prosecutions of a similar nature, against presidents, directors, cashiers, or other officers of banks. [*Approved by the Governor, March 25, 1845.*]

Chap 216.

An Act to punish Abduction.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same :

Abduction of unmarried women, &c. a misdemeanor punishable by imprisonment, &c. or by fine not exceeding \$1000, or by fine and imprisonment in common jail.

SECT. 1. Any person who shall fraudulently and deceitfully entice or take away any unmarried woman, of a chaste life and conversation, from her father's house, or wheresoever else she may be found, for the purpose of prostitution, at a house of ill fame, assignation, or elsewhere, and every person who shall aid and assist in such abduction, for such purpose, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by confinement to hard labor, in the state prison, for a term not exceeding three years, or by imprisonment in the common jail, for a term not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the common jail, in the discretion of the court.

Prosecutions to be commenced within 2 years after misdemeanor.

SECT. 2. All prosecutions under the provisions of this act shall be commenced within two years from the commission of the offence, and not afterwards. [*Approved by the Governor, March 25, 1845.*]

Chap 217.

An Act providing, in certain cases, for the Election of City Officers.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

In case of failure of election of mayor, or of a full board of aldermen, in cities whose city council shall adopt this act, the aldermen chosen shall issue their warrant for an election, &c.

SECT. 1. Whenever it shall appear, by the regular returns of the elections of the city officers, in any city in this Commonwealth, which, by a vote of its city councils, shall adopt this act, that a mayor has not been chosen, or that a full board of aldermen has not been elected, such of the board of aldermen, whether they constitute a quorum or not, as may have been chosen, shall issue their warrant, in usual form, for the election of a mayor, or such members of the board of aldermen as may be necessary, and the same proceedings shall be had and repeated, until the election of a mayor and aldermen shall be completed, and all vacancies be filled in the said board; and in case neither a mayor nor any aldermen shall be elected at the usual time for electing the same, and after the powers of the former mayor, and

In case of failure to elect a mayor or any aldermen within

mayor and aldermen, shall have ceased, it shall be the duty of the president of the common council, to issue his warrant, in the same manner as the board of aldermen would have done, if elected, and the same proceedings shall be had and repeated, until a mayor, or one or more aldermen, shall be elected.

the usual time, &c., the president of the common council shall issue his warrant, &c.

SECT. 2. Whenever it shall appear to the mayor and aldermen, that there is a vacancy in either the board of aldermen, or in the common council, or in any of the city or ward offices, it shall be the duty of the mayor and aldermen to issue their warrant for elections, in due form, to fill all such vacancies in each and all of the said boards and offices, at such time and place as in their judgment may be deemed advisable.

In case of a vacancy in the board of aldermen or in the common council, the mayor and aldermen shall issue their warrant, &c.

SECT. 3. It shall be the duty of all ward officers, authorized to preside and act at such elections, to attend and perform their respective duties, at the times and places appointed for elections of any officers, whether of the United States, State, city, or wards, and to make and sign the regular returns of the same; and in case of the absence of any or either of the ward officers, at any meeting for elections, or other purposes, such office may be filled, *pro tempore*, by the legal voters present, which may be done by nomination and hand votes, if the voters present so determine.

Ward officers shall perform their duties, &c., and in case of their absence, their offices may be filled *pro tempore*, &c.

SECT. 4. In case of the non-election of a mayor, the chairman of the board of aldermen shall discharge all the duties incumbent on the mayor of the city, prescribed by the city charter, or any other law, or any ordinance of any city adopting this act, which now or hereafter may be required of him, until a mayor shall be chosen and duly sworn to the discharge of his duties; and such chairman, with the board of aldermen, shall discharge all the duties incumbent on the mayor and aldermen.

In case of failure to elect a mayor, the chairman of the board of aldermen shall be mayor *pro tempore*, &c.

SECT. 5. All city officers, after their election, shall be held to discharge the duties to which they have been elected, being residents of the ward at the time of their election, notwithstanding their removal afterwards out of their ward into any other ward of the city. [Approved by the Governor, March 25, 1845.]

City officers shall continue to act, notwithstanding removal from their ward.

An Act concerning the Fitchburg Rail-road Company.

Chap 218.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The Fitchburg Rail-road Company are hereby authorized to subscribe to the capital stock of the Vermont and Massachusetts Rail-road Company, to an amount not exceeding four hundred thousand dollars: *provided*, such subscription be first sanctioned and approved by the vote of

May subscribe \$400,000 to the Vermont and Massachusetts Rail-road, *provided*, &c.

a majority of the directors of the said Vermont and Massachusetts Rail-road Company.

May purchase, &c. part of the bridge, &c. of the Boston and Maine Rail-road Extension Company, and enter upon its road.

SECT. 2. The Fitchburg Rail-road Company are hereby authorized to contract for the purchase, or lease, and use of a part of the bridge, lands and depots of the Boston and Maine Rail-road Extension Company, lying between the track of said Fitchburg Rail-road Company and Haymarket Square, in the city of Boston; and upon the completion of said contract, the Fitchburg Rail-road Company may connect the rail-roads of the two companies by proper turn-outs and switches.

Restrictions upon right of voting on affairs of the Vermont and Massachusetts Company.

SECT. 3. The Fitchburg Rail-road Company, while holding stock in said Vermont and Massachusetts Rail-road Company, shall not, at the meetings of that corporation, be entitled to any vote for any shares beyond one twentieth part of the whole number of shares of the stock of such corporation, nor be entitled to any vote upon the making or authorizing any contract between the two companies.

May create new stock not exceeding \$500,000.

SECT. 4. The Fitchburg Rail-road Company may, in addition to their capital now authorized by law, create new stock to an amount not exceeding five hundred thousand dollars.

When to take effect.

SECT. 5. This act shall not take effect, until the same shall have been accepted by a majority in interest of the stockholders of the Fitchburg Rail-road Company, at a legal meeting called for the purpose. [*Approved by the Governor, March 25, 1845.*]

Chap 219.

An Act in addition to an Act to incorporate the Spot Pond Aqueduct Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Repeal of individual liability of stockholders.

SECT. 1. So much of the second section of the act, to which this is in addition, as is contained in the following words, "and the stockholders shall be individually liable for all debts of the corporation," is hereby repealed.

Time for completing aqueduct extended to March 24, 1848, and for laying portion of pipes to Sept. 24, 1845.

SECT. 2. The time prescribed by the twelfth section of the act, to which this act is in addition, for completing the aqueduct therein named, is hereby extended two years; and the time prescribed in the said section of the said act, for laying a portion of the iron pipes of said aqueduct, is hereby extended one year.

Powers and liabilities of company.

SECT. 3. The said Spot Pond Aqueduct Company, may exercise all the powers, and shall be subject to all the duties, liabilities and provisions of the thirty-eighth and fortieth chapters of the Revised Statutes. [*Approved by the Governor, March 25, 1845.*]

An Act for supplying the City of Boston with Pure Water.

Chap 220.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The city of Boston is authorized, in the manner hereinafter provided, to convey into and through the said city, the waters of Charles River, at and from some point in the town of Watertown, with the consent of said town, to be determined upon by the commissioners to be appointed under this act, or the waters of Long Pond, so called, in the towns of Natick, Wayland, and Framingham, and the waters which may flow into and from the same, and to take and hold the said Long Pond, and the waters flowing into and from the same, and also any other ponds and streams within the distance of four miles of said Long Pond, for the purpose of furnishing a supply of pure water for said city, and the city government shall determine, by a majority of votes in joint ballot, from which source to bring this water.

City may obtain water from Charles River, Watertown, &c., or from Long Pond, &c. in Natick, &c.

SECT. 2. The said city of Boston may take the waters of said Charles River, or of said ponds and streams, or either of them, and any water rights connected therewith, and may also take and hold any real estate necessary for laying aqueducts and forming reservoirs, and for any of the purposes of this act, and may build one or more permanent aqueducts leading from the said water sources into and through the city, and secure and maintain the same by any proper works, and may connect the said water sources with one another, may erect and maintain dams to raise and retain the waters therein, and make and maintain reservoirs within and without the city, and in general may do any other act necessary or convenient for the purposes of this act, and may distribute the water throughout the city, regulate its use, and the price to be paid therefor, within and without the city; and the said city, for the purposes aforesaid, may carry any works by them to be constructed, over or under any highway, town-way, street, turnpike road, or rail-road, in such manner as not to obstruct or impede travel thereon; and may enter upon and dig up any highway, town-way, turnpike road or street, for the purpose of laying down pipes beneath the surface thereof, or for the purpose of repairing the same.

May take waters of Charles River, or of said ponds, &c., and estate for aqueducts, &c. and construct aqueducts, dams, and reservoirs, &c. and distribute waters, &c., and cross and dig up highways, &c.

SECT. 3. The said city is also authorized to purchase and hold all the property, estates, rights and privileges of the aqueduct corporation, incorporated by an act passed February twenty-seven, in the year one thousand seven hundred and ninety-five, and by any convenient mode may connect the same with their other works.

May purchase property, &c., of the Jamaica Pond Aqueduct Corporation, &c.

SECT. 4. All the authority hereinbefore given shall be exclusively exercised through and by commissioners to be

Authority to be exercised by commissioners.

appointed as hereinafter directed, until the office of commissioners shall cease as hereinafter provided.

Election of commissioners.

SECT. 5. Three commissioners shall be chosen by ballot, by the mayor, aldermen, and common council, assembled in convention; and any vacancy in the board of commissioners shall be filled in the same manner. Before the election of said commissioners, the mayor and aldermen and common council, in convention as aforesaid, shall establish and fix the compensation to be paid to the said commissioners during the progress, and until the completion of the works herein provided for: *provided, however*, that such compensation shall not be fixed at a less sum than three thousand dollars or more than five thousand dollars a year for each commissioner during said time; and shall also fix and establish the compensation to be paid to each commissioner after the completion of said works: *provided*, that such last mentioned compensation shall not be fixed at a less sum than one thousand dollars a year for each commissioner. And whereas it may, after the completion of said works, be expedient that one of said commissioners should be chiefly charged with the care and superintendence of the said works, the collection of rents, and the general executive duties of the board; one of the said board shall be designated as chief commissioner by the mayor and aldermen and common council, in like manner as is herein provided for the original choice; and the said chief commissioner shall be paid, in addition to his other salary, a further sum not exceeding two thousand dollars a year; and the respective salaries hereby provided for said commissioners, shall not be reduced during their continuance respectively in said office.

Their compensation.

Chief commissioners.

Removal of commissioners.

SECT. 6. Every commissioner appointed as aforesaid, shall remain in office until removed by the mayor and aldermen and common council assembled in convention as aforesaid; and no commissioner shall be liable to be removed except for incapacity, mismanagement, or unfaithfulness in the discharge of the duties of his office, nor without having had an opportunity to be heard before such convention, nor unless three-fourths of the persons elected as aldermen and members of the common council in convention as aforesaid shall vote for such removal.

Remedy of owners of lands, &c. in case of disagreement as to damages.

SECT. 7. If any owner of lands, waters, or water-rights, taken for the purposes of this act, shall not agree with the said city upon the price to be paid therefor, he may, at any time within, but not after three years from the time of such taking, apply by petition to the court of common pleas, holden within and for the county in which such lands, waters, or water-rights shall have been taken, either before or during any term of such court, and, after fourteen days' notice, which may be given by leaving a copy of such petition with

the mayor of said city, the court may proceed to the hearing of the petitioner upon the appearance or default of the adverse party; and the said court may thereupon appoint three disinterested persons, being freeholders and inhabitants of this Commonwealth, to determine the damages, if any, which such petitioner may have sustained; and, after reasonable notice to the parties, to estimate such damages; and the award of the persons so appointed, or of the major part of them, shall be binding and conclusive upon the parties, and shall be returned by them, as soon as may be, into the said court; and, upon the acceptance thereof by said court, judgment shall be rendered for the party prevailing, with costs, and execution shall issue accordingly: *provided, always,* that if either party shall be dissatisfied with such award, such party may apply to the said court for a trial by jury at the bar of said court, to hear and determine all questions relating to such damages, and to assess the amount thereof; and the said court shall enter judgment and issue execution accordingly; and costs shall be allowed to the parties respectively, in the same manner as is provided by law, in regard to proceedings relating to the laying out of highways: *provided,* that no complaint shall be made as aforesaid, for the taking of any water-rights, until the waters aforesaid shall be actually withdrawn by the said city by virtue of the provisions of this act; and any party whose rights may be thus affected, may make his complaint in manner aforesaid, at any time within three years from the time when he first sustains such injury.

SECT. 8. The said commissioners shall exclusively exercise all the rights, powers and authority given by this act to the said city; and in pursuance thereof, may make all suitable contracts, and employ all proper engineers, clerks and other agents in the premises, until the office of such commissioners shall cease as hereinafter provided.

Commissioners to make contracts and appoint agents.

SECT. 9. For the purpose of defraying all the expenses and cost of such lands, waters and water-rights as shall be taken or purchased for the purposes of this act, and of constructing all works necessary to the accomplishment of said purposes, and all expenses incidental thereto, the said board of commissioners shall have authority to issue, in the name of the said city, notes, or scrip, or certificates of debt, to be denominated on the face "Boston Aqueduct Scrip," to an amount, in the whole, not exceeding the sum of two millions five hundred thousand dollars, and bearing an interest not exceeding five per cent. per annum; and said interest shall be payable semi-annually, and the principal of said debt shall be payable at periods of not less than fifteen, nor more than forty years from date; and the said commissioners may sell the same at public or private sale, and may pledge the same for money borrowed at a rate not exceed-

Commissioners may issue city scrip to the amount of \$2,500,000, bearing interest, &c., payable at dates, &c.

and scrip for
payments of in-
terest, *provided*,
&c

ing six per cent. per annum, when such scrip cannot be sold at the par value thereof. And in addition to the said sum of two millions five hundred thousand dollars, the said commissioners may issue and dispose of scrip in the manner hereinbefore provided, to meet all payments of interest accruing upon any scrip by them issued as aforesaid: *provided, however*, that no such scrip shall be issued by said commissioners, beyond two years after the completion of said works; but the payment of all accruing interest after that time, shall be provided for by the city government, in such manner as they may think proper. All certificates to be issued as aforesaid, shall be signed by the said commissioners, or a majority of them, and shall be countersigned by the mayor of said city; and a record of said certificates, shall be made and kept by the treasurer of said city.

Form of scrip.

Records of the
same.

Deposits, ac-
counts, and re-
ports of com-
missioners.

All money received by said commissioners, shall be deposited to their joint credit, in some bank or banks of good credit, within said city, and subject only to their joint order. The said commissioners shall keep regular books of accounts, and books for the recording of their doings; and the clerks employed therein, shall be sworn to the faithful discharge of their duty; and all such books shall be open to the examination of any person or persons appointed therefor by the mayor and aldermen, or by the common council of said city. The said commissioners shall, once in every six months, make to the city council a report of their doings, accompanied with complete exhibits of all their receipts and expenditures of money in the premises. When the funds provided as aforesaid shall be exhausted, the said commissioners shall report the fact to the city council, and shall suspend the prosecution of the works, until supplied with other funds, except so far as to secure and preserve what shall have been done.

Exclusive right
of the city to
waters, &c.

SECT. 11. The city of Boston shall have the exclusive right of using and disposing of such of the waters aforesaid, as may be taken by them for the purposes aforesaid; and an action of trespass on the case, against any person for using the same without the consent of said city, may be maintained by the said commissioners.

Commissioners
to regulate use
and price of
water.

SECT. 12. The said board of commissioners, for the time being, shall regulate the distribution and use of the water, within and without the city; and, from time to time, shall fix the price for the use thereof; and they may establish such a number of public hydrants, and in such public places, as they shall see fit, and direct for what purposes the same shall be used; all which they may change at their discretion.

Owner and oc-
cupant both lia-
ble for price of
water.

SECT. 13. The owner and occupier of any tenement, shall each be liable for the payment of the price or rent, for the use of the water by such occupier.

SECT. 14. The said commissioners shall make no contract for the price of using the water beyond the term of five years; and at the expiration of any term or lease, the price of the use shall be adjusted according to the regulations then established, and which may, from time to time, be established by the commissioners while in office, or by the city council afterwards.

Contracts for price not to extend beyond 5 years, to be adjusted henceforward on expiration of leases, &c.

SECT. 15. It shall be the duty of the said commissioners, to regulate the price of the water, with reference ultimately, to paying from the proceeds thereof, the interest and principal of the aqueduct scrip aforesaid, as far as shall be found practicable, consistently with the purposes of this act. And the net proceeds of the water rents, after paying all expenses for maintaining the distribution of the water, and for salaries, wages, and incidental charges, shall be a collateral security to the holders of said aqueduct scrip, in addition to the liability of the city, for the payment of the interest from time to time, and the final reimbursement of the principal of said scrip; and when any surplus of funds shall be on hand, the said commissioners may buy up any of said scrip for the benefit of the said city, and the same shall then be cancelled.

Appropriation of proceeds of water rents.

SECT. 16. Each of the said commissioners shall, before entering upon his trust, give bond with sufficient surety or sureties to the said city of Boston, in the penal sum of fifty thousand dollars, conditioned for the faithful performance of the duties of his office.

Bonds of commissioners.

SECT. 17. A major part of said commissioners shall constitute a quorum for doing and performing all things allowed or required by the powers or duties of their commission. And all contracts, engagements, acts and doings of a majority of the said commissioners, within the scope of their duty or authority, shall be obligatory upon, and be in law considered as done by said city.

City bound by legal acts of a majority of commissioners.

SECT. 18. When the said aqueduct scrip shall all have been paid or cancelled, all balances of money, books, records, and documents, and all property shall be disposed of in such manner as the said city council may direct; the office of commissioners shall cease, and all the rights, powers and duties touching the aqueduct, the distribution of the waters, and the price for its use, shall be exercised by the city in such manner, and by such servants and agents as the city council may, from time to time, direct and appoint; and all rights of action vested in said commissioners, shall therefrom vest in said city.

Moneys, &c. and property to vest in the city after payment of scrip, to be disposed of by city council, &c.

SECT. 19. The said commissioners may prosecute and defend any action or process at law and in equity, on contract or tort, by the name of "The Water Commissioners of the city of Boston," against any person or persons for money due for the use of the water, for the breach of any

Commissioners may prosecute and defend actions.

contract express or implied; touching the execution or management of the works, or the distribution of the water, or of any other promise or contract made to or with them; and also for any injury, trespass, or nuisance, done or suffered to the water, water sources, works, or establishments within or without the said city; and any vacancy in the Board of Commissioners, or the filling of any vacancy either before or after any such injury, trespass or nuisance, or before or after the making of any such contract, as aforesaid, or cause of action accruing, shall not change the right of said commissioners as a body, to commence or maintain such action or process at law or in equity, but in all such cases, they shall be considered, from the time of the organization of the board, as a corporation.

Penalty for diverting or corrupting water, &c.

SECT. 20. If any person or persons shall maliciously divert the water of said river, ponds or water sources, or shall corrupt or render impure the same, or any connected therewith, or shall destroy or injure any drain, pipe, aqueduct, conduit, machinery, or other property used in the premises, such person or persons, and their aiders and abettors, shall forfeit to the said city, to be recovered in an action of trespass, or trespass on the case, by the said commissioners, treble the amount of damage which shall appear on trial to have been sustained thereby; and may, upon conviction, be further punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

Act to be void, if not accepted by majority of voters in wards, &c. within 60 days.

SECT. 21. The mayor and aldermen of said city, shall notify and warn the legal voters of said city, to meet in their respective wards, within sixty days from the passage of this act, for the purpose of voting by ballot, upon the question, whether they will or will not accept the same; and if a majority of the votes given in shall be in the negative, this act shall be void.

When to take effect.

SECT. 22. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1845.*]

Chap 221.

An Act concerning the Duties of County Commissioners.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Committee, &c. of county commissioners to inspect prisons; provided, &c.

The twenty-ninth section of the one hundred and forty-third chapter of the Revised Statutes is so amended, that the county commissioners, by a committee of not less than two of their number, shall twice in each year visit and inspect all the prisons in their county, provided the interval between the visits and inspections of said prisons shall not exceed eight months. [*Approved by the Governor, March 25, 1845.*]

An Act concerning Marriage.

Chap 222.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The validity of any marriage in consequence of the incapacity of either of the parties thereto, to contract the same by reason of insanity or idiocy, shall not be called in question upon the trial of any collateral issue, before any of the courts of this Commonwealth,—but only in a process duly instituted, for the purpose of determining the validity thereof, during the life-time of both the parties thereto. [Approved by the Governor, March 25, 1845.]

Question of capacity to contract marriage, to be tried only in process duly instituted, &c.

An Act to incorporate the Trustees of the Methodist Episcopal Church in Dedham.

Chap 223.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Joseph E. Pond, Thomas Beal, Reuben Ryder, Henry P. Hall, Harford Barton, and Amos Macomber, their associates and successors in office, are hereby made a corporation, by the name of the Trustees of the Methodist Episcopal Church in Dedham, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, as far as they are applicable.

Persons incorporated.

SECT. 2. Said corporation shall have power to receive, hold and manage all the property, both real and personal, belonging to said church, and any gift, grant, bequest, or donation, that may be made to them for the benefit of said church, shall be held in trust for the support and maintenance of public worship and other parochial purposes; *provided*, that the annual income arising from such estate, shall not exceed one thousand dollars in addition to the meeting-house and land, under and adjoining.

May hold and manage property, &c.

SECT. 3. The number of trustees shall at no time be less than five, or more than nine, a majority of whom shall constitute a quorum for doing business, and all vacancies that may happen from death, resignation, or otherwise, shall be filled in such manner as the proprietors of the pews in the meeting-house may direct.

Estate additional, &c. such as to yield an income not exceeding \$1,000.

Number, quorum, and election of trustees.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, March 25, 1845.]

When to take effect.

An Act relating to the Flats between the Channels of Charles and Miller's Rivers.

Chap 224.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The Boston and Maine Rail-road Extension Boston and

Maine Rail-
road Extension
Company may
erect a sea-wall
across flats, &c.

Company, are hereby authorized to erect a sea-wall across the flats, between the channels of Charles and Miller's Rivers, on the westerly side of their road, as now located, across the said flats, one hundred and fifty feet, from the centre line of their bridge, as now built, and parallel thereto, and enclose and fill up the said flats below or easterly of the said wall, not exceeding ninety feet easterly of the said centre line, for the location of engine-houses, wood-houses, and other purposes for the use of said road: *provided*, that a passage-way of two hundred feet in width be left open, and relinquished to the Commonwealth, on the westerly side of said wall over the said flats, and that a sufficient channel be excavated and maintained unobstructed through the said passage-way, at the expense of said company. And that the pier be extended not less than eight feet in width to said sea-wall, for the accommodation of vessels passing through the draw.

Provided, &c.

Boston and
Lowell Rail-
road Company
may adopt a
line, &c.

SECT. 2. The Boston and Lowell Rail-road Corporation are hereby authorized, by accepting the provisions of this act, to adopt a line two hundred feet westerly of the said wall, parallel thereto, and extending from channel to channel, as the line of their flats, instead of the line heretofore claimed, said corporation relinquishing to the Commonwealth all easterly of the said adopted line, and accepting in lieu thereof all between the said adopted line and their upland: *provided, however*, that this act, or the acceptance of it by the Boston and Lowell Rail-road Corporation, is upon the express condition that the same, or any thing done under it, shall not be taken nor deemed to be any admission of the validity of the charter of the said Boston and Maine Rail-road Extension Company, in any controversy now existing, or that hereafter shall exist, or in any suit at law or in equity, which shall hereafter be instituted by either of these parties for trying the validity of said charter, or in which its validity may be involved, nor used nor referred to in any such question or trial where the title to this land shall not be the subject of dispute or decision, nor have any effect whatever in any such trial.

Provided, &c.

Legal rights of
other persons
and corpora-
tions unaffected.

When to take
effect.

SECT. 3. The provisions of this act shall in no wise affect the legal rights of any other persons or corporations whatever.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1845.*]

Chap 225.

An Act to incorporate the Groton and East Wilton Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incor-
porated.

SECT. 1. Lemuel W. Blake, Asa F. Lawrence, Abraham Whittemore, James Parker and Joseph Tucker, their

associates and successors, are hereby made a corporation, by the name of the Groton and East Wilton Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes which relates to rail-road corporations, and in the public statutes subsequently passed relating to such corporations.

SECT. 2. Said corporation is hereby empowered and authorized to locate, construct and maintain a rail-road, with one or more tracks, from the line of the State of New Hampshire, to the town of Groton in the county of Middlesex; beginning at the southerly line of said State of New Hampshire, at a point in Pepperell, in the county of Middlesex, within one mile of the Nissittisit River, where it can be best united with a rail-road from East Wilton to the said State line; and thence in a southeasterly direction in said Pepperell, to the Worcester and Nashua Rail-road, at the most convenient point for a connection therewith, in either of the towns of Pepperell or Groton, in the valley of the Nashua River.

Location of road.

SECT. 3. The capital stock of said company shall consist of not more than one thousand shares, and no assessments shall be laid thereon, to a greater amount, in the whole, than one hundred dollars on each share.

Capital not to exceed \$100,000 in shares of \$100.

SECT. 4. Said corporation may take, purchase and hold such real estate on the line of their road, and purchase and hold such cars, materials, engines and other property, as may be necessary and convenient for depots for the use of said road, for the transportation of passengers and merchandise, and for the management of the business of said corporation.

Estate.

SECT. 5. Said corporation may enter with their rail-road, by proper turn-outs and switches, upon the Worcester and Nashua Rail-road at any convenient point, in either of the said towns of Pepperell or Groton; and may use said rail-road or any part thereof, paying therefor, such tolls or rate of compensation as the Legislature may, from time to time, prescribe, or that may be fixed by any general law of this Commonwealth, and complying with such reasonable regulations as may be established by said Worcester and Nashua Rail-road Corporation: *provided, however,* that said corporation shall not enter upon said Worcester and Nashua Rail-road with any motive power, unless said Worcester and Nashua Rail-road Company shall refuse to draw over their road or any part thereof, the cars of the company hereby incorporated; and only so long as the said Worcester and Nashua Company shall so refuse.

May enter upon and use the Worcester and Nashua Rail-road.

Provided, &c.

SECT. 6. If said corporation shall not, within three years, file a location of their route in the manner required

Road to be located within 3 years,

and completed within 5 years.

Legislature may reduce tolls, &c.; but not so as to yield less than ten per cent. per annum.

May unite with company incorporated by New Hampshire.

One officer to be an inhabitant of Massachusetts.

Separate accounts of expenditures, commissioners, &c.

Liabilities of the road in Massachusetts.

by law, and shall not, within five years, complete the whole of said road so far that it shall be opened for use, then this act shall be void.

SECT. 7. The Legislature may, from time to time, reduce the rate of tolls and other profits upon said road, and may authorize any other rail-road corporation to enter upon the same with another rail-road, upon the same terms and conditions as are herein prescribed for the connection of said rail-road with the Worcester and Nashua Rail-road, or as may hereafter be prescribed by the Legislature: *provided, however*, that the tolls and profits aforesaid, shall not be so reduced as to yield less than ten per cent. per annum to the stockholders.

SECT. 8. Said corporation is hereby authorized to unite with the Groton and East Wilton Rail-road Company, incorporated by the State of New Hampshire, to build a rail-road from East Wilton to the State line, at the northern terminus of said rail-road hereby authorized to be constructed. And when the two companies shall have so united, the stockholders of the one company shall become the stockholders of the other company, and the two companies shall constitute one corporation, by the name of the Groton and East Wilton Rail-road Company; and the franchise, property and power acquired under the authorities of the said States respectively, shall be held and enjoyed by all the stockholders, in proportion to the number of shares, or amount of property, held by them respectively, in either or both of said corporations.

SECT. 9. One or more of the directors, or other officers of said united corporations, shall at all times be an inhabitant of this Commonwealth, on whom process against said company may be legally served, and said company shall be held to answer in the jurisdiction where the service is made and the process is returnable.

SECT. 10. Said company shall keep separate accounts of their expenditures in Massachusetts and New Hampshire respectively, and two commissioners shall be appointed, one by the Governor of each State, to hold their offices for the term of three years, and to be reasonably compensated by said company, who shall decide what portion of all expenditures of said company, and of its receipts and profits, properly pertain to that part of the road lying in the two States respectively, and the annual report required to be made to the Legislature of this Commonwealth shall be approved by said commissioners.

SECT. 11. Said company and the stockholders therein, so far as their road is situated in Massachusetts, shall be subject to all the duties and liabilities created by the provisions of the laws of this Commonwealth, to the same extent

as they would have been if no union of said companies had taken place.

SECT. 12. The provisions contained in the four preceding sections, and all the provisions of this act which contemplate a union of said companies, shall not take effect, until similar provisions shall have been authorized and adopted by the authorities of the State of New Hampshire, nor until said provisions shall have been accepted by the stockholders of said two corporations respectively, at legal meetings called for that purpose.

Adoption of certain provisions by New Hampshire, and acceptance by stockholders.

SECT. 13. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1845.*]

When to take effect.

An Act to establish the Randolph and Bridgewater Rail-road Corporation.

Chap 226.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Artemas Hale, Nahum Stetson, Aaron Hobart, Solomon Ager, Benjamin B. Howard, Dwelley Fobes, Edward Southworth, Benjamin Kingman, Henry Blanchard, Ebenezer Alden, Royal Turner, David Blanchard, their associates and successors, are hereby made a corporation, by the name of the Randolph and Bridgewater Rail-road Corporation, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, relating to rail-road corporations, and all statutes subsequently passed relating to rail-road corporations.

Persons incorporated.

SECT. 2. Said corporation may construct a rail-road from some point at or near the village in the town of Bridgewater, and thence northerly on the most convenient line in the towns of East Bridgewater, West Bridgewater, and North Bridgewater, in the county of Plymouth, and Stoughton and Randolph, in the county of Norfolk, to unite with the Old Colony Rail-road in Braintree or Quincy, in the county of Norfolk.

Location of road.

SECT. 3. Said corporation are hereby authorized to enter with their rail-road, by proper turnouts and switches, upon any part of the Old Colony Rail-road, in the town of Braintree or Quincy, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the Legislature may, from time to time, prescribe, and complying with such rules and regulations as may be established by said Old Colony Rail-road Corporation; *provided, however,* the said Randolph and Bridgewater Rail-road shall not enter upon said Old Colony Rail-road, with any motive power, unless the said Old Colony Rail-road Corporation shall refuse to draw over their road, or any part thereof, the cars of said Randolph and Bridgewater Rail-road.

May enter upon and use the Old Colony Rail-road.

Provided, &c.

Capital not to consist of more than \$400,000 in shares of \$100.

Estate.

Legislature may reduce tolls, &c. after 4 years, but not so as to yield less than ten per cent. per annum.

Road to be located within 3 years, and completed within 5.

Legislature may authorize its use by other corporations.

Provided, &c.

Old Colony Rail-road Company may take the stock on or before May 1, 1845; provided, &c.

SECT. 4. The capital stock of said corporation shall consist of not more than four thousand shares, the number of which shall be determined, from time to time, by the directors thereof; and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share. And said corporation may take, purchase and hold, such real estate, and may purchase and hold such engines, cars, and other things as may be necessary for the use of said road, and for the transportation of persons, goods and merchandise.

SECT. 5. The Legislature may, after the expiration of four years from the time when the said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls or other profits upon said road; but the said tolls shall not, without the consent of said corporation, be so reduced as to produce less than ten per cent. per annum.

SECT. 6. If the said corporation shall not be organized, and the location of that part of their road within the county of Plymouth, filed with the commissioners of that county, and the location of that part of their road within the county of Norfolk, filed with the commissioners of that county, within three years: or if the said road shall not be completed within six years from the passage of this act, then this act shall be void.

SECT. 7. The Legislature may authorize any corporation to enter with another rail-road, at any point of the said Randolph and Bridgewater Rail-road, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as may be mutually agreed upon, or as the Legislature may, from time to time, prescribe, or may be fixed under the provisions of any general law of this Commonwealth, complying with the rules and regulations which may be established by said Randolph and Bridgewater Rail-road Corporation: *provided, however*, that no other corporation shall enter upon said Randolph and Bridgewater Rail-road with any motive power, unless the said Randolph and Bridgewater Rail-road Corporation shall refuse to draw over their road, or any part thereof, the cars of any other rail-road corporation which may be authorized to enter with their rail-road upon the said Randolph and Bridgewater Rail-road.

SECT. 8. The Old Colony Rail-road Corporation are hereby authorized to subscribe for and hold the whole of the capital stock of the corporation hereby established: *provided*, they shall, by a vote of a majority in interest of their stockholders, on or before the first day of May next, elect to subscribe for such stock, and shall thereupon subscribe thereto, and, until the expiration of such term of time, they shall have a priority over other subscribers; and, in the event of such subscription, the Old Colony Rail-road

Corporation shall be bound to construct such Branch Rail-road.

SECT. 9. The Old Colony Rail-road Corporation are hereby authorized at any legal meeting of their stockholders, called for the purpose, on or before the said first day of May, to accept this act by a vote of a majority in interest of such stockholders, and upon such acceptance shall succeed to and enjoy all the franchise, rights and privileges granted by this charter, and shall, thereupon, be bound to construct the Branch Rail-road contemplated by this act, and complete the same by the first day of January, in the year one thousand eight hundred and forty-seven, and may increase their capital stock to an amount not exceeding four hundred thousand dollars additional capital.

In which case the Old Colony Rail-road Company must accept this act before May 22d, 1845, and complete the road by January 1, 1847, and may increase its capital by \$400,000.

SECT. 10. In the event that the Old Colony Rail-road Corporation shall accept this act, they shall complete the Branch Rail-road hereby contemplated, before commencing any Branch Rail-road between Abington, or South Abington and Bridgewater.

And must complete Branch Rail-road before, &c.

SECT. 11. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1845.*]

When to take effect.

An Act concerning the Fees of Jurors in Criminal Trials.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Chap 227.

SECT. 1. The fees of traverse jurors, in all the courts in this Commonwealth, for their services while employed in the trial of criminal prosecutions, shall be allowed and paid by the Commonwealth and the respective counties, in the same proportion as other costs in criminal prosecutions are now by law allowed and paid.

Fees of traverse jurors to be apportioned between the Commonwealth and counties, like other costs in criminal proceedings.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1845.*]

When to take effect.

An Act to incorporate the Taunton Green Baptist Church.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Chap 228.

SECT. 1. James F. Wilcox, Calvin Woodward, Henry Elliott, and all other persons who are or may become proprietors in the new meeting-house on Taunton Green, and their successors, are hereby made a corporation, by the name of the Taunton Green Baptist Church, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the forty-fourth and twentieth chapters of the Revised Statutes, so far as said provisions shall be applicable in such case.

Persons incorporated.

SECT. 2. Said corporation shall have the power to hold and manage, in addition to their meeting-house and land

May hold property additional, &c. yielding an

income of
\$1,000, to be
applied, &c.

May assess
upon pews ac-
cording to a
valuation, &c.

Collection of
assessments.

Qualifications
of voters.

When to take
effect.

under and adjoining the same, any estate the annual income of which shall not exceed one thousand dollars, and which shall be applied exclusively to parochial purposes.

SECT. 3. Said corporation shall have power to assess, upon the pews in their meeting-house, according to a valuation thereof, to be first made and recorded by the clerk of said corporation, such sums of money as may be, from time to time, voted by said corporation, to be raised for the support of public worship and for all other parochial purposes. And all such assessments may be collected in the manner provided in the thirty-second, thirty-third and thirty-fourth sections of the twentieth chapter of the Revised Statutes.

SECT. 4. At all meetings of the corporation, the proprietors of the pews, and no other persons, shall be entitled to vote, allowing one vote for every pew.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 25, 1845.*]

Chap 229.

An Act to incorporate the Old South Church, in Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECT. 1. Samuel T. Armstrong, Pliny Cutler, Charles Stoddard, and others, proprietors of pews in the Old South Meeting-house in Boston, and their successors, are hereby made a corporation, by the name of the Old South Church, in Boston, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, contained in the twentieth and forty-fourth chapters of the Revised Statutes, as far as the same are applicable to this corporation.

Corporation to
be successors
of proprietors
of pews in Old
South Church,
&c.

SECT. 2. Said corporation shall be deemed and taken to be the successors of said proprietors, and are hereby authorized to take and hold, to the use of said corporation, and its successors, and assigns in fee simple, all and singular, that parcel of real estate situate on Milk, Washington and Spring streets, in said Boston, now known as the estate belonging to the Old South Church and Society whereon the meeting-house and other buildings stand for the support of public worship, for parochial and charitable purposes in this Commonwealth, and for paying the debts of said corporation. And all contracts and liabilities made and incurred by said proprietors, or for which they are in any manner liable, shall be binding upon said corporation, and be kept and performed by it.

May demise
and lease real
estate, &c.

SECT. 3. Said corporation is hereby authorized and empowered to demise and lease all or any of said real estate, excepting the meeting-house and land under the same, in such manner, and upon such terms and conditions, as may seem needful or expedient.

SECT. 4. This act shall take effect from and after the time when it shall have been accepted by the proprietors, at any meeting legally called and held for that purpose. *[Approved by the Governor, March 26, 1845.]*

When to take effect.

An Act in addition to an Act to increase the Capital Stock of the Western Rail-road Corporation.

Chap 230.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Whenever, by the provisions of the act to which this is in addition, the Treasurer of the Commonwealth shall have subscribed for the proportion, or any part thereof, of the new stock authorized by said act, and to which the Commonwealth would be entitled, the Governor may, at his discretion, with the advice and consent of Council, direct the Treasurer to sell and transfer the same: *provided*, that no such sale shall be made unless at an advance upon the par value thereof. *[Approved by the Governor, March 26, 1845.]*

Governor, with the advice, &c. to direct the Treasurer to sell additional stock of Western Rail-road, but only at an advance on the par value.

An Act concerning the Ocean Steam Packet Company.

Chap 231.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The act to incorporate the Ocean Steam Packet Company, passed April fifth, in the year one thousand eight hundred and thirty-nine, and the act concerning the Ocean Steam Packet Company, passed March thirteenth, in the year one thousand eight hundred and forty-one, are hereby revived and declared to be in full force; and the time for laying and collecting the assessments set forth in the fifth section of the act incorporating said company, is hereby extended and limited to the fifth day of April, in the year one thousand eight hundred and forty-eight.

Revival of former acts.

Time for laying, &c. assessments extended to April 5, 1848

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 26, 1845.]*

When to take effect.

An Act in addition to an Act incorporating the Proprietors of the Meeting-house in Hollis Street, in Boston.

Chap 232.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The proprietors of the meeting-house in Hollis street, are hereby authorized and empowered, from time to time, to borrow money for parochial and other incidental purposes, and secure the payment thereof by mortgaging any real estate of the said corporation.

Corporation may borrow money, &c. on mortgage of real estate,

SECT. 2. Such sums may be borrowed, and such mortgages made, for the purposes aforesaid, as the said proprie-

as proprietors shall direct at a legal meeting.

tors shall, from time to time, direct, by a vote passed at a legal meeting called for that purpose. [*Approved by the Governor, March 26, 1845.*]

Chap 233.

An Act concerning the Equitable Life Assurance Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Guaranty capital must be subscribed before March 16, 1846.

SECT. 1. The time of two years from the passage of the act incorporating the Equitable Life Assurance Society, is hereby allowed to complete the subscription to the stock of the guaranty capital of said company.

Policies binding only for time for which premiums have been paid, &c. Form of policies.

SECT. 2. No policy issued by said company shall be binding beyond the term of time for which the premium thereon has been fully paid in advance, in cash only; and these conditions shall be expressed in all the policies of said company. [*Approved by the Governor, March 26, 1845.*]

Chap 234.

An Act to establish the Middleborough Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. Andrew Robeson, Nathan Durfee, Peter H. Pierce, Philander Washburn, their associates, and successors, are hereby made a corporation, by the name of the Middleborough Rail-road Corporation, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes and all statutes subsequently passed, relating to rail-road corporations.

Location of road.

SECT. 2. Said corporation may construct a rail-road from a point in the town of Bridgewater, on any rail-road which may be constructed to that town, and connecting therewith, through the town of Middleborough, and near the four corners in said town, crossing the New Bedford and Taunton Rail-road near Myrick's Corner in the town of Taunton, in such manner as not to interfere with the depot buildings of said road, to a convenient point on the Fall River Branch Rail-road in the town of Taunton.

May enter upon and use the Fall River Branch Rail-road, &c.

SECT. 3. Said Middleborough Rail-road Corporation are hereby authorized, by proper turn outs and switches, to enter upon said Fall River Branch Rail-road in the town of Taunton, and upon any rail-road which may be constructed to the town of Bridgewater, at any convenient point in said Bridgewater, and use said road or any part thereof, paying therefor such a rate of toll or compensation as may, from time to time, be agreed upon, or as the Legislature shall establish; and complying with such rules and regula-

tions as said corporations shall respectively establish: *Provided, however,* that the corporation hereby established shall not enter upon said roads or either of them, with any motive power unless the proprietors of said roads or either of them, shall refuse to draw over their respective roads or any part thereof, the cars of the corporation hereby created. *Provided, &c.*

SECT. 4. The Legislature may authorize any company to enter with another rail-road, at any point upon said Middleborough Rail-road, and use the same or any part thereof, paying therefor such a rate of toll as the Legislature may, from time to time, establish. *Provided,* that no other corporation shall enter upon said Middleborough Rail-road, with any motive power, unless the Middleborough Rail-road Corporation shall refuse to draw over their road or any part thereof, the cars of such corporation. *Legislature may authorize its use by any other company. Provided, &c.*

SECT. 5. The capital stock of said Middleborough Rail-road Corporation, shall consist of not more than twenty-five hundred shares, the number of which to be determined, from time to time, by the directors. And no assessment shall be laid thereon of a greater amount in the whole, than one hundred dollars on each share, and said corporation may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation. *Capital not to exceed \$250,000 in shares of \$100. Estate.*

SECT. 6. If the location of said road be not filed according to law, or if the corporation shall not complete their road, as is provided for in the second section of this act, with at least one track, within three years from the passage of this act, then the same shall be null and void. *To be located according to law, and completed, &c. within 3 years.*

SECT. 7. The Legislature may, after the expiration of four years from the time when said rail-road shall be opened for use, alter or reduce the rates of toll or other profits on said road; but said tolls or profits shall not, without the consent of said corporation, be so reduced as to produce less than ten per cent. profits per annum upon the investment of said corporation. *Legislature may reduce tolls and profits after 4 years, but not so as to yield less than 10 per cent.*

SECT. 8. Said Middleborough Rail-road Corporation, by a vote of its stockholders at a meeting called for that purpose, may unite with the Fall River Branch Rail-road Company, and with any other rail-road corporation which may have been authorized to construct a rail-road from the town of Bridgewater to any point on the Old Colony Rail-road: *provided,* that the stockholders of the corporation, with whom such union is to be made, shall, at meetings called by their respective corporations for that purpose, agree to the same. And when such union shall have been made, said united corporation shall have, possess and hold all the property, rights, privileges and franchises, and be subject to all the duties, restrictions and liabilities, which the corporations, so united, had enjoyed and been subject to under their respective charters: *provided,* that no union *May unite with the Fall River Branch Rail-road Company. Provided, &c.*

between said Middleborough Rail-road Corporation and said Fall River Branch Rail-road Company, shall have any legal effect, unless said Fall River Branch Rail-road Company shall, within thirty days after the passage of any vote to make such union, refund to any of its stockholders who within said thirty days shall demand the same, the amount paid by them on their stock, with interest thereon; and upon such payment to such stockholders, the shares which they respectively hold shall be surrendered to said company.

When to take effect.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1845.*]

Chap 235. An Act to authorize the Charlestown Branch Rail-road Company to construct a Branch.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Location of branch road, to be used with horse power.

SECT. 1. The Charlestown Branch Rail-road Company are hereby authorized to locate and construct a branch rail-road from some convenient point on the track of their present road, near the depot in Somerville; thence in said Somerville, on a curve line crossing the Middlesex turnpike, to some convenient point near the Common in Cambridge. And in locating, constructing, and using said road, said Company shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes relating to rail-road corporations, and in the general statutes subsequently passed, relating to such corporations: *provided*, that said branch rail-road shall be used only with horse power, and that the said branch rail-road shall not be located northerly of the dwelling-house of John G. Palfrey in said Cambridge.

Location to be filed according to law, and road completed within 2 years.

SECT. 2. If said company shall not file the location of said branch rail-road, according to law, and complete the said branch rail-road within two years from the passage of this act, then this act shall be void.

When to take effect.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1845.*]

Chap 236.

An Act concerning Streets and Ways in the City of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Streets and ways, being private property, but thrown open to public use, must be graded

SECT. 1. When any street or way, which now is, or hereafter shall be opened in the city of Boston, over any private land, by the owners thereof, and dedicated to, or permitted to be used by the public, before such street shall

have been accepted and laid out according to law, it shall be the duty of the owners of the lots abutting thereon, to grade such street or way at their own expense, in such manner as the safety and convenience of the public shall, in the opinion of the mayor and aldermen of said city, require; and if the owners of such abutting lots shall, after reasonable notice given by the said mayor and aldermen, neglect or refuse to grade such street or way in manner aforesaid, it shall be lawful for the said mayor and aldermen to cause the same to be graded as aforesaid, and the expense thereof shall, after due notice to the parties interested, be equitably assessed upon the owners of such abutting lots, by the said mayor and aldermen, in such proportions as they shall judge reasonable; and all assessments so made shall be a lien upon such abutting lands, in like manner as taxes are now a lien upon real estate: *provided, always,* that nothing contained in this act shall be construed to affect any agreements heretofore made respecting any such streets or ways as aforesaid, between such owners and said city: *provided, also,* that any such grading of any street or way by the mayor and aldermen as aforesaid, shall not be construed to be an acceptance of such street or way by the city of Boston.

by abutters,
&c.

and, in case of
neglect, by
mayor, &c., at
expense of abut-
tors, &c.

Provided, &c.

SECT. 2. No street or way shall hereafter be opened as aforesaid in said city, of a less width than thirty feet, except with the consent of said mayor and aldermen, in writing, first had and obtained for that purpose.

No streets, &c.,
to be less than
30 feet wide,
provided, &c.

SECT. 3. This act shall take effect in thirty days from the passing thereof, unless the city council of said city shall, within that time, vote not to accept the same. [*Approved by the Governor, March 26, 1845.*]

When to take
effect.

An Act concerning Fire Districts.

Chap 237.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. Any fire district organized, or which may be organized, according to the statute of the year one thousand eight hundred and forty-four, chapter one hundred and fifty-two, may, at a legal meeting of the inhabitants of such district, called for that purpose, alter the limits of such district, so as to exclude therefrom any person, or the estate of any person, who may petition such district therefor: *provided,* the inhabitants of the town, within which such district is situated, shall have assented by vote, to the exercise of such power by the inhabitants of such district.

Limits of fire
districts may be
altered by in-
habitants of the
district, on peti-
tion of party in-
terested; *pro-
vided* the town
permit.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1845.*]

When to take
effect.

Chap 238. An Act to incorporate the Proprietors of the Second Universalist Meeting-house in Cambridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECT. 1. John L. Hobbs, Barnabas Binney, and Francis Draper, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Second Universalist Meeting-house in Cambridge, with all the powers and privileges, and subject to all the restrictions, duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

May hold real
estate, not to
exceed \$6,000.
in shares of \$60.

SECT. 2. Said corporation may hold real estate, to an amount not exceeding in the whole six thousand dollars, and the same may be divided into shares not exceeding one hundred in number, the par value of which shall be sixty dollars. [*Approved by the Governor, March 26, 1845.*]

Chap 239. An Act to authorize the Boston Wharf Company to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in South
Boston may be
extended, &c.

The Boston Wharf Company are hereby authorized and empowered to extend and maintain their wharf, in South Boston, in the direction in which it now runs, as follows, to wit: on the westerly side thereof, by the line established by an act concerning the harbor of Boston, passed on the seventeenth day of March, in the year one thousand eight hundred and thirty-seven, and running from the southerly angle of the above-mentioned commissioner's line, to a point in said line fourteen hundred feet northerly from the said angle; and thence easterly to the easterly line of their wharf continued: *provided*, that the said corporation shall not extend or maintain the extended part of their wharf over any creek or channel, and shall have the right to lay vessels at the sides and ends of said wharf, and receive wharfage and dockage therefor: *provided*, that the provisions of this act shall, in no wise, affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, March 26, 1845.*]

Provided, &c.

Chap 240. An Act to incorporate the Bowditch Mutual Life Assurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECT. 1. Josiah Stickney, Addison Gilmore and Charles Scudder, their associates and successors, are hereby made a corporation, by the name of the Bowditch Mutual Life Assurance Company, to be established in the city of Boston, for the purpose of making assurances on single lives,

joint lives and survivorships, and for making reversionary payments on the principle of mutual contribution and mutual participation in the surplus funds or otherwise, with all the powers and privileges, and subject to all the duties, and liabilities, contained in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same may be applicable to this corporation.

Principle of mutual contribution, &c.

SECT. 2. When one hundred and fifty persons have subscribed to become members of the company by being assured for one or more years, or for the whole term of life, the first meeting may be called for the purpose of organizing the corporation, but only one half of the whole number of directors shall then be chosen.

Organization and choice of half the directors, when 150 persons have become members, &c.

Immediately after such organization, books shall be opened for the subscription of a guaranty capital stock for one hundred thousand dollars, to be divided into shares by the corporation, half of which shall be paid in, in cash, before the said corporation shall go into operation for the purpose of making assurances; the other half of said stock may be called for by the directors, from time to time, when they deem it necessary or expedient, and shall be paid in by the holders of the stock, which shall always stand pledged to the corporation for all such assessments so called for, and said stock shall be entitled to an annual dividend not exceeding seven per centum on the amount paid in.

Guaranty capital of \$100,000 to be subscribed, and half that amount paid in previous to making of assurances, &c.

Stock to stand pledged, &c. and to be entitled to annual dividend of 7 per cent. on amount paid in.

SECT. 3. As soon as such amount of stock shall be so subscribed and paid in, as aforesaid, a meeting shall be called of the said stockholders, and they shall elect, from their own number, the remaining half of the first board of directors; and at every future election of directors, until the guaranty stock shall be redeemed, one half the number shall be selected from the assured for the whole term of life, and the other half from the stockholders; all to be chosen jointly.

Election of remaining directors, &c.

SECT. 4. The funds of the company shall be invested in the stocks of the United States, of the State of Massachusetts, of the city of Boston, and in notes secured by mortgage of unincumbered real estate in Massachusetts, worth twice the amount loaned thereon.

Investment of funds.

The corporation may hold real estate to an amount not exceeding thirty thousand dollars, for the purpose of securing suitable offices for the institution.

Real estate not to exceed \$30,000.

SECT. 5. At the expiration of every three years, after the expiration of the first year, there shall be a general investigation of the affairs of the company for the past three years, with an estimate of the surplus funds which may remain after providing for all risks, losses, and incidental expenses. If it shall appear, after the investigation, that there is a surplus fund more than equivalent to the amount of debts and claims against the funds, one third of the esti-

Surplus fund shall be ascertained every 3 years, &c., and one-third reserved for redemption of guaranty stock, and may be applied to redemption after 10 years.

mated surplus funds and receipts shall be set aside, with its accumulations, as a reserved fund, to be applied to the redemption of the guarantee stock; and whenever, after the expiration of ten years from the time of organizing the corporation, the amount of such reserved funds shall be sufficient for the purpose, and the assured shall vote to redeem the said guarantee stock, the same shall be redeemed.

Appropriation of two-thirds of surplus funds.

The remaining two thirds of the estimated surplus funds shall be equitably divided among the existing policies, for one or more years, or for the whole term of life, either by single contribution, or by uniform annual contributions, and allocated to the original sum assured, as a bonus, or reversionary addition, payable when the policy emerges and becomes a claim.

Balance statement to be made every 3 years, &c., shewing,

SECT. 6. Within thirty days after the expiration of four years from the time of organizing the company, and within thirty days after the expiration of every subsequent three years, the company shall cause to be made a general balance statement of the affairs of the said company, which shall be entered in a book prepared for that purpose. Such statement shall contain,—

Contributions and interest received.

1st. The amount of contributions received during the said period, and the amount of interest received from investments and loans.

Expenses.

2d. The amount of expenses of the said company during the same period.

Losses.

3d. The amount of losses incurred during the same period.

Balance on hand.

4th. The balance remaining with said company.

Investment of balance, cash on hand, and sums assured.

5th. The nature of the security in which the said balance is invested or loaned, and the amount of cash on hand, and the aggregate amount of the sums assured in the existing policies.

Statement to be transmitted to the Secretary for the Legislature.

6th. The president of the company shall, within thirty days after the balance statement is made up, transmit a copy thereof, signed and sworn to by the president and a majority of the directors, and also by the auditor or auditors, and countersigned by the secretary of the company, to the Secretary of the Commonwealth, to be by him laid before the Legislature.

One-third of net profits on life insurance to be paid annually, &c. to General Hospital,

SECT. 7. The said corporation shall, on the third Monday of January, every year, pay over to the trustees of the Massachusetts General Hospital one third of the net profits, if any, which shall have arisen from insurance on lives made during the preceding year.

till similar corporations shall be created, without this liability.

SECT. 8. Whenever any persons or corporation shall hereafter be empowered to make insurance on lives upon land, the obligation of this corporation to pay the trustees of the General Hospital, for the use of said hospital, the third part of the net profits which may thereafter arise on insurance on lives, shall cease, unless the same obligations

shall be imposed on such persons or corporations thus hereafter empowered.

SECT. 9. No policy issued by said company, shall be binding, beyond the term of time for which the premium thereon, has been fully paid in advance, in cash only; and these conditions shall be expressed in all the policies of said company. [*Approved by the Governor, March 26, 1845.*]

Condition and form of policies.

An Act to authorize the Old Colony Rail-road Corporation to build a Branch Rail-road from Abington to Bridgewater.

Chap 241.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The Old Colony Rail-road Corporation is hereby authorized to locate and construct a Branch Rail-road, commencing at a point upon the Old Colony Rail-road, in the town of Abington, thence through the town of East Bridgewater, by a line passing on either side of Sprague's Hill, so called, to a point in Bridgewater convenient for a depot.

Location of road.

SECT. 2. If the said corporation shall not file the location of said Branch Rail-road with the county commissioners of the county of Plymouth, within one year from the passage of this act, or if the said branch shall not be completed within three years from the passage of this act, then this act shall be void.

Location to be filed within 1 year, and road completed within 3.

SECT. 3. In the laying out, constructing and use of said Branch Rail-road, the said corporation shall possess all the powers and privileges, and be subject to all the liabilities, which are granted to and imposed upon them by their original charter, and by such other provisions of law relating to rail-roads as have been subsequently passed.

Powers and liabilities determined by previous laws.

SECT. 4. The Old Colony Rail-road Corporation shall not commence the construction of the said Branch Rail-road between Abington and Bridgewater before the first day of April, one thousand eight hundred and forty-six.

Road not to be commenced before April 1, 1846.

SECT. 5. The said corporation is hereby authorized to increase their capital stock to an amount not exceeding four hundred thousand dollars.

Capital may be increased to \$400,000.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1845.*]

When to take effect.

An Act concerning the Study of Medicine.

Chap 242.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The overseers of the poor of any town, and the mayor and aldermen of any city, in this Commonwealth, shall, upon request, give permission to any regular physician, duly qualified according to law, to take the dead

Bodies required to be buried at the public expense, shall be surrendered by

overseers, &c.
to physicians,
&c.

Notice to be
given to over-
seers, &c. of
death of pau-
pers.

But such bodies
shall not be sur-
rendered to
physicians, pro-
vided, &c.

Repeal of pre-
vious laws.

When to take
effect.

Chap 243.

Returns to ad-
jutant general
by officers com-
manding com-
panies, &c.

Provided, &c.

bodies of such persons as are required to be buried at the public expense, within their respective towns or cities, to be by him used within this Commonwealth for the advancement of anatomical science, preference being always given to medical schools by law established in this State, for their use in the instruction of students; and it shall be the duty of all persons having charge of any poor-house, work-house, or house of industry, in which any person required to be buried at the public expense shall die, immediately to give notice thereof to the overseers of the poor of the town, or the mayor and aldermen of the city, in which such death shall occur, and the dead body of such person shall not, except in cases of necessity, be buried, nor shall the same be dissected or mutilated, until such notice shall have been given, and permission therefor granted by said overseers, or mayor and aldermen.

SECT. 2. No such body shall, in any case, be surrendered, if the deceased person, during his last sickness, of his own accord, requested to be buried, or if, within twenty-four hours after his death, any person claiming to be of kindred or a friend to the deceased, and satisfying the proper authority thereof, shall require to have the body buried; or if such deceased person was a stranger, or traveller who suddenly died; but the dead body shall, in all such cases, be buried; and no body shall be surrendered until the physician requesting the same, shall give to the board, by whose order the same is to be surrendered, the bond required by the twelfth section of the twenty-second chapter of the Revised Statutes.

SECT. 3. The tenth and eleventh sections of the twenty-second chapter of the Revised Statutes are hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, March 26, 1845.]

An Act in addition to the several Acts concerning the Militia.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECT. 1. The commanding officer of every company raised at large, in addition to the returns now required to be made to the commanding officers of regiments and battalions, shall, within twenty days after each of the days of inspection, trainings and review, required by law, make to the adjutant general a return of the number of men belonging to his company, that appeared, armed, uniformed and equipped, and performed duty on any such day, together with the number of men belonging to his company that were absent; it being provided that not more than sixty-four in number shall be so returned as having done such duty.

SECT. 2. The adjutant general shall, within ten days after the receipt of the last return provided for in the first section, make to the mayor and aldermen of any city, and the selectmen of any town, in which the company armory or place of assembling the company is situated, a return of the number of men, that, by the returns made to him under the first section of this act, are entitled to the pay provided for in the first section of the act concerning the militia, passed in the year one thousand eight hundred and forty-four, specifying the number of men returned under each parade, and the amounts respectively due therefor.

Returns by adjutant general to towns.

SECT. 3. The commanding officer of every company raised at large, shall, after each of the days of inspection, training and review required by law, make out an alphabetical roll of the persons, not exceeding sixty-four in number, who shall have appeared, armed, uniformed and equipped, and performed duty in his company, on each of said days; and, within twenty days, annually, after the last parade, shall deliver the same, certified under his oath to be correct and true, to the mayor and aldermen of any city, or the selectmen of any town, in which the company armory, or place of assembling the company, is situated: *provided, however,* that such roll shall contain the names of those persons only who have performed the duty required by law.

Company rolls, &c. to be delivered annually &c. by officers commanding companies, &c. to town officers.

SECT. 4. Each member of a brigade band shall be entitled to receive the sum of three dollars for each full day's service, and one half that sum for each half day's service, rendered in obedience to an order from the commanding officer of the brigade to which such band may belong, it being provided that such commanding officer shall not order out said band in full, or in sections thereof, more than three times, taking the parades of both, in any one year.

Compensation of members of brigade bands.

SECT. 5. The master of every brigade band shall, within ten days after the parade thereof, or of any section thereof, made under order of the commanding officer of the brigade to which such band may belong, make to the adjutant general an alphabetical return of the names of the men who appeared in uniform and performed duty in such band on any such day, the last return to be made on or before the tenth day of November, annually; and the said return shall contain a certificate signed by the commanding officer, to whom said band, or any section thereof, was ordered to report itself for duty, setting forth that the duty was well and faithfully performed, in fault of which the members of such band, or of any section thereof, shall forfeit the pay provided for in the fourth section.

Returns by masters of brigade bands to adjutant general.

SECT. 6. The master of each brigade band shall further make, after each day of the parade thereof, or of any section thereof, an alphabetical roll of the names of such mem-

Rolls of members of brigade bands to be delivered by mas-

ters thereof to town officers.

Compensation of members of brigade bands.

Provided, &c.

Rolls of field and staff officers, &c. to be delivered by commanders of regiments and battalions to officers commanding brigades, and by commanders of brigades to commanders of divisions, and by commanders of divisions to the adjutant general.

Compensation of officers returned.

Roll of field and staff officers, &c. to be submitted annually, &c. by the adjutant general to the Governor, for payment, &c.

bers of the band as appeared in uniform and performed duty as set forth in the fourth section, and, within twenty days after the last parade, shall deliver the same, certified under his oath to be correct, to the mayor and aldermen of any city, or the selectmen of any town, within which such master may reside, and the mayor and aldermen of such city, and the selectmen of such town, shall proceed to provide for the pay of such members, and for the reimbursement thereof on the part of the Commonwealth, in the same manner as is provided for in the case of members of the volunteer companies of the militia: *provided*, that the adjutant general shall have first certified to such mayor and aldermen, or such selectmen, that from returns made to him, it appears that the members aforesaid have well and faithfully performed the duties required of them.

SECT. 7. The commanding officer of each regiment and battalion of the militia of the Commonwealth shall, annually, within ten days after the autumnal inspection and review, make to the commanding officer of the brigade to which such regiment or battalion belongs, a certified roll of the names of the field and staff officers belonging to such regiment or battalion, specifying the rank of each, who appeared, armed, uniformed and equipped, and performed duty on said day. And the commanding officer of each brigade shall, on or before the tenth day of November, annually, make to the commanding officer of the division to which such brigade belongs, a certified roll of the names of all such field and staff officers within his brigade, specifying the rank of each, as have appeared, armed, uniformed and equipped, and performed duty at the brigade, regimental, or battalion inspection and review. And the commanding officer of each division shall, on or before the first day of December, annually, make to the adjutant general a certified roll of all the field and staff officers within his division, specifying the rank of each, who have appeared, armed, uniformed and equipped, and performed duty on the days of such autumnal inspection and review. And each and every officer who shall be so returned to the adjutant general shall be entitled to receive the sum of six dollars.

SECT. 8. The adjutant general shall, on or before the twenty-fifth day of January, annually, make out a certified roll of the names of all the field and staff officers that appear, by returns thus made to him, to be entitled to the pay provided for in the seventh section, and submit the same to the Governor of the Commonwealth, who is authorized hereby to draw his warrant on the treasury of the Commonwealth for the payment thereof. And no officer, non-commissioned officer, musician or private, shall receive a greater sum than six dollars annually, this provision not being

intended to apply to the allowance specially provided by law for the payment of division and brigade inspectors, and adjutants of regiments and battalions, members of brigade bands, or for service on courts martial.

SECT. 9. If it shall be made to appear to the commander in chief, on representation of the commanding officer of any division or brigade, that any company of cavalry, artillery, grenadiers, light infantry or riflemen, within such division or brigade, has failed to comply with the requisitions of the law, in matters of uniform, equipment and discipline, so that it is incapacitated to discharge the duties required of it as a portion of the volunteer militia, such company may be disbanded by the commander in chief.

The commander in chief may disband companies on representation of officer commanding division or brigade.

SECT. 10. Any city or town that shall neglect to make return to the adjutant general, as is directed in the fifth section of the act concerning the militia, passed on the fourteenth day of March, in the year one thousand eight hundred and forty-four, shall forfeit its right to be reimbursed by the State; and any commanding officer who shall neglect to make the returns required by this act, shall, for each offence, be liable to a penalty of thirty dollars, to be recovered in any court of competent jurisdiction, for the use of the Commonwealth.

Towns neglecting to make returns, &c. shall forfeit their right to reimbursement.

Penalty of commanding officers for neglecting returns.

And any commanding officer of a company, who shall make to the adjutant general a false return of the number of men belonging to his company, and their performance of duty, as required by the first section of this act; or who shall make and certify falsely an alphabetical roll of the names of the persons who shall have appeared, armed, uniformed and equipped, and performed duty in his company, in manner prescribed in the third section of this act; or shall include in such roll the name of any person who has not personally appeared, armed, uniformed and equipped, and performed duty as aforesaid, or the name of any person who has been excused for absence, or non-performance of such duty, shall be deemed to have been guilty of a misdemeanor, and may be prosecuted therefor by indictment in the municipal court of the city of Boston, if living in the county of Suffolk, or in the court of common pleas holden in either of the other counties of the Commonwealth, in which the officer so offending shall live, and upon conviction thereof shall forfeit and pay, to the use of the Commonwealth, for each offence, a sum not less than fifty dollars nor more than one hundred dollars, in the discretion of the court before which such conviction shall be.

Penalty for false returns by commanding officers.

SECT. 11. The adjutant general shall cause a copy of this act to be sent to all the commissioned officers of the volunteer militia, and shall provide forms of the returns to be made to him by the cities and towns, and by the company commanding officers.

Adjutant general to transmit this act and blank forms.

Repeal of inconsistent provisions.

SECT. 12. The third, fourth and sixth sections of the act concerning the militia, passed on the fourteenth day of March, one thousand eight hundred and forty-four, and all acts, or parts of acts, to which this is an addition, inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, March 26, 1845.*]

Chap 244.

An Act concerning the Harvard Congregational Society in Brookline.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

May borrow money on mortgage, &c.,

SECT. 1. The Harvard Congregational Society are hereby authorized and empowered, from time to time, to borrow money for parochial and other incidental purposes, and secure the payment thereof by mortgaging any real estate of the said corporation.

as proprietors, at a legal meeting, may direct.

SECT. 2. Such sums may be borrowed, and such mortgages made for the purposes aforesaid, as the said proprietors shall, from time to time, direct by a vote passed at a legal meeting called for that purpose. [*Approved by the Governor, March 26, 1845.*]

Chap 245.

An Act to authorize the Norwich and Worcester Rail-road Company to subscribe to the Capital Stock of the Worcester and Nashua Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Subscription not to exceed \$400,000.

The Norwich and Worcester Rail-road Company are hereby authorized to subscribe to the capital stock of the Worcester and Nashua Rail-road Company, to an amount not exceeding four hundred thousand dollars: *provided*, this act shall not take effect until the same shall have been accepted by the stockholders of said Norwich and Worcester Rail-road Company, at a meeting called for that purpose. [*Approved by the Governor, March 26, 1845.*]

When to take effect.

Chap 246.

An Act in addition to an Act to establish the Eastern Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

May construct a branch rail-road.

SECT. 1. The Eastern Rail-road Company are hereby authorized, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter, and all statutes subsequently passed, relating to rail-road companies, to locate and construct a branch rail-road, commencing at some eligible point in the westerly part of the town of Gloucester, as may be most convenient, thence running in a westerly

Location of the road.

direction through the towns of Manchester, Beverly, Essex, Hamilton and Wenham, or either of said towns, to some convenient point of intersection with the road of said Eastern Rail-road Company; with leave to extend said rail-road from Gloucester to Rockport.

SECT. 2. The said company are hereby authorized to increase their capital stock by the creation of not more than five thousand shares, of one hundred dollars each. *[Approved by the Governor, March 26, 1845.]*

Capital may be increased \$500,000, in shares of \$100.

An Act concerning Juvenile Offenders in the City of Lowell.

Chap 247.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows, viz :

SECT. 1. The city council of the city of Lowell, is hereby authorized to erect a building in said city for the reception, instruction, employment, and reformation of such juvenile offenders as are hereinafter named; or to use, for these purposes, the almshouse in said city, or any other house or building belonging to said city, that the city council may appropriate to these uses.

City council of Lowell may erect or use a building for the reception, &c. of juvenile offenders.

SECT. 2. The overseers of the poor of said city, or such other persons as said city council shall appoint directors of said house for the employment and reformation of juvenile offenders, shall have power, at their discretion, to receive and take into said house, all such children resident at, or belonging to said city, who shall be convicted of criminal offences, or taken up and committed under and by virtue of the fifth and sixth sections of the one hundred forty-third chapter of the Revised Statutes of this Commonwealth; and who may, in the judgment of any justice of the supreme judicial court, or of the court of common pleas, sitting within and for the county of Middlesex, or of the justice of the police court within and for said city, be proper objects therefor; and upon the conviction or commitment aforesaid, of any such child, in the judgment of any such justice, a proper object for the said house of employment and reformation, the said justice, previously to declaring the sentence of the law on such child, shall cause notice to be given to the directors of the said house; and in case the said directors shall declare their assent to the admission of such child into said house, the said justice shall sentence him or her to be committed to said house of employment and reformation, subject to the control of the directors thereof, in conformity with the provisions of this act.

Overseers, &c. may receive therein children of Lowell convicted or committed, &c.

Notice of conviction, &c. to be given by justices to directors of house of employment, &c.

SECT. 3. Any justice of either of the said courts respectively, on the application of the mayor, or any alderman, of the city of Lowell, or of any director of the house of reformation, or of any overseer of the poor of said city, shall have power to sentence to said house of employment

Children of idle and dissolute life, on application, &c., may be sentenced to said house, and kept therein, &c., till of age.

and reformation, all children resident in, or belonging to said city, who live an idle or dissolute life, whose parents are dead, or, if living, from drunkenness, or other vices, neglect to provide any suitable employment, or exercise any salutary control over said children. And the persons thus committed, shall be kept, governed, and disposed of, as hereinafter provided, the males till they are of the age of twenty-one years, and the females of eighteen years.

Authority of overseers, &c. in respect to said house.

SECT. 4. The overseers of the poor of said city, or such other persons as the said city council may appoint directors of the institution authorized by this act, may receive the persons sentenced and committed as aforesaid, into said institution; and they shall have power to place the persons committed to their care, the males until they arrive at the age of twenty-one years, and the females until they arrive at the age of eighteen years, at such employments, and to cause them to be instructed in such branches of useful knowledge, as shall be suitable to their years and capacity; and they shall have power to bind out said minors, as apprentices or servants, until they arrive at the ages aforesaid, to such persons, and at such places, to learn such arts, trades, and employments, as in their judgment will be most for the reformation, amendment, and future benefit and advantage of such minors. And the provisions of the eightieth chapter of the Revised Statutes of this Commonwealth, (except the second section of said chapter,) are hereby adopted as parts of this act, but the overseers or directors specified in this act, shall have all the powers, and be subject to all the duties, of the overseers and selectmen, as set forth in said chapter; and the master or mistress, and the servant and apprentice bound out as aforesaid, shall have all the rights and privileges, and be subject to all the duties, set forth in the aforesaid chapter (except as aforesaid).

Court may discharge on representation of overseers, &c.

SECT. 5. Whenever said overseers or directors shall deem it expedient to discharge any minor committed to their charge as aforesaid, and not bound out as a servant or apprentice, and shall recommend the same in writing to the court by which said minor was committed, said court shall have power to discharge him or her from the imprisonment or custody aforesaid.

Children may be transferred by justices from jails, &c. to said house on application, &c.

SECT. 6. Either of the said justices, on the application of either of the persons mentioned in the third section of this act, shall have power to order the transfer of any child committed to the common jail or the house of correction, and inmates of the same, at the time of the passing of this act, and belonging to, or having their residence in said city, to the said house for the employment and reformation of juvenile offenders, to be received, kept, or bound out, by the directors thereof, in conformity with the provisions of this act. [*Approved by the Governor, March 26, 1845.*]

An Act in relation to Rewards to Prosecutors in certain cases.

Chap 248.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. The nineteenth section of the one hundred and twenty-seventh chapter, and the seventh section of the one hundred and thirty-second chapter of the Revised Statutes, providing for the payment, out of the public treasury, of rewards to prosecutors in certain cases, together with the one hundred and fifty-third chapter of the acts of the year eighteen hundred and forty-five, upon the same subject, are hereby repealed.

Rewards of prosecutors of counterfeiters, venders of lottery tickets, &c. not to be paid from the public treasury.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 26, 1845.]

When to take effect.

An Act to incorporate the Trustees of the First Methodist Episcopal Church in Cambridgeport.

Chap 249.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. John Clark, Emery Bemis, Amos B. Merrill, Elbridge G. Wallis, Josiah Richardson, Samuel M. Cofrain, Barnes Putnam, William W. Wiggin, and Elijah Ames, their associates and successors in office, are hereby made a corporation, by the name of the Trustees of the First Methodist Episcopal Church in Cambridgeport, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, as far as they are applicable.

Persons incorporated.

SECT. 2. Said corporation shall have power to receive, hold and manage all the property, both real and personal, belonging to said church, and any gift, grant, bequest or donation, that may be made to them for the benefit of said church, shall be held in trust, for the support and maintenance of public worship, and other parochial purposes : *provided*, that the annual income arising from such estate shall not exceed one thousand dollars in addition to the meeting-house and land under and adjoining.

Estate additional, &c. such as to yield an income not exceeding \$1,000, to be appropriated, &c.

SECT. 3. The number of trustees shall, at no time, be less than five, or more than nine, a majority of whom shall constitute a quorum for doing business, and all vacancies that may happen, from death, resignation or otherwise, shall be filled according to the rules and usages of said church.

Number, appointment, &c. of trustees.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, March 26, 1845.]

When to take effect.

Chap 250. An Act concerning the Compensation of the Agent to superintend the Charles River Bridge and the Warren Bridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Compensation to be determined and allowed quarterly by the Governor, with advice, &c., after July 1, 1845.

SECT. 1. From and after the first day of July next, the compensation allowed by law to the agent appointed to superintend the Charles River Bridge and the Warren Bridge, shall be regulated by the Governor, with the advice and consent of the council, according to the amount of labor and attention which the said agent shall appear to them to have devoted to the duty, the said compensation to be determined at the end of each and every quarter of the year.

Repeal of inconsistent provisions.

SECT. 2. So much of the fourth section of an act passed on the fourth of March, one thousand eight hundred and forty-two, entitled "An Act in addition to an Act relating to Charles River Bridge and Warren Bridge," as is inconsistent with the provisions of this act, is hereby repealed. [*Approved by the Governor, March 26, 1845.*]

Chap 251. An Act to establish the Stony Brook Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECT. 1. John W. P. Abbott, Jonas Prescott, Luther Prescott, Sherman D. Fletcher, Samuel Fletcher, and Nahum H. Groce, their associates and successors, are hereby made a corporation, by the name of the Stony Brook Rail-road Corporation, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes, relating to rail-road corporations, and all statutes subsequently passed, relating to rail-road corporations.

Location of road.

SECT. 2. Said corporation may construct a rail-road from some point at or near the depot of the Nashua and Lowell Rail-road, in North Chelmsford, so called, in Chelmsford, and thence westerly, on the most convenient line, through the towns of Chelmsford, Westford, Littleton, and Groton, to a point on the Fitchburg Rail-road, in the southerly part of said town of Groton.

May enter upon and use the Nashua and Lowell Rail-road, in Chelmsford, and the Fitchburg Rail-road, in Groton, &c.

SECT. 3. Said corporation are hereby authorized to enter with their rail-road, by proper turn-outs and switches, upon any part of the Nashua and Lowell Rail-road, in the town of Chelmsford, and the Fitchburg Rail-road, in the town of Groton, and use the same, or any part thereof, paying therefor, such a rate of toll or compensation as may be agreed upon by the parties, or as the Legislature may, from time to time, prescribe, and complying with such rules and regulations as may be established by said Nashua and Low-

ell Rail-road, or the said Fitchburg Rail-road Corporations: *provided, however,* the said Stony Brook Rail-road shall not enter upon said Nashua and Lowell Rail-road, or the said Fitchburg Rail-road, with any motive power, unless the said Nashua and Lowell Rail-road Corporation, or the said Fitchburg Rail-road Corporation, shall refuse to draw over their said roads, or any part thereof, the cars of the said Stony Brook Rail-road. *Provided, &c.*

SECT. 4. The capital stock of said corporation shall consist of not more than two thousand shares, the number of which shall be determined, from time to time, by the directors thereof; and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share. And said corporation may take, purchase, and hold such real estate, and may purchase and hold such engines, cars, and other things, as may be necessary for the use of said road, and for the transportation of persons, goods, and merchandise. *Capital not to exceed \$200,000, in shares of \$100.*
Estate.

SECT. 5. The Legislature may, after the expiration of four years from the time when the said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls, or other profits, upon said road; but the said tolls shall not, without the consent of said corporation, be so reduced as to produce less than ten per cent. per annum. *Legislature may reduce rates, &c., after 4 years, but not so as to yield less than 10 per cent. per annum.*

SECT. 6. If the said corporation shall not be organized, and the location of their road filed with the commissioners of the county of Middlesex within two years: or if the said rail-road shall not be completed within four years from the passage of this act, then this act shall be void. *Road to be located, &c., within 2 years, and completed within 4.*

SECT. 7. The Legislature may authorize any corporation to enter with another rail-road, at any point of the said Stony Brook Rail-road, and use the same, or any part thereof, paying therefor such rate of toll or compensation as may be mutually agreed upon, or as the Legislature may, from time to time, prescribe, or may be fixed under the provisions of any general law of this Commonwealth, complying with the rules and regulations which may be established by the said Stony Brook Rail road Corporation: *Legislature may authorize its use by other corporations.*

provided, however, that no other corporation shall enter upon said Stony Brook Rail-road, with any motive power, unless the said Stony Brook Rail-road Corporation shall refuse to draw over their road, or any part thereof, the cars of any other rail-road corporation, which may be authorized to enter with their rail-road upon the said Stony Brook Rail-road. *Provided, &c.*

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1845.*] *When to take effect.*

Chap 252. AN ACT providing for the appointment of a Board of Rail-road Commissioners.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Five commis-
sioners to be
appointed by
the Governor,
with advice, &c.
for 2 years from
May 1, 1845.
Provided, &c.

SECT. 1. The Governor, by and with the advice of the council, shall appoint and commission five persons, who shall, together, constitute "the Board of Rail-road Commissioners," and the said commissioners shall respectively hold their offices for the term of two years, to commence the first day of May: *provided*, that of the members of said board first appointed, two shall be appointed for the term of one year, and three for the term of two years, and, as their terms of office expire, others shall be appointed in their places, to hold their offices for two years respectively, and no person shall be appointed commissioner or special commissioner, who holds any office in any rail-road corporation.

Removals and
filling vacan-
cies.

Any commissioner or special commissioner appointed under this act, may be removed by the Governor, by and with the advice of the council, and any vacancy by removal, death, resignation or otherwise, shall be filled by an appointment for the remainder of the term of the member whose place is to be filled. One member of said board shall be designated in his commission as chairman thereof, who shall preside in all meetings of said board when present, and in his absence the board may appoint a chairman pro tempore.

Chairman of
commissioners.

Two special
commissioners
to be appointed
by the Govern-
or, with advice,
&c., for 2 years,
from May 1,
1845: *provided*,
&c.

SECT. 2. The Governor, by and with the advice of the council, shall also appoint and commission two persons as special rail-road commissioners, who shall respectively hold their offices for two years, to commence on the first day of May: *provided*, that of the special commissioners first appointed, one shall be appointed for one year and one for two years, and, as their terms of office expire, others shall be appointed in their places, to hold their offices for two years respectively; and in case any commissioner shall be directly interested in any question before the board, or if the proposed road or any part thereof, shall lie in the town in which any commissioner resides, the chairman shall give notice to one or both of the special commissioners, as the case may require, who shall act in that matter with the same power and authority, as the commissioner or commis- sioners who are disqualified to act.

Duty of special
commissioners.

Petitions for
charters, and
proceedings
thereupon.

SECT. 3. Any petition for a rail-road charter may be ad- dressed to said board, and presented to the chairman on or before the first day of November in each year; and it shall be the duty of said chairman to issue orders of notice to all persons interested in any such petition, and to make the same returnable at some convenient time and place for a hearing; and the said board may, whenever they deem it necessary for the full understanding of the matter, and the

furtherance of justice, adjourn any meeting, issue further orders of notice, require further plans, surveys or estimates, and make view of the proposed route or track; and they shall have as ample powers as the justices of the supreme judicial court have, to issue summonses, compel the attendance of witnesses, and to preserve order.

Power of commissioners to issue summonses, &c.

SECT. 4. Petitioners, before presenting their petitions, shall comply with the requisitions of the 46th section of the 39th chapter of the Revised Statutes, and of all such acts as may be in force on the same subject.

Petitions to be accompanied by report of engineer, &c.

SECT. 5. The said board shall, on or before the tenth day of January, in each year, make to the Legislature a detailed report of each case examined by them, with the material facts and evidence bearing upon the case, accompanied by the petition, estimates, plans, surveys and other documents; and the said petition, upon such report, may be acted upon by the Legislature without further orders of notice.

Report of commissioners to Legislature, and proceedings thereupon.

SECT. 6. The said commissioners shall be paid by the petitioners, in each case, and shall each be entitled to receive, in full for their services, at the rate of one dollar for every ten miles' necessary travel, and five dollars a day exclusive of the days of travel, for the time employed in discharging the duties of their office; and they may, in each case, before proceeding to the examination, require the petitioners to give bond with sufficient sureties, to the chairman, for the payment thereof.

Compensation of commissioners.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1845.*]

When to take effect.

An Act to establish additional Terms of the Court of Common Pleas for the County of Hampden.

Chap 253.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. There shall be holden at Springfield, within and for the county of Hampden, two additional terms of the court of common pleas, annually, to wit: on the third Monday of May and the first Monday of December, for the disposition of the criminal business of said county.

Two additional terms to be held every year at Springfield, for the despatch of criminal business.

SECT. 2. The civil business of the said court in said county, shall be transacted exclusively at the three terms heretofore established in said county, and the criminal business thereof shall be transacted exclusively at the terms established by this act; and all continuances of civil or criminal cases shall, without any special order therefor, be had to the next term of the said court, to be holden for the transaction of business of the same description.

Terms for the transaction of criminal and of civil business to be kept distinct.

SECT. 3. All appeals, recognizances, continuances and processes, and every other matter and thing of a criminal

Appeals, &c., now returnable in June next,

made returnable
in May.

nature, which would be returnable to, or have day in, the court of common pleas, to be holden in said county, on the second Monday of June next, if this act had not been passed, shall be returnable to, and have day in, that court at the term thereof hereby established, on the third Monday of May next.

Grand jurors to
attend only at
the terms estab-
lished by this
act.

SECT. 4. The grand jurors for the said county of Hampden, shall be required to attend only at the said terms hereby established for the transaction of criminal business. [*Approved by the Governor, March 26, 1845.*]

Chap 254.

An Act to incorporate the Massachusetts Woollen Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incor-
porated to man-
ufacture woollen
goods in Rox-
bury.

SECT. 1. A. P. Kimball, Charles R. Bond, and Joseph H. Adams, their associates and successors, are hereby made a corporation, by the name of the "Massachusetts Woollen Manufacturing Company," for the purpose of manufacturing woollen goods in the town of Roxbury, in the county of Norfolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not
to exceed
\$50,000, and
capital,
\$150,000.

SECT. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said company shall not exceed one hundred and fifty thousand dollars. [*Approved by the Governor, March 26, 1845.*]

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

RESOLVE authorizing the Governor to retain Counsel in behalf of the Commonwealth, in a certain action now pending in the Supreme Court of the United States.

Chap. 1.

Whereas, There is now pending, in the supreme court of the United States at Washington, a certain action in which Samuel Thurlow is plaintiff, and the Commonwealth is defendant in error; therefore

The Governor, with advice, &c. may retain, and fix the compensation of, counsel in the case of Samuel Thurlow vs. the Commonwealth.

Resolved, That His Excellency the Governor, by and with the advice of his council, is hereby authorized to retain counsel in said action, and to fix the compensation of the aforesaid counsel, and draw his warrant on the treasury for the same. [*Approved by the Governor, Jan. 18, 1845.*]

RESOLVE for re-payment of a portion of the Bank Tax collected of the Warren Bank at Danvers, and the Grand Bank at Marblehead.

Chap. 2.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the Warren Bank, at Danvers, the sum of twenty-three dollars and thirty-three cents, and to the Grand Bank, at Marblehead, the sum of nineteen dollars and forty-four cents, in full discharge of the several claims of said banks for over-payments made by them to the treasurer of the Commonwealth, in the year eighteen hundred and forty-four, and that his excellency the Governor be authorized to draw warrants accordingly. [*Approved by the Governor, Jan. 22, 1845.*]

\$23 33 to be re-paid to the Warren Bank, &c. and \$19 40 to the Grand Bank, &c.

RESOLVE authorizing the Governor to procure certain Documents in Europe.

Chap. 3.

Resolved, That His Excellency the Governor be, and he is hereby authorized to take such measures as he may deem expedient, to procure the originals, if practicable, if not, copies of all such documents in the public offices of Great Britain and of France, as, in his judgment, may serve to complete the records, or to illustrate the colonial or

A sum not exceeding \$1,000 to be expended in procuring documents, &c.

other history of this Commonwealth, and that he be authorized, by and with the advice of the council, to draw his warrants on the treasury for such sums, not exceeding in the aggregate one thousand dollars, as may be necessary to defray the expense thereof. [*Approved by the Governor, Jan. 23, 1845.*]

Chap. 4.

RESOLVE on the Petition of Josiah S. Little.

\$1,000 to be paid by the land agent to make up deficiency in grant to Williams College.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, by the Land Agent of this Commonwealth, from the proceeds of any lands sold, or which may hereafter be sold, the sum of one thousand dollars to Josiah S. Little, assignee of the trustees of Williams College, it being in compensation for a deficiency in the quantity of acres in a township of land formerly conveyed to the trustees of said college, by this Commonwealth. [*Approved by the Governor, Jan. 29, 1845.*]

Chap. 5.

RESOLVES CONCERNING EVIDENCE OF REVOLUTIONARY SERVICES.

Secretary to receive muster rolls, &c.

Resolved, That the Secretary of the Commonwealth be authorized and directed to receive such muster rolls, and other evidences of service in the war of the Revolution, as it may be in his power to obtain, by gift or loan from the present possessors.

Secretary to complete index, &c. at a further expense not exceeding \$300.

Resolved, That the Secretary be authorized and directed to complete the index to the revolutionary rolls, now in progress under his direction, exhibiting the names in exact alphabetical order, and that the Governor be authorized to draw his warrant to defray the cost of said index, provided it do not exceed the sum of three hundred dollars, in addition to the appropriation of the tenth day of March, in the year one thousand eight hundred and forty-four. [*Approved by the Governor, Jan. 29, 1845.*]

Chap. 6.

RESOLVE on the Petition of Isaac Williams, of Stoughton, in the County of Norfolk.

\$50 to be paid annually to the guardian of the Punkapoag Indians, &c.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, for the use of Isaac Williams, of Stoughton, in said county, the sum of fifty dollars per annum, during his natural life, said sum to be paid annually, on, or after the first day of March, to the guardian of the Punkapoag Indians, for the time being, to be by him applied to the sole benefit of the petitioner, and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, Jan. 30, 1845.*]

Chap. 7.

RESOLVE on the Petition of Willard Sears.

Resolved, for the reasons set forth in said petition, that the acts and doings of the corporation, "The Marlborough

Chapel in Boston," created by an act passed on the eighth day of April, in the year one thousand eight hundred and thirty-six, be, and the same are hereby allowed and confirmed, so far as may be necessary to establish the title of said Willard Sears to a certain parcel of real estate in said Boston, conveyed to him by the said corporation, by their deed dated April twentieth, in the year one thousand eight hundred and forty-four, and recorded in the registry of deeds for the county of Suffolk, lib. 521, fol. 110; and the said Sears, his heirs and assigns, are hereby authorized to hold said estate as effectually, as though the acts and doings of the said corporation had been conformable to law: *provided, however*, that nothing herein contained shall be construed in any way to legalize the acts and doings of the said corporation, otherwise than for the object and purpose herein expressed [Approved by the Governor, Jan. 30, 1845.]

Conveyance of land by the Marlborough Chapel in Boston, confirmed, &c.

Provided, &c.

RESOLVE on the Petition of James Battle.

Chap. 8.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of this Commonwealth, to James Battle, the sum of fifty dollars, in full commutation of the land bounty to which he was entitled, and that the Governor be authorized to draw his warrant accordingly. [Approved by the Governor, Jan. 30, 1845.]

\$50 to be paid in commutation of land bounty.

RESOLVE for the Amendment of the Map of the Commonwealth.

Chap. 9.

Resolved, That the Governor and council be authorized to have corrections made on the plates of the map of the Commonwealth, according as occasion may, from time to time, arise therefor, by the discovery of errors in the said map, by changes in the boundaries of towns, by the laying out or discontinuance of roads, or by the construction of rail-roads and canals. [Approved by the Governor, Jan. 30, 1845.]

Governor and council to have plates altered as occasion may arise, or be discovered.

RESOLVES in addition to a Resolve concerning the Boundary Line between the States of Massachusetts and Rhode Island, passed on the twenty-seventh day of February, in the year one thousand eight hundred and forty-four.

Chap. 10.

Resolved, That the commissioners appointed by virtue of the resolve aforesaid, be authorized to ascertain and establish the true boundary line between said States, from the Atlantic Ocean north and northerly to Burnt Swamp Corner.

Authority of commissioners, &c. extended.

Resolved, That the aforesaid commissioners report their doings to the Governor and council, in season to be laid before the present Legislature, if practicable; if not practicable, they shall report as soon as may be.

Commissioners to report their doings, &c.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolves to His Excellency the Governor of Rhode Island. [Approved by the Governor, Jan. 30, 1845.]

Copy to be transmitted to the Governor of Rhode Island.

Chap. 11.

RESOLVE on the Petition of Oliver C. Wyman.

Release of the Commonwealth's right in two lots of land in East Boston.

Resolved, for the reasons stated in the said petition, that any and all right or title which the Commonwealth of Massachusetts has in and to two lots of land in that part of the city of Boston called East Boston, described in the deed of Henry F. Baker to the said Oliver C. Wyman, dated the twenty-second day of September, in the year one thousand eight hundred and forty-three, and recorded in the registry of deeds for Suffolk, book five hundred and nine, and page nine, be, and the same is hereby released to the said Wyman, and his heirs and assigns. [*Approved by the Governor, Jan. 30, 1845.*]

Chap. 12.

RESOLVES concerning the Arsenals in Cambridge and Boston.

Committee on militia to visit State arsenals, &c., and report thereon, every January.

Resolved, That the committee on the militia, for the time being, shall, in the month of January in each year, visit the State arsenal in the city of Boston, and the State arsenal in the town of Cambridge, and shall make a thorough examination into the condition of the same, and of the arms and munitions of war, and of other property of the State or general government deposited therein, and shall report concerning the condition of said arsenals and the property therein.

When to take effect.

Resolved, That the foregoing resolve shall take effect from and after its passage. [*Approved by the Governor, Jan. 31, 1845.*]

Chap. 13.

RESOLVE for the Payment of sundry Pauper Accounts.

Appropriation of \$53,299 66.

Resolved, That there be allowed and paid, out of the public treasury, to the several corporations and persons mentioned in the accompanying roll, the sums set against the respective names, amounting in all to the sum of fifty-three thousand two hundred ninety-nine dollars and sixty-six cents, in full discharge of the accounts to which they refer, and that a warrant be drawn accordingly. [*Approved by the Governor, Feb. 1, 1845.*]

Chap. 14.

RESOLVE on the Petition of Benjamin Stevens, Sergeant at Arms.

Additional sum not exceeding \$2,000 appropriated to repairs of State House.

Resolved, That the sum of two thousand dollars be appropriated for repairs made upon the State House, the same being in addition to the sum of thirty-five hundred dollars, appropriated by "Resolves for repairs upon the State House," passed March twelfth, in the year one thousand eight hundred and forty-four, or so much of said amount of two thousand dollars, as may be necessary to pay the bills incurred in making said repairs. And the accounts thereof shall be audited and paid agreeably to the provisions of the act of March eighteenth, in the year one thousand eight hundred and forty-one, entitled "An Act relating to the State House." [*Approved by the Governor, Feb. 1, 1845.*]

Audit of accounts therefor.

RESOLVE on the Petition of Susan Parkman.

Chap. 15.

Resolved, for reasons set forth in said petition, that Susan Parkman, of Boston, in the county of Suffolk, guardian to her daughters, Anna Augusta Parkman and Mary Jane Parkman, minors, be hereby authorized, at any time within six months after the passing of this resolve, to make and file in the probate office for the county of Middlesex, an affidavit such as is prescribed in case of executors or administrators, by the sixteenth section of the seventy-first chapter of the Revised Statutes, together with a copy of the notice of the time and place of sale of certain real estate situate in the town of Brighton, in the county of Middlesex, belonging to said minors, said sale having been made by the said guardian under a license granted by the probate court for said county of Middlesex, holden at Charlestown, in said county, on the twentieth day of February, in the year one thousand eight hundred and forty-four: *provided*, that the said Susan Parkman shall first give such notice as the judge of probate for said county of Middlesex shall order, of her intention to file such affidavit and copy of notice, and provided that, in the judgment of said judge of probate, no sufficient cause be shown why the same may not be filed. And such affidavit and copy of notice, so filed, shall be as effectual, for all purposes, as if the same had been filed within the time required by law. [*Approved by the Governor, Feb. 10, 1845.*]

Guardian may file affidavit in the probate office of Middlesex, &c. previous to August 10, 1845.

Provided, &c.

RESOLVE on the Petition of William J. King.

Chap. 16.

Resolved, That, for reasons set forth in said petition, the said William J. King, trustee under the last will and testament of Alexander Jones, deceased, late of Providence, in the State of Rhode Island, may be, and he hereby is, empowered to sell, at public or private sale, all the right, interest and property which said King holds in trust for, and all the interest of, Eliza R. Wood, Jane S. Valk, and Frances N. Bogert, named in the said petition, in the following described real estate, viz: a lot of land situate in Fall River, in the county of Bristol, and Commonwealth of Massachusetts, with two small dwelling-houses thereon, bounded, beginning at the southwest corner of the lot at the corner of Timothy Sullivan's lot, east side of Town Avenue, west by said avenue, running north to Hannah Ford's land, north by said Ford's land, running east to the Pocassett Manufacturing Company's land, east by said company's land, running south to John S. Cotton's land, south by said Cotton's land and land of George Brightman and said Sullivan, running west to the corner first mentioned, containing thirty square rods. And the said trustee may convey the same by his deed duly executed and acknowledged: *provided*, the said trustee shall first give bonds, with suffi-

Trustee under the will of Alexander Jones may sell and convey real estate in Fall River.

Provided, &c.

cient surety or sureties, to the judge of probate for our county of Bristol, who is hereby authorized to receive the same, in such an amount as shall be satisfactory to said judge of probate, for the faithful investment of the money arising from the sale of said estate, in the manner provided for the investment of the personal estate left by said will, in the hands of said trustee, and for holding the same for the same purposes, trusts and persons as said estate, if not sold under this resolve, would have been held by said trustee. Said bonds, together with a full and true copy of the last will and testament, and any codicil or codicils connected therewith, of said Alexander Jones, to be filed previously to said sale, and thereafter to be kept in the registry of probate for said county of Bristol, for the use and benefit of all persons who may be interested therein, under the authority and direction of said judge of probate. [*Approved by the Governor, Feb. 10, 1845.*]

Chap. 17.

RESOLVE in favor of certain Agricultural Societies.

Bounties to be paid to the Berkshire, Barnstable and Worcester Societies for 1844.

Resolved, for reasons set forth in the petitions of the Berkshire, Barnstable, and Worcester Agricultural Societies, that there be paid out of the treasury of the Commonwealth, to the treasurers of said societies, respectively, the sums to which they would have been entitled, had their certificates of funds been seasonably filed in the office of the Secretary of the Commonwealth: and the Governor is requested to draw warrants accordingly. [*Approved by the Governor, Feb. 10, 1845.*]

Chap. 18.

RESOLVE upon the Petition of Edward Kilham and Albert Thorndike, of Beverly, in the County of Essex.

Trustees under deeds of George Brown, authorized to sell and convey real estate in Beverly.

Resolved, for reasons set forth in the said petition, that the said Edward Kilham and Albert Thorndike, trustees appointed by the judge of probate for said county of Essex, under the several deeds of George Brown, of said Beverly, are hereby authorized and empowered to sell, at public or private sale, the following described real estate situated in said Beverly, containing about two acres, with a dwelling-house and other buildings thereon, and bounded easterly on Cabot street, southerly by land formerly of Joshua Fisher, deceased, and others, westerly by land of John Lovett and others, and northerly by land formerly of Jacob Woodbury and others, the estate being what was formerly the mansion-house and homestead of the late Moses Brown, deceased, and to convey the same by deed duly executed and acknowledged, and the said trustees shall invest and hold the proceeds of such sale, for the purposes of the trust created by said deeds, in such manner as is directed in the deed of said George Brown to Abraham Kilham and William Thorndike, bearing date December twenty-fourth, in the

Investment of proceeds.

year one thousand eight hundred and thirty-three, and recorded in the registry of deeds for said county of Essex, book 330, leaf 32, in case the said Abraham Kilham and William Thorndike should sell and convert to money the real estate described in the said deed: *provided*, that Harriet Brown, wife of George Brown, named in said petition, and said George Brown, and any child or children of said George Brown, who may be above the age of twenty-one years, by themselves or by their attorney or attorneys duly authorized, shall join and unite with said trustees in the above conveyance, and that the guardian or guardians of the minor children of said George Brown, if any such there are, other than said George Brown, shall, by a certificate to be made on said deed of conveyance, express his or their assent to said conveyance: *and provided, also*, that said trustees shall give their bonds each for his own acts alone to the judge of probate for the county of Essex, for the faithful application of the money arising from said sale, and the stock, or other personal or real estate in which it may be invested, to the purposes of the trust aforesaid. Said bonds to be kept on file in the registry of probate for the county of Essex, for the use of all persons interested therein, under the authority and direction of said judge of probate. [*Approved by the Governor, Feb. 10, 1845.*]

Provided, &c.

RESOLVE on the Petition of William W. Newell.

Resolved. That, for reasons set forth in the petition, William W. Newell, of Montgomery, in the county of Orange and state of New York, guardian of his daughter Hannah P. Newell, a minor, be hereby authorized, at any time within six months after the passing of this resolve, to make and file in the probate office for the county of Suffolk, an affidavit, such as is prescribed in the case of executors and administrators, by the sixteenth section of the seventy-first chapter of the Revised Statutes, together with a copy of the notice of the time and place of sale of certain real estate, situate in the town of Brighton in the county of Middlesex, belonging to said minor, said sale having been made by the said guardian, under a license granted by the court of probate, holden at Boston, in and for the county of Suffolk, on the seventeenth day of September, in the year one thousand eight hundred and thirty-eight: *provided*, that said William W. Newell shall first give such notice as the judge of probate for said county of Suffolk shall order, of his intention to file such affidavit and copy of notice: *and provided*, that, in the judgment of said judge of probate, no sufficient cause be shown why the same may not be filed, and such affidavit and copy of notice so filed, shall be as effectual for all purposes as if the same had been filed within the time required by law. [*Approved by the Governor, Feb. 10, 1845.*]

Chap. 19.

Guardian may file an affidavit in the probate office of Suffolk, &c., previously to August 10, 1845.

Provided, &c.

Chap. 20. RESOLVE on the Petition of Peter Parker and William Shimmin, Trustees.

Trustees under will of John Parker, authorized to sell and convey real estate to proprietors of Long wharf, in Boston.

Resolved, for reasons set forth in the said petition, that Peter Parker and William Shimmin, or whoever else for the time being shall be duly acting as trustee or trustees under the last will of John Parker, the elder, late of the city of Boston, esquire, deceased, be, and they hereby are fully authorized and empowered to make sale of and convey to the proprietors of the Boston Pier, or Long wharf, in the city of Boston, one undivided moiety of land and store situated on said wharf, numbered 68, at, and for the price or consideration of two thousand dollars, and upon the receipt of said consideration, to execute, acknowledge, and deliver to said corporation such deed or deeds as shall be requisite or proper to pass the title in said land and store and its appurtenances held by the trustees above named, or either of them, or which shall be held by any other trustee or trustees, acting under said will to said corporation, who may thereafter hold the same free and discharged of the trusts declared concerning the said real estate, in and by the said will of said Parker. And the trustees or trustee who shall receive said purchase-money, shall stand possessed and chargeable with the same under said will, upon the same trusts, and for the same purposes, as said real estate was held at the time of the conveyance thereof to said corporation under this resolve. [*Approved by the Governor, Feb. 11, 1845.*]

Proceeds to be held and used agreeably to conditions of trust.

Chap. 21. RESOLVE concerning the Distribution of the Reports of the Supreme Court of the United States.

Decisions of Supreme Court of the United States should be published by Congress, and distributed to the States, &c.

Resolved, That the decisions of the Supreme Court of the United States are as indispensable to a full knowledge of the laws of the Union, as the statutes passed under the authority of the general government; and that our senators and representatives in Congress be therefore requested to urge upon Congress, the propriety of providing by law for the publication and free distribution of said decisions among the judicial tribunals of the States, their executive officers and public libraries, and the libraries of the more important institutions of the country.

Resolve to be forwarded, &c.

Resolved, That His Excellency the Governor be requested to forward a copy of the foregoing resolve to each of the senators and representatives in Congress from this Commonwealth. [*Approved by the Governor, Feb. 15, 1845.*]

Chap. 22.

RESOLVE to pay for Fuel and other purposes.

\$1800 appropriated, to be expended by the sergeant at arms.

Resolved, That there be paid out of the treasury to Benjamin Stevens, Sergeant at Arms to the General Court, the sum of eighteen hundred dollars, to enable him to purchase fuel and other necessary articles for the use of the General Court, and the several public offices in the State House,

and that a warrant be drawn accordingly. [*Approved by the Governor, Feb. 15, 1845.*]

RESOLVE for the Pay of the Assistant Messenger to the Governor and Council.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the assistant Messenger to the Governor and Council, the sum of two dollars for each and every day he has, or may be employed in that capacity during the sessions of the council the present political year, and that warrants be drawn accordingly. [*Approved by the Governor, Feb. 15, 1845.*]

Chap. 23.

Allowance of \$2 a day, during sessions of the council.

A RESOLVE on the Petition of Leavitt Thaxter.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to Leavitt Thaxter, of Edgartown, the sum of twenty-one dollars and ninety cents, in full for money by him expended to December thirty-first, in the year eighteen hundred and forty-four, for the support of William Johnson, an Indian of the Chapequiddic tribe, as set forth in his petition, and that the Governor be authorized to draw his warrant accordingly. [*Approved by the Governor, Feb. 15, 1845.*]

Chap. 24.

Allowance of \$21 90 to guardian, &c., for support of William Johnson.

RESOLVE to pay the Chaplains of the Legislature.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the chaplain of the Senate, the sum of sixty dollars, and to the chaplains of the House of Representatives, the sum of thirty dollars each, and that warrants be drawn accordingly. [*Approved by the Governor, Feb. 15, 1845.*]

Chap. 25.

Allowance of \$60 to chaplain of the Senate, and \$30 each to chaplains of the House.

A RESOLVE granting a Pension to William Johnson, a Chapequidic Indian.

Resolved, That, for reasons set forth in the petition of Leavitt Thaxter, guardian of the Indians and people of color resident at Chapequiddic and Indiantown, in the county of Dukes County, there be allowed and paid out of the treasury of this Commonwealth, for the support of William Johnson, an Indian of the Chapequiddic tribe, the sum of fifty dollars per annum, during his natural life; the said sum to be paid annually from the first day of January, in the year one thousand eight hundred and forty-five, to the guardian, for the time being, of said Indians and people of color, to be by him applied to the sole benefit of the said William Johnson; and that the Governor be authorized to draw his warrant accordingly. [*Approved by the Governor, Feb. 15, 1845.*]

Chap. 26.

Allowance of \$50 annually, for life, to be paid to guardian, from Jan. 1, 1845.

RESOLVE to pay the Doorkeepers and Messengers of the Senate and House of Representatives.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to two doorkeepers and

Chap. 27.

Daily allowance

of \$2 each to six door-keepers; of \$1 50 to assistant messenger; and of \$0 80, \$0 70, \$1 50 respectively, to three pages, during session of the Legislature.

three assistant doorkeepers of the House of Representatives, also to the doorkeeper of the Senate, each a sum of two dollars per day, for each and every day's attendance during the present session of the Legislature; also to one assistant messenger the sum of one dollar and fifty cents for each day's attendance during the same; and to two pages of the Senate, one eighty cents and one seventy cents for each day's attendance during the same; and to the page of the House of Representatives, the sum of one dollar and fifty cents per day for each day's attendance during the same; and that warrants be drawn accordingly. [*Approved by the Governor, Feb. 15, 1845.*]

Chap. 28. RESOLVE on the Petition of Charles Brigham, Jr., Trustee of the Grafton Indians.

Allowance of \$30 for certain expenses.

Resolved, for reasons set forth in the said petition, that there be paid out of the treasury of the Commonwealth, to Charles Brigham, Jr., trustee of the Grafton Indians, the sum of thirty dollars, in full for the expenditures mentioned in said petition, and that a warrant be drawn accordingly. [*Approved by the Governor, Feb. 18, 1845.*]

Chap. 29.

RESOLVE on Petition of Stephen Brown.

Treasurer authorized to correct error in account of 1839, and give discharge to auctioneer on the payment of \$100.

Resolved, That, for reasons set forth in said petition, the treasurer and receiver general be authorized and directed to correct an error in the auction return, made by said Brown, in July, in the year one thousand eight hundred and thirty-nine; and to receive from said Brown one hundred dollars, in full and final settlement of said return. [*Approved by the Governor, Feb. 18, 1845.*]

Chap. 30.

RESOLVE on the Petition of Charles B. Orcutt.

Allowance of \$50 annually for four years from March 1, 1845, provided, &c.

Resolved, for reasons set forth in the said petition, that there be allowed and paid out of the treasury of this Commonwealth, to Charles B. Orcutt, of Tewksbury, in the county of Middlesex, the sum of fifty dollars a year, for the term of four years from the first day of March, in the year one thousand eight hundred and forty-five, should he live so long, and that warrants be drawn therefor accordingly. [*Approved by the Governor, Feb. 18, 1845.*]

Chap. 31.

RESOLVE for the Pay of the Council, Senate, and House of Representatives.

Allowance of \$2 to each counsellor, senator and representative, for each day's service in 1845, and \$2 for every ten miles' travel, &c.

Resolved, That there be paid out of the treasury of this Commonwealth, to each member of the Senate and House of Representatives, two dollars for each and every day's attendance during the present political year; and the sum of two dollars for every ten miles' travel from their respective places of abode, once in each session, to the place of the sitting of the General Court; and also to each member of the Council, two dollars for each day's attendance at that board at every session thereof, during the present political

year, and the sum of two dollars for every ten miles' travel from their respective places of abode, once in each session thereof; and to the president of the Senate and the speaker of the House of Representatives, each two dollars for each and every day's attendance, in addition to their pay as members; and His Excellency the Governor, with the advice and consent of the Council, is hereby authorized and requested to draw his warrant accordingly. [*Approved by the Governor, Feb. 18, 1845.*]

President and speaker to receive \$2 additional for each day.

RESOLVE relating to the Phoenix Bank.

Chap. 32.

Resolved, That the Commonwealth's attorney for the county of Suffolk, be, and he is hereby required to appear before the supreme judicial court in behalf of the Commonwealth, in the case of the Commonwealth by bank commissioners versus the President, Directors and Company of the Phoenix Bank, upon the hearing of any question which may arise in said case, concerning the mutual claims between the Commonwealth and the said corporation. And the treasurer of the Commonwealth is hereby authorized to adjust and settle such claims in conformity with the judgment of the court in the premises. And if, by such judgment, any balance shall be found due from the Commonwealth to the said corporation, the Governor is hereby authorized to draw his warrant for the payment of the same to the receivers appointed by the said court in the aforementioned case. [*Approved by the Governor, Feb. 20, 1845.*]

Attorney for Suffolk to appear for the Commonwealth, in case pending before the Supreme Court.

Treasurer to adjust, &c., claims, according to judgment, &c.

Balance found due from the Commonwealth, to be paid to receivers.

RESOLVE on the Petition of Olive Chamberlin.

Chap. 33.

Resolved, for reasons set forth in said petition, that Olive Chamberlin, guardian of Harriet Maria Chamberlin, Isaac Albro Chamberlin, and Eliza Jane Chamberlin, minors, be, and she is hereby authorized and empowered, to sell at public or private sale, and execute and deliver deeds of conveyance thereof, all the interest said minors have in a certain farm, containing about one hundred and forty acres, situate in Tyngsborough, Chelmsford and Westford, in the county of Middlesex, formerly the homestead of Isaac Chamberlin, late of said Chelmsford, deceased, and to invest the proceeds of the same in other property: *provided, however*, that, before making said conveyance, she shall give bond with sufficient sureties to the judge of probate for said county, faithfully to account for the proceeds of said sale, and the accumulating interest thereon. [*Approved by the Governor, Feb 22, 1845.*]

Guardian authorized to sell and convey real estate in Tyngsborough, &c., and to invest proceeds;

Provided, &c.

RESOLVE on the Petition of John W. Lincoln.

Chap. 34.

Resolved, for reasons set forth in said petition, that there be paid out of the treasury of the Commonwealth, to John W. Lincoln, sheriff of the county of Worcester, one hun-

Allowance of \$118 75, for

apprehension of
escaped prisoner.

dred and eighteen dollars and seventy-five cents, in full for moneys paid by him for the apprehension of one Isaac Paige, a prisoner, who had escaped from jail, and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, Feb, 22, 1845.*]

Chap. 35. RESOLVE upon the Petition of David S. Greenough, Guardian of Jane D. Greenough.

Guardian au-
thorized to sell
and convey land
in Roxbury.

Resolved, for the reasons set forth in said petition, that David S. Greenough, guardian of Jane D. Greenough, be, and he hereby is authorized and empowered to sell, at public or private sale, all said minor's interest, being one undivided fourth part of a certain parcel of land in Roxbury, in the county of Norfolk, in said Commonwealth, bounded northeasterly on land of James Read and William Dehon, trustees; southeasterly on the Dedham turnpike; southwesterly on land now or late of the heirs of Increase Sumner; northwesterly on the school land so called, with the privileges and appurtenances thereto belonging; and that the deed of said guardian, executed and delivered under this resolve, for and in behalf of his said ward, shall convey unto the purchaser or purchasers, all her right, title and interest in and to said real estate, as effectually as if she, being of full age, had personally, in due form of law, made a proper conveyance thereof: *provided, however*, that before making said conveyance, said guardian shall give bond, with sufficient surety or sureties, to the judge of probate, in said county of Norfolk, in sufficient penalty to account to said minor for his acts in the premises, and the price to be received for said land, with the accumulating interest. [*Approved by the Governor, Feb. 22, 1845.*]

Provided, &c.

Chap. 36. RESOLVE upon the Petition of Susan Parkman, Guardian of Mary Jane Parkman.

Guardian au-
thorized to sell
and convey real
estate in Bos-
ton.

Resolved, for the reasons set forth in said petition, that Susan Parkman, guardian of Mary Jane Parkman, be, and she hereby is authorized and empowered to sell, at public or private sale, all said minor's interest, being one undivided quarter part of the following parcels of real estate, situate in the city of Boston, in said Commonwealth, and subject to a widow's dower therein, viz.: a certain parcel of land, with a dwelling-house thereon, bounded southerly by land now, or late of the proprietors of the brick meeting-house in Federal street, seventy-three feet nine inches; westerly by a line drawn parallel with said street, from the northwesterly corner of said meeting-house, to the southwest corner of the stable erected by Oliver Gragg, twenty-two feet; northerly by house and land now, or formerly of Benjamin Crombie, seventy-two feet; easterly by land now, or formerly of Edward Blanchard, twenty-two feet. be said measure-

ments more or less, being lot numbered one (1) upon a plan recorded with Suffolk deeds, l. 292, f. 83, and a certain other parcel of land with a store thereon, bounded northerly on Cornhill, formerly Market street, seventeen feet; westerly on land and store of James Amos Dickson, by a line through the middle of the partition wall, forty feet; southerly on a passage-way, which is always to remain open for the accommodation of this and the adjoining estates, seventeen feet; easterly on land and store now, or formerly of T. B. Wales, by the middle of the partition wall, forty feet, subject to a restriction with regard to the cellar door. And that the deed of said guardian, executed and delivered under this resolve, for and in behalf of her said ward, shall convey unto the purchaser or purchasers, all her right, title and interest in and to said real estate, as effectually as if she, being of full age, had personally in due form of law made a proper conveyance thereof: *provided, however,* that, before making said conveyance, said guardian shall give bond, with sufficient surety or sureties, to the judge of probate for the county of Suffolk, in sufficient penalty to account to said minor for her acts in the premises, and the price to be received for said land with the accumulating interest. [*Approved by the Governor, Feb. 22, 1845.*]

Provided, &c.

RESOLVE upon the Petition of David S. Greenough, Guardian of Jane D. Greenough

Chap. 37.

Resolved, for the reasons set forth in said petition, that David S. Greenough, guardian of Jane D. Greenough, be, and he hereby is, authorized and empowered to sell and convey, unto any person or persons, and for such price as he shall deem most for said minor's interest, all said minor's interest, being one undivided fourth part of a certain parcel of real estate situate in Roxbury, in the county of Norfolk, in said Commonwealth, with the buildings thereon, bounded southeasterly on Centre street, one chain forty-three links, more or less; southwesterly on Eliot street, six chains fifty-five links, more or less; northwesterly on land formerly of trustees of Eliot school, ninety-five links and three quarters, more or less; northeasterly on land now, or formerly of William Shepherd, six chains and forty-two links, more or less; containing three quarters of an acre and two rods, more or less; and that the deed of said guardian, executed and delivered under this resolve, for and in behalf of his said ward, shall convey unto the purchaser or purchasers, all her right, title and interest in and to said real estate as effectually as if she, being of full age, had personally, in due form of law, made a proper conveyance thereof: *provided, however,* that, before making said conveyance, said guardian shall give bond, with sufficient surety or sureties, to the judge of probate in said county of Norfolk, in sufficient penalty, to account to said minor for

Guardian authorized to sell and convey real estate in Roxbury.

Provided, &c.

his acts in the premises, and the price to be received for said land, with the accumulating interest. [*Approved by the Governor, Feb. 22, 1845.*]

Chap. 38. RESOLVE upon the Petition of William W. Newell, Guardian of Hannah P. Newell.

Guardian authorized to sell and convey real estate in Boston.

Resolved, for the reasons set forth in said petition, that William W. Newell, guardian of Hannah P. Newell, be, and he hereby is, authorized and empowered to sell, at public or private sale, all said minor's interest, being one undivided quarter part of the following parcels of real estate, situate in the city of Boston, in said Commonwealth, and subject to a widow's dower therein, viz: a certain parcel of land, with a dwelling-house thereon, bounded southerly by land now, or late of the proprietors of the brick meeting-house in Federal street, seventy-three feet nine inches; westerly by a line drawn parallel with said street, from the northwesterly corner of said meeting-house to the southwest corner of the stable erected by Oliver Gragg, twenty-two feet; northerly by house and land now, or formerly of Benjamin Crombie, seventy-two feet; easterly by land now, or formerly of Edward Blanchard, twenty-two feet; be said measurements more or less; being lot numbered one (1) upon a plan recorded with Suffolk deeds, l. 292, f. 83;—and a certain other parcel of land, with a store thereon, bounded northerly on Cornhill, formerly Market street, seventeen feet; westerly on land and store of James Amos Dickson, by a line through the middle of the partition wall, forty feet; southerly on a passage-way, which is always to remain open for the accommodation of this and the adjoining estates, seventeen feet; easterly on land and store now, or formerly of T. B. Wales, by the middle of the partition wall, forty feet, subject to a restriction with regard to the cellar door;—and that the deed of said guardian, executed and delivered under this resolve, for and in behalf of his said ward, shall convey unto the purchaser or purchasers all her right, title and interest in and to said real estate, as effectually, as if she, being of full age, had personally, in due form of law, made a proper conveyance thereof: *provided, however*, that before making said conveyance, said guardian shall give bonds, with sufficient surety or sureties, to the judge of probate for the county of Suffolk, in sufficient penalty, to account to said minor for his acts in the premises, and the price to be received for said land, with the accumulating interest. [*Approved by the Governor, Feb. 22, 1845.*]

Provided, &c.

Chap. 39.

RESOLVES concerning the Admission of Texas.

Massachusetts has never dele-

Resolved, That Massachusetts has never delegated the power to admit into the Union, States or Territories without

or beyond the original territory of the States and Territories belonging to the Union at the adoption of the Constitution of the United States. And that, in whatever manner the consent of Massachusetts may have been given, or inferred, to the admission of the States already by general consent forming part of the Union, from such territory, the admission of such States, in the judgment of Massachusetts, forms no precedent for the admission of Texas, and can never be interpreted to rest on powers granted in the Constitution.

Resolved, That there has hitherto been no precedent of an admission of a foreign state or foreign territory into the Union by legislation. And as the powers of legislation, granted in the Constitution of the United States to Congress, do not embrace a case of the admission of a foreign state, or foreign territory, by legislation, into the Union, such an act of admission would have no binding force whatever on the people of Massachusetts.

Resolved, That the powers never having been granted by the people of Massachusetts, to admit into the Union States and Territories not within the same when the Constitution was adopted, remains with the people, and can only be exercised in such way and manner, as the people shall hereafter designate and appoint.

Resolved, That the people of Massachusetts will never consent to use the powers reserved to themselves to admit Texas, or any other State or Territory, now without the Union, on any other basis than the perfect equality of freemen. And that, while slavery, or slave representation, forms any part of the claims or conditions of admission, Texas, with their consent, can never be admitted.

Resolved, That His Excellency the Governor be requested to transmit copies of the preceding report and resolves to the President of the United States, the several Senators and Representatives in Congress from this Commonwealth, and the Governors of the several States. [*Approved by the Governor, Feb. 22, 1845.*]

gated power to admit foreign states, &c.

No precedent, nor constitutional authority, for admitting a foreign state by legislation.

Power to admit, &c. remains with the people.

Massachusetts will not consent to the extension of slavery or of slave representation by the admission of new states or territories.

Copies to be transmitted, &c.

RESOLVE on the Petition of Richard Nichols.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of the Commonwealth, to Richard Nichols, of Charlestown, eighty dollars, in full for the reward to which he is entitled for causing James Johnson, a counterfeit, to be arrested and convicted on two indictments, and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, Feb. 24, 1845.*]

Chap. 40.

Allowance of \$80 for the arrest, &c. of a counterfeit.

Chap. 41. RESOLVE respecting the Admission of Harriet N. Ranney to the Asylum at Hartford.

Admission of beneficiary more than 25 years old.

Resolved, That Harriet N. Ranney, of Ashfield, be allowed, at the commencement of the term in May next, to enter the Asylum for the Deaf and Dumb, at Hartford, as a beneficiary of this State, and that she be entitled to the benefit of all the provisions and appropriations heretofore passed, and now in force, for the relief and education of deaf and dumb persons admitted into that institution as pupils, between the ages of eight and twenty-five years. [*Approved by the Governor, Feb. 24, 1845.*]

Chap. 42. RESOLVE on the Petition of Betsey Burrows, Executrix of the Will of William Burrows, late of Roxbury, in the County of Norfolk, deceased.

Executrix authorized to sell and convey real estate in Boston, and invest proceeds, &c.

Resolved, for reasons set forth in said petition, that Betsey Burrows be, and she hereby is, authorized to sell, at public or private sale, as she may judge most for the interest of all concerned, certain real estate, consisting of two dwelling-houses, situate on Charter street, in the city of Boston, in which said Betsey has an interest for life, under and by virtue of the will of her late husband, William Burrows, late of Roxbury, in the county of Norfolk, deceased, being all the real estate of which said William died seized on said street, and to make, execute and deliver, good and sufficient deeds thereof to the purchaser or purchasers, and the proceeds thereof to invest in the manner prescribed in said will of William Burrows, for the investment of the proceeds of his said real estate, for the use of said Betsey Burrows during her life, and on her decease for the use and purposes in said will set forth and limited.

Provided, &c.

The said Betsey first giving bond, to the satisfaction of the judge of probate for the said county of Norfolk, with condition that the same shall be sold by her in good faith, for the best interest of all concerned, and that the proceeds thereof shall be disposed of agreeably to the provisions of said will and of this resolve. [*Approved by the Governor, Feb. 24, 1845.*]

Chap. 43.

RESOLVE on the Petition of A. H. Bullock, Assignee.

Allowance to assignee of claim barred by statutes of limitation.

Resolved, for reasons set forth in his petition, that the Governor and council are hereby authorized to allow to A. H. Bullock, assignee, any amount which may appear to be justly due from the Commonwealth, for the services of John W. Lincoln as a director of the Western Rail-road, the statutes of limitation to the contrary notwithstanding, and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, Feb. 24, 1845.*]

RESOLVE on the Petition of Caleb W. Loring, Trustee under the Will of
Mary Wadsworth.

Chap. 44.

Resolved, for reasons set forth in said petition, that the said Caleb W. Loring is hereby authorized to sell and convey, in one or more parcels, at public or private sale, and to execute deeds to pass the title in fee simple, to certain lands and tenements, situate in the town of Lynn, and county of Essex, and bounded as follows: southeasterly by Boston old road, so called; northeasterly by land now, or late of James W. Raddin and Joseph Moulton; northwesterly by land now, or late of Andrews Breed; southwesterly by North Federal street, and land now, or late of John and Jonathan Mulliken; or however otherwise bounded; the same being held by him in trust for the benefit of Nancy C. Carnes, Nathaniel G. Carnes, Emma E. Carnes, and Francis Carnes. And the net proceeds of such sale or sales shall be taken and held, and invested in other real estates, stocks or securities, by the said Caleb W. Loring, upon the same trusts, and for the same purposes, as the same lands and tenements are now held by him: *provided, however*, that, previously to any sale, the said Caleb W. Loring shall give bonds, with sufficient sureties, to the judge of probate for the county of Essex, for his acts and doings in the premises, and to account for and dispose of the proceeds of the sale of said estate according to said will, and the trusts therein created in reference to said estate. [*Approved by the Governor, Feb. 24, 1845.*]

Trustee authorized to sell and convey real estate in Lynn.

Investment of proceeds for purposes expressed in the trust.

Provided, &c.

RESOLVE on the Petition of Thomas Greenleaf, Trustee under the Will of
Ezekiel Price.

Chap. 45.

Resolved, for the reasons stated in the petition, that the said Thomas Greenleaf, trustee, be, and he hereby is authorized to sell, and pass deeds to convey, to the proprietors of the Boston Athenæum, pursuant to a contract with them heretofore made, all that parcel of land in Boston described in the said petition, and bounded westerly on Tremont street, southerly by land of the Provident Institution for Savings, in Boston, in part, and in part by land of the city of Boston, or the county of Suffolk, easterly on Court Square, and northerly by land of the said proprietors of the Boston Athenæum, or however otherwise bounded, meaning to include all the land and appurtenances of which the said Greenleaf is seized and possessed as trustee under the will of the said Ezekiel Price: *provided, however*, that the moneys and other proceeds of such sale be held by the said petitioner upon the same trusts, and for the same uses and purposes, as are contained and declared in and by the will of the said Ezekiel Price, of and concerning the said land: *and provided, also*, that the said Greenleaf, before the sale of the said estate, shall give bonds, with sureties satisfac-

Trustee authorized to sell and convey real estate in Boston, to Proprietors of the Boston Athenæum.

Investment of proceeds for purposes expressed in the trust.

Provided, &c.

tory to the judge of probate for the county of Suffolk, to account for all his acts and doings in respect to the sale of the above premises, and to hold and apply the proceeds of said sale in the manner, and according to the trusts declared in said will of Ezekiel Price, respecting the said lands. [*Approved by the Governor, Feb. 24, 1845.*]

Chap. 46. RESOLVE on the Petition of Betsey Hartt and Charles G. Loring, Trustees, and of Elizabeth C. Hartt, Guardian, and Sarah A. Hartt, in aid thereof.

Trustees authorized to sell and convey real estate in Boston.

Resolved, for reasons set forth in said petition, that the said Betsey Hartt and Charles G. Loring are hereby authorized and empowered to sell and convey, in one or more parcels, at public or private sale, and to execute deeds to pass the title in fee simple, to one undivided sixth part of certain lands and tenements situated on Commercial street, in the city of Boston, and bounded as follows: easterly by Commercial street, forty-six feet seven inches; northerly by land now or late of H. J. Oliver, twenty-eight feet two inches; then southwesterly by land now, or late of Samuel Hartt, six feet ten inches; then northwesterly by land of said Hartt, fifty-four feet ten inches; then northeasterly by land of said Hartt, nine feet four inches; then northwesterly by land formerly belonging to Joseph Hartt and others, sixty-eight feet; then southwesterly, by a line running southeasterly, sixty-five feet one inch; then southeasterly by land now, or late of Carey, eighty-two feet six inches; then southerly by land now, or late of Carey, thirty-five feet four inches; or however otherwise bounded: the same being held by them in trust under the will of Joseph Hartt, for the benefit of his widow and children. And the net proceeds of such sale or sales shall be taken and held, and invested in other real estates, stocks or securities, by the said Betsey Hartt and Charles G. Loring, their survivor and successors in said trust, upon the same trusts, and for the same purposes, as the said lands and tenements are now held by them: *provided, however*, that previous to any sale, the trustees aforesaid shall give bonds, with sufficient sureties, to the judge of probate for the county of Suffolk, for all their acts in the premises, and to account for, and dispose of the proceeds of the sale of said estate, according to said will and the trusts therein created. [*Approved by the Governor, Feb. 24, 1845.*]

Investment of proceeds for purposes expressed in the trust.

Provided, &c.

Chap. 47.

RESOLVE on the Petition of Jonathan Butman.

Judge of Probate for Middlesex, authorized to license administrator to sell and convey real estate.

Resolved, That, for reasons set forth in the petition of said Butman, the judge of probate for the county of Middlesex, be authorized to grant license to Joel Adams, administrator of the goods and estate of Mary Robb, late of Lowell, in said county of Middlesex, deceased, intestate, to sell at public auction all the real estate that was of said Mary in

her life-time, or of which she died seized and possessed, and the deed of said administrator made upon a sale under such license, being duly executed and acknowledged, shall convey a good and indefeasible title thereto, to the purchaser, free from any claim on the part of this Commonwealth; and the Commonwealth doth also hereby release to said administrator, all right and interest it has by reason that said Mary died without heirs in and to the personal estate which was of said Mary, and the rents of the real estate of which she died seized, that may have accrued since her death: *provided*, that said administrator shall, before said sale, and before any property shall vest in him, under and by force of this resolve, give bonds in such a sum and with such surety or sureties as shall be satisfactory to said judge of probate, binding said administrator, after paying the just debts of said Mary, her funeral charges, and expenses of administration, to pay over the balance of the proceeds of the sale of such real estate, the rents thereof, and the said personal estate (or the net proceeds thereof,) to those persons who were, at the death of said Mary, the legal heirs and next of kin of Betsey Butman, deceased, who was the mother of said Mary, to be divided among them according to the statute of distributions of estates of persons deceased. [*Approved by the Governor, Feb. 24, 1845.*]

Release of
Common-
wealth's in-
terest.

Provided, &c.

RESOLVE on the Petition of Charles Grant.

Resolved, That, for reasons set forth in the said petition of Charles Grant, the judge of probate for the time being, in the county of Suffolk, be and he hereby is authorized and directed to appoint some suitable person to be trustee for and in behalf of Elizabeth Sullivan, wife of John L. Sullivan, so long as said Elizabeth shall not be of sane mind; and that said trustee, so appointed, be and he is hereby authorized and empowered to convey to said Charles Grant, or to such other person or persons as he may in writing appoint, all the right of said Elizabeth Sullivan in any part or the whole of the land and premises described in the deed from John L. Sullivan to Samuel Parkman, recorded with Suffolk deeds, book 202, folio 174, and to execute any deed or deeds thereof, and for such sum or sums as he the said trustee may deem just; due regard being had (in estimating the value thereof and of her chance of survivorship) to the rate of interest established by law, and to such "life tables" as are used by the Hospital Life Insurance Company of Boston. And said trustee shall carefully invest the same, apply the net income thereof as may be requisite to her support during her natural life, and upon her decease, shall pay over and transfer any balance or property remaining in his hands to her heirs at law: *and*

Chap. 48.

Judge of Pro-
bate for Suffolk,
to appoint trustee,
&c. to convey real estate
to petitioner,
&c.

Investment of
proceeds.

Provided, &c. *provided, also,* that the trustee so appointed, shall first give bonds to the said judge of probate with sufficient surety or sureties for the faithful performance of the trusts and duties aforesaid. [*Approved by the Governor, Feb. 24, 1845.*]

Chap. 49.

RESOLVE authorizing the Treasurer to borrow Money in anticipation of the Revenuc.

Treasurer to borrow and repay money, &c. the whole sum borrowed not to exceed \$250,000 at any time.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby authorized to borrow, in anticipation of the receipts of the present year, of any of the banks of this Commonwealth, or of any corporation therein, or of any individual or individuals, such sum or sums of money as may, from time to time, be necessary, for the payment of the ordinary demands on the treasury, at any time before the meeting of the next General Court; and that he repay any sum he may borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided, however,* that the whole amount borrowed by authority hereof, and remaining unpaid, shall not, at any time, exceed the sum of two hundred and fifty thousand dollars. [*Approved by the Governor, Feb. 24, 1845.*]

Provided, &c.

Chap. 50.

RESOLVE on the Petition of Juliana Philbrook.

Land agent to convey certain lands, &c. in Maine.

Resolved, for reasons set forth in said petition, that the Land Agent be, and he is hereby authorized to convey to Juliana Philbrook, a certain lot of land situate and lying in township letter B, in the tenth range of townships, in the county of Penobscot, and state of Maine, belonging to this Commonwealth, now in the possession and occupancy of said Juliana Philbrook, and that said conveyance be made so as best to include the improvements which have been made by her. [*Approved by the Governor, Feb. 26, 1845.*]

Chap. 51.

RESOLVES to promote Mutual Literary and Scientific Exchanges with Foreign Countries.

Secretary under direction, &c. to obtain foreign books, &c. for the library in exchange for maps and books; and to print extra copies of documents for the purpose.

Resolved, That the Secretary of the Commonwealth, under the direction of His Excellency the Governor, be authorized to exchange copies of the State map of Massachusetts, not exceeding twenty in number, and bound copies of the laws and legislative documents of the Commonwealth for the current political year, not exceeding fifty volumes of each, for books and other works of science and art from foreign countries, to be deposited in the library of the General Court. And the Secretary is hereby authorized to cause fifty copies of each of the said documents for every future year to be printed over and above the number, now authorized by the General Court, and to be bound in volumes and set aside for the purpose of effecting the aforesaid exchanges hereafter.

Resolved, That His Excellency the Governor be authorized to appoint some suitable person residing in the city of Paris, France, to be the agent of this Commonwealth, in transmitting to, and receiving from the Secretary's office, all such books and other works of science and art, as may be addressed to his care in pursuance of the object of the preceding resolve, and to audit and allow all reasonable charges of said agent for the receiving, packing, carriage and exportation of said objects of exchange: *provided*, that the total sum so expended shall not exceed three hundred dollars. [*Approved by the Governor, Feb. 27, 1845.*]

Governor authorized to employ agent in Paris to conduct exchanges at a cost not exceeding \$300.

RESOLVE on the Petition of George Morey.

Resolved, That, for reasons set forth in said petition, George Morey, of Boston, in the county of Suffolk, trustee under the last will and testament of Asa Richardson, late of said Boston, merchant, deceased, or his successor in said trust, be, and he hereby is authorized to sell and convey, in such manner, on such terms, and for such prices, as he shall deem expedient, at public auction or private sale, the whole or any part of a certain piece or parcel of land, with the buildings thereon standing, situate in Boston aforesaid, and bounded and described as follows: that is to say, beginning at the northeasterly corner thereof, at the southeasterly corner of a lot of land, formerly the site of the public Latin school-house and school-house yard, but now belonging to the Massachusetts Horticultural Society, thence running in a southwesterly direction along a lane, court or avenue, formerly called Cook's Court, now called Chapman Place, to a brick partition wall, which separates this piece or parcel of land from land now or late of Hannah Thayer, there measuring sixty-one feet and three inches, more or less; then turning and running in a westerly direction along said brick partition wall, and there measuring forty-two feet, more or less, to land formerly of Moses Gill; then turning and running in a northeasterly direction along said land, formerly of said Gill, sixty-one feet and three inches, more or less, to land of said Massachusetts Horticultural Society; then turning and running in an easterly direction along said land of said Horticultural Society, thirty-eight feet and three inches, more or less, to the point of beginning, or however otherwise bounded, measured or described, together with all the rights, easements, privileges and appurtenances thereunto belonging and appertaining. Said estate being the same conveyed to said Asa Richardson by John Ballard, Jr., by deed dated January thirtieth, in the year of our Lord eighteen hundred and sixteen, recorded in the registry of deeds for Suffolk County, book two hundred and fifty, leaf sixty-six; and to make, execute and acknowledge such deeds thereof in fee simple, to the purchaser or

Chap. 52.

Trustee under will of Asa Richardson authorized to sell and convey real estate in Boston.

Investment of proceeds for purposes expressed in the trust.

Provided, &c.

purchasers, as to said Morey, or his successor, may seem expedient. And the proceeds of the sale of said estate shall be held by said Morey, or his said successor and successors, upon the same trusts, and for the same intents and purposes, as said estate itself would have been held, had it not been sold and conveyed under the authority and in pursuance of this resolve: *provided, however*, that previously to any sale, the said Morey shall give bonds to the satisfaction of the judge of probate for the county of Suffolk, for his acts and doings in the premises, and to account for and dispose of the proceeds of the sale of said estate, according to the provisions hereinbefore contained, if the bond already given by said Morey is not, in the opinion of said judge of probate, sufficient for the performance of said trust. [*Approved by the Governor, Feb. 27, 1845.*]

Chap. 53.

Treasurer to surrender obligations for lands in Maine.

RESOLVE on the Petition of Samuel Smith.

Resolved, for reasons set forth in the said petition, that the treasurer of the Commonwealth be, and he hereby is, authorized and empowered to give up to the said Samuel Smith, two several obligations signed by him, one of them dated August 1st, 1843, and payable on or before the first day of August, one thousand eight hundred and forty-seven, being for the sum of two thousand eight hundred and sixty-five dollars and twenty-two cents; the other bearing the same date and payable at the same time, being for the sum of eight hundred and twenty-one dollars and six cents; this release is in full satisfaction for all loss or deficiency experienced by the said Smith, by reason of any misrepresentation alleged to have been made by the officers employed by the Commonwealth of Massachusetts, of the quality of township number six, and of the northwest quarter of township number five, both in the fifteenth range of lands owned by the Commonwealth of Massachusetts, in the State of Maine, jointly with that State, and both sold to the said Samuel Smith. [*Approved by the Governor, Feb. 27, 1845.*]

Chap. 54.

Trustee under will of Mary Ellms, may sell and convey real estate.

Investment of proceeds for purposes expressed in the trust.

Provided, &c.

RESOLVE on the Petition of John B. Turner.

Resolved, for reasons set forth in the said petition, that John B. Turner, trustee under the will of Mary Ellms, late of Scituate, in the county of Plymouth, widow, deceased, is hereby empowered to sell, at public or private sale, the real estate, whereof the said deceased died, seized, and which she devised in trust, and to convey the same by deed duly executed and acknowledged; and the said trustee shall hold and invest the proceeds of such sale, for the purposes of the trust created in said will, in such manner as shall be approved by the judge of probate of said county of Plymouth; *provided*, that said trustee shall first give bond, with sufficient sureties to the said judge of probate, for the

faithful execution of the power hereby conferred. [*Approved by the Governor, Feb. 27, 1845.*]

RESOLVE relating to the Sale of Public Lands.

Resolved, That the Land Agent be hereby empowered to sell several townships or tracts of land, belonging to this Commonwealth, and situated in the State of Maine, on such terms as he may deem expedient, and to make good and sufficient deeds of the same: *provided, however*, that the aggregate sales authorized by this resolve, shall not exceed six townships. [*Approved by the Governor, Feb. 27, 1845.*]

Chap. 55.

Land agent may sell and convey six townships, &c.

RESOLVES concerning the Naturalization Laws.

Whereas, the purity of the ballot box is indispensable for the security of the rights, and the free and full expression of the will of the people; and whereas experience has clearly demonstrated, that the naturalization laws of the United States are loose and defective, affording opportunities for the perpetration of gross frauds, destructive alike to the rights and morals of our citizens, and the stabilities of our institutions: Therefore,

Resolved, That the rights, interests, and morals of the people demand an immediate and thorough revision of the naturalization laws; and we regard it as the imperative duty of Congress so to amend those laws, that, while a liberal and just policy shall be adopted towards such foreigners as are, or may come among us, the rights and privileges of our countrymen shall be kept inviolate, and the ballot box permanently guarded against every improper influence.

Revision and amendment of the naturalization laws necessary.

Resolved, That our senators and representatives in Congress, are hereby especially requested to use their utmost exertions forthwith, to procure such amendments in the naturalization laws, as shall carry out and perpetuate, as far as possible, the principles indicated in the foregoing resolve.

Senators and representatives requested to use exertions, &c.

Resolved, That His Excellency the Governor be requested to transmit a copy of these resolves to each of our senators and representatives in Congress. [*Approved by the Governor, March 1, 1845.*]

Copy to be transmitted, &c.

RESOLVE on the Petition of the County Commissioners of the County of Worcester.

Chap. 57.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to the county commissioners of the county of Worcester, eighteen hundred and eleven dollars and ninety-six cents, in full for the support of John McLaraen, from the first day of July, in the year one thousand eight hundred and thirty-nine, to the first day of January, in the year one thousand eight hundred and forty-five; Sarah Wilson, from the first day

Allowance of \$1811 96 for support of lunatic State paupers.

of July, in the year one thousand eight hundred and thirty-nine, to the time of her decease, in the year one thousand eight hundred and forty-four; William Sherenden, from the first day of July, in the year one thousand eight hundred and thirty-nine, to the time of his decease, in the year one thousand eight hundred and forty-two; Henry Peets, from the first day of July, in the year one thousand eight hundred and thirty-nine, to the time of his decease, in the year one thousand eight hundred and forty-four; Charles Jones, from the fourteenth day of October, in the year one thousand eight hundred and forty-two, to the first day of January, in the year one thousand eight hundred and forty-five,—they being lunatic State paupers; and that the Governor draw a warrant therefor accordingly. [*Approved by the Governor, March 4, 1845.*]

Chap. 58.

RESOLVE on the Petition of Nathaniel Watson.

Allowance of
\$116 34, for ar-
resting prisoner
escaped, &c.

Resolved, for reasons set forth in the petition, that there be allowed and paid out of the treasury of the Commonwealth, to Nathaniel Watson, of East Cambridge, one hundred and sixteen dollars and eighty-four cents, in full reimbursement for his expenses, in pursuing and arresting one Michael B. McKay, who escaped from jail on the thirty-first of August last, and one John Prescott, who aided in the escape of said McKay and Thomas Chubb, junior; and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, March 4, 1845.*]

Chap. 59.

RESOLVE on the Petition of Charles Henry Parker.

Allowance of
\$15, for legal
services.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Charles Henry Parker, of Boston, fifteen dollars, in full for services rendered in August of the year one thousand eight hundred and forty-four, at the request of the district attorney of the southern district; and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, March 4, 1845.*]

Chap. 60.

RESOLVE on the Petition of James S. Hancock.

Allowance of
\$33, for arrest
of fugitive.

Resolved, for reasons set forth in the petition, that there be allowed and paid out of the treasury of the Commonwealth, to James S. Hancock, of Lowell, thirty-three dollars, in full reimbursement for his expenses in pursuing and arresting John Prescott, who had aided in the escape of Michael B. McKay and Thomas Chubb, junior, from jail on the thirty-first of August last; and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, March 4, 1845.*]

RESOLVE on the Petition of Nathaniel Hinckley, Charles Marston and Luther Hinckley, Commissioners of Marshpee.

Chap. 61.

Resolved, for reasons set forth in the petition, that there be allowed and paid out of the treasury of the Commonwealth, to Nathaniel Hinckley, eighty-one dollars and twelve cents, and to Charles Marston, seventy-two dollars and fifty cents, and to Luther Hinckley, seventy-two dollars and seventy-five cents, in full liquidation of their claims respectively, as commissioners of Marshpee, under the act passed March third, in the year one thousand eight hundred and forty-two; and that the Governor draw his warrants therefor accordingly. [*Approved by the Governor, March 4, 1845.*]

Allowances of
\$26 37 to
commissioners.

RESOLVE on the Petition of Isaac D. Rice.

Chap. 62.

Resolved, for reasons set forth in the petition, that Isaac D. Rice, of Oakham, in the county of Worcester, executor of the last will and testament of David Rice, late of said Oakham, deceased, be, and hereby is authorized to convey in fee simple by a good and sufficient deed to Avery Bush of said Oakham, all the right, title and interest which the said David Rice had, at the time of his decease, in and unto a certain farm situated in said Oakham, containing seventy acres more or less; being the same particularly described in a deed from Lewis Fales to Harry Fales, recorded in the registry of deeds for said county of Worcester, book 183, page 98. Also, in and unto one other tract of land adjoining the above described farm, containing about five acres more or less, and particularly described in a deed from Joseph Clapp to Harry Fales, recorded in said registry, book 301, page 155: *provided*, that the said Isaac, as executor aforesaid, shall account to the judge of probate for said county of Worcester, for whatever sums he may receive for said conveyance, according to the provisions of a certain bond given by said David Rice and one Nathan Rice, to said Avery Bush, dated the twenty-seventh day of April, in the year one thousand eight hundred and forty-one. [*Approved by the Governor, March 5, 1845.*]

Executor of
will of David
Rice authorized
to sell and con-
vey real estate
in Oakham to
Avery Bush.

Provided, &c.

RESOLVE on the Petition of Edward S. Rand, Guardian of Helen Morse and Martha Rand Morse.

Chap. 63.

Resolved, for the reasons set forth in the said petition, that the said Edward S. Rand be, and he hereby is authorized to sell, convey and release, unto Josiah Bradlee, of Boston, in the county of Suffolk, his heirs and assigns, all the interest of the said minors in that parcel of land situate in said Boston, which was conveyed to the said Bradlee by Isaac Rand, late of said Boston, deceased, and more fully described in the deed of the said Isaac Rand to the said Bradlee, recorded in the Suffolk county registry of

Guardian au-
thorized to sell
and convey real
estate in Bos-
ton to Josiah
Bradlee.

deeds, book 520, leaf 231, and especially all interest of the said minors therein, under and by virtue of the condition mentioned in the said deed, and to execute and deliver a sufficient deed of release of the same, the said Rand giving bond before said sale or release to the judge of probate for the county of Suffolk, that he will exercise the powers herein conferred in a faithful manner and for the best interests of said minors, and that he will duly account for any and all money or other proceeds arising from the above sale or release. [*Approved by the Governor, March 5, 1845.*]

Provided, &c.

Chap. 64.

RESOLVE for the Distribution of Certain Documents.

Laws, &c. to be sent annually to New York Historical Society, and American Statistical Association.

Resolved, That the Secretary of the Commonwealth be, and he is hereby directed to distribute, annually, one copy of the published laws of the Commonwealth, and one copy of the documents of the General Court, printed by order of either branch of the same, to the New York Historical Society, established in the city and State of New York, and also to the American Statistical Association established in the city of Boston. [*Approved by the Governor, March 6, 1845.*]

Chap. 65.

RESOLVE relating to Gun Houses.

Adjutant General authorized to make alterations, &c. in gun-houses, at an expense not exceeding \$4,000, &c.

Resolved, That the Adjutant General be, and he is hereby authorized and required to make such alterations and repairs upon the gun houses of the Commonwealth as, in his opinion, may be necessary for the safe-keeping and preservation of the property of the State, and for the accommodation of the different corps meeting therein: *provided*, that the expense thereof shall not exceed four thousand dollars, and that the same be defrayed out of the funds now in his hands. [*Approved by the Governor, March 7, 1845.*]

Chap. 66.

RESOLVES authorizing the Adjutant and Acting Quarter Master General to employ a Clerk.

Adjutant General may employ a clerk, with a salary of \$600.

Resolved, That the Adjutant and Acting Quarter Master General be hereby authorized to employ a clerk to assist him in the discharge of the duties of his several departments, and to allow him, for his services, the sum of six hundred dollars per year, to be paid in quarterly payments, and the Governor is hereby authorized to draw his warrants on the treasury accordingly.

When to take effect.

Resolved, That these resolves shall take effect from and after their passage. [*Approved by the Governor, March 7, 1845.*]

Chap. 67.

RESOLVE on the Petition of Henry W. Bishop.

Allowance of \$31 15.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Com-

monwealth, to Henry W. Bishop, the sum of thirty-one dollars and fifteen cents, and that the Governor be authorized to draw his warrant accordingly. [*Approved by the Governor, March 7, 1845.*]

RESOLVE relating to the Public Archives.

Chap. 68.

Resolved, That the sum of five hundred dollars be hereby appropriated, to be expended by the Secretary of the Commonwealth, under the direction of His Excellency the Governor, in providing for completing the arrangement of the papers and documents in the public archives of the Commonwealth, and that a warrant be drawn accordingly. [*Approved by the Governor, March 7, 1845.*]

Secretary, under direction, &c. authorized to complete arrangement of public archives, at an expense of \$500.

RESOLVE concerning the Militia Laws.

Chap. 69.

Resolved, That the Adjutant General be, and he is hereby authorized and required to prepare, and cause to be printed in a convenient form, a digest of the existing laws of the Commonwealth in relation to the militia, and to furnish one copy of the same to each commissioned officer in the militia service, to the assessors, and to the city and town clerks of the several cities and towns, and that three hundred dollars be appropriated from the funds in the hands of the Adjutant General to pay the expense thereof. [*Approved by the Governor, March 7, 1845.*]

Adjutant General authorized to prepare, &c. a digest of laws relating to the militia, at an expense of \$300.

RESOLVE on the Accounts of the Land Agent.

Chap. 70.

Resolved, That George W. Coffin, Land Agent of the Commonwealth, be, and he hereby is discharged from the payment of the sum of two hundred and sixty thousand, one hundred and sixty dollars and sixty-one cents, the receipt of which is acknowledged in his account with the Commonwealth, for sales of land during the year one thousand eight hundred and forty-four. [*Approved by the Governor, March 7, 1845.*]

Land Agent discharged from obligation for \$260,160 61, proceeds of land sales in 1844.

RESOLVE concerning the Distribution of Equipments and Camp Equipage.

Chap. 71.

Resolved, That the Adjutant and Acting Quarter Master General be, and he is hereby authorized and directed to distribute, to the different corps of the volunteer militia of this Commonwealth, such articles of equipment and camp equipage as are now in the State arsenals, or may hereafter be received from the United States, under the act of Congress, passed in the year one thousand eight hundred and eight, upon such terms and requirements as are exacted by the laws relating to the distribution of arms. [*Approved by the Governor, March 10, 1845.*]

Adjutant General to distribute equipments, &c. to volunteer militia, &c.

Chap. 72.

RESOLVE for the Payment of sundry Miscellaneous Accounts.

Allowance of
\$485 66.

Resolved, That there be allowed and paid, out of the public treasury, to the several persons mentioned in the accompanying roll, the sums set against their names respectively, amounting in the whole to the sum of four hundred and eighty-five dollars and sixty-six cents, the same being in full discharge of the accounts and demands to which they refer, and that a warrant be drawn accordingly. [*Approved by the Governor, March 10, 1845.*]

Chap. 73.

RESOLVE on the Petition of the Overseers of the Poor of the Town of Franklin.

Allowance of
\$14 56 for the
support of a
State pauper.

Resolved, for reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Franklin, fourteen dollars and fifty-six cents, in full, for the support of Francis Elizabeth Smith Gray for the year one thousand eight hundred and forty-three, said Francis being a State pauper under the age of twelve years, and having been omitted in the return of the overseers of the poor of said town for the year aforesaid, and that the Governor draw a warrant therefor accordingly. [*Approved by the Governor, March 10, 1845.*]

Chap. 74.

RESOLVE on the Petition of Calvin Willard.

Allowance of
\$54 25 for dis-
tribution of pub-
lic documents,
&c.

Resolved, for reasons set forth in the petition, that there be allowed and paid, out of the treasury of the Commonwealth, to Calvin Willard, of Millbury, fifty-four dollars and twenty-five cents, in full, for his services in the distribution of public documents, under the direction of the Secretary of the Commonwealth, and that the Governor draw a warrant therefor accordingly. [*Approved by the Governor, March 10, 1845.*]

Chap. 75.

RESOLVE granting Taxes for the several Counties.

County taxes,
amounting to
\$184,300.

Resolved, That the sums placed against the names of the several counties in the following schedule, are hereby granted as a tax for each county respectively, to be assessed, paid, collected and applied according to law, viz: county of Worcester, twenty-seven thousand dollars; county of Essex, thirty-two thousand six hundred dollars; county of Hampshire, seven thousand five hundred dollars; county of Bristol, twenty-two thousand dollars; county of Norfolk, eight thousand dollars; county of Berkshire, thirteen thousand dollars; county of Plymouth, ten thousand dollars; county of Hampden, thirteen thousand five hundred dollars; county of Franklin, six thousand dollars; county of Barnstable, five thousand five hundred dollars; county of Dukes, seven hundred dollars; county of Middlesex, thirty-eight thousand five hundred dollars. [*Approved by the Governor, March 11, 1845.*]

RESOLVE on the Petition of William G. Bates.

Chap. 76.

Resolved, for reasons set forth in said petition, that William G. Bates, trustee of George W. Saxton, and Huldah Saxton, his wife, under a deed of trust made by said George and Huldah, on the eighth day of May, in the year one thousand eight hundred and forty, is hereby authorized to sell, at public or private sale, and to convey a certain tract of land situate in Westfield, in the county of Hampden, with the buildings thereon, containing sixteen acres, bounded north on E. Wellee, east on Enoch Phelps, south and west on the highway, and the same conveyed by said deed of trust, and after extinguishing the claims upon said premises, to invest the remainder of the proceeds in such other property, as, in his discretion, shall be prudent and secure; to pay over the interest thereof to said Huldah, and by consent of said George and Huldah, to pay such part of the principal as shall be necessary for the maintenance and education of their minor children, and in all other things to dispose of the same, according to the provisions of said deed of trust: *provided*, said trustee first give bond to the judge of probate for said county of Hampden, in such sum as said judge shall deem sufficient, for the faithful performance of said trust. [*Approved by the Governor, March 11, 1845.*]

Trustee authorized to sell and convey real estate in Westfield.

Investment and appropriation of proceeds.

Provided, &c.

RESOLVE on the Petition of Jonathan A. Ireland.

Chap. 77.

Resolved, for reasons set forth in said petitions, that Maria Ireland, wife of said Jonathan, a minor under the age of twenty-one years, is hereby authorized to join with her said husband in executing any deed or deeds of an undivided half of certain real estate, situate in Newton, in the county of Middlesex, consisting of three lots, containing in all about twenty-four acres, more or less, with the buildings thereon, being the estate which descended to said Maria and one George E. Adams, as heirs at law of their father Elijah Adams, late of said Newton, deceased; and any deed or deeds duly executed by said Maria, jointly with her said husband, shall be good and sufficient in law, to convey said premises: *provided*, the guardian of said George E. Adams, after being duly authorized and licensed for that purpose, shall sell, convey, and execute deed or deeds of the right and interest, said George E. Adams has in said premises. [*Approved by the Governor, March 11, 1845.*]

Minor authorized to join, &c. in conveying real estate in Newton.

Provided, &c.

RESOLVE in relation to the Arsenal Lot in Cambridge.

Chap. 78.

Resolved, That the Governor and Council are hereby authorized to cause any portion of the arsenal lot in Cambridge, to be exchanged for any other land in said town, and to cause, or allow any road to be made across said lot,

Governor and Council authorized to exchange portion of arse-

nal lot in Cambridge, and to allow a road across the same.

upon such terms as they may deem meet and for the public interest. [*Approved by the Governor, March 14, 1845.*]

Chap. 79.

RESOLVE on the Petition of the Citizens Bank, of Nantucket.

Allowance of \$500.

Resolved, for reasons set forth in the said petition, that the sum of five hundred dollars be paid, out of the treasury of this Commonwealth, to the Citizens Bank, of Nantucket, in full for all claims of said bank upon the Commonwealth, and that His Excellency the Governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, March 14, 1845.*]

Chap. 80.

RESOLVE on the Petition of Increase N. Emerton.

Annual allowance of \$50 for five years.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to Increase N. Emerton, of Lynn, an annual pension of fifty dollars, for five successive years, payable on the first Monday of April in each year, and that warrants be drawn accordingly. [*Approved by the Governor, March 14, 1845.*]

Chap. 81.

RESOLVE authorizing the Land Agent to act in certain cases.

Land Agent to reclaim lands for the Commonwealth, conveyed on condition not fulfilled.

Resolved, That the Land Agent be, and he is hereby directed, to take such measures as he may deem necessary, to recover to the Commonwealth, the possession of lands heretofore granted by said Commonwealth, on condition that the grantees of the same should place upon the lands so granted, within a certain time, a specified number of settlers, in those cases where the said condition has not been complied with: *provided, however*, that compliance with the provisions of a resolve, passed on the first day of April, one thousand eight hundred and thirty-six, entitled, "a resolve relating to the fulfilling the conditions of the sale of the public lands," shall be deemed and taken to have been a full and satisfactory performance of the conditions aforesaid; and the title to the lands so granted, is hereby declared to be complete in the grantees or their assigns: *and provided, further*, that the Land Agent shall first give notice to the delinquent proprietors of lands so granted, either by writing, in cases where the parties are known, or by publication made for three months, in two or more of the public newspapers, in each of the States of Maine and Massachusetts, of the passage of this resolve, and that the said delinquent proprietors shall fail to give the evidence necessary to prove their title complete, to the said Land Agent, on or before the first day of December next. [*Approved by the Governor, March 14, 1845.*]

Provided, &c.

Notice to be first given, &c.

RESOLVE authorizing the Adjutant General to purchase "Cooper's Tactics."

Chap. 82.

Resolved, That the Adjutant General is hereby authorized and required to contract for a sufficient number of "Cooper's Tactics for the regulation of the Militia," to supply each field, staff, and company officer of the volunteer militia of the State, with one copy; such copy to be considered and held to be public property, and to be delivered to his successor in office; the expense thereof to be defrayed out of the funds now in the hands of the Adjutant General. [Approved by the Governor, March 14, 1845.]

Adjutant General to supply field, staff, and company officers, &c.

RESOLVE concerning Revolutionary Rolls.

Chap. 83.

Resolved, That the Secretary be authorized and directed to proceed with the preparation of the Index of the Revolutionary Rolls, exhibiting the names in exact alphabetical order, and that the Governor be authorized to draw his warrant for the sum of six hundred dollars, towards defraying the cost of said Index, in addition to the appropriation of the tenth day of March, in the year one thousand eight hundred and forty-four. [Approved by the Governor, March 17, 1845.]

Secretary to proceed with Alphabetical Index, &c., at an expense of \$500 additional, &c.

RESOLVE on the Petition of George J. Goodwin.

Chap. 84.

Resolved, for reasons set forth in said petition, that the said George J. Goodwin, trustee under the will of David Wilson, deceased, or his successor in said trust, be, and he hereby is authorized to sell and convey, at public or private sale, the land and the buildings thereon, situate on Southac Street, in the city of Boston, held in trust by said Goodwin, under said will, and all the privileges and appurtenances thereto belonging, and to make and execute good and sufficient deed or deeds thereof, in fee simple, to the purchaser or purchasers: *provided*, that the said trustee shall first give bonds to the judge of probate for the county of Suffolk, to account for and dispose of the proceeds thereof, according to the will of said David Wilson. [Approved by the Governor, March 17, 1845.]

Trustee authorized to sell and convey real estate in Boston.

Provided, &c.

RESOLVE concerning the Quarter Master General's Department.

Chap. 85.

Resolved, That the sum of three thousand two hundred and eighty dollars be hereby appropriated to defray the expenses of the quarter master general's department, for the current year, and that warrants be drawn therefor. [Approved by the Governor, March 17, 1845.]

Appropriation of \$3,280.

RESOLVE concerning the State Map.

Chap. 86.

Resolved, That thirty copies of the State Map be placed at the disposal of His Excellency the Governor, for distribution by him, in the United States, and that the Secretary of the Commonwealth be directed to furnish such copies,

The Governor authorized to distribute 30 copies, &c.

from time to time, as the same may be wanted. [*Approved by the Governor, March 18, 1845.*]

Chap. 87.

RESOLVE on the Petition of Jane Williams.

Judge of probate, of Norfolk, authorized to license petitioner to sell and convey real estate in Dorchester.

Resolved, for reasons set forth in the petition, that the judge of probate, for the county of Norfolk, be, and he hereby is authorized and empowered to grant license to Jane Williams, if, upon due notice and consideration, in his judgment, such license ought to be granted, to release the right and interest of her minor children, viz. : Caleb O. Williams, George Williams, Samuel Williams, Eunice E. Williams, and Josiah Williams, in and to the following described estate, viz. : three parcels of real estate, formerly owned by Nathaniel Clapp, of Dorchester, deceased. The first parcel consists of a lot of land, with the mansion-house and buildings thereon, situated in said Dorchester, containing two and one-half acres and nineteen rods, bounded southeasterly on the road leading to South Boston, northerly on the road leading to Roxbury, and westerly on land of the late John Hawes. The second parcel consists of a lot of land situated in said Dorchester, opposite to the above, containing half an acre, bounded northwesterly on the road leading to South Boston; southwesterly by land of Ebenezer Sumner, and southeasterly by land of the late Ebenezer Sumner. The third parcel consists of a lot of land situated in said Dorchester, at Little Neck, so called, containing twelve and one-half acres and thirteen rods, of which eight acres are marsh, and the residue thereof is upland, bounded easterly on the Dorchester Turnpike, southerly on the road leading to South Boston, westerly on land of Ebenezer Wales and the South Cove Corporation; northerly on land of the Boston Wharf Corporation; to such person or persons, on such terms, and with such guaranties and sureties as said judge of probate shall order and direct, for the protection of the rights of said minors, and the release of said Jane Williams under the license so granted, being made by deed duly executed, acknowledged and recorded, shall be sufficient and effectual to convey all the said minor's interests in the above premises, to the individual or individuals to whom said release is given. [*Approved by the Governor, March 18, 1845.*]

Provided, &c.:

Chap. 88.

RESOLVES concerning the Convicts in the State Prison.

Allowance of \$100 to be expended by inspectors in books, &c.

Distribution of books.

Resolved, That there be paid out of the treasury of the Commonwealth, to the inspectors of the State Prison, the sum of one hundred dollars, to be expended by them in purchasing books for the use of the convicts in said prison, and that a warrant be drawn accordingly.

Resolved, That the books hereby authorized to be purchased, be distributed among the convicts, in such manner,

and under such regulations, as the inspectors may, from time to time, direct, and that the warden be authorized and required to furnish the convicts such lights as will enable them to read until nine o'clock in the evening. [*Approved by the Governor, March 18, 1845.*]

Warden to furnish lights, &c.

RESOLVE on the Petition of Jane Hunt.

Resolved, for the reasons set forth in said petition, that the Commonwealth hereby releases to the said Jane Hunt, all its right, title and interest, in and to a lot of land in Roxbury, in the County of Norfolk, containing by estimation about two acres, lying on the westerly side of the Norfolk and Bristol Turnpike, more fully described in the deed of Isaac Curtis, of said Roxbury, to said Jane Hunt, dated on the eighteenth day of July, eighteen hundred and thirty-eight, and recorded in the registry of deeds for said county of Norfolk, book 20, folio 41; and the said Jane Hunt is hereby authorized to convey the same, in fee simple or otherwise, free from all claim on the part of this Commonwealth: *provided*, that no legal rights, other than those of this Commonwealth, shall be affected by this resolve. [*Approved by the Governor, March 18, 1845.*]

Chap. 89.

Release of Commonwealth's claim to land in Roxbury.

Provided, &c.

RESOLVES concerning the State Lunatic Hospital.

Resolved, That the trustees of the State Lunatic Hospital be, and they hereby are authorized, to appropriate from the unexpended balance of funds of the hospital, which are applicable to its current expenses, whatever sum, in their judgment, the interests of the hospital may require, for the finishing and furnishing of the buildings, now in process of erection; and also, for the purchase of a certain lot of land, adjoining the lands of the hospital, lately owned by Chandler Smith, deceased.

Chap. 90.

Trustees may appropriate, &c., for finishing buildings, &c.;

and for purchase of land.

Resolved, That the trustees aforesaid, be, and they are hereby authorized to expend, annually, from the funds aforesaid, a sum not exceeding five hundred dollars, for the purchase of land or other property, or for permanent repairs and improvements, which, in their judgment, will promote the interests of said hospital.

Trustees may expend \$500 annually in purchase of land, &c.

Resolved, That, in making up the account for the support of lunatic State paupers at the State Lunatic Hospital, as required by the resolves concerning the State Lunatic Hospital, passed March thirteen, in the year one thousand eight hundred and forty-four, the treasurer of said hospital shall charge for each State pauper, so supported, the sum of two dollars and fifty cents per week, for a term not exceeding thirteen weeks, and two dollars and twenty-five cents per week for a term of more than thirteen weeks, and not exceeding twenty-six weeks, and two dollars per week, for a term more than twenty-six weeks, and less than one year,

Charges to be made by Treasurer for State paupers.

and, for one year, the sum of one hundred dollars, any thing in said resolves to the contrary notwithstanding. [*Approved by the Governor, March 18, 1845.*]

Chap. 91.

RESOLVE on the Petition of Ebenezer Hale.

Petitioner, &c.,
authorized to
sell and convey
real estate in
Newbury and
Newburyport.

Resolved, for the reasons set forth in said petition, that the said Ebenezer Hale, and Sarah W., his wife, shall be, and they are hereby authorized and empowered, to sell, at public or private sale, at any time, at their discretion, and convey the real estate hereafter described, to wit: One lot or tract of land of about eight rods, situate in Newbury, in the county of Essex, at the bottom of Coffin's Lane, on Merrimac River, and adjoining Coffin's building, a ship-yard, so called; one undivided third part of said building yard and flats, bounded, northeasterly by Merrimac River and otherwise, by land formerly of Stephen Coffin; also two and one half acres, more or less, adjoining said building yard, and bounded northwesterly thereby, and by land formerly of said Stephen Coffin; northeasterly by Merrimac River, southeasterly by land late of Thomas Hale, deceased, and southwesterly by land formerly of Lemuel Coffin. One other lot, situate in said Newbury, adjoining said building, or ship-yard, and bounded northeasterly thereby; southeasterly by the lot last above described; southwesterly by land formerly of said Lemuel Coffin, and by land formerly by said Stephen Coffin, and northwesterly by land formerly of said Stephen Coffin, and by Coffin's Lane, so called. One other lot, situate in said Newbury, containing, by estimation, about seven acres more or less, and bounded northwesterly by Newburyport Turnpike: northeasterly by High Street, and by land of William Moulton and others; southeasterly and southwesterly by a way, leading from High Street, to and by the town-house of said Newbury, to the turnpike aforesaid. One other lot in said Newbury, containing, by estimation, about seven acres, more or less, and bounded southeasterly by the said turnpike, southwesterly by a street leading from said turnpike to Pond Street, so called, and northwesterly and northeasterly by said Pond Street and High Street. One other lot in said Newbury, containing about six and one-half acres, by estimation, more or less, and bounded northwesterly by said turnpike, northeasterly by a way leading from said turnpike to High Street, and by land of Mrs. Sarah Wills and others; southeasterly by land late of Richard Pike, deceased, and others; and southwesterly by land of Moses Coffin, Solomon Haskell, and Oak Hill Cemetery, so called. One other lot in said Newbury, containing about two acres, more or less, and bounded northwesterly by Newburyport Turnpike, northeasterly by Oak Hill Cemetery, southeasterly by land of said Moses Coffin, and southwesterly by land of said

Haskell and others. One other lot in said Newbury, containing about two hundred and sixty rods (260) more or less, and is bounded southeasterly by a way, southwesterly by land of the heirs of Joseph Williams, deceased; northwesterly by West India Lane, so called, and northeasterly by land of William Bricher. One other lot in said Newbury, containing one acre, more or less, bounded southeasterly on said turnpike, southwesterly on land of Richard Smith; northwesterly by the way last referred to, and northeasterly by land of James Carey. One other lot in said Newbury, containing about one hundred and eighty-three (183) rods, more or less, and bounded northeasterly by land of the heirs of Joseph Williams, deceased; southeasterly by the way last above-mentioned; southwesterly by land of Joseph Titcomb; and northwesterly by land of said Titcomb, and by West India Lane aforesaid. One other lot in said Newbury, containing about fifty-four rods (54) more or less, and bounded northwesterly by the way aforesaid, northeasterly by land formerly of Israel Young; southeasterly and southwesterly by land of Richard Smith. One other lot in said Newbury, being an undivided third part of about one hundred and seventy-six (176) rods more or less, and is bounded northwesterly on South Street, northeasterly on lands of Enoch Gerrish and others; southeasterly on land of said Gerrish, Samuel Brookings and others; and southwesterly on lands of Silas Lunt and others. Also the following lots or parcels of land, all situate in Newburyport, county of Essex aforesaid, to wit: One lot containing, by estimation, two acres, and bounded southwesterly on Merrimac Street; northwesterly on land of Benjamin Choate; northeasterly on Merrimac River, and southeasterly on land of Michael Pearson. One other lot containing about four hundred and seventy, (470) rods, more or less; and is bounded southeasterly, on Broad Street; southwesterly, on land of Tristram Coffin and others; northwesterly, on Tyng Street, and northeasterly, on Merrimac Street and on land of Benjamin Choate and others. Also, six small lots containing in all about three hundred and fourteen (314) rods, and all bounded southeasterly on a way leading from High Street to Low Street; northwesterly, by land late of Ephraim W. Allen. One of said lots is bounded northeasterly on High Street; northwesterly, by land late of said Allen, and otherwise on land of the heirs of Daniel R. Pingry, deceased; another of them is bounded southwesterly by Low Street, and northeasterly by land late of said Allen; another of them is bounded southwesterly by said Allen's land, and northeasterly by land of said Pingry; and the others are bounded northeasterly and southwesterly by land of said Pingry. One other lot containing about seventy (70) rods, more or

less, and bounded northwesterly on Federal Street; northeasterly, on land of the town of Newburyport; southeasterly, on land of James Young and of Samuel Brookings; southwesterly, by land of the heirs of Charles W. Storey, Solomon Haskell and Nathaniel Noyes. Also, one other lot bounded northeasterly, on Brown's Square, so called; southeasterly, on Green Street; southwesterly, on land of Robert Jenkins, and land of Harrison Johnson, and northwesterly, on Titcomb Street. And the said Ebenezer and Sarah Hale shall pay over the proceeds of said sales to the trustees, appointed by the last will and testament of Moses Brown, Esq., late of Newburyport, in the county of Essex, deceased; and the said trustees shall hold and invest the same to the same uses and ultimate disposal, as is provided in said will, respecting the real estate herein above described: *provided*, that the said trustees shall first give bonds to the judge of probate, for the county of Essex, that they will faithfully execute the powers, hereby granted to them: *provided, also*, that said Ebenezer Hale give bonds before said sale, to said judge of probate for the county of Essex, that he will faithfully execute the power, hereby committed to him, and pay over said proceeds in full to said trustees, immediately after receiving the same. [*Approved by the Governor, March 18, 1845.*]

Investment and use of proceeds.

Provided, &c.

Chap. 92. RESOLVE on the Petition of Nathaniel Hunt, Guardian of the Dudley Indians.

Guardian, under direction, &c. to repair houses in Webster,

Resolved, for reasons set forth in the said petition, that Nathaniel Hunt, guardian of the Dudley Indians, residing within the town of Webster, be hereby authorized, under the direction of the selectmen of said town, to proceed in the execution of such repairs upon the houses, in which the Indians live, as they may deem necessary to the preservation of the same; *provided*, that the amount of money to be expended under this authority, shall not exceed the sum of five hundred dollars: *and, provided further*, that the account of the said Hunt, after being audited by the Governor and Council, shall appear to be correct. [*Approved by the Governor, March 18, 1845.*]

at an expense not exceeding \$500.

Chap. 93.

RESOLVE on the Petition of Albert Hearsey.

Allowance of \$40, for the arrest, &c. of a counterfeiter.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Albert Hearsey of Quincy, forty dollars for the arrest, prosecution, conviction and sentence of David Edwards, a counterfeiter, and that the Governor draw a warrant therefor accordingly. [*Approved by the Governor, March 18, 1845.*]

RESOLVES relating to the State Prison.

Chap. 94.

Resolved, That the Governor with advice of the Council, be authorized to cause to be removed the workshops belonging to the State Prison, now standing on the north side of the prison yard, and to erect in their place a range of shops, to be built of bricks and stone, and covered with a substantial slated roof, in conformity to the plan accompanying these resolves; and that he be further authorized as aforesaid, to cause the brick building belonging to the prison, which has been heretofore used for the storage of goods, to be converted into a dwelling-house, by making such alterations therein, as may be necessary for that purpose.

Governor, with advice, &c. to cause workshops to be removed and erected, &c.

Resolved, That the alterations and repairs above authorized, be done under the supervision of the Warden and Inspectors of the prison, and that they be authorized to employ such convicts in the execution of the work as they may deem expedient.

Under the supervision of the warden and inspectors, who may employ convicts.

Resolved, That the sum of three thousand four hundred dollars, in addition to any unexpended balance which may remain from the appropriation of last year, for the support of the prison, be appropriated from the funds of the prison, for the purpose of carrying the foregoing resolves into effect. [*Approved by the Governor, March 18, 1845.*]

Appropriation of \$3,400 additional, &c.

RESOLVE on the Petition of Frederick Robinson and others, in favor of Richard Nichols.

Chap. 95.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Richard Nichols, of Charlestown, prison agent, fifty dollars, annually, on the first day of April, for three years, and that the Governor draw his warrants therefor accordingly. [*Approved by the Governor, March 18, 1845.*]

Allowance of \$50, annually, to prison agent, for three years, &c.

RESOLVE on the Petition of Arad Denison.

Chap. 96.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Arad Denison, of Leyden, twenty-five dollars annually, for three years, and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, March 18, 1845.*]

Allowance of \$25, annually, for 3 years.

RESOLVE to pay certain Witnesses.

Chap. 97.

Resolved, That there be allowed and paid from the public treasury, to John Quincy Adams Thayer, Gilman Gale, Hermon Abbott, Eliza R. Hemmingway, Sarah G. Bagley, Judith Payne, Olive I. Clark, Celicia Phillips and Elizabeth Rowe, the sum of four dollars each, in payment for their attendance as witnesses before the committee to which were referred the several petitions relating to the factory

Allowance of \$36, to nine witnesses, &c. respecting the factory system, &c.

system, and the hours of labor, and that the Governor be authorized to draw his warrant accordingly. [*Approved by the Governor, March 20, 1845.*]

Chap. 98.

RESOLVES concerning a Map delineating Rail-roads.

Clerk of Senate to print 1,500 copies of amended map.

Resolved, That the Clerk of the Senate cause a representation of the several rail-roads which have been chartered since the publication in 1838, of the map delineating rail-roads in New England, to be laid down on the plate of said map, together with a full representation of the towns through which said rail-roads pass, or are intended to pass, and that fifteen hundred copies thereof be printed for the use of the Commonwealth; and that a warrant be drawn for the payment of the expenses thereof.

And as many more, not exceeding 1,000 copies, for use of corporations defraying the expense of the same.

Resolved, That the Clerk of the Senate be authorized to have stricken off from said plate, such number of copies of said map, as may be requested by the several rail-road corporations: *provided*, the whole number shall not exceed one thousand, and that the expense thereof be defrayed by the corporations applying for the same. [*Approved by the Governor, March 20, 1845.*]

Chap. 99.

RESOLVES on the Petition of the Trustees of the Worcester County Manual Labor High School.

Grant of half a township in Maine, &c.

Resolved, That there be, and hereby is granted to the trustees of the Worcester County Manual Labor High School, in Worcester, their successors in said office or assigns, for the sole use and benefit of said school, one half of a township six miles square, from the unappropriated lands in the State of Maine, which, on the division of said lands, fell to the share of this Commonwealth; subject to all the reservations usual in grants of this kind; the same half township to be vested in said trustees, their successors in said office, and assigns forever, for the sole use and benefit of said school, reserving four hundred acres, one half for the use of schools, and the other half for the use of the ministry therein; the said half township to be laid out under the direction of the Commissioners for the sale and settlement of eastern lands, or of the agent of the Massachusetts land office, at the expense of said trustees: *provided*, the said trustees, within five years from and after the laying out and location of said half township, cause ten families to be settled thereon; and *provided, also*, that said trustees give bond to the Treasurer of this Commonwealth, faithfully to apply the proceeds and avails of said half township, to the sole use and benefit of said Worcester County Manual Labor High School.

400 acres to be reserved, &c.

Provided, &c.

Township to be located, &c. by June 1, 1855.

Resolved, That the said half township of land shall be located agreeably to the foregoing provisions, within ten

years from the first day of June next, otherwise this grant shall be void.

Resolved, That no sale of said half township shall be made by or on behalf of said trustees, unless by the concurrent advice and consent of said trustees or their agent, and the Land Agent of this Commonwealth. [*Approved by the Governor, March 20, 1845.*]

Sale to be made only by concurrence of trustees, &c. and land agent.

RESOLVES respecting State Normal Schools.

Chap 100.

Whereas, Charles Sumner, R. C. Waterston, G. F. Thayer, Charles Brooks, and William Brigham, a committee of friends of education, have presented their memorial to the Legislature, praying that the sum of five thousand dollars may be placed in the hands of the Board of Education, on condition that the said memorialists will place an equal sum in the hands of the said board, to be appropriated for defraying the expenses of providing suitable buildings for the Normal Schools, and for purchasing apparatus and libraries for the same; therefore,

Resolved, That His Excellency the Governor, by and with the advice and consent of the Council, be, and he hereby is authorized and requested to draw his warrant upon the Treasurer of the Commonwealth, in favor of the Board of Education, for the sum of five thousand dollars, at such time as the board shall request: *provided*, that the said board in their request shall certify, that the above named memorialists have placed at their disposal, the sum of five thousand dollars; and the said sums shall then be appropriated by the said board, for defraying the expenses of providing suitable buildings for the State Normal Schools, and for purchasing apparatus and libraries therefor.

Allowance of \$5,000 to Board of Education to provide buildings for Normal Schools, &c.

Provided, &c.

Resolved, That the Treasurer shall take the said sum of five thousand dollars, from the capital of the school fund.

To be taken from the capital of the school fund.

Resolved, That the schools heretofore known as Normal Schools, shall be hereafter designated as State Normal Schools. [*Approved by the Governor, March 20, 1845.*]

Normal Schools to take the name of State Normal Schools.

RESOLVE concerning the Transmission of State Documents.

Chap 101.

Resolved, That the Secretary of the Commonwealth be, and he is hereby instructed, under the direction of His Excellency the Governor, to obtain and forward books and other documents containing information respecting the literary, charitable and other institutions of this Commonwealth, as applications for the same are received from time to time, from the authorities of other States, or of foreign countries. [*Approved by the Governor, March 20, 1845.*]

Secretary under direction, &c. to forward documents, &c. to authorities of other States and countries.

Chap 102. RESOLVE concerning the Boundary Line between Massachusetts and Rhode Island.

Commissioners,
&c. may employ
surveyors,
&c.

Resolved, That the Commissioners appointed to ascertain and establish the true boundary line between the States of Massachusetts and Rhode Island, be hereby authorized to employ surveyors and such other persons, as they may find necessary, to carry out the purposes of their commission. [*Approved by the Governor, March 20, 1845.*]

Chap 103.

RESOLVE on the Petition of Lucy Goddard.

Allowance of
\$50.

Resolved, for reasons set forth in said petition, that there be allowed and paid out of the Treasury of this Commonwealth, to Lucy Goddard, the sum of fifty dollars; and that a warrant be drawn accordingly. [*Approved by the Governor, March 20, 1845.*]

Chap 104.

RESOLVE on the Petition of James Oliver, Cashier of the Lynn Mechanics Bank.

Allowance of
\$300, in repay-
ment of forfei-
ture, &c.

Resolved, for reasons set forth in said petition, that the sum of three hundred dollars, be paid out of the treasury of this Commonwealth, to James Oliver, Cashier of the Lynn Mechanics Bank, in repayment of a forfeiture incurred by reason of the sickness of the clerk of said bank, and that His Excellency the Governor, is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, March 20, 1845.*]

Chap 105.

RESOLVES relating to the Representatives Chamber.

Sergeant at
Arms to re-ar-
range seats in
representatives
chamber, under
direction of a
committee, &c.
for not less than
300 members.
Appropriation
of \$500, &c.

Resolved, That the Sergeant at Arms cause the seats in the representatives chamber to be re-arranged, under the direction of a committee, to consist of the speaker and four members of this house: *provided, however*, that, in making such arrangements, seats shall be provided sufficient to accommodate not less than three hundred members.

Resolved, that the sum of five hundred dollars be appropriated for the above repairs, which sum, or so much thereof as may be necessary to be expended, and the accounts thereof, shall be audited and paid agreeable to the provisions of the act of March eighteenth, one thousand eight hundred and forty-one, entitled "An Act relating to the State House." [*Approved by the Governor, March 22, 1845.*]

Chap 106.

RESOLVE on the Petition of the Soul of Soldiery.

Adjutant Gen-
eral to furnish a
stand of arms.

Resolved, That the Adjutant General be authorized to furnish the military company, known as the Soul of Soldiery, a stand of arms, for the use of said company, and upon such terms and conditions as he may deem expedient. [*Approved by the Governor, March 22, 1845.*]

RESOLVE to repeal a Resolve for the Payment of the Directors of the Western Rail-road Corporation, on the part of the Commonwealth.

Chap 107.

Resolved, That the resolve of April thirteenth, one thousand eight hundred and thirty-seven, providing for the compensation of the directors of the Western Rail-road Corporation, be, and the same is hereby repealed. [*Approved by the Governor, March 22, 1845.*]

Repeal of resolve of 1837, chap. 76.

RESOLVE on the Petition of J. A. Danforth.

Chap 108.

Resolved, for reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to J. A. Danforth, cashier of the Wareham Bank, four hundred dollars, in full remission of the penalty incurred by him by failing to make the return of said bank within the time specified, and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, March 22, 1845.*]

Allowance of \$400 to Wareham Bank, &c.

RESOLVE authorizing the Survey of South Bay and Charles and Mystic Rivers.

Chap 109.

Resolved, That His Excellency the Governor be, and he hereby is authorized and requested, with the advice and consent of the Council, to appoint one or more commissioners to take, or cause to be taken, as soon as practicable, accurate surveys of South Bay and Charles River, Mystic River and pond, above and beyond the limits prescribed to the commissioners heretofore appointed for the survey of Boston harbor, under a resolve passed on the fifth day of March, in the year one thousand eight hundred and thirty-five, to extend to the head of tide water on each, and embracing the marshes and flats, which are overflowed on the spring tides by either, for the security of the said rivers and bay, as reservoirs essential to the continuance and capacity of Boston harbor, for commercial purposes, as well as the facilities of inland navigation and ship-building, now afforded by said rivers, or either of them, and that the said commissioners report how far and to what extent, if any, the said bay, rivers and pond, or either of them, may be curtailed or diminished without endangering the harbor of Boston, and greatly impairing the advantages of navigation and ship-building on said rivers, also to report if there be any means whereby the capacity and beneficial action of said reservoirs upon the harbor may be enlarged and increased. Said commissioners shall make report of their doings, as soon as may be, to the Governor and Council, with such plans, or other sufficient representations and descriptions thereof, as shall clearly and distinctly show and exhibit the same, which report and plans shall be laid before the Legislature by the Governor. Said commissioners shall give at least ten days notice, in three or more newspapers published in Boston, of the time and place of

Governor, with advice, &c., to appoint commissioners for further surveys in Boston harbor, &c.

Commissioners shall make reports, &c.,

to be laid before the Legislature.

Commissioners to give ten days notice, &c. of their meeting.

their meeting, so that all persons interested may appear and be heard in relation to the same.

Governor, with advice, &c., to audit and allow accounts, and to make compensation, not exceeding \$1,500.

Resolved, That the Governor, with the advice and consent of the Council, be, and he hereby is authorized to draw his warrant on the treasurer of the Commonwealth, for such sum or sums of money, not exceeding in the whole fifteen hundred dollars, as may be necessary to carry the foregoing resolve into effect. And the Governor and Council are further authorized and empowered to audit and allow the account of the commissioner, or commissioners, appointed to make the foregoing surveys and plans. [*Approved by the Governor, March 22, 1845.*]

Chap 110. RESOLVE for paying, in part, the Commissioners for Codifying the Criminal Laws.

Allowance of \$3,250.

Resolved, That there be paid, out of the treasury of the Commonwealth, to Willard Phillips, the sum of fifteen hundred dollars; to John G. Rogers, the sum of seven hundred and fifty dollars; to Samuel B. Walcott, the sum of seven hundred and fifty dollars; and to Luther S. Cushing, the sum of two hundred and fifty dollars, respectively, in part payment for their services as commissioners for the codification of the criminal laws; and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, March 22, 1845.*]

Chap 111. RESOLVES concerning the Treatment of Samuel Hoar by the State of South Carolina.

Declaration adopted.

To be transmitted, &c. to be laid before Legislatures.

Resolved, That the declaration annexed be adopted as the act of the Commonwealth of Massachusetts, and that His Excellency the Governor be hereby authorized to transmit one copy of the same to the President of the United States, and one copy to the Governor of each of the States constituting the United States of America, excepting only the State of South Carolina, with a respectful request that the same be submitted to the consideration of the Legislatures of the United States and of the States respectively.

And to be transmitted to the Governor of S. Carolina.

Resolved, That His Excellency the Governor be hereby authorized to transmit to the executive government of the State of South Carolina, a copy of the declaration which has been addressed by Massachusetts to each of the States of the Union.

DECLARATION.

The State of Massachusetts now addresses each of her sister States of the North American Federal Union, and, in the presence of all Christian nations, of the civilized world, and of an omniscient, all-seeing Deity, the final Judge of human action in states as in individuals, enters her earnest and solemn PROTEST against the hostile acts of the State of South Carolina.

Massachusetts thus arraigns South Carolina, because, disregarding the comity acknowledged by all civilized communities as the rule of conduct towards one another, and defying the express stipulations of the Constitution of the United States, a compact into which her citizens voluntarily entered with those of the other States composing the Union, she has, for a period of time now embracing a quarter of a century, persisted, and still persists, in executing a system of legislation, aggressive upon the rights of her sister States, and has refused to submit her action to be judged by the tribunal specified by that Constitution, as the arbiter of their disputes, namely, the Supreme Court of the United States.

This system of legislation, under the color of police laws, has been carried on by South Carolina until it has assumed all of the following principles:—

First. That the State has a right to send officers on board of the ships of other States, touching at her ports, with the design of distinguishing between the persons who constitute the crew, and of seizing, at her sole discretion, and casting into prison, such as she may specify, without the necessity of alleging against them the commission of any crime.

Second. That the State has a right to inflict corporal punishment, by the application of the lash, to any extent, upon the persons of citizens of Massachusetts, solely because they may be found a second time in the ships of their own State touching at her port.

Third. That the State has a right to sell into absolute slavery for life, human beings, unoffending persons, freemen of Massachusetts, entitled, by her Constitution and laws, to the fullest security of life, liberty and property, as well when following a lawful calling on board her ships as when at home.

Fourth. That the State has a right to expel from her territory citizens of Massachusetts going to it, for the sole purpose of seeking the peaceful mode of redress for her citizens which the Constitution of the United States affords, an opportunity to appeal to the courts of the Union.

Fifth. That the State has a right to punish, by fine and imprisonment, any citizen coming from any other State, with the intention to question the validity of laws which assume the right to imprison, to whip, and to sell the freemen of the latter, without hearing, trial, or the allegation of any crime.

In former times, as between independent States, the assumption of powers far more circumscribed than these, would have been met by the resort to arms. But Massachusetts is too well aware of her obligations to endeavor to seek redress in any manner which the Constitution of the

United States and the advancing spirit of Christian civilization would alike condemn. She will not give loose to a spirit of retaliation which the offence might well justify, nor even indulge in language of recrimination that would ill become the disposition she seeks to cultivate towards her sister States. It may be, that, in the contests which mark the progress of the nineteenth century, she will differ from many of them in her mode of adhering to principles of vital importance to human liberty, but she will do so calmly. And though steadfast in the maintenance of her own rights, she will not seek needlessly to attack theirs. This earnest appeal to them shall not be soiled with a single expression which would ever cause a just regret to the remotest descendants of her citizens. It shall claim for them the undisturbed enjoyment of all the privileges which their ancestors braved every danger to secure; but that claim shall be made to rest only upon those immutable principles of justice, of freedom, and of right, which, however smothered for a time by the force of local interests or sectional passions, must in the end extort the assent of the most reluctant heart.

Five and twenty years have elapsed since the date of the first hostile act now complained of; a sufficient time for reason to resume its sway, had the policy been the offspring merely of a momentary alarm and inconsiderate haste. Instead however of relaxing, the subsequent legislation has varied only in its severity. It must now be assumed as beyond a doubt, that South Carolina will not surrender her claim of the right to board the ships of other States, in order to pick out from their crews whom she thinks fit to suspect of evil intention, and to seize and imprison, perhaps to whip, and perhaps to sell into slavery for life, these persons, if she so incline, without being under the necessity of alleging against them any crime beyond that of their appearance in those ships at her ports.

In the long list of offences charged upon the mother country, as justifying the separation of the Colonies, there is not found in the Declaration of Independence, one, the arbitrary character of which, approaches that of the acts committed upon citizens of friendly States, by South Carolina under this claim. For they make of no account whatsoever, the vital principle which animated that, as it must every just struggle of a people for freedom, the principle that no man should be subjected to the loss of life, of liberty or of property, without the allegation of some offence committed, and without being heard in his defence. When the representatives of the Colonies, in 1774, addressed their first remonstrance to the people of Great Britain, they only declared that "they held it essential to English liberty, that no man be condemned unheard, or punished for supposed

offences, without having an opportunity of making his defence." The idea that he could be condemned unheard, without the necessity even of supposing an offence, never occurred to them. That was a position which the most extravagant assessor of the British prerogative would not, in the face of her history, of Magna Charta, of the petition of right, of the execution of Charles, of the bill of rights and the acts of settlement, have conceived it possible to assume.

Had there been no peculiar ties of sympathy, long since created, to bind South Carolina and Massachusetts together,—had they been merely upon the footing of civilized nations at peace with each other,—these acts of the former, and the principles which they involve, could have been regarded in no other light than as intended to provoke hostility. And perseverance in them, after remonstrance on the part of the latter State, would justify retaliation and even war. The recognized law of nations is clear, that an injury either done or threatened to the perfect rights of a nation, or of any its members, and susceptible of no other redress, is a just cause of war. The only justification for her conduct that has ever been attempted by South Carolina, is the plea of necessity of police regulations to her own safety. But this plea, as opposed to the rights of other nations liable to be affected thereby, however potent, cannot be carried to the extent to which that State would push it. Massachusetts denies her right under any such pretence to arrogate to herself a right of jurisdiction over the ships of Massachusetts, or condemning her citizens without appeal, simply because they are following an innocent and honest occupation on board of those ships whilst lying in her harbors. She denies her right under such pretence to violate, at her sole will and pleasure, the perfect rights of other nations, or of any of their members. South Carolina may, if she think fit to press her plea, deprive the citizens of foreign States of certain privileges upon her soil, which comity would grant, but she surely cannot justly claim by it, to board their ships—to make distinctions among the crews of those ships—to compel whom she pleases to enter her territory against their will—to imprison them in her jails—to force the commanders to give bonds to redeem them, and to pay the expenses attending their involuntary detention—to lash them, and to sell them as slaves for life. These acts are acts of war. They have no justification in the recognized intercourse of Christian or civilized nations intending to remain at peace. They lead to the last appeal between sovereigns, and to nothing else. For it is the indispensable duty of the nation thus attacked, in the persons of her citizens, to protect them in every manner possible in the enjoyment of their rights, both of persons and property, she her-

self being the only judge whether it be advisable or not to resort to force. This is a fundamental principle of every social compact. In accordance with this established law of government, Great Britain, which seldom neglects to interpose her arm for the security even of the humblest of her citizens in foreign countries, felt herself called upon to enter a formal complaint against the extension of the operation of these same acts of South Carolina, over her subjects visiting the ports of Charleston in her ships. She remonstrated, not with that State, but with the government of the United States. She appealed to it to maintain the faith of its treaties. William Wirt, a citizen of Virginia, and afterwards of Maryland, then occupying the responsible post of Attorney General of the United States, and entitled to high consideration as a legal authority down to this day, pronounced the complaint well-founded, and the acts complained of, an infraction of "the Constitution, treaties and laws of the United States, and incompatible with the rights of all nations in amity with the United States." South Carolina yielded; but, as if determined to show to the world that she conceded only to the danger of an impending rupture, and not to the conviction of her error, she only suspended the operation of her acts upon the citizens of a powerful foreign nation; whilst she persevered in executing them upon her neighbors and friends, whom it seemed less hazardous to wrong. And thus it is, that more than once, in the harbor of Charleston, citizens of Massachusetts have found, on board of the ships of a foreign State, a refuge from oppression by their fellow countrymen, which their own ought, but was unable to secure to them.

But superinduced upon these general obligations upon all nations to respect the perfect rights of each other, there are special ones which South Carolina, by the voluntary ratification of the Constitution of the United States as a common form of government, assumed towards the citizens of the other States, and among them to those of Massachusetts. Whatever may be the character of that compact, whether between the States or the people of the States, it should be a law equally imperative in its character upon all the parties to it. Massachusetts is prepared to abide by it as well in those portions which are onerous to her, as in those from which she benefits. But when doing this, she expects, nay, she demands, the same rule of action from her sister States. She will never acknowledge the right of any one or more of them, under any plea whatsoever, to set themselves above the obligation of conforming to its terms, particularly in those cases which most nearly touch the privileges secured to her own citizens. It is one of the provisions of the Constitution, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several

States." Massachusetts affirms that this provision has been set aside by the acts of South Carolina. She avers that her citizens are not allowed any privileges and immunities, who are seized, cast into prison, lashed or sold as slaves for life, without a shadow of crime defined against them on her own statute book. She denies that any thing can be called a privilege or immunity, which is attended with so glaring a violation of the right of personal liberty. She now solemnly and before the face of Heaven charges upon South Carolina a deliberate and palpable breach of that condition of the common compact, and she appeals to the sense of justice and of right, both of the living and future generations to answer, that **THE CHARGE IS TRUE.**

But had South Carolina any justification to make of her acts beyond the tyrant's plea; did she join issue with Massachusetts upon the question, who are the citizens of each State entitled to enjoy the privileges and immunities referred to in the Constitution; did she deny that the persons whom she claims the right to seize, to imprison, to whip or to sell, without question, although admitted to belong to Massachusetts ships, are Massachusetts citizens, there is provided for her, under the compact to which she made herself a party, a grave tribunal, to which, in the last resort, every controversy between the States may be brought to a peaceful end. The Constitution assigns to the judicial power of the United States the province of deciding controversies between two or more States, between a State and citizens of another State, or between citizens of different States. Massachusetts has taken every measure in her power to induce South Carolina to submit this question of the validity of these laws, so far as they apply to her citizens, to that power. The great object expected to be gained by the employment of a special agent, was, that the necessary measures might be perfected within the territory of South Carolina, where only they could be taken, to procure an ultimate decision. If Massachusetts be wrong in her view of her rights, she has no reason from the Constitution of that final tribunal, to expect a scruple of partiality in her favor, to weigh in arrest of judgment. But whether wrong or not, she has offered, and does offer, to abide by the award, whatever it may be. And she insists upon her right, under the obligations of the common compact, to demand the assent of South Carolina to the proposal. It is one of the most solemn considerations attending this controversy, that that State has been willing to intrench herself behind every technical obstacle to such a decision; that her citizens, when called upon professionally to take the ordinary steps to forward it in the federal courts, have all declined so to do; that she has now formally prohibited them from accepting any similar trust; and that she has thought proper to threaten with personal violence, in

order to deter from acting, an individual sent from Massachusetts to do what her own citizens have refused to do. The evidence necessary to prove her intent, is then at last complete. It must be assumed that South Carolina now deliberately refuses to recognize the authority of the federal tribunal. She sets herself above the restrictions of the Constitution which she agreed to sustain, and perseveres in the execution of her will at whatever cost. If it be once assumed that the government of the United States has not either power or will to interpose, it becomes a grave question to consider, whether the citizens of Massachusetts can much longer remain bound by their obligations to her, under the compact. Such is the legitimate consequence of the policy she has thought it proper to pursue. Massachusetts presents this view to each of the States, without seeking to encourage any use of the unfortunate liberty which it might be construed to give.

It is true that once an attempt was made in Congress of the United States to sustain by an elaborate report, the position which South Carolina has assumed, upon strictly constitutional ground. And inasmuch as that State, though refusing to submit the argument upon which it rests to the judgment of the Federal Court, has taken the same general basis for the resolutions passed by her Legislature, it acquires a degree of importance, which may bring it within the notice of Massachusetts. The argument is, that in the clause of the Constitution granting to "the citizens of each State *all* privileges and immunities of citizens in the several States," South Carolina is bound to extend to them only the same degree of privilege and immunity that she does to her own population at home "under the like circumstances." Hence it must follow, that if she retains to herself the right to seize, imprison, lash and sell as slaves for life, without charging the commission of any crime, or giving them any hearing, any part of her freemen, she may constitutionally claim to exercise the same power over the freemen of other States "under the like circumstances." With all the inhumanity that ordinarily attends a code of slave laws, there will scarcely be found in them any authority for such a proposition as this, and if there were, its publication in the face of the Christian world, would at once be its condemnation. No. Free negroes are safe from personal harm even in South Carolina, so long as they obey the laws and commit no offence. But the free negroes of Massachusetts are liable, whenever they come into the harbors of Carolina in the vessels of Massachusetts, to be seized, cast into prison, whipped and sold for slaves, notwithstanding that they may manifest no disposition whatever to touch her soil, or to commit the smallest act likely to draw down upon them a suspicion. Are then the cases

parallel even upon the reasoning presented, and does South Carolina, by her own construction of the Constitution, extend to the citizens of each State *all* privileges and immunities which she grants to her own “under the like circumstances”?

But the construction admitted for the sake of the argument, when analyzed, is proved fallacious to the last degree. It has been made to rest upon a definition of citizenship nowhere found in the numerous works upon government which have usually been recognized as authority during the last century, but drawn from a judicial opinion of a court in the State of Kentucky. It is due to the present question to quote it entire as it stands in the original defence.

“The term citizen is derived from the Latin word *civis*, and, in its primary sense, signifies one who is vested with the freedom and privileges of a city. If we go back to Rome, whence the term citizen had its origin, we shall find, in the illustrious period of her republic, that citizens were the highest class of subjects to whom the *jus civitatis* belonged, and that the *jus civitatis* conferred upon those who were in possession of it all rights and privileges, civil, political, and religious. When the term came to be applied to the inhabitants of a State, it necessarily carried with it, the same signification, with reference to the privileges of a city; and it is in this sense that the term citizen is believed to be generally, if not universally, understood in the United States. This, indeed, evidently appears to be the sense in which the term is used in the clause of the Constitution which is under consideration; for the terms “privileges and immunities,” which are expressive of the object intended to be secured to the citizens of each State in every other, plainly import, according to the best usages of our language, something more than those ordinary rights of personal security and property, which, by the courtesy of all civilized nations, are extended to the citizens or subjects of other countries while they reside among them. No one can, therefore, in the correct sense of the term, be a citizen of the State who is not entitled, upon the terms prescribed by the institutions of the State, to all the rights and privileges conferred by those institutions upon the highest class of society,” &c.

Upon a similar idea of citizenship, South Carolina rests the declaration made by her government on the sixth of December, 1844, in these words:

“*Resolved*, That free negroes and persons of color are not citizens of the *United States* within the meaning of the Constitution, which confers upon the citizens of one State, *the* privileges and immunities of citizens in the several States.”

Massachusetts takes issue before the world with South

Carolina upon this position. She maintains the definition to be false, the conclusion from it to be dangerous, and the resolve which rests upon it, to be an essential perversion of the terms of the Constitution which it purports to quote.

Had the Kentucky court turned to the preamble of that Constitution under which it acted, in these words: "We, the representatives of *the people* of the State of Kentucky, in convention assembled to secure to *all the citizens* thereof, the enjoyment of the right of life, liberty and property, and of pursuing happiness, do ordain this Constitution," &c.—would it then have ventured to maintain, in the face of the republican people of that State, that they meant to secure the advantages spoken of only to "the highest class of their society"??

Did it mean to infer that, because there may be free persons in a State who do not enjoy *all* the privileges and immunities conferred upon the highest class of her society, they are not citizens, and are therefore entitled to claim none at all? Hence, that the State in which they live, may at pleasure seize, imprison, order to be beaten with a lash, or sold into slavery for life, all such free persons, without the necessity of alleging against them the commission of any crime?

The court of Kentucky obviously meant to justify no such inference. It construes the terms "privileges and immunities" in the Constitution "to import something *more* than ordinary rights of personal security and property which the courtesy of all civilized nations extends to the subjects or citizens of other States." But if this be at once admitted, how comes it that South Carolina can draw from it any justification in depriving whom she may think fit from other States, even of those "ordinary rights which the courtesy of all civilized nations would extend to them"? The definition then seems to presume something more to be secured than the absolute rights of strangers, "subjects or citizens of other States." The conclusion drawn from it, not merely gives them something less, but utterly denies them any rights whatever. The result of the whole would seem to be, that a portion of the people of Massachusetts or the other States of the Union, instead of gaining any new "privileges and immunities" by the adoption of the federal Constitution, must have been actually deprived by it of those which they would have had without it.

But Massachusetts has learned the doctrines of liberty in no such schools as these. She claims to be a republic, and not an aristocracy. Her Constitution, formed in the midst of the fiery trial of the Revolution, breathes the spirit of the fathers of her freedom. It declares "all men born free and equal, and having certain natural, essential and unalienable rights." The seventh article of her Declaration

of principles affirms, "government to be instituted for the common good; for the protection, safety, prosperity and happiness of the people, and not for the profit, honor, or private interest of any one man, family, or any one class of men." The tenth says that "*each individual* of the society has a right to be protected by it, in the enjoyment of his life, liberty and property, according to the standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary." There is not a word in it about "the highest class of society." Citizenship, according to it, embraces all the members of the social system, who, while contributing to its burdens, earn the right to its protection. The duty of the State is imperative to shield against wrong the humblest of its members not less than the proudest. So far as her Constitution is concerned, she recognizes no distinction of rights between the two.

It is not then as "citizens of the United States," as the State of South Carolina pretends, but because^d they are citizens of Massachusetts, that this State claims the guaranty of the Constitution of the United States to protect her people against wrong in the harbors of Carolina. That instrument explicitly enough says, that "*the citizens of each State,*" not the citizens of the United States, for there are no such persons qualified to make the claim, excepting as they are primarily citizens of some smaller body politic, "shall be entitled to *all* privileges and immunities," not to *the* privileges, as the resolve of South Carolina states it, "of citizens in the several States." The citizens of Massachusetts are entitled in South Carolina to *all* the privileges which citizens of South Carolina themselves enjoy. What the precise extent of those privileges are, it is unnecessary here to inquire, so long as it must be conceded that they cover immunity from gross wrongs. So long as South Carolina arrogates the right of seizing, imprisoning, whipping and selling as slaves for life, any member of the social system of Massachusetts, without cause assigned, hearing or trial, just so long is that immunity referred to in the Constitution wholly set at nought. Neither is it material to the question what the social position of the oppressed persons may be in Massachusetts. They do unquestionably every year exercise the privilege of voting, conceded to all citizens; but if they did not enjoy it, they would be in no worse position than are all women or children under twenty-one years of age. On this, or any similar score, it is not within the competency of South Carolina to make arbitrary distinctions among her people. It is enough that they are human beings, endowed by the Deity with "certain natural, essential, unalienable rights, among which may be reckoned the right of enjoying and defending their

lives and liberties." Massachusetts contracted for their security under the guaranty of the Constitution of the United States, and South Carolina has broken the contract by setting it aside.

The principle which South Carolina has assumed, goes to this length, that she denies the right of other States to decide for themselves, who are or are not their own citizens. She claims the power to distinguish between them, to exclude from the title whom she sees fit, and to take from these, at will, all rights, privileges and immunities, excepting perhaps the right of life. If this construction of the clause in the Constitution be for a moment conceded to be correct, then has every State in the Union the same right to specify and limit the class of persons in other States, whom she will recognize as entitled to privileges and immunities of citizens within her borders. Massachusetts, for example, might with as much reason decide that none but the free negro of South Carolina should be considered by her as a citizen of that State, entitled to the privileges and immunities of citizens, within her limits, as South Carolina does that none but the white man of Massachusetts should be so regarded within hers. The power and right of one State to make such a decision is co-extensive with that of the other to make an opposite one. Both make the guaranty of the Federal Constitution void and of no effect. Both vest the power of making vexatious distinctions and preferences in the very hands out of which that instrument obviously intended for the sake of the general peace to take it. Massachusetts has not, on her part, ever claimed any similar right. She submits to be bound by the paramount obligation of the common compact, but at the same time she requires that other States in the same position, will equally submit, and she demands that the State which denies that obligation in points onerous to herself, should cease to urge the performance by the rest of those conditions by which she only is to be benefited.

But not content with a simple refusal to acknowledge the validity of any rule of reciprocity between States, whether that rule be laid down by the general law of nations, or by the special conditions of a written contract, South Carolina has thought it becoming her character as a civilized community, to vent her indignation upon one respectable citizen of Massachusetts, who ventured to undertake the simple duty of entering her territory for the purpose of forwarding the necessary legal measures to obtain an adjudication of this controversy in the Federal Courts. She has chosen to order his expulsion from her territory, and to accompany her order, with a wilful misrepresentation of the character in which he came. She has chosen to affix penalties to the attempted performance of any similar trust hereafter.

These are facts which the laws and recorded resolutions of her Legislature place beyond the reach of denial. Massachusetts will notice them in this connexion only, that the sketch of the principles and policy of that State may be made more complete. One purpose for which Mr. Hoar was sent to South Carolina, was to test the disposition of that State to submit to the conditions of the Constitution of the United States; and it has been fully answered. In other respects, the action that has been had upon the agent is of no material consequence. The dignity of Massachusetts can never be tarnished by a simple and rigid adherence to the line of her positive duties. Neither could it be heightened by retorting acts or words of impotent violence, for an equally impotent insult.

There remains, however, one more duty to be performed. However confident Massachusetts may be that her preceding course has been, in every respect, justifiable in this controversy, yet a decent respect for the opinions of mankind would seem to require a brief recapitulation of her several acts, in order that a full and clear judgment may be formed as to the question, which of the two governments most nearly follows the line that Christian principles and the courtesy of modern civilization would prescribe.

If there be any force in the concurring sentiments of all authorities upon the nature and end of government, there is no principle more clear than this, that it is the indispensable duty of a State to do every thing within its power that may protect its members against wrong. This is a fundamental principle of the social compact. Massachusetts could never disregard it with impunity to her reputation, so long as a path of living light is marked out for her in the first part of her own Constitution. Founded upon the basis of equal rights among the members of her society, it was not for her to be outdone in earnestness for their defence against oppression by the government of a monarchy which acknowledges no such equality. Yet Great Britain had remonstrated against the oppressive character of the laws of South Carolina upon her subjects, long before Massachusetts did, and, what is more, she obtained a suspension of their operation upon them, which Massachusetts has failed to do. What the cause of the difference in the treatment of the two States could have been is difficult at this time to point out. It may have been owing to the conciliatory temper of the latter, which induced her to bear for a time in silence rather than to hazard a dispute with a sister State. The citizens of the State whose rights were attacked, early remonstrated, and were only deterred from pursuing the question in the Federal Courts by the remonstrances of a judge of those courts, who assured them that the evil complained of, was only temporary in its character,

and would be remedied by the voluntary act of the State courts themselves. Such was not, however, the result. Those courts, when appealed to, sustained the validity of the laws, and technical obstacles defeated a decision by that of the United States. But William Johnson, himself a native and citizen of South Carolina, and then the judge of the Supreme Court of the Union, already alluded to, did not hesitate, upon the general merits of the question, to pronounce the decided opinion that the acts complained of “trampled on the Constitution,” and “implied a direct attack upon the sovereignty of the United States.”

So long as sentiments like these could be heard and tolerated in the heart of Carolina itself, as expressed by distinguished jurists, there was reason to hope that these acts, originally the offspring of fear, whose ears are always deaf to the calls of humanity or justice, would pass away with the memory of the events that occasioned them. But fourteen years elapsed. The judge, who had been so candid in expressing his convictions, was removed from the sphere of human action, and left no echo of his voice behind him. And the apparent success of Carolina in maintaining her policy, tempted many of her sister States to follow her example. A few of them, whilst adopting her system, were careful to avoid her errors. Others were less regardful. But it is of the States of South Carolina and Louisiana that Massachusetts has the most cause to complain, because it is to the ports of Charleston and New Orleans that her ships and citizens most resort. Yet, notwithstanding that aggravated cases of wrong, endured by them, were occurring every year, it was not until 1836 that petitions were addressed to the Legislature invoking the interposition of the State. Even then the great anxiety to avoid any unpleasant collision with her sister States, led her to postpone action upon them for three years or more. But her duty was not the less distinctly laid down before her, and seeing that the perseverance of South Carolina and other States in their aggressive policy was no longer to be doubted, she directed the following remonstrance to be recorded upon her statute book :

“Resolves concerning certain laws of other States, which affect the rights of citizens of Massachusetts.

Whereas, under the laws of several States in this Union, citizens of this Commonwealth, visiting those States for purposes of business, or driven thither by misfortune, often have been, and continue to be, though guiltless of crime, cast into prison, subjected to onerous fines, and in many instances sold into slavery : therefore

Resolved, That it is a paramount duty of Massachusetts, to protect her citizens in the enjoyment and exercise of all

the rights to which, by virtue of their citizenship, they are entitled.

Resolved, That this Legislature hereby protests against the laws in question, as invading the sacred rights of citizens of this Commonwealth, as contrary to the Constitution of the United States, and in utter derogation of that great principle of the common law, which presumes every person to be innocent until proved guilty.

Resolved, That His Excellency the Governor, whenever it shall be made to appear, to his satisfaction, that a citizen of this Commonwealth is imprisoned in another of the United States, on suspicion of being a slave, is hereby authorized to employ a suitable person, whose duty it shall be to procure the requisite proofs in the case, to proceed, if necessary in the opinion of the Governor, to the State where the individual is so imprisoned, to lay the matter before the proper authorities, and having obtained the release of the said individual, to bring or cause him to be brought to a place of safety; and His Excellency is hereby empowered to draw his warrant on the treasury of this Commonwealth, to defray the expense thereof.

Resolved, That His Excellency the Governor be requested to transmit a copy of these resolves to the executives of the several States of this Union, and to each of our senators and representatives in the Twenty-Sixth Congress of the United States."

Such was the first declaration of Massachusetts upon this subject. It recognized its own duty,—it calmly and mildly remonstrated against the acts of other States, so far, and so far only, as they injuriously affected the undeniable rights of its own citizens; it authorized measures to be taken to relieve the sufferers. Further than this it did not go. It denounced no one, it insulted no one, it threatened none. Respectful in language, and strictly defensive in its tone, it rested upon the hope that something would yet be done by the voluntary act of the offending States to remedy the grievances complained of. And to the end that they might be informed, it directed a transmission of the remonstrance to the other States.

Three years more were suffered to pass,—a period of time sufficient to test the effect of this first respectful remonstrance. No measure of relaxation was proposed in any quarter. The resolves remained utterly unheeded. In the mean time, however, citizens of Massachusetts continued to suffer as before. And it became manifest that new measures were absolutely necessary to prove that the State was not disposed to surrender without a struggle, a solemn and fundamental principle of her political faith. The only course that remained open, was to endeavor to bring the question before the only tribunal competent to decide it, the

Supreme Court of the United States. In the confident expectation that this might be readily accomplished by simply assuming responsibility for the expense of the suit, the Legislature, in the year 1842, adopted the subjoined resolves.

“ Resolves relating to the imprisonment of citizens of this Commonwealth in other States.

Resolved, That the imprisonment of any citizen of Massachusetts by the authority of any other State in the Union, without the allegation of the commission of any crime, and solely on account of his color, is a gross violation of the federal Constitution as well as the principles of rational liberty.

Resolved, That whenever His Excellency the Governor shall be applied to in behalf of any citizen imprisoned as aforesaid, and it shall appear to him, by a representation under oath, made by any creditable person, that such citizen so imprisoned, is held in prison on account of his color only, it shall be the duty of the Governor forthwith, to take all suitable and proper measures to cause such citizen to be discharged from his imprisonment, and the legality of such imprisonment to be tried and determined by the courts of the United States, and His Excellency the Governor may draw his warrant upon the treasury of the Commonwealth to defray any reasonable and necessary expenses thereby incurred.

Resolved, That His Excellency the Governor be requested to transmit a copy of these resolves to the Governors of the several States to be communicated to the Legislatures thereof.”

The hopes excited by the adoption of this measure, that the question of the validity of these laws might be carried up to the federal court for adjudication, proved vain, for the reason that the sufferers under them could not hope for any aid upon the spot, to make themselves heard in Massachusetts through the bars of their prison-house. Those of them who were fortunate enough to be attached to ships, preferred to follow them rather than to run the risk of being detained to await the result of a difficult suit, without any protection from the laws of the State in which they were, and those who were not so fortunate were scarcely likely to be ever heard of again as freemen, to make any complaint whatsoever. It soon became clear that another effort was necessary of a different kind. And still obeying the clear obligations of her Constitution, Massachusetts once more went forward in the cause of the defence of her citizens. Upon the petition of a large number of most respectable citizens, that a new attempt might be made, having for its object the employment of high professional assistance in the ports of Charleston and New Orleans, in behalf of the

sufferers, and for the sake of promoting a decision in the courts of the United States, the following resolves were adopted in 1843.

“Resolves relating to the imprisonment of citizens of this Commonwealth in other States.

Resolved, That the perseverance of many of the States in the Union, against all remonstrance on the part of Massachusetts, in seizing and imprisoning her citizens without the allegation of any crime, is calculated to weaken the confidence which she has in the good disposition of those States to maintain their engagement to the Constitution of the United States inviolate.

Resolved, That His Excellency the Governor, with the advice and consent of the Council, be authorized to employ an agent in the ports of Charleston, in South Carolina, and New Orleans, in Louisiana, for a term of time not to exceed one year, for the purpose of collecting and transmitting accurate information respecting the number and the names of citizens of Massachusetts who have heretofore been, or may be, during the period of his engagement, imprisoned without the allegation of any crime. The said agent shall also be enabled to bring and prosecute, with the aid of counsel, one or more suits in behalf of any citizens that may be so imprisoned, at the expense of Massachusetts, for the purpose of having the legality of such imprisonment tried and determined upon in the Supreme Court of the United States.

Resolved, That His Excellency the Governor be authorized to draw his warrant to cover any necessary expenses incurred in carrying into effect the foregoing resolves, after the same shall have been audited and allowed by the council, to be paid out of the public treasury.”

The object of these resolutions was two-fold. First, to gather some facts by which a judgment might be formed, how extensive the practical evil, so far as it affected citizens of Massachusetts, actually was. Secondly, to secure the long-cherished purpose of trying the question of the validity of these laws before the constitutional tribunal. In order to carry out the intent of the State, the Governor, for the time being, communicated with gentlemen of professional distinction, residing in the specified ports, and solicited them to assume the trusts thus conferred. They, without exception, declined to act. It became evident that, so far as citizens were concerned, who were under the influence of public opinion in their respective States, there could be no hope of coöperation. But up to this time the State had interposed no direct obstacle to the execution of the design of Massachusetts, nor had it declared its determination to resist it. One more opening then remained which might lead to an amicable result. The duty of Massachusetts still

continued imperative, to leave no act undone which could yield a reasonable hope of protection to her people. It was therefore determined, that a citizen of Massachusetts should be sent at once, to take the necessary measures to promote an amicable appeal of the controversy, to the highest tribunal of the Union, and to test the disposition of South Carolina, to continue bound by the terms of the Constitution of the United States. This was done by one further and last act of legislation. In 1844, a new resolve was passed in these words :

“Resolve concerning the imprisonment of citizens of this Commonwealth in other States.

Resolved, That His Excellency the Governor, with the advice and consent of the Council, be hereby authorized to employ an agent for the port of Charleston, in South Carolina, and an agent for the port of New Orleans, whose duty it shall be to reside in said port, for a term of time not exceeding one year, for the purposes specified in the resolves relating to this subject, passed on the twenty-fourth of March, in the year one thousand eight hundred and forty-three. And that His Excellency the Governor be hereby authorized to draw his warrant to cover any necessary expenses incurred in carrying into effect this, or the aforementioned resolves, after the same shall have been audited and allowed by the Council, to be paid out of the public treasury.”

Under the authority conferred by this resolve, the Governor of the Commonwealth appointed Samuel Hoar, a respected citizen of Massachusetts, the agent for the port of Charleston, to perform the duty specifically assigned him, and no more. That gentleman repaired to Charleston, endeavored to commence upon his task, and simply because he attempted so to do, was driven by threats of personal violence of a mob from the territory of South Carolina. And the Legislature of that State subsequently sanctioned the act of the people, by recording on her statute book, an order for the expulsion, as a dangerous emissary of sedition, of this single, inoffensive, unarmed man. And the same Legislature has passed a law making it a highly penal offence in any person, whether citizen or stranger, ever to attempt the like again.

The pacific object of Massachusetts was not attained by this result, it is true. But the failure was absolutely necessary to be shown to the world before her duty was entirely fulfilled. It is now clear, beyond the possibility of contradiction, that South Carolina denies the authority of the Constitution of the United States, annuls her obligations under it towards one of her sister States, and refuses to abide even by the rules of comity that govern the pacific intercourse of civilized communities.

And now, upon a review of all the proceedings of Massachusetts, she challenges the world to show that she has done any act in connexion with this subject which it was not her indispensable duty to her citizens to do for their protection, or which any State has a just right to complain of her for doing. Neither has there been a word placed upon her statute book which she has occasion to regret. Her remonstrance has been grave, respectful, reasonable. Her measures have been moderate, strictly lawful, conciliatory, in a spirit of truth and peace. Questions like this must go into the history of the age—they must be finally tried by a standard which the passions of a moment, however potent, will never reach. Let posterity decide whether South Carolina will be entitled, with any justice, to say thus much.

There is, however, above and beyond all the considerations heretofore presented, one to which Massachusetts now earnestly invokes the attention of her sister States. The compact formed between them all by the federal Constitution, is the living and shining testimony of the nineteenth century to the truth of the theory of liberty with law. She adjures them not to favor any course of action which must ultimately show it a solemn lie. She adjures them not to permit a case of injury to the rights of the people of any State to find no constitutional mode of redress whatsoever. If one of the States constituting this Union, assume to place herself in a hostile attitude to citizens of any other; if she refuse to listen to respectful remonstrance, long and patiently continued; if she deny the authority over her of clear stipulations in the contract to which she voluntarily consented; if she set herself beyond the reach of tribunals specially appointed to decide upon controversies between the States; if she treat with insult and contumely the bearer of a simple proposal to promote an adjudication of the dispute, and if she threaten with the terrors of the law all persons who seek to repeat it hereafter, then is it plain that, so far as that State is concerned, the onerous conditions of the Constitution have no longer any binding power over her. The Congress of the United States having tolerated the doctrine in an official form, that "they have no means of affording relief," and that "the States which enacted them are alone competent to strike these laws from their statute book," and the arm of the federal judiciary having been paralyzed, in this instance, within the territory of South Carolina, it appears plain, if the general government, contrary to its obvious duty, and to the neglect of rights guaranteed by the Constitution, should continue to sustain the position heretofore assumed, that Massachusetts and every other State aggrieved, will be denied any remedy un-

less it be by throwing herself back upon the original inherent rights of her citizens to defend themselves. It becomes, then, a solemn question to decide, whether South Carolina, which has wilfully and deliberately defeated Massachusetts of a legitimate use of one of the provisions of the compact, designed to yield to the citizens of the latter that protection against wrong which they have a right to demand, has not voluntarily forfeited all title to insist upon the execution by the citizens of Massachusetts of those other provisions by which she peculiarly benefits? Massachusetts reserves her decision upon this point. Her obligations to the remaining States, and her duties to herself, forbid her risking, by any hasty step, the hazard of still greater evils than those which she desires to remedy. She cheerfully acknowledges that patience under the infliction of this gross and glaring wrong, is her present duty, not towards South Carolina, but towards the pacific States. But the same duty impels her in the most impressive form to record her PROTEST against the commission of that wrong. She will follow no example of violence that may be set to her. But if the assumptions for the moment, successfully made by South Carolina in this instance, should be repeated, and other States, deluded by her example, should insist upon the execution of all the conditions of the Constitution advantageous to themselves, whilst they refuse to comply with the less favorable ones, it is scarcely necessary for Massachusetts to repeat the prediction of the learned jurist of South Carolina, that "retaliation will follow," and all the other and worse evils that come in its train. The most admirable form of government which the wit and patriotism of man ever devised to develop his energies and to promote his happiness, must become the victim of his lawless passions. Massachusetts will do nothing voluntarily to hasten so deplorable a result, or rather she will sacrifice much to avert it. But she will do her duty to her people, whether in the less or the more favored condition of society. She will never relax in her demand of all the rights which belong to her as a State and a member of the Union, or in the exertion of her utmost energies in support of the undying principles of justice and liberty among men, the base of her social edifice, cemented in the blood of many of its founders, as they are the pride and the honor of modern civilization. [*Approved by the Governor, March 24, 1845.*]

Chap 112.

RESOLVE in aid of the American Institute of Instruction.

Allowance of
\$300 annually,
in August, for
five years.

Resolved, That there be paid annually, in the month of August, for the term of five successive years, to the directors of the American Institute of Instruction, the sum of three hundred dollars, and that warrants be drawn accordingly. [*Approved by the Governor, March 24, 1845.*]

RESOLVES in addition to the Resolves concerning School District Libraries.

Chap 113.

Resolved, That the provisions of the resolve of March third, one thousand eight hundred and forty-two, be extended to the Latin School, English High School, and Grammar and Writing Schools of the city of Boston, in such manner as to give as many times fifteen dollars towards a purchase of a library, or libraries, for said schools, as the number sixty is contained, exclusive of fractions, in the number of children belonging to said schools between the ages of seven and sixteen years, said number to be estimated by the mayor of said city: *provided*, the said mayor shall certify, to the treasurer of the Commonwealth, that an equal sum of money has been raised and appropriated, subsequent to the first day of January, in the year one thousand eight hundred and forty-five, for the same purpose.

Allowance for District School Libraries extended to the city of Boston, for Latin, English High, Grammar and Writing Schools, according to number of children, &c. between 7 and 16 years old, to be estimated by the mayor, who is to certify, &c.

Resolved, That the provisions of the preceding resolve, and of the resolves to which it is in addition, be extended to the primary and intermediate schools of the city of Boston, in such manner as to give as many times fifteen dollars for the purchase of a library, or libraries, for said schools, as the number sixty is contained, exclusive of fractions, in the number of children belonging to said schools between the ages of four and seven years, said number to be estimated as in the preceding resolve is provided, when it shall be made to appear to the treasurer of the Commonwealth, by a certificate of the mayor of said city, that an equal sum has been raised and appropriated, subsequent to the first day of January, in the year one thousand eight hundred and forty-five, for the same purpose.

Allowance, &c. extended to city of Boston, for primary and intermediate schools, according to number of children, &c. between 4 and 7 years old, &c.

Resolved, That the apportionment, or distribution of the books, purchased as above provided for, shall be determined by the school committee of the city of Boston.

Apportionment of books to be made by school committee.

Resolved, That these resolves shall take effect from and after their passage. [*Approved by the Governor, March 25, 1845.*]

When to take effect.

RESOLVE concerning the Support of State Lunatic Paupers.

Chap 114.

Resolved, That the sum to be allowed to any county, city or town in this Commonwealth, for the support of any State lunatic pauper, shall in no case exceed two dollars and fifty cents per week, for a term less than thirteen weeks; two dollars and twenty-five cents per week, for any term exceeding thirteen weeks, and less than twenty-six weeks; two dollars per week for any term exceeding twenty-six weeks, and less than one year; or be more than at the rate of one hundred dollars per year, for any term of one year or upwards; and shall, in no case, exceed the amount actually paid out and expended by the county, city or town claiming compensation for the support of each of said State lunatic paupers respectively. [*Approved by the Governor, March 25, 1845.*]

Amount of allowances by Commonwealth for the support of State paupers limited.

Never to exceed amount actually paid by county, &c.

Chap 115.

RESOLVE concerning Houses of Correction.

Overseers, &c. to encourage and maintain Sabbath schools for convicts, &c.

Resolved, That the overseers of the several houses of correction in this Commonwealth, be required to make provision, whenever in their opinion it is practicable, for furnishing and maintaining Sabbath school instruction for the benefit of the convicts imprisoned in said houses of correction, and that they be authorized to receive, for this purpose, such aid as may be offered by benevolent persons and associations. [*Approved by the Governor, March 25, 1845.*]

Chap 116.

RESOLVE relating to the Trigonometrical Survey of the Commonwealth.

Secretary to print and transmit, &c. tables useful in laying out roads, &c.

Resolved, That the Secretary of the Commonwealth be, and he is hereby directed to cause to be printed, such portions of the tables now deposited in the Secretary's office, exhibiting results obtained from the recent trigonometrical survey of the Commonwealth, as would be useful in laying out roads, and in measurements of towns, and to transmit one copy of the same to the clerk of each city and town, and three copies to the clerk of the courts in each county, for the use of the County Commissioners: *provided*, the expense shall not exceed the sum of four hundred dollars. [*Approved by the Governor, March 25, 1845.*]

At an expense not exceeding \$400.

Chap 117.

RESOLVE on the Petition of Lettice Davis, Widow of Thomas Davis.

Allowance of \$50 for revolutionary services.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Lettice Davis, of Princeton, widow of Thomas Davis, of Lancaster, fifty dollars, for revolutionary services rendered by her late husband, and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, March 25, 1845.*]

Chap 118.

RESOLVE concerning certain Records of the Commonwealth.

Governor authorized to obtain, &c. papers relating to the Rhode Island boundary, and missing portions of the records of the Executive Council, at an expense not exceeding \$500.

Resolved, That His Excellency the Governor be authorized to take measures to procure from Great Britain, a copy of the register of proceedings of the court of commissioners, for settling the boundary between Massachusetts and Rhode Island, held in the year one thousand seven hundred and forty-one, and also a copy of such portions of the records of the executive council of the colony and province of Massachusetts, as are now missing: *provided*, that the sums to be expended in the prosecution of the objects aforesaid, shall not exceed five hundred dollars. [*Approved by the Governor, March 25, 1845.*]

Chap 119.

RESOLVE on the Petition of Mary Nelson.

Trustee authorized to sell and convey real estate in Newbury.

Resolved, for reasons set forth in said petition, that said Mary Nelson, trustee under the will of Jeremiah Nelson, deceased, be, and she hereby is empowered to sell at private or public sale, all the right and interest which she holds as

trustee for Mary B. Nelson, Elizabeth M. Nelson, and Jeremiah Nelson, minor children of Jeremiah Nelson, deceased, and all the right and interest of said minors, in the following real estate, viz: in lots numbered (1) one, (2) two, (5) five, (6) six, (7) seven, (8) eight, (9) nine, (10) ten, (11) eleven, (12) twelve, on the northeasterly side of Middle street, in Newbury, in the county of Essex, which said lots appear numbered as above on a plan made by Anger March, on the eighteenth day of December, in the year one thousand eight hundred and nine, and contain about twenty-two acres; also, the interest of said minors in lots numbered (13) thirteen, (14) fourteen, and (16) sixteen, on the northeasterly side of Merrimack street, in said Newbury, which said last named lots appear numbered as above, on the said plan of Anger March, and contain about two and one half acres; also, all the interest of said minors in certain other lots of land on the southwest side of Middle street, in said Newbury, and numbered on Joseph Chapin's plan, dated twenty-second June, in the year one thousand eight hundred and four, as follows, viz. (2) two, (3) three, (10) ten, (11) eleven, (12) twelve, (14) fourteen, (15) fifteen, containing about twenty-two acres; also, all the said minors' interest in twelve acres of salt marsh, situate on Pine Island, in Newbury, aforesaid; also, all the interest of said minors in one hundred and six rods of land situate on Ring's Island, in Salisbury, in said county of Essex, being three undivided fourth parts of each of said parcels of real estate; and to make and execute good and sufficient deeds thereof, in fee simple, to the purchaser or purchasers; *provided*, that said Mary Nelson, trustee, shall first give bonds, with sufficient surety or sureties satisfactory to the judge of probate for the county of Essex, for the faithful execution of the powers herein conferred, and to invest, hold and dispose of the proceeds of said sale, in the manner most for the interest of the minors above named, and under and according to the trusts declared in said will respecting said real estate. [*Approved by the Governor, March 25, 1845.*]

Provided, &c.

RESOLVES for Repairs in the State House.

Chap 120.

Resolved, That the Sergeant at Arms cause the walls and wood work in the Representatives Hall, to be painted with two or more coats of paint, as he may deem proper, and such other repairs to be made as may be found necessary therein.

Sergeant at Arms to paint, &c. the Representatives' Hall.

Resolved, That the Secretary of the Commonwealth be authorized and empowered, whenever the Governor and Council shall direct, to procure new carpets, and to paint the rooms occupied by the Governor and Council, and to

Secretary under direction, &c. to repair, &c. the Council Chamber, &c.

make such alterations in the table in the Council Chamber, as said board may deem expedient.

Warrants to be drawn for expenses.

Resolved, That the Governor be authorized to draw warrants for the payment of the expenses attending said alterations and repairs. [*Approved by the Governor, March 25, 1845.*]

Chap 121.

RESOLVE in favor of John V. Low.

Allowance of \$172 to assistant messenger disabled by an accident.

Resolved, That the Governor and Council are hereby authorized to allow and pay to John V. Low, assistant messenger, the full amount which would have been due to him for services during the present session of the Legislature, if he had not been confined by illness occasioned by an accident which occurred while in the performance of his official duties. [*Approved by the Governor, March 25, 1845.*]

Chap 122.

RESOLVE for the Payment of Sundry Expenses incurred in the Examination of Asahel Huntington, District Attorney.

Allowance of \$134 17.

Resolved, That there be allowed and paid out of the public treasury, to the several persons mentioned in the subjoined Roll, the sums set against their several names respectively, amounting in the whole to the sum of one hundred and thirty-four dollars and seventeen cents, the same being in full discharge of the account and demands to which they refer, and that a warrant be drawn accordingly. [*Approved by the Governor, March 26, 1845.*]

Chap 123.

RESOLVE for the Pay of the Clerks of the Legislature.

Allowance to the clerk of the Senate, of \$10, to the assistant clerk of the Senate, \$6, and to the clerk of the House, of \$10, for each day of the session, and of \$100 each to clerks of Senate and House, for copy of the Journals.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the clerk of the Senate, the sum of ten dollars per day; to the assistant clerk of the Senate, six dollars per day; and to the clerk of the House of Representatives, the sum of ten dollars per day, for each and every day's attendance they have been, or may be employed in that capacity, during the present session of the Legislature, and that there be further paid to the clerk of the Senate, and to the clerk of the House of Representatives, the sum of one hundred dollars each, for copying the Journals for the Library, as required by the Orders of the two Houses, and that warrants be drawn accordingly. [*Approved by the Governor, March 26, 1845.*]

Chap 124.

RESOLVES in relation to Louisiana and South Carolina.

Rights of absent citizens of Massachusetts, under the protection of the general government;

Resolved, That the personal and commercial rights of the citizens of Massachusetts, of whatever origin, race, or color, as secured in and by the Constitution and laws of the Union, are, and of right ought to be, when such citizens are without the limits of the Commonwealth, under the protection of the general government, and ought, therefore, in all cases of infringement or violation, to be sustained and vindicated by that government.

Resolved, That, as the judicial power of the United States extends to all cases in law and equity arising under the Constitution and laws of the Union, every violation of the personal and commercial rights of the citizens of Massachusetts, so secured by the Constitution and laws, ought to meet with prompt, adequate, and unhesitating redress in the courts of the Union.

and of the courts thereof.

Resolved, That the States of South Carolina and Louisiana, have, by a series of legislation, infringed upon and violated the personal and commercial rights of certain citizens of Massachusetts, solely on account of their origin, race, and color, while pursuing their lawful business within those States, and have made an appeal to the federal courts for redress in such cases, an offence punishable as an infamous crime, so that all redress for such wrongs, in the federal courts holden in those States, has become wholly impracticable.

Those rights infringed, &c., and appeals to the courts obstructed by the States of South Carolina and Louisiana.

Resolved, therefore, That Massachusetts now demands, as her clear right, under the Constitution and laws of the United States, that the general government should so extend, by appropriate legislation, the jurisdiction of the federal courts, as to enable them to embrace and give redress in all cases of wrong done to the personal and commercial rights of the citizens of Massachusetts, secured to them by the Constitution and laws of the Union, whenever such wrongs are perpetrated and sustained by the local legislation of States, in plain derogation of the rights, privileges and immunities, secured to citizens of every State by the Constitution and laws of the United States.

Massachusetts demands protection for her absent citizens, by further legislation of Congress.

Resolved, That our senators and representatives in Congress of the United States be requested to procure such an alteration or amendment of the laws of the United States, as will carry into effect the object of the foregoing resolves.

Senators and representatives requested to procure the same.

Resolved, That His Excellency the Governor be requested to transmit copies of the foregoing report and resolves, to the senators and representatives of this Commonwealth, in the Congress of the United States. [*Approved by the Governor, March 26, 1845.*]

Report and resolves to be transmitted, &c.

RESOLVE on the Petition of Henry S. Carr.

Chap 125.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Henry S. Carr, of Newburyport, eighty-six dollars and sixty-five cents, in full for services and expenses in arresting Patrick McDermot and Horace Plummer, and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, March 26, 1845.*]

Allowance of \$86 65 for arrests.

Chap 126.

RESOLVE relative to the Transmission of Military Documents.

Commanding officers of divisions, &c., authorized to present claims for cost of transmitting documents, &c.

Resolved, That the commanding officers of the several divisions, brigades, regiments and battalions of the militia of this Commonwealth, be, and they are hereby authorized to present whatever claims may accrue against the State for money expended in the transmission of military documents to and from the department of the Adjutant General, in the manner provided for in the one hundred and twenty-eighth section of the twelfth chapter of the Revised Statutes, to be by that officer examined, certified and presented for allowance to the committee of the Legislature on accounts, as is directed in said section. [Approved by the Governor, March 26, 1845.]

Chap 127.

RESOLVE respecting James Shurtleff.

Whereas, James Shurtleff, formerly an inhabitant of the town of Carver, and now an inmate of the State Lunatic Hospital, at Worcester, was discharged by a resolve of the Legislature, passed on the eighteenth of March, in the year one thousand eight hundred and forty-three, and it appears that, by reason of his insanity, the trustees deemed it to be inexpedient that he should be removed therefrom, and that he has not been removed: Therefore,

Insane person to be retained at the State Lunatic Hospital, without further expense to the town of Carver;

Resolved, That the aforesaid James Shurtleff shall not hereafter be removed from the State Lunatic Hospital, and the town of Carver shall not be further liable for the support of said Shurtleff, so long as he shall remain and continue to be an inmate of said hospital. The judge of probate, in and for the county of Plymouth, is hereby authorized to cancel the bond given by the town of Carver, under the resolve aforesaid, upon satisfactory evidence that said Shurtleff is in the custody of the trustees of said hospital;

and bond of said town to be cancelled.

Provided, &c.

provided, that if the town of Carver shall, after the passage of this resolve, ask of the Commonwealth the return of money heretofore paid to the said hospital or elsewhere, for the support of said Shurtleff, then so much of this resolve as exempts said town from liability for the support of said Shurtleff, shall be void. [Approved by the Governor, March 26, 1845.]

Chap 128.

RESOLVE on the Petition of Abraham T. Doyle.

Judge of probate of Essex, authorized to appoint trustee, &c.;

Resolved, for reasons set forth in the petition of Abraham T. Doyle, the judge of probate for the county of Essex, is hereby authorized and empowered to appoint some suitable person as trustee, for and in behalf of Rhoda Doyle, wife of said Abraham, so long as said Rhoda shall continue insane; and said trustee is empowered to sell and release all the right of dower of said Rhoda in the messuage now owned by said Abraham, in Rockport, in said county, and to execute a good and sufficient deed of the same; and receive

who may sell and release right of dower in real estate in Rockport.

the proceeds of the same. The sum received as aforesaid, by said trustee, shall be paid over to said Abraham, if he shall, within six months from the passage of this resolve, become seized and possessed in fee simple, of other real estate in said county, of equal value with said estate at said Rockport. If said Abraham shall not become so seized and possessed, as aforesaid, said trustee shall invest the same in such securities as he may judge best, and pay over to said Rhoda the income arising therefrom, during her natural life, and at her death, said trustee shall pay over to said Abraham, his heirs and assigns, the balance remaining in his hands and possession, both principal and interest: *provided*, that said trustee shall first give bonds to the said judge of probate, with sufficient surety or sureties for the faithful performance of the trusts and duties aforesaid. [Approved by the Governor, March 26, 1845.]

Appropriation
of proceeds.

Provided, &c.

RESOLVE in addition to a Resolve upon the Petition of Susan Parkman.

Resolved, That the bond required by the resolve upon the petition of Susan Parkman, passed on the twenty-fourth day of February, in the year one thousand eight hundred and forty-five, to be given to the judge of probate for the county of Suffolk, may be given to the judge of probate for the county of Middlesex. [Approved by the Governor, March 26, 1845.]

Chap 129.

Guardian's
bond, &c., may
be given to the
judge of probate
of Middlesex.

RESOLVE to pay sundry Additional Accounts.

Resolved, That there be allowed and paid out of the public treasury, to the several persons mentioned in the above Roll, the sums set against their several names respectively, amounting in the whole to one hundred and twenty-two dollars and fifty-five cents, the same being in full discharge of the accounts and demands to which they refer, and that a warrant for the same be accordingly drawn. [Approved by the Governor, March 26, 1845.]

Chap 130.

Allowance of
§122 55.

RESOLVES concerning the Admission of the Slaveholding Nation of Texas into the Union.

Whereas, The Commonwealth of Massachusetts has, through her Legislature, with great unanimity, in the years one thousand eight hundred and forty-three, and forty-four, and forty-five, solemnly and strenuously protested against the admission, by the federal government, of the foreign nation of Texas, as a State, into the Union, because the act would be in direct violation of the Constitution of the United States, and because it would perpetuate the slavery of a portion of mankind in America, and because it would extend the unequal rule of representation, by federal numbers, over a new region never within the contemplation of those who consented to its establishment, at the time of the for-

Chap 131.

mation of the Constitution : *and whereas*, the consent of the executive and legislative departments of the government of the United States has been given, by a resolution passed on the twenty-seventh day of February last, to the adoption of preliminary measures to accomplish this nefarious project : Therefore, be it

Massachusetts denies the legality of the act authorizing the admission of Texas.

Resolved, That Massachusetts hereby refuses to acknowledge the act of the government of the United States, authorizing the admission of Texas, as a legal act, in any way binding her from using her utmost exertions in coöperation with other States, by every lawful and constitutional measure, to annul its conditions, and defeat its accomplishment.

Objections to the annexation of a slaveholding territory.

Resolved, That the annexation of a large slaveholding territory, at the will of the government of the United States, with the declared intention of giving strength to the institution of domestic slavery in these States, is an alarming encroachment upon the rights of the freemen of the Union, a perversion of the principles of republican government, a deliberate assault upon the compromises of the Constitution, and demands the strenuous, united and persevering opposition of all persons, without distinction, who claim to be the friends of human liberty.

Constitutional limitations of the slaveholding power.

Resolved, That the right to hold men as slaves was conceded by the Constitution of the United States to be a matter exclusively belonging to those States in which that right was acknowledged, upon the understanding, however, that the power which it gives, should be exercised strictly within those limits ; but now that it arrogates the control of millions of freemen living beyond them, and puts at hazard the predominance of the principles of liberty in America, it justifies the adoption on their part, of a systematic policy of counteraction, by lawful and constitutional means, even though that policy should ultimately bring on the downfall of slavery itself.

Recent usurpations of the same, justifying a policy of counteraction.

Resolved, That the Constitution of the United States was framed in order to protect a people of freemen, and perpetuate the blessings of liberty to them and their posterity, and that Massachusetts will coöperate with any, or all, of the free States of the Union, in an honest endeavor, by lawful means, to restore it in every case where it has been perverted from the fulfilment of its original and noble purpose.

The Constitution designed to protect liberty, an object which Massachusetts will promote, &c.

Resolved, That no territory hereafter applying to be admitted to the Union, as a State, should be admitted without a condition that domestic slavery should be utterly extinguished within its borders, and Massachusetts denies the validity of any compromise whatsoever, that may have been, or that hereafter may be, entered into by persons in the government of the Union, intended to preclude the future application of such a condition by the people acting through their representatives in the Congress of the United States.

Territories should hereafter be admitted as States, only on the condition of abolishing slavery therein, notwithstanding any compromise, &c.

Resolved, That His Excellency the Governor be requested to transmit a copy of the foregoing resolves to the Executive of the United States, and of the several States, and to each of the senators and members of the House of Representatives of this Commonwealth in the Congress of the United States. [*Approved by the Governor, March 26, 1845.*]

Resolves to be transmitted, &c.

A RESOLVE to pay sundry Miscellaneous Accounts.

Chap 132.

Resolved, That there be allowed and paid, out of the public treasury, to the several corporations and persons mentioned in the accompanying roll, the sums set against their several names respectively, amounting in the whole to twenty thousand eight hundred sixty-one dollars and two cents, the same being in full discharge of the accounts and demands to which they refer, and that a warrant be drawn accordingly. [*Approved by the Governor, March 26, 1845.*]

Allowance of
\$20,861 02.

ROLL OF PAUPER ACCOUNTS.

[SEE CHAP. 13, PAGE 588.]

IN THE COUNTY OF ESSEX.

Andover,	for support of State Paupers, .	\$170 78
Beverly,	same,	5 11
Bradford,	same,	25 55
Danvers,	same,	249 51
Essex,	same,	51 24
Georgetown,	same,	190 06
Gloucester,	same,	105 64
Haverhill,	same,	56 97
Ipswich,	same,	13 76
Lynn,	same,	249 65
Manchester,	same,	114 21
Methuen,	same,	43 15
Newbury,	same,	185 37
Newburyport,	same,	899 56
Rockport,	same,	248 20
Rowley,	same,	3 92
Salem,	same,	1761 34
Salisbury,	same,	20 51
Saugus,	same,	18 06
Topsfield,	same,	25 55
West Newbury,	same,	51 07
Whole amount for county of Essex, .		\$4489 21

IN THE COUNTY OF MIDDLESEX.

Acton,	for support of State Paupers, .	\$15 14
Ashby,	same,	25 55
Billerica,	same,	15 44
Brighton,	same,	30 59
Bedford,	same,	13 40
Burlington,	same,	16 16
Cambridge,	same,	1210 24
Carlisle,	same,	30 31
Concord,	same,	86 14
Chelmsford,	same,	5 39
Charlestown,	same,	4565 58
Dracut,	same,	119 33

PAUPER ACCOUNTS.

655

Framingham,	for support of State Paupers,	\$37 93
Hopkinton,	same,	20 02
Holliston,	same,	26 81
Groton,	same,	14 35
Lexington,	same,	28 70
Lincoln,	same,	11 13
Littleton,	same,	110 20
Lowell,	same,	1907 42
Newton,	same,	27 58
Natick,	same,	36 68
Pepperell,	same,	11 02
Malden,	same,	75 25
Marlboro'	same,	5 11
Reading,	same,	6 23
South Reading,	same,	15 05
Somerville,	same,	9 73
Stoneham,	same,	25 55
Townsend,	same,	21 94
Woburn,	same,	7 94
Watertown,	same,	188 58
Wayland,	same,	3 15
Waltham,	same,	142 82
W. Cambridge,	same,	7 00
Whole amount for county of Middlesex,		<u>\$8873 46</u>

IN THE COUNTY OF WORCESTER.

Auburn,	for support of State Paupers,	\$8 36
Charlton,	same,	28 72
Dana,	same,	32 56
Douglas,	same,	56 22
Fitchburg,	same,	10 77
Grafton,	same,	11 56
Hubbardston,	same,	25 55
Leicester,	same,	69 05
Leominster,	same,	20 17
Milford,	same,	26 65
Millbury,	same,	35 30
Mendon,	same,	2 45
Northbridge,	same,	6 93
Northboro',	same,	32 55
New Braintree,	same,	29 50
Oxford,	same,	76 65
Spencer,	same,	40 15
Sturbridge,	same,	25 55
Shrewsbury,	same,	10 68
Sutton,	same,	11 55
Uxbridge,	same,	81 77

PAUPER ACCOUNTS.

Upton,	for support of State Paupers, .	. \$25 55
Westboro',	same, . . . . .	. 33 71
Webster,	same, . . . . .	. 189 48
Worcester,	same, . . . . .	. 543 42
Whole amount for county of Worcester, .		<u>\$1434 85</u>

IN THE COUNTY OF HAMPSHIRE.

Amherst,	for support of State Paupers, .	. \$99 30
Belchertown,	same, . . . . .	. 25 62
Chesterfield,	same, . . . . .	. 12 81
Cummington,	same, . . . . .	. 101 22
Easthampton,	same, . . . . .	. 82 49
Goshen,	same, . . . . .	. 7 73
Granby,	same, . . . . .	. 25 55
Hadley,	same, . . . . .	. 14 05
Middlefield,	same, . . . . .	. 64 13
Northampton,	same, . . . . .	. 315 26
Plainfield,	same, . . . . .	. 9 60
Worthington,	same, . . . . .	. 25 48
Westhampton,	same, . . . . .	. 17 62
Whole amount for county of Hampshire, .		<u>\$800 86</u>

IN THE COUNTY OF HAMPDEN.

Blandford,	for support of State Paupers, .	. \$82 63
Brimfield,	same, . . . . .	. 161 62
Chester,	same, . . . . .	. 187 11
Granville,	same, . . . . .	. 25 55
Ludlow,	same, . . . . .	. 218 31
Monson,	same, . . . . .	. 172 12
Palmer,	same, . . . . .	. 157 64
Russell,	same, . . . . .	. 69 23
Springfield,	same, . . . . .	. 383 99
W. Springfield,	same, . . . . .	. 116 42
Westfield,	same, . . . . .	. 231 72
Wilbraham,	same, . . . . .	. 25 55
Whole amount of county of Hampden, .		<u>\$1831 89</u>

IN THE COUNTY OF FRANKLIN.

Bernardston,	for support of State Paupers, .	. \$14 70
Charlemont,	same, . . . . .	. 121 34
Coleraine,	same, . . . . .	. 27 59
Conway,	same, . . . . .	. 65 70

PAUPER ACCOUNTS.

657

Deerfield,	for support of State Paupers, .	.\$25 55
Gill,	same, . . . . .	. 25 55
Leyden,	same, . . . . .	. 69 13
Shelburne,	same, . . . . .	. 25 55
Whately,	same, . . . . .	. 25 55

Whole amount in county of Franklin, . \$400 66

IN THE COUNTY OF PLYMOUTH.

Abington,	for support of State Paupers, .	.\$36 05
Duxbury,	same, . . . . .	. 56 87
E. Bridgewater,	same, . . . . .	. 120 58
Hingham,	same, . . . . .	. 5 25
Hanson,	same, . . . . .	. 37 50
Hanover,	same, . . . . .	. 17 10
Kingston,	same, . . . . .	. 8 82
Middleboro,'	same, . . . . .	. 127 04
N. Bridgewater,	same, . . . . .	. 179 19
Pembroke,	same, . . . . .	. 40 15
Plymouth,	same, . . . . .	. 71 89
Rochester,	same, . . . . .	. 44 75
Scituate,	same, . . . . .	. 38 36
Wareham,	same, . . . . .	. 65 70
W. Bridgewater,	same, . . . . .	. 4 00

Whole amount for county of Plymouth, . \$853 25

IN THE COUNTY OF BERKSHIRE.

Adams,	for support of State Paupers, .	.\$383 54
Becket,	same, . . . . .	. 41 13
Cheshire,	same, . . . . .	. 100 83
Clarksburg,	same, . . . . .	. 6 86
Dalton,	same, . . . . .	. 25 55
Gt. Barrington,	same, . . . . .	. 126 36
Hancock,	same, . . . . .	. 84 88
Hinsdale,	same, . . . . .	. 106 92
Lenox,	same, . . . . .	. 143 62
Lee,	same, . . . . .	. 142 32
Lanesboro',	same, . . . . .	. 238 38
Mt. Washington,	same, . . . . .	. 6 82
New Marlboro',	same, . . . . .	. 43 92
Otis,	same, . . . . .	. 40 03
Pittsfield,	same, . . . . .	. 311 14
Peru,	same, . . . . .	. 58 24
Richmond,	same, . . . . .	. 51 24
Sandisfield,	same, . . . . .	. 109 55
Sheffield,	same, . . . . .	. 37 21

PAUPER ACCOUNTS.

Stockbridge,	for support of State Paupers,	.	.	.	.	\$167	59
Tyringham,	same,	.	.	.	.	31	52
Williamstown,	same,	.	.	.	.	140	28
Washington,	same,	.	.	.	.	172	34
W. Stockbridge,	same,	.	.	.	.	88	22

Whole amount of county of Berkshire, . \$2658 49

IN THE COUNTY OF NORFOLK.

Braintree,	for support of State Paupers,	.	.	.	.	\$92	43
Brookline,	same,	.	.	.	.	25	55
Canton,	same,	.	.	.	.	32	84
Dedham,	same,	.	.	.	.	13	16
Dorchester,	same,	.	.	.	.	32	90
Franklin,	same,	.	.	.	.	61	47
Milton,	same,	.	.	.	.	77	54
Needham,	same,	.	.	.	.	33	46
Quincy,	same,	.	.	.	.	90	86
Randolph,	same,	.	.	.	.	269	02
Roxbury,	same,	.	.	.	.	1015	99
Sharon,	same,	.	.	.	.	25	55
Stoughton,	same,	.	.	.	.	94	90
Wrentham,	same,	.	.	.	.	47	71
Walpole,	same,	.	.	.	.	7	79
Weymouth,	same,	.	.	.	.	89	03

Whole amount for county of Norfolk, . \$2010 28

IN THE COUNTY OF BRISTOL.

Attleborough,	for support of State Paupers,	.	.	.	.	\$19	56
Berkley,	same,	.	.	.	.	69	32
Dighton,	same,	.	.	.	.	42	21
Dartmouth,	same,	.	.	.	.	95	64
Easton,	same,	.	.	.	.	68	74
Fall River,	same,	.	.	.	.	1331	92
Freetown,	same,	.	.	.	.	21	60
Fairhaven,	same,	.	.	.	.	168	16
Norton,	same,	.	.	.	.	39	20
New Bedford,	same,	.	.	.	.	1032	16
Pawtucket,	same,	.	.	.	.	92	01
Rehoboth,	same,	.	.	.	.	207	99
Somerset,	same,	.	.	.	.	25	62
Swansey,	same,	.	.	.	.	100	63
Taunton,	same,	.	.	.	.	308	84
Westport,	same,	.	.	.	.	51	10

Whole amount for county of Bristol, . \$3674 70

IN THE COUNTIES OF BARNSTABLE, NANTUCKET
AND DUKES.

Brewster,	for support of State Paupers, .	. \$51	10
Chilmark,	same, . . . . .	. 25	55
Chatham,	same, . . . . .	. 25	55
Dennis,	same, . . . . .	. 35	86
Herring Pond Plantation,	same, . . . . .	. 51	17
Orleans,	same, . . . . .	. 25	55
Marshpee Indians,	same, . . . . .	. 290	22
Nantucket,	same, . . . . .	. 184	30
Sandwich,	same, . . . . .	. 25	55
Truro,	same, . . . . .	. 21	90
Yarmouth,	same, . . . . .	. 25	55
		<hr/>	
Whole amount for county of Barnstable, Nantucket and Dukes,		\$762	30

IN THE COUNTY OF SUFFOLK.

Boston,	for support of paupers in the several wards,	\$5923	17
	in the Houses of Industry and Reformation,	10,165	68
	The burial of paupers and small pox patients included in above.		
	Support of State Paupers in the Lunatic Hospital,	9384	28
Chelsea,	Support of State Paupers,	36	62
		<hr/>	
Whole amount for county of Suffolk,		\$25,509	75

RECAPITULATION OF COUNTIES.

Suffolk, including \$9,384 28 for support of lunatics,	\$25,509	75	
Essex,	4,489	21	
Worcester,	1,434	85	
Middlesex,	8,873	46	
Hampshire,	800	86	
Hampden,	1,831	89	
Franklin,	400	66	
Plymouth,	853	25	
Berkshire,	2,658	49	
Norfolk,	2,010	20	
Bristol,	3,674	70	
Barnstable, Nantucket and Dukes,	762	30	
		<hr/>	
		\$53,299	62

ROLL OF ACCOUNTS, *audited by the Treasurer of the Commonwealth, and reported February 27th, 1845.*

[SEE CHAP. 72, PAGE 612.]

PRINTERS.

Phinehas Allen & Son, publishing the laws of 1844,	\$16 67
Elijah Ashley, publishing the laws of 1844,	16 67
Samuel Bowles, publishing the laws of 1844, (two papers,)	33 34
Chickering & Briggs, publishing the laws of 1844,	16 67
John D. Cushing, publishing the laws of 1844,	16 67
Douglas S. Hubbard, publishing the laws of 1844, and for newspapers,	19 17
Russell R. Kinsley, publishing the laws of 1844,	16 66
Kimball & Butterfield, for newspapers,	1 00
Lowell Advertiser, publishing the laws of 1844,	16 66
Lowell Patriot, publishing the laws of 1844,	16 66
Nantucket Inquirer, publishing the laws of 1844, (two papers,) and for newspapers,	36 32
Elijah Porter, publishing the laws of 1844,	16 66
Christopher Robinson, publishing the laws of 1844, (two papers,)	33 32
D. S. Ruddock & Co., publishing the laws of 1844,	16 67
William Stow, publishing the laws of 1844,	16 67
John S. E. Rogers, for newspapers,	2 00
James Thurber, publishing the laws of 1844, and for newspapers,	23 42
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	\$315 23
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MISCELLANIES.

Thomas Groom, stationery for the Senate,	\$32 37
Roberts & Thaxter, binding journals of House of Representatives,	5 00
Morse & Tuttle, for engraving diagram of Senate chamber, &c.	26 50
Charles Stimpson, stationery for the Senate,	106 56
	<hr/>
	\$170 43
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AGGREGATE.

Printers,	\$315 23
Miscellanies,	170 43
	<hr/>
	\$485 66

PUBLISHING LAWS, PAPERS AND PRINTING.

[SEE CHAP. 132, PAGE 653.]

	Papers.	Advertising.	Publishing Laws.		Total.
			1843.	1841.	
D. F. Ashley,	Hampden Post,	•	•	•	\$2 00
Edmund Anthony,	Bristol County Democrat,	•	•	•	18 66
Proprietors of	Daily Advertiser,	•	•	\$16 66	205 94
"	Daily American Eagle,	•	•	50 00	1 20
"	New England Washingtonian,	•	•	•	16 32
"	Bay State Democrat,	•	•	50 00	115 07
"	Boston Courier,	•	•	50 00	287 69
"	Yarmouth Register,	•	•	•	6 50
"	Salem Gazette,	•	•	16 66	26 61
"	Boston Post,	•	•	50 00	349 89
Beals & Greene,	National Argus,	\$13 92	•	•	21 16
Thomas W. Butterfield,	Barre Gazette,	•	•	16 67	16 67
Walter A. Bryant,	Springfield Republican,	•	•	•	6 50
Samuel Bowles,	New England Farmer,	•	•	•	30 62
Joseph Breck,	Boston Cultivator,	•	•	•	25 62
O. Brewer,	Trumpet,	•	•	•	5 77
G. W. Bazin,	Salem Gazette,	20 00	•	•	20 00
Wm. Brown,	Weekly Bee,	•	•	•	9 39
Howland & Bradbury,	Plover,	•	•	•	56 40
William Buckminster,	Salem Register,	•	•	•	10 00
Chapman & Palfray,	Boston Medical and Surgical Journal,	•	•	•	20 31
D. Clapp, Jr.	Evening Gazette,	•	•	•	82 50
W. W. Clapp & Son,	Christian World,	7 50	•	•	106 66
Geo. G. Channing,		•	•	•	20 25

PUBLISHING LAWS, &c.—Continued.

	Papers.	Advertising.	Publishing Laws.		Total.
			1843.	1844.	
S. Cobb,	Christian Freeman,		\$5 50		\$5 50
Charles Clapp,	Quincy Aurora,		5 40		5 40
Clark & Woodbridge,	New England Puritan,		24 75		24 75
Dutton & Wentworth,	Transcript,		6 43		6 43
John Milton Earle,	Massachusetts Spy,	\$5 50	\$16 66		45 58
S. S. Eastman,	Greenfield Gazette and Courier,	1 00	16 67		22 17
H. Terry,	Northampton Democrat,		16 66		21 64
John Gill,	Hingham Patriot,				2 00
W. A. Hawley,	Hampshire Gazette,	1 00			21 67
J. B. Hall,	World we live in,				49 50
J. W. D. Hall,	Taunton Whig,				21 16
Wm. Hayden & Brewer,	Boston Atlas,	18 12	33 34		429 91
Charles C. Hazewell,	Concord Freeman,		16 67		18 67
William Ives & Co.	Salem Observer,		16 67		17 67
Wm. Brown,	Essex County Mercury,		16 66		17 08
Josselyn & Gougas,	N. E. Democrat,		16 67		16 67
E. L. Keyes,	Norfolk County American,		16 66		20 16
J. S. C. Knowlton,	Worcester Palladium,		16 67		24 17
Bela Marsh,	Hangman,				4 50
Benj. Lindsey,	New Bedford Mercury,	4 00	33 34		42 02
Leavitt & Alden,	Emancipator and Chronicle,				15 67
Charles Montague,	Massachusetts Eagle,		16 67		18 17
Nichols & Crowell,	Christian Watchman,				24 23
Thomas F. Norris,	Olive Branch,				69 12
Geo. W. Parsons,	Salem Advertiser and Argus,	12 50	16 67		57 84

	Papers.	Advertising.	Publishing Laws.		Total.
			1843.	1844.	
E. Porter,	Westfield News Letter,	\$0 62	.	.	\$0 62
S. B. Phinney,	Barnstable Patriot,	5 00	.	\$16 66	26 66
Henry Pratt,	Fall River Monitor,	2 00	.	16 67	20 67
R. L. Porter & Co.	American Traveller,	16 67	.	16 67	33 34
E. G. Robinson,	Norfolk Democrat,	3 28	.	16 67	22 45
David Reed,	Christian Register,	24 62	.	.	24 62
Sleeper & Rogers,	Mercantile Journal,	136 10	.	50 00	195 98
E. H. Safford,	Essex Banner,	50	.	16 67	17 17
Wm. Schouler,	Lowell Journal,	9 92	.	33 33	43 25
Wm. Stowe,	Springfield Gazette,	4 00	.	.	4 00
R. R. Taylor,	Franklin Democrat,	6 87	.	16 67	23 54
Calvin Torry,	Springfield Spectator,	.	.	16 67	16 67
E. A. Upton & Co.	Weekly American Traveller,	67 08	.	.	67 08
G. H. Williams,	Uncle Sam,	10 23	.	.	10 23
H. W. Williams,	Liberator,	18 00	.	.	18 00
Nathl Willis,	Youth's Companion and Boston Recorder,	49 44	.	.	49 44
Boston Wesleyan Association,	Zion's Herald,	10 56	.	.	10 56
W. W. Wheldon,	Bunker Hill Aurora,	10 00	.	.	19 50
Wm. Young,	New Bedford Register, &c.	6 50	.	50 00	59 00
Moss & Brewster,	Newburyport Daily Herald,	.	.	.	41 84
J. S. & C. Adams,	Newburyport Semi-Weekly Herald,	3 00	.	33 34	3 00
Proprietors of	Franklin Express,	.	.	.	18 17
Jas. Thurber,	Essex Transcript,	4 50	.	16 67	4 50
Thos. W. Butterfield,	Old Colony Memorial,	2 64	.	16 66	24 80
E. W. & C. Skinner,	National Ægis,	4 12	.	.	4 12
	Albany Daily Advertiser,	2033 03	130 42	33 34	3173 45

STATE LUNATIC PAUPERS.

County of Middlesex, for support of 21 State lunatic paupers,	\$2030 71
County of Nantucket, for support of 2 State lunatic paupers,	451 17
County of Berkshire, for support of 2 State lunatic paupers,	260 00
County of Norfolk, for support of 2 State lunatic paupers,	260 00
County of Hampden, for support of 1 State lunatic pauper,	124 00
County of Essex, for support of 31 State lunatic paupers,	3437 14
County of Bristol, for support of 1 State lunatic pauper,	130 00
State Lunatic Hospital, for support of 69 State lunatic paupers,	4909 70
Town of Northampton, to refund money paid for State lunatic paupers	138 56
Town of Chelsea, to refund money paid for State lunatic paupers,	47 52
	<hr/>
	\$11,788 80
	<hr/> <hr/>

CORONERS' ACCOUNTS.

Charles Smith, admr. for 1844,	\$29 88
William Andrews, "	113 02
James Woodward, "	12 20
Elias French, "	22 72
E. M. Hinckley, "	11 00
Jabez Pratt, " to Feb. 3, 1845,	15 00
John W. Whipple, "	15 70
Benjamin Drew, "	20 52
Jonathan Day, " to Jan. 21, 1845,	20 45
Samuel Hobart, " to Jan. 25, 1845,	17 24
Silas Minick, 1843,	17 04
Lewis Bass, 1844,	42 32
John Marsh, "	17 20
Thomas Sumner, "	11 98
	<hr/>
	\$366 27
	<hr/> <hr/>

MISCELLANEOUS ACCOUNTS.

Town of Dighton, for removing pauper family,	\$7 00
County of Essex, for support of Mary Sigourney,	25 62
Holder Wadell, balance of account for support of Fall River Indians,	111 50
Town of Danvers, support of Miss Whipple with small pox,	85 00
Town of Nantucket, support of H. Jones and H. Coffin, with small pox,	105 36
Horatio Leonard, sheriff bill for distributing public documents,	10 50
Peter Low, for binding books for library, certified by G. W. Coffin,	90 62
Ebenezer Shute, for services attending procession Jan. 1, 1845,	28 75
Sidney Bartlett, for professional services by order of 'Treasurer,	70 00
J. S. Withington, for music at the Old South, Jan. 1, 1845,	20 00
Mathew Butler, for visiting the public charitable ins't,	11 82
Jehiel Abbott, for " " " "	11 80
Bradley N. Cumings, " " " "	11 28
David Davis, " " " "	11 84
T. J. Clark, " " " "	10 50
John M. Earle, " " " "	10 61
N. L. White, " " " "	11 57
O. W. Allen, for bill twine,	7 32
Kendall P. Saunders's bill, water buckets, &c. for State House,	8 13
S. N. Dickinson, for diagram of Representatives' Hall,	32 00
James Adams, for services at State House,	3 00
John S. Stark, " " " "	7 50
J. B. Lane, " " " "	3 00
Isaiah Stoddard, " " " "	7 50
George Rayne, " " " "	6 00
Charles Gregg, " " " "	1 50
Charles Mendell, " " " "	7 50
James Smith, " " " "	57 01
Lott Pool, " " " "	5 00
Thomas Groom & Co., for stationery to 1845,	28 92
Eayrs & Fairbank, for stationery for Secre- tary and Council,	\$542 38
House of Representatives,	687 28
Senate,	47 60
Treasurer's office,	30 82
Land office,	16 50
Adjutant General's office,	94 64

1419 22

W. H. Henderson, for sundries,	\$38 46
James Loring, for stationery,	15 75
Joseph P. Bradlee & Sons, for oil bill to Jan. 29, 1845,	146 08
C. W. Haven, for stock for repairs of State House,	89 67
Charles Brooks & Co., for stock for repairs of State House,	82 93
G. B. Wheeler, for labor on State House,	
Parker Fowle, for carpetings, repairs for State House, two bills,	*\$56 58
Kittredge & Blakes, for furniture, &c., repairs for State House, two bills,	*78 27
William Perry, for materials, repairs for State House,	*30 60
H. N. Baxter, for materials, repairs for State House,	2 16
Daniel Safford & Co., for brass castings, &c. for State House, two bills,	71 52
Charles Calhoun, for designs and superintendence of Senate Chamber,	*75 00
Aaron Guild, for lumber for repairs of State House,	19 51
Joshua Roberts, for carting, (2 bills,)	18 13
J. G. Loring & Co., for plumbing,	4 57
Phineas Blunt, for soap stone work,	11 00
Walcott & Cook, for carting snow,	3 00
John Clark & Sons, for plumbing,	7 95
G. B. Wheeler, two bills including the above as vouchers,	629 03
Charles Stimpson, for stationery,	94 51
Brown & Severance, for coach hire for Council and visiting committees,	75 00
N. H. Streeter, for coach for Governor,	1 25
Washington P. Gregg, for services after session of 1844,	15 00
Benj. Stevens, for balance of account due him,	46 03
City of Lowell, for removal and burial of State paupers, omitted in roll of State paupers allowed,	330 02
Town of Tyringham, for error in transcribing roll allowed,	65 03
	<u>\$3856 13</u>

* The amounts thus designated, were accidentally omitted; they were not included in G. B. Wheeler's bill of \$629 03; and the several accounts are now filed in the Treasury office for allowance next year.

ROLL OF MILITARY ACCOUNTS, 1844.

DIVISION INSPECTORS. \$25 per annum.

Ebenezer W. Stone, 1st Div. from Jan. 1, 1844, to Dec. 31, 1844,	\$25 00
Thomas J. Adams, 2nd Div. from Jan. 1, 1844, to Dec. 31, 1844,	25 00
Samuel A. Shackford, 3rd Div. from Jan. 1, 1844, to Dec. 31, 1844.	25 00
	<hr/>
	\$75 00
	<hr/> <hr/>

BRIGADE INSPECTORS. \$25 per annum.

John C. Park, 1st Brig. from Jan. 1, 1844, to April 12, 1844,	\$7 08
C. Austin Coolidge, 1st Brig. from May 22, 1844, to Dec. 31, 1844,	15 21
Vinson Blanchard, 2nd Brig. from Jan. 1, 1844, to Dec. 31, 1844,	25 00
Augustus L. Barrett, 3rd Brig. from Jan. 1, 1844, to Dec. 31, 1844,	25 00
Nathaniel Conant, 4th Brig. from Jan. 1, 1844, to Dec. 31, 1844,	25 00
Perley Gould, 5th Brig. from Jan. 1, 1844, to June 13, 1844,	11 32
Claudius B. Long, 5th Brig. from June 25, 1844, to Dec. 31, 1844,	12 92
Leonard I. Jones, 6th Brig. from Jan. 1, 1844, to Dec. 31, 1844,	25 00
Samuel A. Shackford, 6th Brig. from Jan. 1, 1843, to April 26, 1843,	8 07
	<hr/>
	\$154 60
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ADJUTANTS. \$25 per annum.

Joseph W. Magee, 1st Batt. Cav. from Jan. 1, 1844, to Sept. 2, 1844,	\$16 80
Francis Dresser, 1st Batt. Cav. from Sept. 2, 1844, to Dec. 31, 1844,	8 20
Charles O. Wardwell, 1st Reg. Art. from July 24, 1843, to Sept. 20, 1843,	3 90
Charles O. Wardwell, 1st Reg. Art. from Jan. 1, 1844, to Dec. 31, 1844,	25 00

Gardner A. Burbank, 2nd Reg. Art. from Jan. 1, 1844, to Dec. 31, 1844,	\$25 00
Sammel L. Bardwell, 3rd Reg. Art. from Jan. 1, 1844, to Dec. 31, 1844,	25 00
Francis Allen, 1st Batt. Art. from Jan. 1, 1844, to July 1, 1844,	12 50
Francis Allen, 5th Reg. Art. from July 1, 1844, to Dec. 31, 1844,	12 50
Thomas T. Law, 2nd Batt. Art. from Jan. 1, 1844, to June 4, 1844,	10 69
Francis J. Noyes, 3rd Batt. Art. from Jan. 1, 1844, to Feb. 27, 1844,	3 96
Francis J. Noyes, 4th Reg. Art. from Feb. 27, 1844, to Sept. 7, 1844,	13 19
Francis J. Noyes, 4th Reg. Art. from Sept. 7, 1844, to Dec. 31, 1844,	7 85
Hiram Scripture, 1st. Batt. Art. from Jan. 1, 1844, to Dec. 31, 1844,	25 00
B. Franklin Edmands, 1st Reg. L. I. from Jan. 1, 1844, to April 26, 1844,	8 07
Joseph W. Carrier, 1st Reg. L. I. from Jan. 7, 1844, to Dec. 31, 1844,	14 18
Woodbridge Brown, 3rd Reg. L. I. from Jan. 1, 1844, to April, 30, 1844,	8 34
Woodbridge Brown, 3rd Reg. L. I. from May 1, 1844, to Aug. 7, 1844,	6 25
Joseph Sampson, 3rd Reg. L. I. from Aug. 1, 1844, to Dec. 31, 1844,	10 41
Moses F. Winn, 4th Reg. L. I. from Jan. 1, 1844, to Dec. 31, 1844,	25 00
Gilbert Ferrin, 5th Reg. L. I. from Jan. 1, 1844, to Dec. 31, 1844,	25 00
Jonathan L. Kimball, 6th Reg. L. I. from Jan. 1, 1844, to April. 23, 1844,	7 86
William Brown, 6th Reg. L. I. from April 23, 1844, to Dec. 31, 1844,	17 14
George H. Kittredge, 7th Reg. L. I. from Jan. 1, 1844, to July 1, 1844,	12 50
John M. Goodhue, 8th Reg. L. I. from Jan. 1, 1844, to Dec. 31, 1844,	25 00
Henry Kibling, 9th Reg. L. I. from Sept 11, 1843, to Dec. 31, 1843,	7 02
Henry Kibling, 9th Reg. L. I. from Jan. 1, 1844, to Dec. 31, 1844,	25 00
Thomas B. Bartlett, 10th Reg. L. I. from Sept. 30, 1844, to Dec. 31, 1844,	6 25
D. B. Look, 11th Reg. L. I. from July 1, 1844, to Dec. 31, 1844,	12 50
E. C. Craig, 1st Batt. L. I. from Jan. 1, 1844, to Dec. 31, 1844,	25 00

J. W. Vincent, 2nd Batt. L. I. from Jan. 1, 1844, to Sept. 11, 1844,	\$17 44
John H. Perry, 2nd Batt. L. I. from Sept. 11, 1844, to Dec. 31, 1844,	7 56
A. F. Spear, 3rd Batt. L. I. from Sept. 23, 1844, to Dec. 31, 1844,	6 81
John P. Hubbard, 4th Batt. L. I. from Jan. 1, 1844, to Aug. 1, 1844,	14 58
F. A. Whitney, 1st Batt. Rifle, from Aug. 1, 1844, to Dec. 31, 1844,	10 42
	<hr/>
	\$481 92
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HAULING ARTILLERY.

Richard Barrett, Concord Artillery, 1844, inspection and review,	\$25 00	
Experimental gunnery,	20 00	
	<hr/>	\$45 00
W. T. Dupee, Lexington artillery, 1844, inspection and review,	\$40 00	
Experimental gunnery,	20 00	
	<hr/>	60 00
G. W. Howe, Waltham Artillery, 1844, inspection and review,	\$39 20	
Experimental gunnery,	18 00	
	<hr/>	57 20
Thomas Critchell, Charlestown Artillery, 1844, inspection and review,	\$40 00	
Experimental gunnery,	18 00	
	<hr/>	58 00
F. J. Coffin, Newburyport Artillery, 1844, inspection and review,		47 50
J. R. Cook, Gloucester Artillery, 1844, inspection and review,	\$45 00	
Experimental gunnery,	15 00	
	<hr/>	60 00
W. T. Gale, Lynn Artillery, 1844, inspection and review,	\$36 00	
Experimental gunnery,	20 00	
	<hr/>	56 00
J. W. Rhoades, Salem Artillery, 1844, inspection and review,	\$25 00	
Experimental gunnery,	25 00	
	<hr/>	50 00
G. Mayhew, Buckland Artillery, 1844, inspection and review,		38 00

MILITARY ACCOUNTS.

W. Keith, Greenfield Artillery, 1844, inspection and review,	\$25 20	
Experimental gunnery,	8 40	
	<hr/>	\$33 60
J. B. Angier, Northampton Artillery, 1844, in- spection and review,		15 00
L. V. Campbell, Plainfield Artillery, 1844, in- spection and review,		29 00
Daniel Gloyd, Abington Artillery, 1844, inspec- tion and review,		35 00
Samuel W. Bagnell, Plymouth Artillery, 1844, inspection and review,		30 00
B. W. Curtis, Hanover Artillery, 1844, inspec- tion and review,		30 00
Charles Freeman, Norton Artillery, 1844, in- spection and review,		37 50
R. Lovejoy, Boston Artillery, 1844, inspection and review,	\$15 00	
Experimental gunnery,	15 00	
	<hr/>	30 00
George W. Brown, Columbian Artillery, inspec- tion and review,	\$14 00	
Experimental gunnery,	18 00	
	<hr/>	32 00
Danford White, Washington Artillery, inspec- tion and review,	\$15 00	
Experimental gunnery,	10 00	
	<hr/>	25 00
Benj. H. Burrell, Roxbury Artillery, inspection and review,		18 00
Benj. Stone, Jr., Dorchester Artillery, inspec- tion and review,	\$18 00	
Experimental gunnery,	17 25	
	<hr/>	35 25
W. C. Bennett, Belchertown Artillery, inspec- tion and review,		14 00
Anson Walker, Monson Artillery, inspection and review,		37 00
Albert Shattuck, Groton Artillery, inspection and review,		35 50
H. N. Smith, Milton Artillery, inspection and review,	\$12 00	
Experimental gunnery,	12 00	
	<hr/>	24 00
William Cook, Milford Artillery, 1843, inspec- tion and review,		21 00
Thomas Laughton, Leominster Artillery, in- spection and review,		12 00
		<hr/>
		\$965 55

RECAPITULATION.

Publishing laws, newspapers, and printing,	\$3,173 45
State Lunatic Paupers,	11,788 80
Coroners' Accounts,	366 27
Division Inspectors,	75 00
Brigade Inspectors,	154 60
Adjutants,	481 92
Hauling Artillery,	965 55
Miscellaneous,	3,856 13
	<hr/>
	\$20,861 72

SUPPLEMENTARY ROLL.

[SEE CHAP. 130, PAGE 651.]

Kimball & Butterfield, for papers,	\$3 00
J. B. Dow, for Christian Witness,	8 25
Damrell & Graves, for Christian Reflector,	7 92
Nathaniel Greene, for postage of papers,	31 43
Committee for attending the funeral of the Hon. Isaac C. Bates :	
Myron Lawrence,	\$18 30
Levi Taylor,	16 65
E. Hopkins,	14 00
Alfred Bragg,	10 70
Charles F. Adams,	12 30
	<hr/>
	71 95
	<hr/>
	\$122 55

INAUGURAL ADDRESS

OF

HIS EXCELLENCY GEORGE N. BRIGGS.

REPRESENTATIVES' CHAMBER, JAN. 4th, 1845.

At a quarter past twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant Governor, the members of the Executive Council, and the Secretary of the Commonwealth, and attended by a joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives in convention, and delivered the following

A D D R E S S :

*Gentlemen of the Senate and of the
House of Representatives :*

WE have taken upon ourselves the obligations required by the Constitution, before entering upon the discharge of our official duties.

It is fit and becoming, at this time, and in this place, to make a public acknowledgment to that great and good Being, whose watchful providence notices the falling sparrow, and guides the destiny of nations, for his mercies to our fathers in years that are gone, and for his kindness to the present people of the Commonwealth, in conducting them through the vicissitudes of another year, and again bringing their representatives together, in this their ancient and peaceful capital.

I learn, from the Treasurer, that the receipts during 1844, were	\$362,987 37
Exclusive of the amount received on account of the State Tax,	8,000-00
And balance on hand, January 1, 1844,	9,748 67
Making	\$380,736 04

To this should be added the amount of the State Tax intended for the service of 1844, and payable on or before February 1, 1845,	67,000 00
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Amounting in the whole to	\$447,736 04
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This was the provision made by the last Legislature to defray the current expenses of 1844, and to pay the scrip falling due that year, \$47,538 08.

The expenditures of the year have been	\$415,306 74
The debt paid	47,538 08

\$462,844 82

Showing that the expenditures have exceeded the provisions made for them the sum of \$15,008 78

This excess of expenditures is explained by the sums paid to County Treasurers, the Rolls of State Paupers and Lunatic accounts, and the amount paid the Militia, beyond the estimates for these purposes.

The amount paid for paupers is \$82,641 41, and exceeds the estimate \$9,506 40.

Whether a State Tax will be necessary to meet the wants of the Treasury the present year, will depend very much upon the amount of dividends received from the Western Rail-road, the modification of the pauper law, and the expense of the Legislature.

\$46,450 of the State debt, falls due in 1845, and \$37,141 in 1846. Besides this, we owe nothing until 1857. The debt of \$1,000,000, incurred to pay our subscription to the Western Rail-road, falls due in 1857.

The shares at par will pay that debt, leaving on hand a sinking fund of \$283,718 17.

Our public funds are in a satisfactory condition.

The School fund, which commenced in 1834, amounts at this time to	\$711,423 96
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This is safely invested.

There are, belonging to this fund, notes for land sold in the State of Maine prior to April, 1837, and secured on real estate, amounting to	38,100 70
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Making	\$749,524 66
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Since this fund was established, there has been received as interest, and paid to the towns for the use of schools,	\$230,195 58
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The Western Rail-road Sinking Fund is	\$283,718 47
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We have paid in interest on the Western Rail-road Scrip,	\$223,529 67
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It is certainly a matter of just congratulation to the people of Massachusetts, that these large sums have been received into their treasury, and more than a million of dollars funded

as above stated, whilst the ordinary expenses of the government, including about \$200,000 which have been expended upon that noble institution at Worcester, for the insane, have been regularly paid, with but one State Tax, and that for only \$75,000, during a period of thirteen years.

The amount paid for the support of State paupers, in 1837, was \$39,574 56. In 1843, it was \$56,792 35, and in 1844, \$69,540 11. This large and increasing item in the expenses of the State, demands the attention of the Legislature.

I am not aware that any other State adopts our mode of supporting that class of paupers; and whether it is the best and most economical mode that can be devised, may well be inquired into. It is difficult to draw the line between a system dictated by an enlightened and liberal-hearted humanity, and one which would tax the industrious and virtuous portion of the community, to support the idle and the vicious.

The records of the Legislature show a very great inequality between the sums drawn from the treasury by the different towns and counties in the State for the support of paupers, compared with their population and the number of paupers returned. Whether this apparent inequality is produced by the actual number of paupers, by the length of time they are on expense, or by a different mode of administering the law, can only be determined by a careful investigation. It may be well questioned whether the same caution and economy will be observed by towns in regard to the expenses incurred for the support of the poor within their limits, when the State is to pay those expenses, as when the towns themselves are to bear the burden. The whole subject is one of great importance to the Commonwealth, and I deem it my duty to submit it to your deliberate consideration.

The reports of the several officers of the State Prison represent the affairs of that institution to be in a satisfactory condition. The Warden's report shows an excess of receipts, over the expenditures, of something more than \$200; the preceding year the receipts fell short of the expenses nearly \$5,000. A kind and mild course of treatment, expressly enjoined by the humane laws of the State, and inculcated upon men in all situations in life by that injunction of the Saviour, "do unto others as ye would that others should do unto you," evidently produces a salutary effect upon the prisoners. Among them there has been a general and willing observance of the rules of the prison; and but few cases have occurred, demanding the infliction of punishment.

The moral discipline of the prison, under the administration of the chaplain, aided by the warden and other officers, is believed to be doing much good. It is important that men, who are excluded from society for violating its laws, should be made to feel, that those who are placed over them do not act as masters and tyrants, but that they are the reasonable and neces-

sary instruments of the law, to see that the penalties, which they have justly incurred, are properly executed.

It is worthy of inquiry by the Legislature, whether a greater amount of instruction than the prisoners receive under existing laws and regulations, would not tend to further the great ends of all human punishment, the reformation of offenders, and the prevention of crime.

As many juvenile offenders are now sent to the houses of correction in the several counties, would it not be well to authorize Sunday school instruction to be introduced into them, under the direction of their keepers?

The present militia system of the Commonwealth, under which the able bodied men of the State, between the ages of 18 and 45, are required to be enrolled, but not to do active duty, and under which a voluntary enlisted force of seven thousand men is authorized to be embodied, armed at the public expense, and paid out of the treasury, a sum not exceeding six dollars each, appears to me, to be working well.

The enrolled militia of the Commonwealth amount to 81,441 men; the enlisted or volunteer corps, to 6,372. I hope the existing laws will be permitted to remain unaltered in any essential feature, until their practical operation can be fairly tested. During the autumn, I witnessed the reviews of four of the six brigades of the volunteer militia, and was much gratified with their general fine condition. Their tasteful and appropriate uniforms, their discipline, and soldier-like appearance, did great credit to themselves and honor to the State. It seems to me the present organization will furnish a well trained and disciplined corps, sufficient for all the purposes of a time of peace, and a nucleus around which the enrolled men may be readily formed in time of war.

The present intelligent and energetic Adjutant General has done much to give order and efficiency to the system. By this deserved compliment to that officer, I by no means intend to reflect the least discredit upon his predecessors, with whose official conduct I was not acquainted.

The subject of popular education with the people of Massachusetts, is now, as it always has been, one of surpassing interest. It rises above all party considerations, all sectarian feelings, and all local and sectional interests. The character and destiny of each succeeding generation, are, in a great degree, moulded and fixed in the district school-house. No higher purpose can engage your attention than the elevation of the standard of our Common Schools. Much improvement has taken place within the last few years, in respect to the qualifications of teachers, the mode of government, the construction of school-houses, the furnishing of libraries, the average number of scholars who attend, the average length of schools, and in exciting in the public mind an increased attention to the importance of the subject.

There yet remains, however, a great work to be done. The highest interests of our children and the race demand that it should not be postponed or neglected. The influence of Normal Schools, though as yet they have been but imperfectly organized and partially developed, is favorably felt so far as that influence has reached. Numerous reports, from districts in which Normal teachers have been employed, speak in terms very gratifying and encouraging to the friends of that system of instruction. Of the ultimate success of the plan in perfecting the character of teachers, and improving the whole system of popular education, wherever it may be thoroughly tested, I cannot entertain a doubt.

The Legislature of New York have authorized an expenditure, and entered upon a course to test its utility, worthy of the cause and of the government of that great and enlightened State.

The abstract of the returns of the school committees in our towns, and the reports of the talented, distinguished and indefatigable Secretary of the Board of Education, which are annually laid before the Legislature, to be printed and circulated throughout the Commonwealth, are disseminating a mass of information of inappreciable value.

It will appear, from the report of the Secretary for the last year, that the average number of absences from school, including both summer and winter, is more than one third of all the children in the State, between the ages of four and sixteen years. There are probably in the State, from five to ten thousand children between those ages, who do not attend school at all during the year. This is a startling fact. The regret for this sad delinquency is deepened by the consideration, that nearly the whole of this number are the children of the poor, for whose instruction the most ample provision is made by existing laws. That the Commonwealth has done her duty in this respect towards all her children, will appear from the fact, that the money raised by the towns for the support of schools amounted to \$550,000, and that the whole sum paid for education in its various branches within the State, exceeded a million of dollars.

How shall this great evil be remedied? What legislator can be indifferent to it? Has a man a right to bring up his family in ignorance when the public, at its own expense, has furnished the means to educate and enlighten them? How can he repair the injury which such neglect brings upon those children and their neighbors? He will be a public benefactor indeed, who shall be instrumental in bringing those immortal beings, growing up in ignorance and crime, to the fountains of instruction and knowledge, opened for them without money and without price.

If these neglected thousands were always to remain children, the consequences to society would be less disastrous. Bu

ignorant and untaught children will grow up to be ignorant and vicious men and women. They will propagate vice and ignorance. The public peace, the public morals, and the public prosperity will suffer by them, and they will become a living reproach to the State. I am sure that no measure which your wisdom can suggest to mitigate this evil, will be left untried.

I cannot forbear to call your attention to the remnants of the Indian tribes who yet linger among us. These poor remains of a race, who once were the lords of our mountains, and valleys, and islands, are objects of peculiar interest, and should attract special attention and care. A few years since they were sunk by intemperance, that curse alike of the savage and civilized man, to the lowest depths of wretchedness and degradation. The temperance reformation has been to them a great blessing. Their condition has much improved. They cultivate their lands much better than formerly, have schools among them, organized churches and religious teachers of their own. Some of them are good fishermen and whalers. Necessity has compelled them to abandon the pursuits of their fathers, and but very few can speak or understand their native language. They look up to the government of the State for encouragement and support.

Nothing which the paternal care of the Legislature can do to improve their condition, elevate their character, protect them in the enjoyment of their lands, and shield them from the encroachments of unprincipled white men, should be omitted.

In his recent annual message to Congress, the President of the United States again brings forward the proposition to annex Texas to the Union, and recommends it with great earnestness.

A high public functionary of the General Government most evidently presses the immediate adoption of the measure, from the apprehension that a delay may result, in some way or other, in the abolition of slavery in Texas. This idea is manifest in several of his official communications. It is too obvious to require argument, that slavery, with the considerations connected with it, is the leading motive which impels the movement for the hasty consummation of this important measure. In the letter of Mr. Murphy, the representative of the United States to Texas, of the 23d September, 1843, to Mr. Upshur, Secretary of State, he says, "England is anxious to get rid of the constitution of Texas because it secures, in the most nervous and clear language, the *rights of the master to his slave*, &c. Now all the United States has to do, is to aid the people of Texas in sustaining their constitution; that constitution, which, while it effectually *secures the rights of the master*, secures to the people the blessings of civil, political and religious liberty. Say *nothing therefore which can offend even our fanatical brethren of the North*; let the United States at once espouse the cause of

civil, political and religious liberty in this hemisphere. *This will be found to be the safest issue to go before the world with.* On this issue we can defy the world, and the decision in our favor gains all we want to gain." In his letter of the 24th September, to Mr. Upshur, Mr. Murphy says, "Take this position on the side of the constitution and the laws, and the civil, political and religious liberties of the people of Texas, secured thereby (*saying nothing about abolition*), and all the world will be with you." The annexation of Texas will open an extensive and profitable market for the surplus slaves of the South, and increase the political power of that portion of the Union by bringing into it new slave States. The territory is extensive enough to make five States of the largest class, or a much greater number of smaller ones. If there was no such question as slavery involved in the project, and it was free from constitutional objections, the danger arising from the extension of our territory, already large enough, would seem to me to outweigh all the arguments in its favor.

But in the aspect which the subject now actually presents, ought the free States of this Union to give their consent to it? In the apportionment of Representatives in the Congress of the United States, among the several States, the Constitution gives to five slaves the same power as to three freemen. The practical effect of that provision is, at this time, to give to the property of the slaveholding States twenty-two Representatives in the popular branch of the Federal Legislature. The 2,487,355 slaves, the property of the Southern States under the present apportionment, are the basis of a representation, equal to 1,492,112 freemen in the non-slaveholding States. To compensate for this great advantage to the slave States, the constitution directs that representatives and direct taxes must be apportioned among the States in the same way. So far as it relates to direct taxes, it is known that this article in the constitution is a dead letter. Thus all the benefit has resulted to one party to the compromise.

Massachusetts, as a State, ever has maintained, and ever will maintain, the whole of the Constitution of the United States. All her people love and respect it. Hard and unequal as she considers this feature of that honored instrument, she will bow to it with reverence so long as it remains the supreme law of the land. She regards all the guaranties of the Constitution, whether they relate to the institutions of the North or the South, as equally binding upon every member of the Union. She will stand by the Union and the Constitution as they were formed, let them be assailed from what quarter they may, and with inviolable fidelity perform all her obligations towards them.

The statesmen from the free States, in the convention which made the Constitution, and many, if not most of those from the planting States, looked to the early termination of slavery, in

the States where it existed, from the action of the States themselves. In this they have been disappointed. Since that time thirteen new States have been admitted into the Union. Seven of those thirteen are slave States, and three of those seven have been formed out of territory purchased by the common treasure of the Union, since the adoption of the Constitution. The free States are now called upon to forge new fetters for themselves, and to confer additional power and influence upon the slave States, by the annexation of a foreign government, with territory enough out of which to form new States sufficient to give that portion of the confederacy an entire control, at least in one branch of the government, in the political affairs of the Union. Having failed to accomplish the object by the treaty making power, it is now proposed to be done by the passage of a joint resolution. The lowest price named to be paid for this acquisition is \$10,000,000. If the act is done, no one can estimate the amount of money it will cost this republic. And there is too much reason to fear that war, with all its horrors, will be one of its consequences.

This bold proposition comes from men who are the strong advocates of a strict construction of the Constitution of the United States. In what part of that instrument is found the power, for any or all the departments of the Federal Government, by treaty, law or resolution, to annex a foreign state or territory to this Union? The Constitution confers the power on Congress to "admit *new*," but not *foreign*, "States into the Union." "Congress has the power to *dispose* of, and make all needful rules and regulations respecting the territory or other property belonging to the United States," but not to purchase or annex foreign territory.

The situation of the States and Territories of the Union, at the adoption of the Constitution, and the language of the whole paragraph from which I have quoted, repel the idea of the power claimed by the advocates of annexation. When the territory of Louisiana was purchased, Mr. Jefferson, under whose administration it took place, expressly declared there was no constitutional warrant for the act. That act has no authority as a precedent for the *constitutional* power claimed in this case.

The friends of the measure tell us that its success would open a new and valuable market for northern manufactures. This argument is put forth by the stout supporters of the doctrine of free trade, which, if carried out, would throw open the present markets of our own country to the competition of the manufactures of the whole world. And if Texas is admitted, it is to bring into the Union, states whose opinions are expected to harmonize with those who resist the protection of American labor in every form. But looking beyond the benefits to our own country, the measure is urged because it is necessary to spread the blessings of a liberal government over the people of that territory, and "to extend the area of human freedom."

It is proposed to extend the area of human freedom, by enlarging the limits, and "rendering secure and permanent" the institution of human slavery. It is difficult to say of this argument which is the most striking, its humanity or its logic.

But where is this passion for extending the boundaries of the republic to stop? All history instructs us, that that spirit of acquisition, which is another name for ambition, whether it exhibits itself by the conquests of armies, or in the arts of diplomacy, when it should possess itself of Texas, would look to the provinces and territories beyond it. These lovers of liberty and the race, who see such glories in uniting Texas to the United States, would still burn with the desire to extend the area of freedom, by acquiring new territory, and be impatient to give the blessings of liberty to the city and country of Montezuma, by planting there the institution of negro slavery. If any doubt that this would be the case, let them remember the purchase of Louisiana and Florida, and look at the present movement for the annexation of Texas. If this spirit is not checked and controlled, we may read in the fate of former republics the destiny of our own. That thirst for conquest and for glory, which carried the arms of Rome to the ends of the earth, at last brought the haughty barbarian to the gate of the Eternal City, and humbled the proud Roman at his feet.

Of the injustice, unconstitutionality and inadmissibility of the annexation of Texas to the United States, "under any circumstances whatever," the people of Massachusetts, by the united voice of two successive Legislatures, have expressed their opinion in the most solemn and impressive manner. For the honor of her name, and the justice of the cause, it is hoped she will remain firm and immovable in her position.

In my annual communication to your predecessors, I expressed the opinion that serious inconvenience had been produced to the people of this country by too much legislation. Reflection has strengthened that opinion. In this Commonwealth, with the most numerous House of Representatives, according to our population, upon the face of the earth, to the evils of uncertain and constantly changing laws, is added the expense attendant upon protracted sessions. In a state of society like that in Massachusetts, it would seem strange that one fourth part of the time should be spent in making laws. Yet such has been the fact with regard to us for the last twenty years.

To avoid these evils, I respectfully but earnestly recommend to you to bring your labors to a close in the shortest term consistent with the public interest. I am sure such a course will meet the approbation of our constituents. A strict economy, carried out by withholding the appropriation of the public money from any and every object not called for by the public good, is as clearly the duty of those who have the revenue of the Commonwealth in their care, as it is their duty to expend

that money for all purposes that will promote the prosperity and the lasting and permanent interests of the people. Faithful public servants will neither fail to do the one, nor shrink from the performance of the other.

Gentlemen of the Senate and House of Representatives :

In our Constitution and Frame of Government, the appropriate duties of the Executive and Legislative branches are clearly pointed out and defined. An enquiring and honest mind can hardly mistake them. Let us then repair to the posts assigned us. In discharging the high trusts committed to us by our common constituents, let us keep fully in view the interests of the whole people of the Commonwealth.

For perfecting measures intended to carry out the great and beneficent purposes of the Constitution, I tender you my prompt cooperation.

M E S S A G E S .

To the House of Representatives :

IN March, 1843, the Legislature of this Commonwealth passed Resolves authorizing the Governor, with the advice and consent of the Council, to appoint agents in the city of Charleston, in the State of South Carolina, and New Orleans, in the State of Louisiana, to collect and transmit accurate information as to the number and names of citizens of Massachusetts, who may have been imprisoned in either of those cities without the allegation of any crime; and those resolutions authorized the agent to bring one or more suits in behalf of persons thus imprisoned, at the expense of the Commonwealth.

Under those Resolves, my predecessor appointed two persons successively in the city of New Orleans, and one in the city of Charleston, all of whom declined serving as agents under their appointments.

In March, 1844, an additional Resolve was passed authorizing the appointment of agents to reside in the cities above named, for the purpose of carrying out the object of the first named resolves.

After the adjournment of the Legislature, an agent living in each of those cities was appointed, and commissions were sent them. They both declined the trust. In compliance with what was deemed to be the intention and direction of the Le-

gislature, that agents should be appointed, I nominated the Hon. Samuel Hoar, of Concord, to the agency in South Carolina, and the Hon. Henry Hubbard, of Pittsfield, to the agency in Louisiana. Their nominations having been confirmed by the Council, they were appointed and commissioned accordingly.

In November, Mr. Hoar left the Commonwealth, and proceeded to Charleston, in the discharge of the duties of his agency. On reaching Charleston, he addressed a note to the Governor of the State, in respectful terms, informing him of his appointment, and the nature of the duties he had to perform.

How this agent of the Commonwealth was regarded and treated by the authorities of South Carolina, will be shown by the official proceedings of her Legislature embodied in a Report, and a series of Resolutions which I have since received from the Governor of the State, and which I herewith transmit to you. I also communicate to you a report from Mr. Hoar, giving an account of his attempt to execute the trust committed to him, and of his treatment by the citizens of Charleston.

In the second section of an act of the Legislature of South Carolina, passed on the 29th day of December, 1835, it is enacted, "That it shall not be lawful for any free negro, or person of color, to come into this State, on board any vessel as a cook, steward or mariner, or in any other employment on board such vessel; and in case any vessel shall arrive in any port or harbor of this State, from any other State or foreign port, having on board any free negro or person of color, employed on board such vessel, as a cook, steward, or mariner, or in any other employment, it shall be the duty of the sheriff of the district in which such port or harbor is situated, immediately on the arrival of such vessel, to apprehend such free negro or person of color, so arriving contrary to this act, and to confine him or her closely in jail, until such vessel shall be hauled off from the wharf and ready to proceed to sea. And that when said vessel is ready to sail, the captain of the said vessel shall be bound to carry away the said free negro or person of color, and to pay the expenses of his or her commitment."

Under this extraordinary law many of our colored citizens, who have entered the port of Charleston on board our vessels, in the pursuit of a lawful commerce, and complying with all the provisions of the laws of the United States regulating commerce among the States, have been from time to time seized by the officers of that State, taken from their ships, and confined in their public prisons until their vessels were ready to depart, when they were compelled to pay the expense of their detention. The color of their skin was the only offence which subjected those citizens to a felon's treatment.

The Legislature and people of Massachusetts believe that law of South Carolina to be in direct and palpable violation of that clause of the Constitution of the United States, which de-

clares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States," and also of that part of the Constitution, which confers upon *Congress* the power "to regulate commerce with foreign nations, among the several States, and with the Indian tribes." With a view to prevent the repetition of these wrongs upon her own citizens, under what she considered the harsh and unconstitutional law of a sister State, Massachusetts wished, in the manner pointed out in the Resolves of her Legislature, and which she considered perfectly respectful to that sister State, to bring the question of the constitutionality of that law before the Supreme Court of the United States, the appointed tribunal of this Union, to settle questions of this kind.

The late William Wirt, when he was Attorney General of the United States, was called upon by the Secretary of State, for his opinion of a law of the State of South Carolina, which in principle, and in its essential features, was the same as the present law. In that opinion, he said, "*it seems very clear to me that this section of the law of South Carolina is incompatible with the national constitution and the laws passed under it, and is therefore void.*"

A subject of the British government was imprisoned in Charleston, under this law of South Carolina, and his case was brought before the late learned and distinguished William Johnson, a judge of the Supreme Court of the United States, for his adjudication and decision. Judge Johnson was then a citizen of South Carolina and a resident of Charleston. He was familiar with this remarkable law, the circumstances under which it was passed, and the reasons urged in its favor by its supporters. No one could charge him, any more than they could Mr. Wirt, with hostility to the domestic institutions of the State.

In a very able and elaborate opinion pronounced in that case he said, "But it was not necessary to give this candid exposé of the grounds which this law assumes, for it is a subject of positive proof that it is altogether irreconcilable with the powers of the General Government, that it necessarily compromises the public peace, and tends to embroil us with, if not separate us from, our sister States; in short, that it leads to a dissolution of the Union, and implies a direct attack upon the sovereignty of the United States." And further he says, "Upon the whole, I am decidedly of opinion, that the third section of the State act now under consideration is unconstitutional and void, and that every arrest made under it, subjects the parties making it, to an action of trespass."

Under a law thus characterized by these eminent jurists, the citizens of Massachusetts have been imprisoned in the jails of South Carolina. To prevent a continuance of this injustice to her unoffending and peaceful citizens, she sought by the means pointed out in the Resolves above referred to, to aid them to

bring their case before the common judicial tribunal of the Union for its decision. For pursuing this course, every step of which has been friendly, constitutional, and respectful to the State of South Carolina, and her authorities, the Legislature of that State has seen fit to denounce her in no measured terms, and to ascribe to her motives entirely foreign from the real and avowed ones under which she acted, and to say that, "our agent came there, not as a citizen of the United States, but as the emissary of a foreign government, *hostile to their domestic institutions*, and with the *sole* purpose of subverting their internal police;" and then proceed to pass resolutions expelling that agent from their State. There is nothing in any part of the proceedings of Massachusetts, that can be tortured into the evidence of any such purpose, as is unjustly ascribed to them; and the conduct, the private and public character of that agent who was compelled to leave the State by the demonstration of popular violence in the city of Charleston, was a pledge that he was incapable of interfering with the domestic institutions of another State. The conduct of Mr. Hoar, under the circumstances, seems to me to have been marked by that prudence, firmness, and wisdom which have distinguished his character through his life. Who can fail to perceive that this course of South Carolina to sustain and enforce such a law, directly leads to what her own eminent jurist, with judicial and prophetic wisdom, declared would be its consequences?

In a report made by a committee of the House of Representatives of the United States upon this subject some two or three years since, the committee say "it seems to be understood that the application of these laws to foreign vessels has of late years been suspended." If this is the case, what reason can be assigned for this discrimination between the vessels of sister States coming into their ports under the laws of Congress regulating commerce among the States, and foreign vessels coming into the same ports under the laws regulating commerce with foreign nations? Can it be doubted that if the authorized agent of a foreign government, sent to Charleston to procure the liberation by peaceful and legal means of a subject imprisoned under those laws of South Carolina, had received such treatment as the agent of Massachusetts met with, that government would have been justified by the usages of nations in sending a ship of war to seek redress by battering down the walls of the prison that held their injured subject? In the report adopted by her Legislature, it is said that South Carolina by entering into the Union "yielded the right to keep troops or ships of war, in time of peace without the consent of Congress." Did it not occur to the Legislature of that State during the progress of those extraordinary proceedings, that their sister States had also "yielded their right to keep troops and ships of war in time of peace," and that their hands were tied by their obligations to that Union, from pursuing that course to obtain

redress for indignities offered to themselves and wrongs done to their citizens, which is open to all foreign States and nations? Such a reflection would seem naturally to suggest itself to the people of a brave and high-minded State.

What course it becomes Massachusetts to pursue under the circumstances of this case, will be for her Legislature to decide. I have no doubt she will with firmness and dignity maintain all her constitutional rights, and whilst she holds herself bound to respect the rights of her sister States, and to discharge towards them and the Union all her obligations, she will claim from them the fulfilment of all their obligations to her. In the unyielding pursuit of these objects I am sure she will do nothing unworthy of herself, or derogatory to the character of the confederacy of which she is a member.

The papers from South Carolina and the letter of Mr. Hoar, being transmitted in the original, I respectfully request that they, together with this message, may be communicated by the Honorable House to the other branch of the Legislature.

GEORGE N. BRIGGS.

Council Chamber ; January 6th, 1845.

To the House of Representatives :

I herewith transmit to the Honorable House, for the information of the two houses, the following documents received by me, since the last session of the General Court :

1. Resolutions of the General Assembly of Maryland, "in relation to the power of Congress under the Constitution of the United States, to interfere with or control the domestic institutions of the several States;" also to certain proceedings of the Legislature of Massachusetts, therein referred to.

2. "Preamble and Resolutions of the Legislature of Kentucky, in respect to certain Resolutions of the Massachusetts Legislature, relating to an Amendment of the Constitution of the United States;" also "Preamble and Resolutions in relation to the admission to seats in the House of Representatives of Congress, of persons not elected by law."

3. A protest of the State of Rhode Island against the interference of Congress with the internal government and Constitution thereof.

4. Resolutions of the State of Georgia, "relative to repudiation of State debts;" also, "Resolutions relating to the exchange of documents with other States."

5. Resolutions of the State of Connecticut, concerning the Annexation of Texas, the repudiation of State debts, and the assumption of State debts.

6. Resolutions of the State of New Hampshire, concerning the Annexation of Texas; also Resolutions relating to the imprisonment of Thomas W. Dorr, in Rhode Island.

7. The Annual Return of the Adjutant General, showing the state of the military force of the Commonwealth, and the present condition of the arsenals, and the arms and munitions therein.

8. Report of the Land Agent of the Commonwealth.

9. The Annual Reports of the Inspectors, Warden, Chaplain and Physician of the State Prison.

10. Report of the Commissioners appointed under a Resolve of March 24, 1843, to locate grants, and determine the extent of possessory claims, under the late treaty with Great Britain.

11. Copy of a communication addressed to the Secretary of State of the United States, signed by certain citizens of the State of Maine, relating to the recent action of the authorities of the Province of New Brunswick, respecting the passing of lumber down the river St. John's, under the provisions of the treaty of Washington.

12. Memorial of the New York Historical Society, requesting that they may be furnished with copies of all Legislative documents which have been or may be published for the use of said institution.

The above named documents being all transmitted in the original, it is respectfully requested that they may be communicated by the House to the other branch of the Legislature.

Council Chamber ; Jan. 6, 1845.

To the Senate :

The Commonwealth has been cited to appear at the Supreme Court of the United States, now holden in the city of Washington, in the District of Columbia, in pursuance of two writs of error filed in the clerk's office of our Supreme Judicial Court, at Ipswich, in the county of Essex, in one of which cases Benjamin Kimball, and in the other William Perley is plaintiff, and the Commonwealth is defendant in error.

It is understood that the constitutionality of one or more of the statutes of this Commonwealth is involved in the above named cases.

The Executive does not feel authorized to employ counsel to appear in those cases, without the directions of the Legislature, and the subject is respectfully submitted to their consideration.

Council Chamber ; January 8, 1845.

To the Senate :

In compliance with the request of the Honorable Senate, in its order of the 21st instant, I transmit herewith a copy of the record of the proceedings of the Executive Council, upon the memorial of sundry citizens of Massachusetts, in behalf of Jonathan Walker, of Harwich ; also, a copy of a letter addressed

by the Secretary of the Commonwealth to the Governor of Florida. To this letter no answer has been returned.

Council Chamber ; Jan. 22, 1845.

To the Senate :

I transmit herewith to the Honorable Senate, for the information of the Legislature, a communication from His Excellency the Governor of Ohio, accompanied by a copy of a Preamble and Resolutions, passed by the Legislature of that State, relative to the Annexation of Texas.

Council Chamber ; January 25, 1845.

To the Senate :

I transmit herewith to the Honorable Senate, for the information of the Legislature, a communication from His Excellency the Governor of Rhode Island, accompanied by a copy of a Preamble and Resolutions, passed by the Legislature of that State, relative to certain resolutions of the General Assembly of the State of New Hampshire. The papers being transmitted in the original, I respectfully request that they may be communicated to the other branch.

Council Chamber ; Jan. 30, 1845.

To the House of Representatives :

I herewith transmit to the Honorable House, the papers requested in their orders of the 28th and 29th instant, relating to the commission created by the Resolve of March 24th, 1843, to locate grants and determine the extent of possessory claims, under the late treaty with Great Britain, together with a copy of the doings of the Executive Council thereupon.

Council Chamber ; Jan. 30, 1845.

To the Senate :

In compliance with the request of the Honorable Senate, in its order of the 30th instant, I transmit herewith a copy of the record of the Executive Council, showing the action of that body on the accounts of the commissioners appointed by authority of the first of the Resolves of 1843, chapter 80. The accounts referred to in the order of the Senate, are now in the possession of the House of Representatives, having been called for by an order of that branch of the General Court of the 29th instant.

Council Chamber ; January 31, 1845.

To the Senate :

I transmit herewith to the Honorable Senate, for the information of both branches, a letter received from M. Alexandre Vattemare, of Paris, in France, relating to his plan of international exchanges of books and other objects of science and art. The benefit already derived by this Commonwealth, from his enlightened and disinterested exertions, entitle him, in my judgment, to our gratitude and esteem, and I respectfully recommend his suggestions respecting a further prosecution of the enterprise, to the favorable consideration of the Legislature.

Council Chamber ; January 31, 1845.

To the Senate :

I transmit herewith to the Honorable Senate, for the information of the Legislature, a communication from His Excellency the Governor of Rhode Island and Providence Plantations, accompanied by Resolutions concerning the Annexation of Texas, directed by the General Assembly of that State to be forwarded to the Governor of this Commonwealth. The papers being sent in the original, I respectfully request that they may be communicated to the other branch.

Council Chamber ; Feb. 3, 1845.

To the Senate :

I transmit herewith to the Honorable Senate a communication from the Governor of the State of Vermont, accompanied by resolutions of the Legislature of that State, relating to protection to American industry, and the distribution of the proceeds of the public lands; also, a communication from the Governor of Vermont, accompanied by a Preamble and Resolutions of the Legislature of that State, relating to the Annexation of Texas, and the institution of slavery. The papers being sent in the original for the information and use of the Legislature, I respectfully request that they may be communicated to the other branch.

Council Chamber ; Feb. 6, 1845.

To the Senate :

I transmit herewith, for the information of the Legislature, Resolutions of the General Assembly of the State of Arkansas, relating to the conditions of citizenship of the United States, and to recent proceedings of the governments of Massachusetts and South Carolina.

Council Chamber ; Feb. 10, 1845.

To the Senate :

I transmit herewith, for the information and use of the Legislature, a communication from the Governor of Rhode Island and Providence Plantations, accompanied by Resolutions of the General Assembly of that State, relating to measures now pending, for ascertaining the true boundary line between that State and Massachusetts. The papers being sent in the original, it is respectfully requested that they may be communicated by the Senate to the other branch of the Legislature.

Council Chamber ; February 11, 1845.

To the Senate :

I transmit herewith, for the information and use of the Legislature, a communication from His Excellency the Governor of Alabama, accompanied by Resolutions of the General Assembly of that State, relating to recent proceedings of the government of this Commonwealth, for an amendment of the Federal Constitution and for the protection of its citizens, and to the repeal of the twenty-fifth Rule of the Rules and Orders of the House of Representatives of the United States. The papers being sent in the original, it is respectfully requested that they may be communicated to the other branch.

Council Chamber ; Feb. 12, 1845.

To the Senate :

In compliance with the Resolve of 1837, chap. 30, I herewith transmit to the Honorable Senate, for the use and information of both Houses, a Supplementary Report of the Commissioners appointed to reduce so much of the common law of Massachusetts, as relates to crimes and punishments, and the incidents thereof, to a written and systematic code.

Council Chamber ; Feb. 13, 1845.

To the Senate :

I transmit herewith to the Honorable Senate, for the information and use of the Legislature, a communication from the Governor of Delaware, accompanied by Resolutions of the Legislature of that State, relating to the Annexation of Texas to the United States ; also, a communication from the Governor of Alabama, accompanied by Resolutions of the Legislature of that State, relating to the Repudiation of State Debts, the Abolition of the Veto Power, the Distribution of the Proceeds of the Public Lands, the Protective System, the Annexation of Texas, a National Bank, the Occupation of Oregon, and the admission of new States. The papers being sent in the original, I re-

spectfully request that they may be transmitted to the other branch.

Council Chamber ; Feb. 21, 1845.

To the Senate :

I transmit to the Honorable Senate, for the information and use of the Legislature, a communication from the Governor of North Carolina, accompanied by resolutions of the General Assembly of that State, relating to the interchange of Documents ; also, a copy of a Preamble and Resolutions of the General Assembly of Illinois, relating to an Amendment of the Constitution of the United States, proposed in resolves of this government, of March 23d, 1843.

Council Chamber ; March 7, 1845.

To the Senate :

I transmit herewith a copy of a letter this day received from the Vice President of the United States, communicating official information of the decease of the Honorable Isaac C. Bates, late Senator of this Commonwealth in the National Congress.

Council Chamber ; March 22, 1845.

NOTE. A similar message was transmitted to the House on the same day.

L I S T
OF THE
CIVIL GOVERNMENT

OF THE
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR 1845.

HIS EXCELLENCY
GEORGE N. BRIGGS,
GOVERNOR.

HIS HONOR
JOHN REED,
LIEUTENANT GOVERNOR.

COUNCIL.
ALFRED D. FOSTER,
THOMAS FRENCH,
CHARLES MARSTON,
WILLIAM G. BATES,
JAMES ARNOLD,
SAMUEL HOAR,
EBENEZER BRADBURY,
EDWARD DICKINSON,
JOHN P. BIGELOW.

JOHN G. PALFREY,
Secretary of the Commonwealth.

William Tufts, 1st Clerk.

Charles W. Lovett, 2d Clerk.

JOSEPH BARRETT,
Treasurer and Receiver General of the Commonwealth.

Joseph Foster, 1st Clerk.

David Wilder, Jr., 2d Clerk.

SENATE.

LEVI LINCOLN, PRESIDENT.

SUFFOLK DISTRICT.

John C. Gray,	Charles Francis Adams,
Francis B. Fay,	Daniel Safford.
John C. Park,	

ESSEX DISTRICT.

Francis S. Newhall,	Edmund Kimball, Jr.,
Alfred Kittredge,	George Wheatland.
Thomas J. Clark,	

MIDDLESEX DISTRICT.

Stevens Hayward,	Henry Wilson,
Royal Southwick,	Charles Choate,
Isaac Livermore,	James P. Whitney.

WORCESTER DISTRICT.

Levi Lincoln,	Joseph Stone,
Linus Child,	John G. Thurston.
Dan Hill,	

HAMPSHIRE DISTRICT.

Myron Lawrence,	Benjamin Barrett.
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FRANKLIN DISTRICT.

James White,	Solomon Reed.
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HAMPDEN DISTRICT.

Jehiel Abbott,	Charles Stearns.
----------------	------------------

BERKSHIRE DISTRICT.

Charles W. Hopkins,	Asahel Foote.
---------------------	---------------

NORFOLK DISTRICT.

Joseph Richards, Benjamin F. Copeland.
Luther Metcalf,

PLYMOUTH DISTRICT.

Morrill Allen, Jesse Murdock.

BRISTOL DISTRICT.

Oliver Ames, John H. Clifford.
Nathaniel B. Borden,

BARNSTABLE DISTRICT.

Solomon Davis, John B. Dillingham.

NANTUCKET AND DUKES CO. DISTRICT.

William Mitchell.

CHARLES CALHOUN, *Clerk*.
W. P. GREGG, *Assistant Clerk*.
REV. JOHN T. BURRILL, *Chaplain*.
MILTON HALL, *Doorkeeper*.
EDWIN HILLS, *Assistant Messenger*.
TILSON FULLER, *Page*.

HOUSE OF REPRESENTATIVES.

SAMUEL H. WALLEY, JR.,
SPEAKER.

COUNTY OF SUFFOLK.

Boston,

Charles Amory,
Daniel Bartlett, Jr.,
Richard W. Bayley,
Joseph Bell,
Abraham W. Blanchard,
Luther Blodgett,
Ephraim Buck,
Peleg W. Chandler,
John Codman,
Larra Crane,
Bradley N. Cumings,
William Denton,
Edmund Dwight,
Ebenezer Ellis,
Rowland Ellis,
David Francis,
Nathaniel Francis,
Jabez C. Howe,
William H. Lane,
Ezra Lincoln,
David Morgan,
John Osborn,
Jonathan Preston,
Samuel Quincy,
Benjamin P. Richardson,
Charles T. Russell,
J. Thomas Stevenson,
Thomas Tolman,
John B. Tremere,

<i>Boston,</i>	Jedediah Tuttle, Charles Wade, Samuel Wales, Jr., Joel Wheeler, William Willett, Royal B. Willis,
<i>Chelsea,</i>	Joshua Norton, Jr.

COUNTY OF ESSEX.

<i>Amesbury,</i>	John Marland,
<i>Andover,</i>	William Stevens,
<i>Beverly,</i>	John I. Baker, Albert Thorndike,
<i>Boxford,</i>	
<i>Bradford,</i>	Sylvanus Morse,
<i>Danvers,</i>	Henry Fowler, Richard Osborn, Ezra Perkins, Jr.
<i>Essex,</i>	
<i>Georgetown,</i>	
<i>Gloucester,</i>	
<i>Hamilton,</i>	
<i>Haverhill,</i>	Hazen Morse,
<i>Ipswich,</i>	
<i>Lynn,</i>	
<i>Lynnfield,</i>	
<i>Manchester,</i>	
<i>Marblehead,</i>	Jonas A. Bettes, Peter Dixey, Jr., George Barker,
<i>Methuen,</i>	
<i>Middleton,</i>	
<i>Newbury,</i>	Enoch Hale, Joseph Little, Frederick J. Coffin, John Coombs, Benjamin R. Knapp, William Grover, Daniel N. Prime, James Kimball, Jonathan C. Perkins,
<i>Newburyport,</i>	
<i>Rockport,</i>	
<i>Rowley,</i>	
<i>Salem,</i>	

<i>Salem,</i>	Caleb Pierce, Daniel Potter, Allen Putnam, John D. Symonds, Benjamin Sawyer, Pickmore Jackson, Samuel Todd,
<i>Salisbury,</i>	
<i>Saugus,</i>	
<i>Topsfield,</i>	
<i>Wenham,</i>	
<i>West Newbury,</i>	Enoch Bailey,

COUNTY OF MIDDLESEX.

<i>Acton,</i>	Daniel Wetherbee, 2d, Reuben Bates,
<i>Ashby,</i>	
<i>Bedford,</i>	
<i>Billerica,</i>	
<i>Boxborough,</i>	
<i>Brighton,</i>	Henry H. Larnard,
<i>Burlington,</i>	
<i>Cambridge,</i>	John S. Ladd, Charles R. Metcalf, John Sargent,
<i>Carlisle,</i>	
<i>Charlestown,</i>	
<i>Chelmsford,</i>	
<i>Concord,</i>	Isaac S. Lee, Timothy V. Coburn,
<i>Dracut,</i>	
<i>Dunstable,</i>	
<i>Framingham,</i>	Calvin Shepard, Jr., William Livermore, Jr.,
<i>Groton,</i>	
<i>Holliston,</i>	
<i>Hopkinton,</i>	Josiah Burnham,
<i>Lexington,</i>	
<i>Lincoln,</i>	Leonard Hoar, John Sprague, Shubael P. Adams, George Bragdon, Isaac Cooper, Joseph Griffin, Thomas Hopkinson, John A. Knowles,
<i>Littleton,</i>	
<i>Lowell,</i>	

<i>Lowell,</i>	John Mixer, Jesse Phelps, William Schouler,
<i>Malden,</i>	
<i>Marlboro',</i>	Lambert Bigelow,
<i>Medford,</i>	
<i>Natick,</i>	Stedman Hartwell,
<i>Newton,</i>	Isaac Hagar,
<i>Pepperell,</i>	Luther Lawrence,
<i>Reading,</i>	Daniel Pratt,
<i>Sherburne,</i>	John Leland,
<i>Shirley,</i>	
<i>Somerville,</i>	Caleb W. Leland,
<i>South Reading,</i>	Lilley Eaton,
<i>Stoneham,</i>	
<i>Ston,</i>	Joel Walcott,
<i>Sudbury,</i>	Reuben Haynes,
<i>Townsend,</i>	
<i>Tewksbury,</i>	
<i>Tyngsboro',</i>	
<i>Waltham,</i>	
<i>Watertown,</i>	Thomas Livermore,
<i>Wayland,</i>	Abel Gleason,
<i>West Cambridge,</i>	Josiah H. Russell,
<i>Westford,</i>	George Harlow,
<i>Wilmington,</i>	John M. Durgin,
<i>Woburn,</i>	
<i>Weston,</i>	Edwin Hobbs.

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	
<i>Athol,</i>	Theodore Jones,
<i>Auburn,</i>	
<i>Barre,</i>	
<i>Berlin,</i>	
<i>Bolton,</i>	Joel Barnard,
<i>Boylston,</i>	John T. Cotton,
<i>Brookfield,</i>	
<i>Charlton,</i>	William Marble,
<i>Dana,</i>	

<i>Douglas,</i>	Enoch Brown,
<i>Dudley,</i>	
<i>Fitchburg,</i>	Joseph Wright,
<i>Gardner,</i>	Jonathan Warren,
<i>Grafton,</i>	
<i>Hardwick,</i>	
<i>Harvard,</i>	
<i>Holden,</i>	David Davis,
<i>Hubbardston,</i>	
<i>Lancaster,</i>	Jacob Fisher,
<i>Leominster,</i>	Leonard Burrage,
<i>Leicester,</i>	John Woodcock,
<i>Lunenburg,</i>	Ithra Lewis,
<i>Mendon,</i>	Welcome Staples,
<i>Milford,</i>	Alfred Bragg,
<i>Millbury,</i>	Calvin Willard,
<i>New Braintree,</i>	
<i>Northboro',</i>	Eben D. Blake,
<i>Northbridge,</i>	
<i>North Brookfield,</i>	Hiram Edson,
<i>Oakham,</i>	
<i>Oxford,</i>	Erastus Ormsbee,
<i>Paxton,</i>	
<i>Petersham,</i>	Jonas Howe,
<i>Phillipston,</i>	
<i>Princeton,</i>	Israel Everett,
<i>Royalston,</i>	Benjamin Brown,
<i>Rutland,</i>	Henry Brigham,
<i>Shrewsbury,</i>	
<i>Southboro',</i>	Peter Fay,
<i>Southbridge,</i>	
<i>Spencer,</i>	Eleazer B. Draper,
<i>Sterling,</i>	Samuel Houghton,
<i>Sutton,</i>	Zadok Woodbury,
<i>Sturbridge,</i>	Prince Brackett,
<i>Templeton,</i>	
<i>Upton,</i>	
<i>Uxbridge,</i>	Henry Chapin,
<i>Warren,</i>	Franklin Drury,
<i>Webster,</i>	Solomon Robinson,

<i>Westborough,</i>	Moses G. Maynard,
<i>West Boylston,</i>	Brigham Prescott,
<i>Westminster,</i>	William S. Bradbury,
<i>Winchendon,</i>	Warham Rand,
<i>Worcester,</i>	Alexander H. Bullock,
	John Milton Earle,
	Darius Rice.

COUNTY OF HAMPSHIRE.

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<i>Belchertown,</i>	Henry A. Bridgman,
<i>Chesterfield,</i>	Asahel Pierce,
<i>Cummington,</i>	Robert Dawes, Jr.,
<i>Easthampton,</i>	E. Munroe Wright,
<i>Enfield,</i>	
<i>Granby,</i>	Levi Taylor,
<i>Greenwich,</i>	Cullen Warner,
<i>Goshen,</i>	
<i>Hadley,</i>	John A. Morton,
<i>Hatfield,</i>	
<i>Middlefield,</i>	Uriah Church,
<i>Northampton,</i>	Erastus Hopkins,
	William W. Partridge,
<i>Norwich,</i>	
<i>Pelham,</i>	
<i>Plainfield,</i>	
<i>Prescott,</i>	
<i>South Hadley,</i>	Calvin Goodman,
<i>Southampton,</i>	
<i>Westhampton,</i>	
<i>Ware,</i>	Ansel Phelps, Jr.,
<i>Williamsburg,</i>	Joel Hayden,
<i>Worthington,</i>	

COUNTY OF HAMPDEN

<i>Blandford,</i>	Sharon Bradley,
<i>Brimfield,</i>	Orson Sherman,
<i>Chester,</i>	Hector Campbell,
<i>Granville,</i>	
<i>Holland,</i>	

Longmeadow,
Ludlow,
Monson,
Montgomery,
Palmer,
Russell,
Southwick,
Springfield,
Tolland,
Wales,
Westfield,

West Springfield,
Wilbraham,

Jacob Colton, Jr.,
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 Samuel Whitney,

Alonzo V. Blanchard,
 Frederic Sackett,
 Chandler Holcomb,
 Edmund Freeman,

Hiram Harrison,
 Oliver Moseley,

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Ashfield,
Bernardston,
Buckland,
Charlemont,
Colrairie,
Conway,
Deerfield,
Erving,
Gill,
Greenfield,
Hawley,
Heath,
Leverett,
Leyden,
Monroe,
Montague,
New Salem,
Northfield,
Orange,
Rowe,
Shelburne,
Shutesbury,
Sunderland,
Warwick,

Jasper Bement,
 Daniel W. Temple,
 Gardner Wilder,
 Simeon H. Williams,
 Amos Stewart,
 Nathaniel P. Baker,
 Rufus Saxton,

Clark Sears,

Nathan Hosmer,
 Frederic Peirce,
 Charles Osgood,
 Benjamin Mayo,

Asa Severance,

Horace Hubbard,

Wendell,
Whately, Jabez Pease.

COUNTY OF BERKSHIRE.

Adams,
Alford,
Beckett, Prentiss Chaffee,
Cheshire, Andrew Bennett,
Clarksburg,
Dalton, David Smith,
Egremont,
Florida,
Great Barrington, Bazy W. Pattison,
Hancock,
Hinsdale,
Lanesboro', Socrates Squire,
Lee, Lewis Beach,
Lenox, Isaac Comstock,
Mount Washington,
New Ashford,
New Marlboro',
Otis,
Peru,
Pittsfield, James Buel,
 Thaddeus Clapp,
 John Sherril,
Richmond,
Sandisfield,
Savoy, Bradish Dunham,
Sheffield, Leonard Tuttle,
Stockbridge, Robert E. Galpin,
Tyringham, Asa Judd,
Washington,
West Stockbridge, Martin R. Kellogg,
Williamstown,
Windsor,

COUNTY OF NORFOLK.

Bellingham,
Braintree, Naaman L. White,

Brookline,
Canton,
Cohasset,
Dedham,
Dorchester,

Dover,
Foxboro',
Franklin,
Medfield,
Medway,
Milton,
Needham,
Quincy,
Randolph,
Roxbury,

Sharon,
Stoughton,
Walpole,
Weymouth,
Wrentham,

Thomas Kendall,

Josiah O. Lawrence,
Joseph Day,
Friend Crane,
Moses Draper,
Ralph Sanger,

Richard Ford,
Joseph H. Billings,
Samuel Guild,
Samuel H. Walley, Jr.

George Bullard,

COUNTY OF BRISTOL.

Attleborough,

Berkley,
Dartmouth,

Dighton,
Easton,
Fairhaven,

Fall River,

Freetown,
Mansfield,
New Bedford,

Forrest Foster,
Lemuel May,

George Kirby,
James Rider,
Joseph Pitts,
Lincoln Drake,
Ellis Mendall, Jr.,
Joseph Tripp,
Simeon Borden,
James B. Luther,
Benjamin F. White,
John Winslow, Jr.,
O. S. Kingsbury,
James B. Congdon,

<i>New Bedford,</i>	David R. Greene, Abraham H. Howland, Thomas Kempton, John H. W. Page, Earl Hodges, Wm. D. Bullock,
<i>Norton,</i>	Grenville Stevens, Cyrill Read, Benjamin Cartwright, Philip M. Marvel,
<i>Pawtucket,</i>	
<i>Raynham,</i>	
<i>Rehoboth,</i>	
<i>Seekonk,</i>	
<i>Somerset,</i>	
<i>Swanzey,</i>	
<i>Taunton,</i>	
<i>Westport,</i>	Jonathan Davis.

COUNTY OF PLYMOUTH.

<i>Abington,</i>	Samuel Leonard, William S. Savery, Joshua Brewster, Jr.,
<i>Bridgewater,</i>	
<i>Carver,</i>	
<i>Duxbury,</i>	
<i>E. Bridgewater,</i>	
<i>Halifax,</i>	Oren Josselyn, Luther Holmes, John Beal,
<i>Hanover,</i>	
<i>Hanson,</i>	
<i>Hingham,</i>	
<i>Hull,</i>	
<i>Kingston</i>	Uriah Bartlett,
<i>Marshfield,</i>	
<i>Middleboro',</i>	Josiah Tinkham, Asa T. Winslow, Henry French, Luther Magoon, David Holmes, Edmund Robbins,
<i>N. Bridgewater,</i>	
<i>Pembroke,</i>	
<i>Plymouth,</i>	
<i>Plympton,</i>	
<i>Rochester,</i>	George Bonney, Nathan Cannon,
<i>Scituate,</i>	
<i>Wareham,</i>	Harrison G. O. Ellis, Caleb Howard.
<i>W. Bridgewater,</i>	

COUNTY ON BARNSTABLE.

<i>Barnstable,</i>	Charles C. Bearnse,
<i>Brewster,</i>	Josiah Hinckley,
<i>Chatham,</i>	Albert P. Clark,
<i>Dennis,</i>	John Taylor,
<i>Eastham,</i>	Joseph Baker,
<i>Falmouth,</i>	Elijah E. Knowles,
<i>Harwich,</i>	Samuel P. Crosswell,
<i>Orleans,</i>	James Long,
<i>Provincetown,</i>	Alexander Kenrick,
<i>Sandwich,</i>	John Dunlap,
	David Benson,
<i>Truro,</i>	William Handy, Jr.,
<i>Wellfleet,</i>	Richard Stevens,
<i>Yarmouth,</i>	Caleb Lombard,
	Elisha Jenkins.

DUKES COUNTY.

<i>Chilmark,</i>	Smith Mayhew,
<i>Edgartown,</i>	Joseph Mayhew,
<i>Tisbury,</i>	Mathew P. Butler.

COUNTY OF NANTUCKET.

<i>Nantucket,</i>	David Baker,
	George Harris,
	William C. Starbuck,
	Charles Wood.

CHARLES W. STOREY, JR., *Clerk.*

CHANDLER ROBBINS, } *Chaplains.*
WILLIAM HAGUE, }

BENJAMIN STEVENS, *Sergeant-at-Arms to the General Court.*

ALEXIS POOLE, *Doorkeeper.*

DAVID MURPHY, *Messenger.*

E. W. PALMER, *Assistant Messenger.*

TIMOTHY HAYS, *Page.*

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, MAY 21, 1845.

I HEREBY CERTIFY, that I have compared the printed copies of the Acts, Resolves, &c., contained in this pamphlet, with the originals, and find the same to be correct.

JOHN G. PALFREY,

Secretary of the Commonwealth.

INDEX

TO THE

ACTS, RESOLVES, MESSAGES, &c. OF THE YEARS 1843, 1844, 1845.

A.

ABDUCTION, penalty of,	Page 546
ABORTION, unlawful attempts to cause, penalty of,	406
ACADEMY of Agriculture, Massachusetts, in Westborough, incorporated,	478
" Ireland, in West Springfield, proprietors of, incorporated,	191
" South Yarmouth, incorporated,	16
" Stockbridge, title changed,	22
" Winchendon, incorporated,	400
ACCOUNTS of Land Agent, relating to,	76, 300, 611
" military, payment of, (see Rolls, pp. 104, 348, 352, 667)	73, 325, 653
" miscellaneous, payment of, (see Rolls, pp. 101, 103, 108, 114, 342, 345, 347, 353, 660, 661, 671)	73, 81, 83, 307, 308, 331, 612, 651, 653
" pauper, payment of, (see Rolls, pp. 113, 335, 654)	81, 296, 588
ADAMS Bank, capital stock reduced,	177
" Joel, administrator, to sell real estate,	602
ADJUTANT GENERAL, salary of,	8
" " to be allowed no clerk,	8
" " to receive \$300 as keeper of magazines, &c.,	8
" " tenure of office,	10
" " to give bond,	10
" " return of, when to be made,	51
" " to make survey of arsenal, &c.,	85
" " relating to salary of clerk in office of,	333
" " to distribute equipments and camp equipage,	611
" " to employ a clerk,	610
" " to furnish a stand of arms to the Soul of Soldiery,	624
" " to make repairs on gun houses,	610
" " to publish and distribute a digest of the militia laws,	611
" " to purchase and distribute "Cooper's Tactics,"	615
ADMINISTRATORS and Executors, when to be discharged at their own request,	59
AGAWAM and Half-way Pond River, concerning preservation of alcwives in,	184
AGENT of Charles River and Warren Bridges, compensation of,	580
AGENTS, Factors and Principals, concerning,	515

AGRICULTURAL SOCIETIES, in favor of certain,	Page 590
“ “ requiring additional returns from,	453
“ “ to suffer penalty in default of making a return,	457
“ SOCIETY, Barnstable County, incorporated,	215
“ “ Bristol County, in favor of,	298
“ “ Massachusetts, in favor of,	296
“ “ of the County of Hampden, incorporated,	179
AID SOCIETY, Seamen's, incorporated,	417
ALDERMEN, provision for election of, in Boston,	395
ALEWIVE Fishery, in Harwich, regulating,	185
ALEWIVES, concerning taking of, in Barnstable,	11
“ concerning preservation of, in Agawam and Half-way Pond River,	184
ALIEN PASSENGERS, concerning,	427
ALIMONY, to be allowed in certain cases,	225
ALLIANCE Mutual Insurance Company, in Boston, incorporated,	277
AMERICAN BANK, allowed further time to close its concerns,	405
“ Commerce, concerning French depredations on,	299
“ Factory, to manufacture wool and woollen goods,	415
“ Hosiery Company, incorporated,	43
“ “ “ individual stockholders not liable, &c.,	165
“ Institute of Instruction, in aid of,	644
“ Mutual Insurance Company, in Boston, incorporated,	210
“ Oriental Society, incorporated,	15
AMESBURY, part of Salisbury annexed to,	226
AMHERST BANK, allowed further time to close its concerns,	201
“ Hampshire and Franklin Bank in, established,	476
ANATOMICAL SCIENCE, dead bodies to be used for the advancement of, in certain cases,	571
ANNEXATION OF TEXAS, concerning,	319, 651
AQUEDUCT, to supply the city of Boston with pure water,	549
“ State Lunatic Hospital to establish,	31
“ Company, Grafton, incorporated,	471
“ “ Spot Pond, incorporated,	40
“ “ “ concerning liability of stockholders, &c.,	548
“ “ Worcester, incorporated,	431
ARCHIVES, Governor authorized to procure documents in Europe,	585
“ public, appropriations for arranging,	300, 611
ARSENAL in Cambridge, concerning repair of,	85
“ “ “ “ exchange of lot of,	613
ARSENALS in Cambridge and Boston, concerning examination of,	71, 588
ASHBURNHAM Reservoir Company, incorporated,	435
ASSISTANT MESSENGER to the Governor and Council, pay of,	308, 593
ASSOCIATION, Harvard Musical, incorporated,	464
“ Seamen's Widow and Orphan, incorporated,	203
“ Village Hall, in Roxbury, incorporated,	252
ASSOCIATIONS, Law Library, counsellors and attorneys at law may organize,	260
ASYLUM, Boston Female, to hold increased amount of real estate,	215
“ at Hartford, respecting admission of George H. Balch to,	71
“ “ “ respecting admission of Harriet N. Ranney to,	600

BANK, Millbury, capital stock reduced,	Page 414
“ Norfolk, further time to close its concerns,	3, 404
“ Ocean, in Newburyport, capital stock reduced,	167
“ Phœnix, charter repealed, &c.,	443, 595
“ Rail-road, in Lowell, capital stock reduced,	161
“ Traders', in Boston, capital stock reduced,	182
“ “ “ “ elections declared valid,	405
“ Wareham, forfeiture refunded,	625
“ Warren, in Danvers, capital stock reduced,	219
“ “ “ “ tax refunded,	585
“ Washington, in Boston, authorized to remove banking house,	157
“ Winthrop, tax on capital remitted,	79
BANK COMMISSIONERS, Board of, abolished,	20
“ “ to be appointed in certain cases,	56
“ “ in addition to act abolishing Board of,	174
BANKS, concerning duties of officers, stockholders, &c.,	56
“ and Banking, repeal of certain sections in act concerning,	264
BARNEY, James O., in favor of,	304
BARNSTABLE County Agricultural Society, incorporated,	215
“ “ Commissioners to build road and bridge across Mill Creek,	18
“ “ salary of Judge of Probate for, established,	505
“ concerning taking of alewives in,	11
“ North Congregational Society, to appropriate ministerial fund,	14
“ town of, to construct a bridge,	475
BARRE, fire department established in town of,	14
BARRELS for packing pickled fish, additional regulations concerning manufac- ture of,	171
BARTLETT STEAM MILLS, to increase number of shares in capital stock,	524
BATCHELDER, Jonathan and others, in favor of, to pay them commutation of land bounty,	298
BATES, William G., trustee, authorized to sell land,	613
BATTLE, James, allowed fifty dollars land bounty,	587
BAYLEY'S CREEK, to erect a dam over,	517
BEACHES of town of Chelsea, in relation to,	463
BEDFORD Commercial Insurance Company, to make certain divisions of profits,	196
BERKSHIRE County Commissioners for, allowance for support of insane State paupers,	295
“ “ concerning removal of public offices from Lenox to Pittsfield,	65
“ Rail-road Company, to construct a branch,	471
BEVERLY Insurance Company, incorporated,	160
BIRTHS, Marriages, and Deaths, concerning registry and returns of,	261
BISHOP, Henry W., allowance to,	610
BLACKSTONE Canal Company, authorized to sell their property,	276
“ town of, incorporated,	521
BOARD OF EDUCATION, concerning annual reports of,	309
BOLTWOOD, Elijah, commissioners to be appointed on petition of,	317
BONDS, rail-road, where to be recorded,	7
“ required of constables,	424
“ of pilots, relating to,	277

INDEX.

v

	Page
BONDS, probate, sureties in, how discharged,	27
BORDEN, Richard, may build a wharf in Fall River,	417
BOSTON, City of, elections in, for the present year,	395
“ “ “ to pay, as heretofore, salary of municipal judge,	5
“ “ “ streets and ways of,	566
“ “ “ to supply with pure water,	549
“ Duck Company, incorporated,	415
“ Female Asylum, authorized to hold increased amount of real estate,	215
“ Harbor, concerning injury to islands in,	67
“ Hemp Company, to increase number of shares in capital stock,	508
“ and Maine Rail-road Corporation to unite with the Maine, New Hampshire and Massachusetts Rail-road Corporation,	54
“ and Maine Rail-road Extension Company, incorporated,	279
“ “ “ “ “ “ and Boston and Maine Rail-road Co. united,	481
“ and Providence Rail-road Company, to subscribe for stock in the Stoughton Branch Rail-road Company,	421
“ and Providence Rail-road, relating to,	53
“ Roman Catholic Mutual Relief Society, incorporated,	28
“ Society for the Diffusion of Information among Emigrants, incorporated, and Roxbury Mill Corporation, authorized to extend wharf,	180
“ Steam Flour Mill Company, incorporated,	403
“ Wharf Company, to extend their wharf,	568
“ and Worcester Rail-road, Western Rail-road Corporation may enter upon and use,	516
BOUNDARY LINE between Mass. and Rhode Island, commissioners to ascertain,	304, 587
“ “ “ “ “ “ “ “ appointment of surveyors,	624
“ “ “ “ “ “ “ “ copy of resolve concerning to be transmitted to Governor of Rhode Island,	311
“ “ “ “ “ “ “ “ concerning records of court of commissioners to settle,	646
BOWDITCH Mutual Life Assurance Company, incorporated,	568
BOYLSTON BANK in Boston, established,	467
“ Fire and Marine Insurance Company, in Boston, continued for twenty years,	189
BRAMAN, Jarvis, authorized to extend wharf in Boston,	218
BRATTLEBOROUGH and Fitchburg R. R., may be united with Vermont and Massachusetts Rail-road,	227
BREAKWATER Company, Marblehead, incorporated,	501
BREWER, Thomas M., and Wm. Hayden, appointed publishers of the laws,	295
BRIDGE, Barnstable, town of, to construct,	475
“ Central, proprietors of, authorized to re-construct, &c.,	23, 409
“ Charles River and Warren, concerning,	430
“ Chelsea Point, proprietors authorized to take toll,	55
“ Dartmouth, further regulating rates of toll,	195
“ Granite, rates of toll, &c.,	420
“ over Jones’s River, Old Colony Rail-road Corporation may construct,	464
“ over Manamsha Creek, may be constructed,	468

BRIDGE, Neponset, additional act as to tolls, returns, &c.,	Page 14
“ over Neponset River, rates of toll and returns, concerning,	14
“ over North River, in Salem, Jonathan T. Carlton to build,	22
“ over Powow River, concerning,	21
“ Truro, inhabitants of, may construct,	208, 425
BRIGHAM, Charles, Jr. Trustee of Grafton Indians, authorized to sell certain real estate, and purchase other in lieu thereof,	323
“ “ “ “ “ “ “ “ allowed for certain expenses,	594
“ Fund for education, established in Marlborough,	171
BRIGHTMAN, Hathaway, to build wharves,	13
BRINLEY, Edward, guardian, to sell real estate in Roxbury,	317
BRISTOL, Commissioners of County of, in favor of,	315
“ County Agricultural Society, in favor of,	298
“ Printing Company, in Taunton, incorporated,	412
BROOK FARM PHALANX, incorporated,	489
BROOKLINE, part of Roxbury annexed to,	169
BROWN, George, trustees under deeds of, to sell real estate,	590
“ Stephen, error in auction return corrected,	594
BRYANT, Walter A., compensation to, for publishing laws in 1840,	297
BULLOCK, A. H., assignee, allowance for services of John W. Lincoln, as a director of Western Rail-road Corporation,	600
BULL'S WHARF, in Boston, extended,	429
BURROWS, Betsy, executrix, to sell real estate,	600

C.

CABOT BANK, in Springfield, established,	396
“ SAVINGS BANK, in Cabotville, established,	430
CANAL COMPANY, Blackstone, authorized to sell their property,	276
“ Mount Hope and Wharf Company, time for completing canal extended,	473
CARLETON, Joseph, and others, compensation for militia services,	74
CARLTON, Jonathan T., to build bridge in Salem,	22
CARR, Henry S., compensation for arrest of criminals,	649
CARROLL, Wm. Thomas, in favor of,	73
CARVER, town of, concerning delivery of Shurtleff, a lunatic, to,	71
CARY, Shepard, reimbursed for expenses of sickness, &c., of William Whitaker,	294
CASHIERS of Banks, and other officers, not to hire money of the Bank,	57
CENTRAL BRIDGE CORPORATION, to reconstruct bridge, &c.,	23, 409
CHACE, Leonard and Benjamin G., to extend their wharf,	430
CHAMBERLIN, Olive, guardian, to sell real estate,	595
CHANCERY, Master in, additional one in county of Middlesex,	404
“ “ “ “ “ “ “ “ Worcester,	281
“ masters in, relating to qualification of	154, 203
“ “ “ to continue proceedings in certain cases,	239
CHANDLER, Joseph T., trustee, to sell real estate in Salem,	324
CHANNEL POLES, town of Danvers to put down and maintain in certain rivers,	192
CHAPEL, Leyden, in Boston, incorporated,	397
CHAPLAINS of Legislature, compensation of,	76, 306, 593

INDEX.

vii

CHARLEMONT, proportion of income of school fund to be paid to,	Page 318
CHARLES RIVER and Warren Bridges, duties of agent,	16
“ “ “ “ “ funds for repairs of,	16, 430
“ “ “ “ “ pay of agent of,	580
“ “ “ “ “ relating to flats between the channels of,	555
“ “ “ “ “ survey of,	625
CHARLESTON, Agent to be employed in, for certain purposes,	330
CHARLESTOWN Branch Rail-road, to be straightened,	284
“ “ “ Corporation, to construct a branch,	566
CHARTER of city of Lowell, amended,	523
CHELMSFORD Centre Meeting House, proprietors incorporated,	25
CHELSEA Fire Department, established,	10
“ concerning beaches of,	463
“ Trustees of the Second Methodist Episcopal Church in, incorporated,	509
“ Point Bridge, rates of toll established,	55
CHILDREN'S FRIEND SOCIETY, in Salem, title changed,	419
CHILDREN, idle and dissolute, may be sent to House of Reformation,	13
CITIZENS' BANK of Nantucket, allowance to,	614
“ “ in Worcester, capital stock reduced,	169
CITY Mutual Fire Insurance Company, incorporated,	505
“ Officers, concerning election of,	546
CLAIMS for support of State paupers, concerning manner of making,	333
CLAM BAIT, concerning inspection of, repealed,	177
CLARY, Jonathan C., compensation for militia services,	72
CLAPP, Derastus, compensation for arrest of criminals,	66, 308
“ Henry, executor, Commonwealth's title to real estate released to,	306
CLEVELAND, Richard J., Treasurer to give up certain obligations to,	297
CLINTON COMPANY, capital stock increased,	403
COAST OF MASSACHUSETTS, survey of,	514
COBB, Asahel, in favor of,	314
CODIFICATION of Criminal Law, commission reduced,	82
COFFIN, Charles H., Treasurer, to give up obligations to,	309
COHASSET Mutual Fire Insurance Company, incorporated,	476
“ Savings Bank, incorporated,	437
COMMERCE, American, concerning French depredations on,	85, 299
COMMERCIAL BANK, further time to close its concerns,	19
COMMISSIONER OF MARSHPEE, to set off certain land to Oliver Foller,	328
COMMISSIONERS, Bank, abolished,	20
“ “ in addition to act abolishing board of,	174
“ to ascertain boundary between Massachusetts and Rhode Island,	304, 587
“ to settle boundary between Massachusetts and Rhode Island,	646
“ concerning records of court of,	86, 232
“ to locate grants of lands in Maine,	317
“ appointed on petition of Elijah Boltwood,	82, 626
“ for codifying criminal laws, number reduced, and pay of,	582
“ Board of Rail-road, appointed,	609
“ of Marshpee, pay of,	554
“ County, duties of,	73, 295
“ “ for Berkshire, reimbursed for support of insane paupers,	73, 295

COMMISSIONERS, County, for Bristol, reimbursed for support of lunatic paupers, . . .	Page 315
“ “ “ “ to meet for certain purposes in July and December,	44
“ “ “ Hampden, reimbursed for support of lunatic paupers,	303
“ “ “ Hampshire, on petition of,	297, 321
“ “ “ Norfolk, reimbursed for support of lunatic paupers,	72, 302
“ “ “ “ to lay out road and bridge in Dorchester,	192
COMMITTEES, School, authorized to dismiss teachers, in certain cases,	166
COMMON PLEAS, Court of, duties of Municipal Court transferred to,	4
“ “ “ “ additional judge of, created, their duties,	5, 29, 480
“ “ “ “ in Middlesex, time for holding, changed,	20
“ “ “ “ and Municipal, in Boston, in addition, relating to,	173
“ “ “ “ and Supreme Judicial, in addition, relating to,	264
“ “ “ “ in Hampden, time for holding changed,	279
“ “ “ “ in Hampden, additional terms established,	583
“ “ “ “ salaries of judges of,	6
CONCORD Steam Power Company, incorporated,	426
CONET, John V., Treasurer of Herring Pond to sell land jointly with,	312
CONGREGATIONAL Ministerial Fund, in Hadley, Trustees to distribute,	319
CONSTABLES, to give bonds in certain cases,	424
CONSTITUTION of the United States, concerning amendments to,	79, 293
CONVEYANCE of Real Estate, to prevent frauds in,	211
“ and sale of trust estates,	422
CONVICTS, support of, to whom chargeable,	31
“ additional sentence of, in State Prison,	44
“ Insane, concerning removal of, from the State Prison,	220
“ discharged, concerning,	504
“ in State Prison, to be supplied with books and lights,	616
“ punishment of,	464
COPPER COMPANY, Isle Royal, incorporated,	454
“ “ Revere, to increase capital stock,	401
CORDIS COMPANY, in Millbury, incorporated,	226
COREY, George V., trustee, to convey real estate in Boston,	318
“ Stephen, guardian, to sell real estate,	63
CORPORATIONS, (Banks, Rail-roads, Insurance Offices, Manufacturing Corporations, Bridge, Turnpike and Canal Corporations,) to make annual returns to assessors of towns, for purposes of taxation, and penalty for neglect,	60
COSTS in Civil Actions, discontinued for bankruptcy of defendant,	27
“ of Trustees, concerning,	512
COUNCIL, Senate, and House of Representatives, pay of members,	82, 306, 594
COUNTY COMMISSIONERS, duties of,	554
“ “ for Barnstable, may build road and bridge over Mill Creek,	18
“ “ “ Bristol, to meet for certain purposes in July and December,	44
“ “ “ Hampshire, on petition of,	297, 321
“ “ “ Norfolk, to lay out a road and bridge in Dorchester,	192
“ of Berkshire, concerning removal of public offices from Lenox to Pittsfield,	65

INDEX.

ix

COUNTY of Berkshire, reimbursed for support of insane paupers,	Page 73, 295
“ “ Bristol, reimbursed for support of insane paupers,	315
“ “ Hampden, reimbursed for support of lunatic paupers,	303
“ “ Norfolk, reimbursed for support of lunatic paupers,	72, 302
“ Taxes granted,	77, 310, 612
COURT, Common Pleas, duties of Municipal Court transferred to,	Page 4
“ “ “ additional judge, their duties,	5, 29, 480
“ “ “ and Municipal Court, in Boston, relating to,	173
“ “ “ salaries of judges of,	6
“ “ “ and Supreme Judicial, in further addition, concerning,	264
“ “ “ in County of Hampden, additional terms established,	583
“ “ “ “ “ “ “ time for holding changed,	279
“ “ “ “ “ “ “ Middlesex, time for holding changed,	20
“ Municipal, costs in, how taxed and certified,	29
“ Probate, for Barnstable, salary of judge of,	505
“ “ for Hampden, when and where held,	15
“ “ “ Hampshire, when and where held,	20
“ “ in Medway, time changed for holding,	224
“ “ in Middleborough and Rochester, time changed for holding,	425
“ “ for Nantucket, terms of,	4
“ “ “ “ salary of judge of,	472
“ “ “ “ “ “ register of,	472
“ “ expenses of, act concerning repealed,	7
“ “ judges of, to appoint trustees in certain cases,	481
“ “ “ “ salaries of,	6
“ Police, of Boston, power to send idle and dissolute children to House of Reformation,	13
“ “ of New Bedford, judge's salary, duties as clerk, &c.,	44
“ Supreme Judicial, salary of justices,	6, 159
COURTS, Clerks of, to make returns of fees, under penalty,	19
“ “ “ requirement of returns from, repealed,	264
CRANBERRIES on Gay Head, to protect,	523
CRIME, statistics of, annual reports to be made by Attorney for Suffolk and District Attorneys,	196
CRIMINAL CASES, concerning bail in,	487
“ Laws, codification of, commission reduced, pay of commissioners,	82, 626
CROCKER MILLS in Fitchburg, incorporated,	442

D.

DAM over Bayley's Creek, Sawyer and Allen to build,	517
DANFORTH, J. A., cashier of Wareham Bank, forfeiture refunded,	625
DANVERS, town of, to put down and maintain channel poles in certain rivers,	192
DARTMOUTH, part of, annexed to New Bedford,	486
“ Bridge, rates of toll at, further regulated,	195
DAVIS, Lettice, compensation for revolutionary services of her late husband,	646
DAVISVILLE Manufacturing Company, in Northborough, incorporated,	201
DEAF AND DUMB, Asylum for, who may be admitted,	86
DEATHS, Births, and Marriages, concerning registry and returns of, &c.,	261

DEBTORS, Insolvent, for relief of, and more equal distribution of their effects,	Page 288
“ Poor, concerning,	256
DECISIONS of Supreme Court, Secretary to forward reports of, to the several States,	312
DEED, concerning trusts created by,	10
DEEDS, Registers of, duties of,	524
“ Registry of, relating to,	209
DENNISON, Arad, pension to,	621
DEPARTMENTS, Fire, villages and districts empowered to establish,	252
DEWEY, Samuel O., compensation for arresting a fugitive from justice,	297
DIGHTON Mutual Fire Insurance Company, incorporated,	404
DILLON, James, and Samuel F. Holbrook, to extend wharf in Boston,	165
DISCHARGED CONVICTS, relating to,	504
DISPUTED TERRITORY FUND, concerning,	298
DISTRICT OF MARSHPEE, concerning,	226
“ Attorney, to make yearly returns to Secretary,	61
“ “ to appear in behalf of Commonwealth in their several districts,	61
“ “ for Suffolk, to give opinions to Council, Legislature, &c.,	61
“ “ “ “ to give up note to Timothy Paine,	329
“ “ “ “ salary and duties,	6, 423
“ “ “ Northern District, salary established,	412
“ “ “ Southern District, salary established,	401
DIVORCE, may be granted for causes which occurred out of the State, in certain cases,	43
DOCUMENTS and Laws, Secretary to distribute,	610
DOORKEEPERS, Messengers, and Pages, pay of,	76, 306, 593
DORCHESTER, County Commissioners of Norfolk, authorized to lay out road and bridge in town of,	192
DORR Manufacturing Company, incorporated,	470
DOUGLAS, First Congregational Society of, may sell lands, &c.,	17
DOYLE, Rhoda, judge of probate for county of Essex to appoint a trustee for,	650
DUCK COMPANY, Boston, incorporated,	415
DUDLEY, First Congregational Society of, records of, made valid,	18
“ INDIANS, guardian to repair dwellings of,	620
DURFEE, Nathan and Joseph, to extend wharf in Fall River,	416
DUXBURY, proportion of income of School Fund to be paid to,	323
DWIGHT Manufacturing Company, in Springfield, capital stock increased,	155

E.

EAGER, Harriet W., to invest in certain real estate in Northborough,	321
EAGLE Cotton Gin Manufacturing Company, in Bridgewater, incorporated,	222
EAST Bridgewater Bank, further time to close its concerns,	9
“ Boston Cotton Mills, incorporated,	477
“ Parish Congregational Society, in Haverhill, to sell parsonage lands,	475
EASTERN Aroostook Road, Land Agent authorized to improve,	304
“ Exchange Hotel Company, in Boston, incorporated,	202
“ Rail-road Company, to uncover a tunnel in Salem,	227
“ “ “ to receive interest money from Commonwealth,	227
“ “ “ to construct a branch,	576

FIRE DEPARTMENT in Newton, established,	Page 21
“ “ “ Salem, establishing board of engineers,	419
“ “ “ Waltham, established,	156
“ DEPARTMENTS, villages or districts empowered to establish,	252
FIRE DISTRICTS, concerning,	567
“ INSURANCE COMPANIES, Mutual, concerning,	402
FISH, alewives, further regulations for preservation of, in Agawam and Half-way Pond River, in Plymouth,	184
“ pickled, additional regulations concerning manufacture of barrels for packing,	171
“ River Road, in Maine, Land Agent authorized to repair and improve,	315
FISHER, Nancy, deceased, administrator on estate of, to distribute property,	77
FISHERY, alewife, in Harwich, further regulated,	185
“ in Ipswich River, concerning,	427
“ in Little River, concerning,	180, 478
“ in Palmer's River in Rehoboth, regulated,	183
“ Shell, in Rowley, for protection of,	225
“ in Taunton Great River, regulated,	35, 182
FISHING COMPANY, White Pond, incorporated,	469
FISHWAY at Manning's Dam across Ipswich River, concerning,	434
FITCHBURG RAIL-ROAD COMPANY, concerning,	547
“ WOOLLEN MILL, incorporated,	412
FLOUR MILL COMPANY, Boston Steam, incorporated,	403
FLOWER, Spencer, and Harvey Root, to sell certain real estate,	301
FOLLER, Oliver, certain lands in district of Marshpee to be set off to,	328
FORGERS, &c., rewards for prosecution and conviction of,	480
FOREIGN WILLS, concerning,	56
FORT KENT, on Fish River in Maine, concerning occupation of,	296
FRANKLIN, Hampshire and, Rail-road Company, incorporated,	406
“ Mutual Fire Insurance Company, in Greenfield, continued for twenty years,	175
“ “ Insurance Company, in Boston, incorporated,	221
FRAUDS in conveyance of real estate, to prevent,	211
FRAUDULENT transfers of stock, to avoid taxation, penalty for,	60
FREEMAN'S BANK, capital stock increased,	418
FRENCH, Benjamin V., and Moses, junior, to extend wharf in Boston,	428
“ Depredations on American Commerce, concerning,	299
FUGITIVE SLAVES, not to be arrested or detained, &c.,	33
FUND, Brigham, for education, established in Marlborough,	171
“ Congregational Ministerial, in Hadley, trustees to distribute,	319
FURNACES, use of,	517

G.

GAMING, to punish,	535
GARDNER, Apollos, compensation for military services,	295
GENEALOGICAL Society, New England Historic, incorporated,	479
GENERAL COURT, relating to elections of representatives to,	191
“ “ concerning pay of members of,	82, 306, 594
“ Mutual Fire and Marine Insurance Company, in Boston, incorporated,	218

INDEX.

xiii

GEORGETOWN Branch Rail-road Company, incorporated,	Page 193
" and Danvers Rail-road Company, incorporated,	242
GLOBE MUTUAL Insurance Company, in Boston, incorporated,	411
" STEAM MILLS, incorporated,	509
GODDARD, Lucy, to pay,	624
" Nathaniel, on petition of,	322
GOODWIN, George J., trustee, to sell real estate,	615
" Ozias, trustee, to sell real estate	71
GOODYEAR Manufacturing Company, incorporated,	504
GOVERNMENT of the State, civil list of members of,	135, 379, 691
GOVERNOR, to retain counsel in behalf of Commonwealth,	585
" and Lieutenant Governor, salaries of,	6
GRAFTON Aqueduct Company, incorporated,	471
" Indians, trustee of, to sell real estate,	323
" " " " allowance to,	594
GRAND BANK at Marblehead, capital stock reduced,	188
" " " " tax refunded,	585
GRANITE BRIDGE CORPORATION, rates of toll, &c.,	420
GRANT, Charles, resolve upon petition of,	603
GRANTS of land in Maine, concerning commissioners to locate,	332
GREENFIELD INSTITUTE, incorporated,	13
" and Northampton Rail-road Company, incorporated,	398
GREENLEAF, Gardner, to extend wharf in Boston,	420
" Thomas, trustee, to sell real estate,	601
GREENOUGH, David S., guardian, to sell real estate,	320, 596, 597
GREENWICH, proportion of income of school fund to be paid to,	320
GROTON Branch Rail-road Company, incorporated,	237
" and East Wilton Rail-road Company, incorporated,	556
GROUSE, or Heath Hen, concerning preservation of,	260
GUN HOUSES, Adjutant General to make repairs on,	610

H.

HADLEY, Congregational Ministerial Fund in, trustees of, to distribute,	319
HALE, Ebenezer and Sarah W., to sell real estate,	618
HALL, Jacob, and A. W. Thaxter, to extend wharf in Boston,	9
HAMPDEN COUNTY, compensated for support of lunatic paupers,	75, 303
" " times of holding terms for Court of Common Pleas in, altered,	279
HAMPSHIRE and Franklin Bank, in Amherst, established,	476
" " Rail-road Company, incorporated,	406
" County Commissioners, on petition of,	297, 321
HANCOCK, James S., allowance for arrest of fugitive from justice,	608
HANOVER, proportion of income of School Fund, to be paid to,	310
HANSON, proportion of income of School Fund, to be paid to,	303
HARRISON AVENUE Congregational Society, in Boston, incorporated,	512
HARTFORD AND SPRINGFIELD RAIL-ROAD CORPORATION, time for completion extended,	162
" " " " " to unite with Hartford and New Haven Co.,	162

HARTFORD AND SPRINGFIELD, or Western Rail-road Corporations, to unite with Northampton and Springfield Rail-road,	Page 166
“ “ “ Rail-road Corporation, to change name, . . .	414
HARTT, Betsey, and C. G. Loring, trustees to sell real estate, . . .	602
HARVARD Congregational Society, in Brookline, to borrow money, &c., . . .	576
“ Musical Association, incorporated,	464
“ Street Baptist Society, incorporated,	25
HARWICH, Alewife Fishery in, further regulated,	185
“ proportion of income of School Fund to be paid to,	298
HATFIELD and Williamsburg, dividing line between,	466
HAVERHILL, Institution for Savings in, to change name,	413
HAWLEY, town of, reimbursed for militia bounty paid by Treasurer,	78
HAYDEN, William, and Thomas M. Brewer, appointed publishers of the laws,	295
HEARSEY, Albert, compensation for arresting a criminal,	620
HEATH HEN, or Grouse, concerning preservation of,	260
HERRING, Daniel, pension to,	68, 73
“ River Company, incorporated,	482
HEWINS, Elijah, and Miligan, released as sureties from claim of the Commonwealth,	314
HIGHWAYS, common, to lay out turnpike roads as,	533
HINGCKLEY, Isaiah, to build a wharf in Barnstable,	176
HINGHAM BANK, capital stock reduced,	161
HISTORY, Colonial, or other of this Commonwealth, Governor to procure documents concerning,	585
HOAR, Samuel, concerning his treatment by South Carolina,	626
HOLBROOK, Samuel F., and James Dillon, to extend wharf in Boston,	165
HOLLIS STREET CHURCH, in Boston, proprietors to borrow money,	563
HOLYOKE Mutual Fire Insurance Company, incorporated,	9
HOPE Insurance Company, in Boston, to make certain divisions of profits,	245
HOPPIN, John, to extend wharf in Boston,	215
HOSIERY Company, Essex, incorporated,	403
HOSPITAL, State Lunatic, concerning,	309, 316, 617
HOUSE OF REPRESENTATIVES, Council and Senate, pay of members of,	82, 306, 594
“ “ “ concerning journals and files of,	256
“ “ “ “ organization of,	244
“ “ “ pay of clerks of,	66, 330, 648
“ “ “ seats to be arranged in Chamber of,	624
“ “ REFORMATION, Boston, branches of, may be established,	13
“ “ “ “ children in certain cases may be sent to,	13
HOUSES OF CORRECTION, duties of master or overseers of, in certain cases,	31
“ “ “ concerning Sabbath Schools in,	646
HOWARD HALL, in Lowell, proprietors incorporated,	516
HUNT, Jane, Commonwealth's claim to land in Roxbury released to,	617
“ Nathaniel, guardian of the Dudley Indians, to repair houses,	620
HUNTINGTON, Asahel, concerning payment of expenses incurred in examination of,	648
HUSBAND AND WIFE, concerning,	531

I.

IMPRISONMENT of Citizens of this Commonwealth, concerning,	Page 81, 330
INDICTMENT for larceny, how construed,	3
INDUSTRY, to obtain statistical information in relation to branches of,	491
INSANE CONVICTS, concerning removal of, from State Prison,	220
INSOLVENT DEBTORS, in addition for relief of, and more equal distribution of their effects,	288
INSPECTION of Clam Bait, repealed,	177
INSTITUTE of Instruction, American, in aid of,	644
INSTITUTION FOR SAVINGS, Cabot Savings Bank in Cabotville, established,	430
“ “ “ Cohasset Savings Bank, in Cohasset, established,	437
“ “ “ in Haverhill and vicinity, title changed,	413
“ “ “ Lancaster Savings Bank, established,	465
“ “ “ Quincy Savings Bank, established,	480
“ “ “ in Salem, title changed,	4
INSURANCE COMPANIES, may invest funds in rail-road stock,	418
“ “ clerks of, to make returns,	60
“ “ Mutual Fire, concerning,	402
“ “ on Lives, for benefit of married women and other persons, concerning,	192
“ of Trust property by Trustees,	46
INSURANCE COMPANY, Alliance Mutual, in Boston, incorporated,	277
“ “ American Mutual, in Boston, incorporated,	210
“ “ Atlantic Mutual, in Boston, incorporated,	52
“ “ Attleborough Mutual Fire, incorporated,	178
“ “ Bedford Commercial, in New Bedford, to make certain divisions of profits,	196
“ “ Beverly, incorporated,	160
“ “ Bowditch Mutual Life, incorporated,	568
“ “ Boylston Fire and Marine, in Boston, continued for twenty years,	180
“ “ City Mutual Fire, in Boston, incorporated,	505
“ “ Cohasset Mutual Fire, incorporated,	476
“ “ Dighton Mutual Fire, incorporated,	404
“ “ Equitable Life Assurance Society, in Boston, incorporated,	281
“ “ “ “ “ “ “ “ concerning,	564
“ “ “ Marine, in Provincetown, incorporated,	409
“ “ “ Safety, may divide income,	29
“ “ Essex Mechanics' Mutual Fire, incorporated,	155
“ “ Farmers' Mutual Fire, in Georgetown, incorporated,	175
“ “ Franklin Mutual, in Boston, incorporated,	221
“ “ “ “ Fire, in Greenfield, continued for twenty years,	175
“ “ General Mutual Fire and Marine, in Boston, incorporated,	218
“ “ Globe Mutual, in Boston, incorporated,	411
“ “ Hope, in Boston, to make certain divisions of profits,	245
“ “ Lowell Equitable Life, incorporated,	239

INSURANCE COMPANY, Marblehead Marine, continued for twenty years,	Page 38
“ “ Marine, in Provincetown, incorporated,	185
“ “ Mercantile Marine, in Boston, to make certain divisions of profits,	278
“ “ Mutual Marine, in New Bedford, incorporated,	61
“ “ Neptune Mutual, in Boston, incorporated,	223
“ “ New England Fire and Marine, incorporated,	27
“ “ New England Mutual Life, in Boston, authorized to insure on lives otherwise than on the mutual principle,	192
“ “ New England Mutual Marine, in Boston, to divide interest upon invested funds,	215
“ “ Old Colony, in Plymouth, additional powers conferred,	152
“ “ Oriental, in Salem, continued for twenty years,	152
“ “ Salem, for fire and marine risks, incorporated,	159
“ “ South Cove, for fire and marine risks, in Boston, incorporated,	421
“ “ South Mutual Fire, in South Boston, incorporated,	396
“ “ State Mutual Fire, in Boston, incorporated,	45
“ “ “ “ Life Assurance, in Worcester, incorporated,	285
“ “ Traders’ Mutual, in Boston, incorporated,	222
“ “ Tremont, in Boston, to make certain divisions of profits,	212
“ “ Tremont Mutual, in Boston, incorporated,	214
“ “ Truro Fire and Marine, charter repealed,	200
“ “ Union, in Provincetown, capital stock increased,	468
“ “ Union Mutual Fire, in Boston, incorporated,	20
“ “ “ “ “ “ to keep separate accounts of yearly policies and policies for seven years,	194
“ “ United States, in Boston, continued for twenty years,	153
“ “ United States Mutual, in Boston, incorporated,	224
“ “ Washington Fire and Marine, continued for twenty years,	29
“ “ Washington Mutual, in Boston, incorporated,	209
IPSWICH RIVER, concerning fishery in,	427
“ “ concerning fishway at Manning’s Dam,	434
IRELAND Academy, in West Springfield, Proprietors of, incorporated,	191
“ Maria, a minor, to convey real estate in Newton,	613
IRISH Benevolent Society, Lowell, incorporated,	18
IRON COMPANY, South Boston, to extend wharf,	436
“ “ Tremont, in Wareham, incorporated,	431
“ WORKS, Richmond, to do business in Great Barrington,	470
“ “ “ capital increased,	470
“ “ Company, Fall River, to extend wharves,	418
“ “ “ “ “ to manufacture cotton goods,	402
ISLE ROYAL Copper Company, incorporated,	454

J.

JACKSON, William, compensation as Director of Western Rail-road Corporation,	86
JAMES STEAM MILLS, in Newburyport, capital stock increased,	261
JAMIESON, heirs of Thomas, to receive amount of estate of deceased,	78
JOHNSON, William, a Chapequiddic Indian, pension to,	593

INDEX.

xvii

JOHONNOT FUND, trustees of the State Lunatic Hospital, to use, . . .	Page 84
JONES, Abel B., and others, organized as a company of riflemen, . . .	75
" Alexander, deceased, trustee under his will may sell real estate, . . .	589
" Ebenezer, and others, treasurer to surrender their notes on certain con- ditions,	75
" Manufacturing Company, in Templeton, incorporated, . . .	396
" River, Old Colony Rail-road Company to build a bridge over, . . .	464
JOURNALS and Files of House of Representatives, concerning, . . .	256
JURORS' Fees in criminal trials, concerning,	561
JUSTICES of the Peace, Fees to include only one travel,	34
JUVENILE OFFENDERS in City of Lowell, concerning,	577

K.

KENDALL, Hugh R., guardian, to convey minor's real estate,	68
KIDDER, William, pension to,	66
KILHAM, Edward, and Albert Thorndike, trustees, to sell real estate, . . .	590
KING, William J., trustee, to sell real estate in Fall River,	589

L.

LANCASTER Mills, incorporated,	157
" Savings Bank, established,	465
LAND AGENT, accounts of, concerning,	76, 300, 611
" " salary of,	6
" " to build roads and survey lands in Maine,	74, 300
" " to improve the Eastern Aroostook Road,	304
" " to improve and repair the Fish River Road, in Maine,	315
" " to act in certain cases,	614
" " to convey land to Juliana Philbrook,	604
" " to sell land in Maine,	311, 607
LAND BOUNTY, fifty dollars allowed James Battle,	587
LARCENY, in dwelling house, in night time, to punish,	3
" in shops and other places, in night time, to punish,	406
" indictment for, how construed,	3
LAW LIBRARY Associations, in addition, relating to,	260
LAWRENCE, S. A., company under his command to receive militia bounty, . . .	65
LAWS, Criminal, to pay Commissioners for codifying,	626
" Publishers of, appointed,	295
LEGISLATURE, compensation of the Chaplains of the,	76, 306, 593
" " " " Clerks of the,	66, 330, 648
" " " " Doorkeepers, Messengers and Pages of,	76, 306, 593
LEVER, John, title of, to certain real estate in Douglas, confirmed,	328
LEVY, John, a foreigner, empowered to hold real estate,	68
LEXINGTON Ministerial Fund, distribution of income of,	457
" and West Cambridge Rail-road Company, incorporated,	510
LEYDEN CHAPEL, in Boston, incorporated,	397
LIBRARIES, School District, concerning,	311, 645

LIBRARY Association, Mercantile, incorporated,	Page 479
“ Associations, Law, in addition, relating to,	260
“ of General Court, appropriation for,	320
LICENSE LAW, Governor to retain council in an action pending in Supreme Court relating to,	585
LIEN created by the policy of Mutual Insurance Companies, concerning,	402
LIFE ASSURANCE Company, Bowditch Mutual, in Boston, incorporated,	568
“ “ “ State Mutual, in Worcester, incorporated,	285
“ “ Society, Equitable, in Boston, incorporated,	281
“ “ “ “ “ “ concerning,	564
“ Insurance Company, Lowell Equitable, incorporated,	239
“ “ “ New England Mutual, to insure on lives otherwise than on the mutual principle,	192
LIGHT HOUSE on Minot's Ledge, on the erection of,	71
LIMITED Partnerships, concerning,	427
LINCOLN, Charles, late Warden of the State Prison, one year's salary to be paid to widow of,	331
“ John W., sheriff, allowance for apprehension of an escaped prisoner,	595
“ “ “ a director in the Western Rail-road Company, allowance to A. H. Bullock, assignee, for services of,	600
“ Joseph, to extend wharf in Boston,	222
LIQUORS, Spirituous and Fermented, concerning prosecutions for the sale of,	208
LITTLE, Josiah S., assignee of trustees of Williams' College, allowed compensation,	586
“ River, concerning fishery in,	180, 478
LOCATION of Lands in Maine, Commissioners on,	86
LORD'S DAY, further provisions made for the observance of,	263
LORING, Caleb W., trustee, to sell real estate,	601
“ C. G., and F. C., trustees, to sell real estate,	311
“ C. G., and Betsey Hartt, trustees, to sell real estate,	602
“ George B., and others, allowed militia bounty,	72
LOTHROP, Thomas, to extend wharf in Provincetown,	178
LOUISIANA and South Carolina, relating to,	648
LOVELL, Cyrus, trustee, to sell real estate,	77
Low, Betsey, in favor of,	308
“ John V., assistant messenger, in favor of,	73, 648
LOWELL Bank, capital stock reduced,	172
“ City Charter amended,	523
“ Equitable Life Insurance Company, incorporated,	239
“ Irish Benevolent Society, incorporated,	18
“ Juvenile Offenders in, concerning,	577
“ Machine Shop, incorporated,	400
“ and Nashua Rail-road Company, capital stock increased,	429
“ Proprietors of Howard Hall in, incorporated,	516
“ “ “ Third Universalist Meeting House in, incorporated,	17
LUNATIC Hospital, State, concerning,	316
“ Paupers, State, allowance for support of,	607, 645
LYCEUM, South Boston, incorporated,	241
LYNN Mechanics' Bank, capital stock reduced,	190
“ Natural History Society, incorporated,	397

M.

MACHINE SHOP, Lowell, incorporated,	Page 400
MAINE, Boston and, Rail-road Extension Company, incorporated,	279
“ “ “ “ “ “ to build a sea wall,	555
“ “ “ “ “ “ to unite with Boston and Maine Rail-road Company,	481
“ Fish River Road in, Land Agent to repair and improve,	315
“ survey of townships in,	74
“ Wharf in Boston, to extend,	428
MANAMSHA Creek, to construct a bridge over,	468
MANNING'S Dam over Ipswich River, concerning fishway at,	434
MANUFACTURERS' Bank, in Rowley, title changed,	411
MANUFACTURING CORPORATIONS, American, to manufacture wool and woollen goods,	415
“ “ American Hosiery Company, incorporated,	43
“ “ “ “ “ respecting indi- vidual liability of stockholders, repealed,	165
“ “ Baldwin, in Chelmsford, incorporated,	203
“ “ Ballard Vale, capital increased,	410
“ “ Bartlett Steam Mills, to increase number of shares in capital stock,	524
“ “ Boston Duck, incorporated,	415
“ “ “ Hemp, to increase number of shares in capital stock,	508
“ “ “ Steam Flour Mill, incorporated,	403
“ “ Bristol Printing Company, incorporated,	412
“ “ Clerks of, to make returns,	60, 513
“ “ Clinton, capital stock increased,	403
“ “ Concord Steam Power, incorporated,	426
“ “ Cordis, in Millbury, incorporated,	226
“ “ Crocker Mills, incorporated,	442
“ “ Davisville, in Northborough, incorporated,	201
“ “ Dorr, in Roxbury, incorporated,	470
“ “ Dwight, in Springfield, capital stock increased,	155
“ “ Eagle Cotton Gin, in Bridgewater, incorporated,	222
“ “ East Boston Cotton Mills, incorporated,	477
“ “ Essex, incorporated,	483
“ “ “ Hosiery, incorporated,	403
“ “ “ Steam Mills, in Newburyport, incorpor- ated,	156
“ “ Fall River Iron Works, to manufacture cotton goods,	402
“ “ Fitchburg Woollen Mill, incorporated,	412
“ “ Globe Steam Mills, incorporated,	509
“ “ Goodyear, incorporated,	504
“ “ Isle Royal Copper, incorporated,	454
“ “ James Steam Mills, in Newburyport, capital stock increased,	261

MANUFACTURING CORPORATIONS, Jones, incorporated,	Page 396
“ “ Lancaster Mills, incorporated,	157
“ “ Lowell Machine Shop, incorporated,	400
“ “ Marblehead, incorporated,	477
“ “ Massachusetts Woollen, incorporated,	584
“ “ Massasoit Steam Mill, incorporated,	400
“ “ Nelson Mills, in Winchendon, incorporated,	151
“ “ Nissitisset, incorporated,	474
“ “ Norfolk Lead, incorporated,	508
“ “ Old Colony Iron Company, in Taunton and Raynham, incorporated,	155
“ “ Parker Mills, incorporated,	401
“ “ Perkins Mills, capital increased,	401
“ “ Prescott, in Lowell, incorporated,	158
“ “ Revere Copper, capital increased,	401
“ “ Richmond Iron Works, to do business in Great Barrington,	470
“ “ Roxbury Color and Chemical, capital increased,	465
“ “ Steel Cannon, in Brighton, incorporated,	428
“ “ Stoneville, authorized to reorganize,	32
“ “ Tax on sales of stock in, regulated,	168
“ “ Tremont Iron, in Wareham, incorporated,	431
“ “ Watatick, in Ashburnham, incorporated,	187
“ “ Wheaton, in Norton, incorporated,	152
MAP of Commonwealth, publication and distribution of,	82, 312, 604, 615
“ “ “ to be corrected from time to time,	587
“ “ “ delineating Rail-roads, concerning,	622
MARBLEHEAD Breakwater Company, incorporated,	501
“ Female Humane Society, incorporated,	489
“ Manufacturing Company, incorporated,	477
“ Marine Insurance Company, continued for twenty years,	38
MARINE Insurance Company, in Provincetown, incorporated,	185
“ “ “ Equitable, in Provincetown, incorporated,	409
“ Railway and Wharf Company, in New Bedford, to plant and propagate oysters,	248
MARLBOROUGH Chapel Corporation, sale of real estate to W. Sears, confirmed,	586
“ part of Southborough annexed to,	53
MARRIAGE, concerning,	555
MARRIAGES of different races, Act forbidding, repealed,	4
“ Deaths and Births, relating to registers and returns of, and repealing former Act,	261
MARRIED Women and other persons, concerning insurance on lives for benefit of,	192
MARSHPEE, Commissioner of, to set off certain lands to Oliver Foller,	328
“ Commissioners of, pay of,	609
“ District of, concerning,	226
MASSACHUSETTS Academy of Agriculture, in Westborough, incorporated,	478
“ Agricultural Society, in favor of,	296
“ Horticultural Society, to hold real estate,	157
“ Missionary Society, name changed,	156

MASSACHUSETTS and Rhode Island, concerning boundary line between,	304, 311, 587, 624, 646
“ Survey of coast of,	514
“ Temperance Society, incorporated,	442
“ and Vermont Rail-road Company, concerning,	436
“ Woollen Manufacturing Company, incorporated,	584
MASSASOIT Steam Mill Company, incorporated,	400
MASTERS IN CHANCERY, additional, in County of Middlesex,	404
“ “ “ “ “ “ “ Worcester,	281
“ “ “ to continue proceedings in certain cases,	239
“ “ “ qualification of,	154, 203
MAYOR and Aldermen, concerning annual militia returns by,	51
“ of Boston, provisions for choice of,	395
MECHANICS Bank, in Boston, capital stock reduced,	175
MEDFORD Branch Rail-road Company, incorporated,	455
“ proportion of income of School Fund to be paid to,	322
MEDICINE, concerning the study of,	571
MEDWAY, times of holding Probate Court in, altered,	224
MELVILLE, Jonas, compensation for damages sustained while on military duty,	77
MERCANTILE Library Association, incorporated,	479
“ Marine Insurance Company, in Boston, to make certain divisions of profits,	278
“ Wharf Corporation, continued,	397
MERCHANTS' BANK, in Boston, capital stock increased,	202
“ “ “ Newburyport, capital stock reduced,	164
“ “ “ Salem, capital stock reduced,	437
MERWIN, Newton P., compensation for arresting a criminal,	330
MESERVE, Samuel, and others, organized as a company of artillery,	75
MESSAGES of the Governor, (Inaugural Addresses,)	115, 358, 672
“ “ “ “ (Special,)	130 to 134, 371 to 378, 681 to 690, inclusive.
MESSENGER to the Governor and Council, Assistant, pay of,	73, 308, 593
“ “ “ “ “ “ salary established,	463
MESSENGERS and Doorkeepers, pay of,	76, 306, 593
METHODIST Episcopal Church, in Cambridgeport, First, Trustees incorporated,	579
“ “ “ in Dedham, Trustees incorporated,	555
“ Society, First Wesleyan, in Lowell, charter amended,	460
METHUEN, First Parish, to tax pews,	30
MIDDLEBOROUGH, to be paid proportion of income of School Fund,	302
“ Rail-road Company, incorporated,	564
“ and Rochester, time changed for holding probate courts in,	425
MIDDLESEX BANK, continued,	4, 413
“ additional Master in Chancery in county of,	404
MILITARY Accounts, appropriation for payment of,	325
“ Documents, transmission of,	650
“ Store-Keeper, office of, abolished,	8
“ “ late, Henry Sheafe, relating to,	301
MILITIA, concerning, in further addition, &c.	206, 427, 572
“ arsenals in Cambridge and Boston, to be examined by committee on,	588
“ bounties, certain towns which had not made returns, to be reimbursed,	298
“ bounty to sundry persons,	72, 74, 80, 295, 299, 301

MILITIA, bounty, towns to be reimbursed, provided,	Page 64
“ Companies G & K, 1st Regiment, 1st Brigade, 1st Division, bounty to,	65
“ Upton Light Infantry, allowing bounty to,	70
“ Samuel Meserve and others to organize an artillery company,	75
“ Abel B. Jones and others to organize a rifle company,	75
“ compensation to Jonas Melville, for damages sustained while on military duty,	77
“ laws, Adjutant General to publish digest of,	611
“ concerning returns, annual parades, and raising companies at large,	51
MILLBURY BANK, capital stock reduced,	414
MILL COMPANY, Massasoit Steam, incorporated,	400
“ Fitchburg Woollen, incorporated,	412
MILLS, Crocker, in Fitchburg, incorporated,	442
“ Ocean Steam, incorporated,	503
“ Parker, in Wareham, incorporated,	401
“ Perkins, capital stock increased,	401
MILLER, Benjamin W., to extend wharf,	417
“ William and Josiah Pomeroy, Jr., compensation for arresting a fugitive,	69
“ William R., Treasurer to give up obligations to, on certain conditions,	310
MILLIGAN, Thomas and Elijah Hewins, released as sureties from further claim of the Commonwealth,	314
MINISTERIAL FUND, Cambridge First Parish, Trustees of, increased powers,	30
“ “ Congregational, in Hadley, Trustees to distribute,	319
“ “ Lexington, distribution of,	457
“ and School Funds in Maine, relating to,	310
MINORS, principal as well as income of their property may be applied to their use,	197
MINOT'S LEDGE Light House, concerning establishment of,	71
MONTAGUE, town of, to pay balance due from income of School Fund for 1842,	294
MOREY, George, trustee, to sell real estate,	605
MORSE, Helen and Martha Rand, guardian of, to sell real estate,	609
MORTGAGES, rail-road, where to be recorded,	7
“ of personal property, concerning,	34, 247
MOUNT HOPE Canal and Wharf Company, time for building canal extended,	473
“ Washington, to be paid proportion of income of School Fund,	320
“ Zion Church, in Chelsea, name changed and incorporated,	188
MUNICIPAL COURT, in Boston, its jurisdiction transferred to C. C. Pleas, &c.	4
“ “ may send children, in certain cases, to House of Reformation,	13
“ “ costs in, how taxed and certified,	29
“ “ and Court of Common Pleas, in addition, relating to,	173
MUSEUM, Boston, capital stock increased,	503
MUSICAL ASSOCIATION, Harvard, incorporated,	464
MUTUAL Fire Insurance Companies, concerning,	402
“ “ “ Company, Cohasset, incorporated,	476
“ “ “ “ Dighton, incorporated,	404
“ “ “ “ Holyoke, in Salem, incorporated,	9
“ “ “ “ South, in South Boston, incorporated,	396
“ Insurance Company, Globe, in Boston, incorporated,	411
“ Marine Insurance Company, in New Bedford, incorporated,	61
“ Relief Society of St. Mary's, in Charlestown, incorporated,	259

N.

NAMES of sundry persons, authorizing change of,	Page 46, 151, 231, 525
NANTUCKET, Probate Court of, time for holding,	4
" Second Congregational meeting-house in, concerning,	405
NASHUA and Lowell Rail-road Company, capital increased,	429
" Rail-road, Worcester and, incorporated,	438
NATIONAL FOUNDRY and Ship Yard, resolves in favor of establishment of,	80
NATURAL HISTORY Society, in Lynn, incorporated,	397
NATURALIZATION LAWS, concerning the,	607
NEAL, David A., and Leverett Saltonstall, to sell certain real estate in Salem,	300
NELSON, Mary, trustee, to sell real estate,	646
" Mills, in Winchendon, incorporated,	151
NEPONSET Reservoir Company, in Foxborough, incorporated,	416
NEPTUNE Mutual Insurance Company, in Boston, incorporated,	223
NEW BEDFORD, city of, established,	535
" " part of Dartmouth annexed to,	486
" " Marine Railway and Wharf Company to plant and propagate oysters,	248
" " Orphan's Home, incorporated,	5
NEW ENGLAND Historic Genealogical Society, incorporated,	479
" " Fire and Marine Insurance Company, incorporated,	27
" " Mutual Life Insurance Company, in Boston, to insure on lives otherwise than on the mutual principle,	192
" " " Marine Insurance Company, to divide interest on invested funds,	215
NEWELL, William W., guardian, to file an affidavit in probate office of Suffolk county,	591
" " " " to sell real estate,	598
NEW ORLEANS, agent to be employed in, for certain purposes,	330
NEW SALEM, to be paid proportion of income of School Fund,	302
NEWTON, Willard, and others in Southborough, estates of, set off to Marlborough,	53
NICHOLS, Richard, allowance for arrest of a counterfeiter,	599
" " prison agent, pension,	621
NISSITISSET Manufacturing Company, incorporated,	474
NORFOLK, Bank of, further time to close its concerns,	3, 404
" and Bristol Turnpike Corporation, may surrender charter,	26
" county of, reimbursed for support of State Lunatic Paupers,	72, 302
" Lead Company, incorporated,	508
NORTHAMPTON, town of, reimbursed for support of a State Lunatic Pauper,	67
" Rail-road Company, Greenfield and, incorporated,	398
" and Springfield Rail-road Company, to unite with Hartford and Springfield, or with Western, time for filing location and for completing road extended, and to increase capital stock,	166
" and Springfield Rail-road Company, to change their location,	490
NORTHBRIDGE, part of Sutton annexed to,	243
NORTHERN DISTRICT, Attorney for, salary established,	412

NORTH RIVER , in county of Plymouth, concerning survey of,	Page 312
NORWICH and Worcester Rail-road Company, Governor to employ counsel in a case pending in the superior court of Connecticut against,	325
“ “ “ “ “ to subscribe for stock in the Worcester and Nashua Rail-road Co.,	576
NOTES payable on demand, amending act concerning,	423

O.

OBSERVANCE of the Lord's Day, further provision for the,	263
OCEAN BANK , in Newburyport, capital stock reduced,	167
“ Steam Mills, incorporated,	503
“ “ Packet Company, concerning,	563
OCCUPATION OF FORT KENT , on Fish River, in Maine, concerning,	296
OFFICERS , City, concerning election of,	546
“ salaries of certain, reduced,	6
OHEBEI SHALOM , incorporated,	505
OLD COLONY , Insurance Company, in Plymouth, additional powers conferred,	152
“ “ Iron Company, in Taunton and Raynham, incorporated,	155
“ “ Rail-road Corporation, incorporated,	249
“ “ “ “ to build a bridge over Jones's River,	464
“ “ “ “ to build a branch from Abington to Bridge-water,	571
“ “ “ “ to extend their road across channel between South Boston and Boston proper,	467
OLD SOUTH CHURCH , in Boston, incorporated,	562
ORANGE , town of, reimbursed for money paid for bounty on wheat,	78
ORCUTT , Charles B., pension allowed to,	594
ORGANIZATION of the House of Representatives, concerning,	244
ORIENTAL Insurance Company , in Salem, continued for twenty years,	152
ORPHAN'S ASYLUM , St. Vincent's, incorporated,	21
“ Home, New Bedford, incorporated,	5
OVERSEERS of the Poor, to return additional information,	246
“ “ “ of Franklin, allowed for support of a State pauper,	612
OYSTERS , New Bedford Marine Railway and Wharf Company, to plant and propagate,	248
“ Isaac Vincent to plant in Acushnet River,	473
“ Thomas Washburn to plant,	502

P.

PAGES , Doorkeepers, and Messengers of the Legislature, pay of,	76, 306, 593
PAINE , Timothy, Attorney for Suffolk authorized to give up his note on certain conditions,	329
PALMER'S RIVER , in Rehoboth, fishery regulated in,	183
PARISH , First, in Plympton, authorized to sell parsonage land,	178
PARKER , Charles Henry, allowance for legal services,	608

INDEX.

XXV

PARKER MILLS, in Wareham, incorporated,	Page 401
“ Peter, and Wm. Slimmin, trustees, to sell real estate,	592
PARKMAN, Susan, guardian, to sell real estate,	589, 596
“ “ “ to give bond to judge of probate of Middlesex,	651
PARKS, Leonard, compensation for military services,	80
PARTNERSHIPS, limited, concerning,	427
PASSENGERS, Alien, concerning,	427
PAUPER ACCOUNTS, to pay certain, (see Rolls, pp. 89, 335, 654,)	63, 296, 588
PAUPERS, State, concerning manner of making claim for support of,	333
“ “ Lunatic, support of,	607, 645
PEACE, Universal, concerning promotion of, on petition of John P. Andrews,	302
PELHAM, to be paid proportion of income of School Fund,	302
PENSION, to Arad Dennison,	621
“ to Increase N. Emerton, of Lynn,	614
“ to Daniel Herring,	68, 73
“ to William Johnson, a Chappequiddic Indian,	593
“ to William Kidder,	66
“ to Richard Nichols, prison agent,	621
“ to Charles B. Orcutt,	594
“ to Punkapoag Indian,	586
“ to Martin Wheelock,	66
“ to Isaac Williams,	586
PERKINS, Horatio N., administrator, to convey real estate,	316
“ Mill, capital stock increased,	401
PERSONAL Liberty, act to protect,	33
“ Property, concerning mortgages of, in addition,	247
PERSONS deceased insolvent, concerning settlement of estate of,	216
PETERBOROUGH and Shirley Rail-road Company, incorporated,	506
PHALANX, Brook Farm, incorporated,	489
PHILBROOK, Juliana, Land Agent to convey land to,	604
PHENIX BANK, in Charlestown, charter repealed,	443
“ “ “ “ concerning,	595
PICKLED FISH, regulations concerning manufacture of barrels for packing,	171
PILOTS, relating to bonds of,	277
“ and Pilotage, concerning,	512
PITTSFIELD and North Adams Rail-road, charter revived,	480
PITTS, Lemuel, compensation for accident on Warren Bridge,	67
PLAINFIELD, treasurer of, to pay for certain militia services and be reimbursed,	295
PLYMOUTH, concerning alewives in Agawam and Half-way Pond river, in town of,	184
PLYMPTON, Henry, trustee, to sell certain real estate in Boston,	304
POLICE COURT, of Boston, to send idle and dissolute children to House of Reformation,	13
“ “ of New Bedford, Judge's salary, duties as clerk, &c.,	44
POLICIES of Mutual Insurance Companies, concerning,	402
POLL TAX, on whom to be assessed,	53, 246
POMEROY, Josiah, Jr., and Wm. Miller, compensation for arresting a fugitive,	69
POOR DEBTORS, concerning,	256
“ Overseers of, required to return additional information,	246
PORTRAITS in the Senate Chamber, to be repaired,	325

POWOW RIVER, concerning bridge over,	Page 21
PRENTICE, Wm. H., to extend wharf in Boston,	436
PRESCOTT Manufacturing Company, in Lowell, incorporated,	158
PRESIDENT and Vice President, time for making returns of votes for electors of, prescribed,	277
PRESTON, Jonathan, and others, title to real estate in Boston, confirmed,	307
PRICE, Ezekiel, concerning trustee under will of,	601
PRINCIPAL as well as income of property of minors may be applied to their use,	197
PRINCIPALS, Factors and Agents, concerning,	515
PRINTING COMPANY, Bristol, in Taunton, incorporated,	412
PRISON Agent, pension to,	621
" State, repairs authorized to be made,	323
PRIVATE WAYS and Town-ways, act repealed,	33
PRISONERS, removal of, from Lenox to Springfield,	63
PROBATE Bonds, sureties in, how discharged,	27
" Court, for Hampden County, when and where held,	15
" " " Hampshire County, when and where held,	20
" " " Nantucket County, terms of,	4
" " in Medway, time for holding altered,	224
" " in Middleborough and Rochester, time for holding altered,	425
" " Judges of, to appoint trustees in certain cases,	481
" " " " salaries,	6
" " " for Barnstable County, salary established,	505
" " " " Nantucket County, salary established,	472
" " Judge of, for Essex, to appoint a trustee for Rhoda Doyle,	650
" " " " Suffolk, to appoint a trustee for Sarah, wife of Benj. Seaver,	70
" " " " " to grant letters of administration to Charles Tyler,	331
" Register of, for Dukes County, salary established,	482
" " " Nantucket County, salary established,	472
" " of Courts, expenses of, repealing act concerning,	7
" Registers of, salaries,	6
PROPERTY of minors, principal as well as income of, applied to their use,	197
" personal, concerning mortgages of, in addition,	247
PROSECUTION for the sale of spirituous and fermented liquors, concerning,	208
PROSECUTORS in certain cases, forgers, &c., concerning,	480
" " " " rewards to, provisions in former acts repealed,	579
PROVIDENCE Rail-road Corporation, to subscribe for stock of Stoughton Branch Rail-road Company,	421
" and Worcester Rail-road Company, incorporated, and to unite with another company,	197
PROXIES, held by officers and stockholders of Rail-road Corporations, concerning,	32
PUBLIC LANDS in Maine, Land Agent to sell,	607
" " half the proceeds of sales of, to be appropriated to School Fund,	153
PUBLISHERS of the Laws, Wm. Hayden and Thomas M. Brewer appointed,	295
PUNISHMENT of Convicts, concerning,	464
PUNKAPOAG INDIAN to receive a pension,	586

Q.

QUALIFICATION of Masters in Chancery, relating to,	Page 154, 203
QUARTER MASTER GENERAL's Department, appropriation to defray expenses of, 75, 318, 615	
QUINCY Savings Bank, incorporated,	480

R.

RAIL-ROAD Bank, in Lowell, capital stock reduced,	161
“ Bonds and Mortgages, where to be recorded,	7
“ Commissioners, appointing a board of,	582
“ Corporations; Berkshire, to construct a branch,	471
“ “ Boston and Maine Extension, incorporated,	279
“ “ “ “ “ “ and Boston and Maine to unite,	481
“ “ “ “ “ “ to build a sea wall,	555
“ “ “ “ “ “ and Maine, New Hampshire and Massachusetts, made into one corporation,	54
“ “ “ “ Providence, to own and maintain a ferry-boat,	53
“ “ “ “ “ to subscribe for stock in the Stoughton Branch R. R. Co.,	421
“ “ Brattleborough and Fitchburg, to unite with Vermont and Massachusetts,	227
“ “ Charlestown Branch, to straighten their road,	284
“ “ “ “ to construct a branch,	566
“ “ Eastern, to construct a branch,	576
“ “ “ to receive interest money from Commonwealth,	227
“ “ “ to uncover a tunnel in Salem,	227
“ “ Fall River Branch, incorporated,	204
“ “ Fitchburg, concerning,	547
“ “ Georgetown Branch, incorporated,	193
“ “ “ and Danvers, incorporated,	242
“ “ Greenfield and Northampton, incorporated,	398
“ “ Groton Branch, incorporated,	237
“ “ “ and East Wilton, incorporated,	556
“ “ Hampshire and Franklin, incorporated,	406
“ “ Hartford and Springfield, to change name,	414
“ “ “ “ “ time for completion extended,	162
“ “ “ “ “ to unite with Hartford and N. Haven Company,	162
“ “ Lexington and West Cambridge, incorporated,	510
“ “ Medford Branch, incorporated,	455
“ “ Middleborough, incorporated,	564
“ “ Nashua and Lowell, capital increased,	429
“ “ Northampton and Springfield, time for completion extended, and capital increased,	166

RAIL-ROAD CORPORATIONS; Northampton and Springfield, to change location,		Page 490
"	" " " " " to unite with Hartford and Springfield, or with Western, .	166
"	" " " " " Norwich and Worcester, relating to a suit in equity pending in the superior court of Connecticut, .	325
"	" " " " " to subscribe for stock in the Worcester and Nashua Rail-road Company, .	576
"	" " " " " Old Colony, incorporated,	249
"	" " " " " " " to build a branch,	571
"	" " " " " " " to build a bridge over Jones's River,	464
"	" " " " " " " to extend road across channel between South Boston and Boston proper,	467
"	" " " " " Peterborough and Shirley, incorporated,	506
"	" " " " " Pittsfield and North Adams, charter revived,	480
"	" " " " " Providence and Worcester, incorporated, and to unite with another,	197
"	" " " " " Randolph and Bridgewater, incorporated,	559
"	" " " " " Salisbury Branch, incorporated,	212
"	" " " " " " " and East Kingston, incorporated,	217
"	" " " " " Stony Brook, established,	580
"	" " " " " Stoughton Branch, incorporated,	236
"	" " " " " " " " title changed,	415
"	" " " " " Taunton Branch, to extend road and increase capital stock,	181
"	" " " " " " " " to extend time for completion,	413
"	" " " " " Vermont and Massachusetts, incorporated, and to unite with another,	227
"	" " " " " " " " " concerning,	436
"	" " " " " Western, appropriation of money to be applied to Sink- ing Fund of,	153
"	" " " " " " " Capital stock increased, and concerning same, 534,	563
"	" " " " " " " State Directors of, appointment and removal,	411
"	" " " " " " " " " " compensation,	625
"	" " " " " " " " " " to enforce economy,	81
"	" " " " " " " " " " election and term of service,	410
"	" " " " " " " Stock, Sinking Fund, concerning,	425
"	" " " " " " " Treasurer authorized to sell residue of scrip,	166
"	" " " " " " " to use Boston and Worcester rail-road,	516
"	" " " " " Winchendon, incorporated,	460
"	" " " " " Woburn Branch, incorporated,	264
"	" " " " " Worcester Branch, time for completion extended,	154
"	" " " " " " " and Nashua, incorporated,	438
"	" " " " " Clerks of, to make returns,	60
"	" " " " " Stocks in insurance companies, may invest in,	418
"	" " " " " Stock sold at auction, how taxed,	12
"	" " " " " " " when pledged to the corporation, shall entitle to no vote,	32

INDEX.

xxix

RAIL-ROADS, concerning map delineating,	622
" concerning use of,	513
RAND, Edward S., guardian, to sell real estate,	609
RANDOLPH and Bridgewater Rail-road Corporation, incorporated,	559
RANNEY, Harriet N., respecting her admission to the Asylum at Hartford,	600
RAYMOND, Edward A., to extend wharf in Boston,	424
READ, William C., pension to,	294
REAL ESTATE, to prevent frauds in conveyance of,	211
RECORDS of the Commonwealth, concerning certain,	646
REGISTER of Probate for Dukes County, salary established,	482
" " " " Nantucket County, salary established,	472
REGISTERS of Deeds, concerning,	524
" School, Secretary to transmit sufficient for five years,	481
REGISTRY of Deeds, in relation to,	209
" and Returns of Births, Marriages, and Deaths,	261
REHOBOTH, Fishery in Palmer's River, in town of, regulated,	183
RELIGIOUS SOCIETIES, concerning assessments on pews,	545
" SOCIETY, Barnstable North Congregational, to use fund for certain purposes,	14
" " Chelmsford Centre Meeting House, proprietors incorporated,	25
" " East Parish Congregational in Haverhill, to sell parsonage lands,	475
" " Elliot, incorporated,	488
" " " Meeting House in Natick, proprietors incorporated,	178
" " Episcopal City Mission, in Boston, incorporated,	200
" " First Christian Baptist, in Westport, incorporated,	25
" " " Congregational, Church and Society, in Troy, name changed,	477
" " " " of Douglas, to sell lands, &c.	17
" " " " of Dudley, records of, made valid,	18
" " " " in Fairhaven, incorporated,	475
" " " Parish or Congregational Society, in Barre, to tax pews,	474
" " " " in Malden, to sell parsonage property,	465
" " " " in Methuen, to tax pews,	30
" " " " in Plympton, authorized to sell parsonage land,	178
" " " Reformed Methodist, in Brewster, title changed,	456
" " " Universalist Meeting House, in Worcester, proprietors incorporated,	28
" " " Wesleyan Methodist Meeting House, in Lowell, proprietors incorporated,	187
" " " " " Meeting House in Lowell, concerning,	460
" " Harrison Avenue Congregational, in Boston, incorporated,	512
" " Harvard Congregational, in Brookline, concerning,	576
" " " Street Baptist, in Boston, incorporated,	25
" " Leyden Chapel, in Boston, incorporated,	397
" " Massachusetts Missionary, name changed to Massachusetts Home Missionary,	156

RELIGIOUS SOCIETY, Ohebei Shalom, incorporated,	Page 505
“ “ Old South Church, in Boston, incorporated,	562
“ “ Proprietors of Hollis Street Church, in Boston, act in addition,	563
“ “ Second Church and Society, in Boston, title changed,	422
“ “ “ Congregational, in Medford, proviso in former act repealed,	171
“ “ “ “ in Nantucket, concerning,	405
“ “ “ Universalist Meeting House, in Cambridge, incorporated,	568
“ “ “ “ in Gloucester, title changed,	435
“ “ St. Luke’s Church, in Chelsea, incorporated, and name changed,	188
“ “ Taunton Green Baptist Church, incorporated,	561
“ “ Third Congregational, in Danvers, incorporated,	469
“ “ “ Universalist, of Lowell, incorporated,	17
“ “ Trinity Church, in Bridgewater, additional powers granted to,	473
“ “ Trustees of First Methodist Episcopal Church, in Cambridgeport, incorporated,	579
“ “ “ of Methodist Episcopal Church, in Dedham, incorporated,	555
“ “ “ of Second Methodist Episcopal Church, in Chelsea, incorporated,	509
RELIEF SOCIETY of St. Mary’s, Mutual, in Charlestown, incorporated,	259
“ Steamboat Company, incorporated,	158
REPAIRS upon the State House, concerning,	314, 588, 647
“ “ “ State Prison, authorized to be made,	323
REPORTS, Annual, of State Lunatic Hospital and Board of Education, concerning,	309
“ Scientific, disposition of, authorized,	318
“ of Supreme Court, to be forwarded to States that send in exchange,	312
“ “ “ Court of the United States, concerning disposition of,	592
REPRESENTATIVES, to General Court, relating to elections of,	191
“ concerning organization of House of,	244
RESERVOIR COMPANY, Ashburnham, incorporated,	435
“ “ Neponset, in Foxborough, incorporated,	416
RETURNS from corporations, for purpose of taxation, concerning,	60
REVERE COPPER COMPANY, to increase capital stock,	401
REVOLUTIONARY Documents, Continental Rolls to be rebound,	331
“ Rolls, concerning index of,	75, 331, 615
“ Services, concerning evidence of,	586
REWARDS for prosecution and conviction of forgers, &c.	480
“ to prosecutors in certain cases, act repealed,	579
RHODE ISLAND and Massachusetts, concerning boundary line between, 304, 311, 587, 624, 646	
RICE, Isaac D., executor, to convey real estate,	609
RICHARDSON, Asa, deceased, trustee to sell real estate of,	605
“ Thomas, to extend wharf in Boston,	429
RICHMOND IRON WORKS, concerning,	470
RIDER, Godfrey, to build wharf in Provincetown,	419
RIVER, North, in county of Plymouth, concerning survey of,	312
RIVERS, Charles and Mystic, authorizing survey of,	625

INDEX.

xxxi

ROBB, Mary, deceased, administrator to sell real estate of,	Page 602
ROBERTS, John L., administrator of R. S. Roberts, confirming title to real estate,	316
ROCHESTER and Middleborough, time changed for holding probate courts in,	425
RODMAN, Samuel, to construct a wharf in Fall River,	435
ROLLS OF ACCOUNTS, Coroners,	110, 114, 343, 664
“ “ “ Military,	104, 348, 352, 667
“ “ “ Miscellaneous, 103, 111, 113, 114, 343, 346, 347, 356, 660, 665, 671	
“ “ “ Pauper,	89, 113, 335, 654
“ “ “ Printers,	101, 108, 345, 353
“ “ “ Publishing Laws and Printing,	101, 108, 342, 345, 353, 660, 661
“ “ “ Sheriffs,	103, 110, 343
“ “ “ State Lunatic Pauper,	113, 341, 343, 664
ROMAN CATHOLIC Mutual Relief Society, Boston, incorporated,	28
ROOT, Harvey and Spencer Flower, to sell certain real estate in West Springfield,	301
ROWLEY, shell fishery in, for protection of,	225
“ to be reimbursed for militia bounty paid,	299
ROXBURY, part of, annexed to Brookline,	169
“ Color and Chemical Manufacturing Company, capital increased,	465
RUST, Thomas A., to extend wharf in Boston,	170

S.

SALARY of the Assistant watchmen of the State House,	6, 525
“ “ Attorney of the Commonwealth for Suffolk,	6, 423
“ “ Clerk in Adjutant General's office,	333
“ “ Clerks in Secretary's office,	6, 460
“ “ “ “ Treasurer's office,	6, 443
“ “ District Attorneys of the Commonwealth,	6, 401, 412
“ “ Governor,	6
“ “ Judges of Court of Common Pleas,	6
“ “ “ “ Probate,	6, 505, 472
“ “ “ “ Supreme Judicial Court,	6, 159
“ “ Land Agent,	6
“ “ Lieutenant Governor,	6
“ “ Messenger to the Governor and Council,	6, 463
“ “ Reporter of Decisions,	6
“ “ Registers of Probate,	6, 472, 482
“ “ Secretary of the Commonwealth,	6
“ “ Sergeant at Arms,	6, 281
“ “ Sheriffs,	39
“ “ Treasurer of the Commonwealth,	6
“ “ Watchman of the State House,	6
SALE of Spirituous and Fermented Liquors, concerning prosecution for,	208
“ and conveyance of Trust Estates, concerning,	422
SALES OF TEAS at auction, tax on, reduced,	200
SALEM Children's Friend Society, title changed,	419
“ Fire Department, concerning,	419
“ Insurance Company, incorporated,	159
“ Savings Institution, name changed,	4

SALISBURY, part of, annexed to Amesbury,	Page 226
“ Branch Rail-road Company, incorporated,	212
“ and East Kingston Rail-road Company, incorporated,	217
SALTONSTALL, Leverett and David A. Neal, to sell certain real estate in Salem,	300
SARGENT'S WHARF, in Boston, proprietors of, to purchase additional real estate,	154
SAVINGS BANK, Cabot, in Cabotville, established,	430
“ “ Cohasset, in Cohasset, established,	437
“ “ in Haverhill, title changed,	413
“ “ in Lancaster, established,	465
“ “ in Quincy, incorporated,	480
“ “ in Salem, title changed,	4
SAVOY, to be paid proportion of income of School Fund,	296
SAWTELL, Josiah, administrator, to file affidavit of notice of sale of real estate,	69
SAWYER, Charles B. and Allen, to build dam over Bayley's Creek,	517
SAXTON, George W. and Huldah, trustee to sell land of,	613
SCHOOL Committees authorized to dismiss teachers,	166
“ District Libraries, concerning,	64, 311, 645
“ District Property when exempt from taxation,	52
“ Documents, Secretary to forward to sheriffs for distribution,	437
“ Fund, appropriation of half of the proceeds of the public lands to,	153
“ Funds, ministerial and, in Maine, relating to,	310
“ Registers sufficient for five years, Secretary to transmit,	481
“ Worcester County Manual Labor High, grant of land to,	622
SCHOOLS, Public, concerning,	545
“ State Normal, concerning,	623
SCIENTIFIC REPORTS, authorizing disposition of,	318
SEAMEN'S Aid Society, incorporated,	417
“ Widow and Orphan Association, incorporated,	203
SEARS, Willard, confirming his title to real estate purchased of Marlborough Chapel Association,	586
SEAYER, Benjamin, Judge of Probate for Suffolk to appoint a trustee for wife of,	70
SECOND CHURCH and Society, in Boston, title changed,	422
“ Congregational Meeting House, in Nantucket, concerning,	405
“ Society, in Medford, proviso in former act repealed,	171
“ Universalist Society, in Gloucester, title changed,	435
SECRETARY OF COMMONWEALTH to publish annually abstracts of reports of Agricultural Societies,	456
“ “ “ appropriation for arranging papers, &c. in his office,	300, 611
“ “ “ to cause volumes of Continental Rolls to be rebound,	331
“ “ “ to distribute Reports of Board of Education,	309
“ “ “ “ “ “ of Decisions of Supreme Judicial Court,	312
“ “ “ “ “ “ copies of the Laws, &c.,	610
“ “ “ to forward School Documents to the sheriffs for distribution,	437
“ “ “ to distribute School Registers sufficient for five years,	481

INDEX.

xxxiii

SECRETARY OF COMMONWEALTH	to distribute Scientific Reports in his office, . . .	Page 318
“ “ “	to transmit blank forms for Returns of Elections of Representatives, . . .	244
“ “ “	to exchange copies of State Map and Laws, &c., . . .	604
“ “ “	to publish and distribute State Map, . . .	312
“ “ “	duty as to organization of House of Representatives, . . .	244
“ “ “	concerning registration tables and reports to Legislature, . . .	263
“ “ “	to repair the Council Chamber, . . .	647
“ “ “	to furnish blank books and forms for Returns of births, deaths and marriages, . . .	263
“ “ “	duty as to Returns of clerks of courts, . . .	19
“ “ “	“ “ abstract of Returns of prosecuting officers, . . .	61, 196
“ “ “	“ “ Returns of sheriffs, . . .	39
“ “ “	concerning blank forms for Returns to be sent to Overseers of the Poor, . . .	246
“ “ “	“ “ forms for Returns of State Paupers, . . .	333
“ “ “	to receive and index Revolutionary papers, 75, 331, 586, . . .	615
“ “ “	his salary, . . .	6
“ “ “	to prepare an abstract of Statistics of Industry, . . .	491
“ “ “	“ “ tables of Trigonometrical Survey, . . .	646
“ “ “	to transmit State Documents, . . .	623
SECRETARY'S OFFICE , salary of first and second clerks in, established, . . .		6, 460
SENATE Chamber , authorizing payment for altering table in, . . .		333
“ “ “ repair of portraits in, . . .		325
“ Clerk of, pay of, . . .		66, 330, 648
“ Council and House, pay of members of, . . .		82, 306, 594
“ and House of Representatives, concerning journals and files of, . . .		256
SERGEANT AT ARMS , to purchase fuel, . . .		79, 307, 592
“ “ “ to re-arrange seats in Representatives' Chamber, . . .		624
“ “ “ to repair State House, . . .		86, 588, 647
“ “ “ salary of, . . .		6, 281
SETTLEMENT of estates of persons deceased insolvent, concerning, . . .		216
SHEAFE , Henry, late military store keeper, relating to, . . .		301
SHELL FISHERY , in Rowley, for protection of, . . .		225
SHERIFFS' compensation for distributing school documents, and to distribute same, . . .		437
“ “ “ “ proclamations and precepts, and to distribute same, . . .		483
“ “ “ and fees regulated, and returns directed, . . .		39
SHURTLEFF , James, a lunatic, concerning, . . .		650
“ William, 2d, allowance to, in addition to his pay as a member, . . .		329
SHUTESBURY , to be paid proportion of income from School Fund, . . .		329
SILK , to encourage culture of, . . .		520
SMITH , Samuel, Treasurer to surrender obligations for lands in Maine to, . . .		606
SOCIETY , Agricultural, of the county of Hampden, incorporated, . . .		179

“ American Oriental, incorporated,	Page 15
“ Barnstable Agricultural, incorporated,	215
“ Boston, for the diffusion of information among emigrants, incorporated,	22
“ “ Roman Catholic Mutual Relief, incorporated,	28
“ Lowell Irish Benevolent, incorporated,	18
“ Lynn Natural History, incorporated,	397
“ Marblehead Female Humane, incorporated,	489
“ Massachusetts Agricultural, in favor of,	296
“ “ Horticultural, to hold real estate,	157
“ “ Temperance, incorporated,	442
“ Mutual Relief, of St. Mary’s, in Charlestown, incorporated,	259
“ New England Historic, Genealogical, incorporated,	479
“ Salem Children’s Friend, title changed,	419
“ Seamen’s Aid, incorporated,	417
“ St. Mary’s Mutual Benevolent Catholic Total Abstinence, incorporated,	179
SOCIETIES , Agricultural, concerning additional returns from,	456
“ “ to suffer penalty for not making returns,	457
SOMERSET , fishery in Taunton Great River, in town of, further regulated,	182
SOUL OF SOLDIERY , allowed a stand of arms,	624
SOUTH BAY and Charles and Mystic Rivers, survey of,	625
“ Boston Association, continued to 1846, and to sell and convey lands,	8
“ “ Iron Company, to extend wharf,	496
“ “ Lyceum, incorporated,	241
“ Carolina and Louisiana, relating to,	648
“ “ concerning the treatment of Samuel Hoar, by the State of,	626
“ Cove Insurance Company, in Boston, incorporated,	421
“ Mutual Fire Insurance Company, in South Boston, incorporated,	396
“ Yarmouth Academy, incorporated,	16
SOUTHBOROUGH , part of, set off to Marlborough,	53
SOUTHERN DISTRICT , Attorney for, salary established,	401
SPIRITUOUS and Fermented Liquors, concerning prosecution for sale of,	208
SPOT POND Aqueduct Company, incorporated, and concerning,	40, 548
SPRINGFIELD and Hartford Rail-road Corporation, concerning,	414
ST. LUKE’S CHURCH , in Chelsea, proprietors of, incorporated, and name changed,	188
ST. MARY’S Mutual Benevolent Catholic Total Abstinence Society, incorporated,	179
“ “ Mutual Relief Society of, in Charlestown, incorporated	259
STATE DIRECTORS of the Western Rail-road, appointment and removal,	411
“ “ “ “ “ compensation,	625
“ “ “ “ “ to enforce economy,	81
“ “ “ “ “ election and term of service,	410
“ Documents, transmission of,	623
“ House, concerning repairs upon,	86, 314, 588, 647
“ Lunatic Hospital, to establish an aqueduct,	31
“ “ “ concerning,	83, 316, 617
“ “ “ concerning annual reports of officers of,	309
“ “ Paupers, concerning support of,	645
“ Map, publication and distribution of,	82, 312, 604, 615
“ “ to be corrected from time to time,	587

INDEX.

XXXV

	Page
STATE Mutual Fire Insurance Company, in Boston, incorporated, . . .	45
“ Mutual Life Assurance Company, of Worcester, incorporated, . . .	285
Paupers, concerning manner of making claims for support of, . . .	333
Prison, addition may be made to rations of convicts, . . .	19
“ “ additional sentence of convicts in, . . .	44
“ “ convicts, to be furnished with books and lights, . . .	616
“ “ concerning removal of insane convicts from, . . .	220
“ “ concerning repairs and alterations in, . . .	323, 621
“ Tax, apportioned, . . .	265, 443
“ “ Treasurer authorized to borrow money in anticipation of, . . .	64, 328, 604
STATISTICAL INFORMATION, to obtain, . . .	491
STATISTICS OF CRIME, concerning annual reports to be made by Attorney for Suffolk and District Attorneys, . . .	196
STEAM BOAT Company, Relief, incorporated, . . .	153
“ Engines and Furnaces, regulating use of, . . .	517
“ Flour Mill Company, in East Boston, incorporated, . . .	403
“ Mill Company, Massasoit, incorporated, . . .	400
“ Power Company, in Concord, incorporated, . . .	426
“ Tow and Relief Boat Company, incorporated, . . .	59
STEEL CANNON Company, in Brighton, incorporated, . . .	428
STOCK, Rail-road, sold at auction, how taxed, . . .	12
“ “ when pledged to the corporation, shall entitle to no vote, . . .	32
“ “ Insurance Companies may invest in, . . .	418
STOCKBRIDGE Academy, title changed, . . .	22
STONEVILLE Manufacturing Company, authorized to re-organize, . . .	32
STONY BROOK Rail-road Corporation, incorporated, . . .	580
STOUGHTON Branch Rail-road Corporation, incorporated, . . .	236
“ “ “ “ concerning name, . . .	415
STREETS AND WAYS, in Boston, concerning, . . .	566
STUDY OF MEDICINE, concerning, . . .	571
SULLIVAN, Elizabeth, wife of John L., appointing trustee for, . . .	603
SUNSET LAW, repealed, . . .	58
SUPPORT of State Paupers, concerning manner of making claims for, . . .	333
SUPREME COURT of U. S., distribution of Reports of, . . .	592
“ “ “ “ Governor to employ counsel in an action before, . . .	585
“ “ “ “ Judicial Court, in further addition, concerning, . . .	264
“ “ “ “ reported decisions of, concerning distribution of, . . .	312
“ “ “ “ salary of Judges of, . . .	6, 159
SURETIES in Probate Bonds, how discharged, . . .	27
SURVEY of Coast of Massachusetts, concerning, . . .	514
“ of the Commonwealth, Trigonometrical, concerning, . . .	646
“ of Lands in Maine, Land Agent to cause, . . .	74
“ of South Bay, and Charles and Mystic Rivers, authorizing, . . .	625
SUTTON, part of, annexed to Northbridge, . . .	243
SWAN, Edward, Treasurer to surrender his note to, on certain conditions, . . .	83
SWETT, Elizabeth B., guardian, to convey real estate, . . .	69

T.

TAUNTON BRANCH Rail-road Corporation, to extend road and increase capital stock,	Page 181
“ “ “ “ time for completion extended,	413
“ Bridge, rates of toll further regulated,	195
“ Great River, fishery in, further regulated in town of Somerset,	182
“ Green Baptist Church, incorporated,	561
“ and South Boston Turnpike Corporation, concerning tolls, &c.,	487
TAX ACT of 1844, amended,	519
“ granted for the several counties,	77, 310, 612
“ Poll, on whom to be assessed,	53, 246
“ on Sales of Stock in manufacturing corporations, regulated,	168
“ “ “ “ Teas at auction, reduced,	200
“ State, apportioned and to be assessed,	265, 443
“ “ Treasurer to borrow money in anticipation of,	64, 328, 604
TAXATION, Corporations to make returns for purposes of,	60
TAXES, providing for the more equal assessment of,	247
TEAS, tax on sales of, at auction, reduced,	200
TEMPERANCE SOCIETY, Massachusetts, incorporated,	442
TERRY, Job, to build wharf in Freetown,	190
TEWKSURY, to be paid proportion of income of School Fund,	309
TEXAS, concerning annexation of,	68, 319, 598, 651
THACHER, George C., to extend wharf,	426
THAXTER & HALL, to extend wharf in Boston,	9
“ Leavitt, guardian of a Chappaquiddic Indian, allowance to,	593
THURLOW vs. the Commonwealth, Governor to retain counsel in case of,	585
TILESTON, Thomas, to extend wharf in Boston,	431
TOPSFIELD, to be paid proportion of income of School Fund,	315
TOWN-WAYS and private ways, act repealed,	33
TRADERS' BANK, in Boston, capital stock reduced,	182
“ “ “ “ elections declared valid,	405
“ Mutual Insurance Company, in Boston, incorporated,	222
TREASURER OF COMMONWEALTH, to borrow money,	64, 294, 328, 604
“ “ “ to receive and apply money under treaty,	58
“ “ “ to record rail-road bonds and mortgages,	7
“ “ “ to repay balance due on money borrowed in anticipation of the sale of scrip,	329
“ “ “ salary of,	6
“ “ “ to sell residue of Western Rail-road Scrip,	166
“ “ “ to surrender obligations for lands in Maine,	606
TREASURER'S OFFICE, first and second clerks in, salary established,	6, 443
TREATY of Washington, appropriation of money paid under provision of,	153
TREMONT Insurance Company, in Boston, to make certain divisions of profits,	212
“ Iron Company, in Wareham, incorporated,	431
“ Mutual Insurance Company, in Boston, incorporated,	214
TRIGONOMETRICAL SURVEY of the State, Secretary to publish and distribute tables of,	646

INDEX.

xxxvii

TRINITY CHURCH, in Bridgewater, additional powers granted to,	Page 473
TRURO Fire and Marine Insurance Company, charter repealed,	200
“ inhabitants of, to construct bridges,	209, 425
TRUST Estates, concerning,	422
“ Property may be insured by trustee, liability in such case,	46
TRUSTEE of Grafton Indians, to sell certain real estate and purchase other in lieu thereof,	323
TRUSTEES, costs of, concerning,	512
“ of the Congregational Ministerial Fund, in Hadley, to distribute fund,	319
“ when Executors and Administrators may be discharged at their own request,	59
“ Judges of Probate to appoint, in certain cases,	481
“ of the Massachusetts Agricultural Society, in favor of,	296
TRUSTS created by deed, provisions in Revised Statutes extended to,	10
TURNER, John B., trustee to sell real estate,	606
TURNPIKE ROADS, concerning,	533
“ Taunton and South Boston, concerning tolls, &c.,	487
TYLER, Charles, Judge of Probate for Suffolk to grant letters of administration to,	331

U.

UNION Insurance Company, capital increased,	468
“ Mutual Fire Insurance Company, incorporated,	20
“ “ “ “ concerning,	194
“ Wharf Corporation, in Truro, to extend their wharf,	414
UNITED STATES Constitution of, concerning an amendment of,	79, 293
“ “ Insurance Company, in Boston, continued for twenty years,	153
“ “ Mutual Insurance Company, in Boston, incorporated,	224
UNIVERSAL PEACE, concerning promotion of,	302
UNIVERSALIST Meeting House, in Cambridge, Second, proprietors incorporated,	568
“ “ “ in Lowell, proprietors incorporated,	17
“ “ “ in Worcester, proprietors incorporated,	28
“ Society, in Gloucester, Second, title changed,	435
UPTON Light Infantry, to receive military bounty,	70
USE of Rail-roads, relating to,	513

V.

VERMONT and Massachusetts Rail-road Company, incorporated,	227
“ “ “ “ “ concerning,	436
VILLAGE HALL Association, in Roxbury, incorporated,	252
VILLAGES and Districts empowered to establish fire departments,	252
VINCENT, Isaac, to plant oysters in Acushnet River,	473
VIRGINIA, relating to resolutions and proceedings of General Assembly of,	325
VOTES for Electors of President and Vice President, time for making returns of, prescribed,	277

W.

WADSWORTH, Mary, concerning trustee under the will of,	Page 601
WAIT, Joseph, and others, to build a wharf in Ipswich,	184
WALLACE, George B., in favor of,	295
WARREN BANK, in Danvers, capital stock reduced,	219
“ “ “ “ tax refunded,	585
“ Bridge, Charles River and, duties of agent,	16
“ “ “ “ “ to invest funds for repairs,	16
“ “ “ “ “ warrants to be drawn from time to time in favor of agent of,	430
WASHBURN, Thomas, to plant oysters,	502
WASHINGTON BANK, in Boston, to remove banking house,	157
“ Fire and Marine Insurance Company, continued for twenty years,	29
“ Mutual Insurance Company, in Boston, incorporated,	209
“ to be paid proportion of income from School Fund,	302
WATATICK Manufacturing Company, in Ashburnham, incorporated,	187
WATCHMAN and assistants of the State House, pay of,	6, 525
WATER, to supply Boston with,	549
WATSON, Nathaniel, compensation for arrest of fugitives from justice,	608
WEIGHTS and Measures, commissioners on,	75
WELD, James, trustee, to sell certain real estate in Boston,	318
WELLFLEET, to be paid proportion of income of School Fund,	329
WESTERN RAIL-ROAD Corporation, appropriation of money to be applied to Sink- ing Fund of,	153
“ “ “ capital stock increased,	534, 563
“ “ “ to enter upon and use Boston and Worcester Rail-road,	516
“ “ “ State Directors of, appointment and removal,	411
“ “ “ “ “ “ election and term of service,	410
“ “ “ “ “ “ resolve for payment of, re- pealed,	625
“ “ “ Stock Sinking Fund, concerning,	425
“ “ “ Treasurer authorized to sell residue of scrip of,	166
WESTPORT, First Christian Baptist Society in, incorporated,	25
WHARF, Borden, Richard, to build in Fall River,	417
“ Boston and Roxbury Mill Corporation to extend, in Boston,	180
“ Braman, Jarvis, to extend, in Boston,	218
“ Bull's, in Boston, extended,	429
“ Chace, Leonard and Benjamin G., to extend, in Somerset,	430
“ Company, Boston, to extend their wharf,	568
“ “ Mount Hope Canal and, time for completing extended,	473
“ “ New Bedford Marine Railway and, to plant and propagate oysters,	248
“ Durfee, Joseph and Nathan, to extend, in Fall River,	416
“ Eddy, William P. and Daniel D., to extend, in Boston,	430
“ Eldridge, Waterman, and others, to build, in Boston,	185
“ Fall River Whaling Company, to extend,	434

INDEX.

xxxix

	Page
WHARF , French, Benjamin V. and Moses, Jr., to extend, in Boston,	428
“ Greenleaf, Gardner, to extend, in Boston,	420
“ Hinckley, Isaiah, to build, in Barnstable,	176
“ Holbrook, Samuel F. and James Dillon, to extend, in Boston,	165
“ Hoppin, John, to extend, in Boston,	215
“ Lincoln, Joseph, to extend, in Boston,	222
“ Lothrop, Thomas, to extend, in Provincetown,	178
“ Maine, in Boston, extended,	428
“ Mercantile Corporation, continued,	397
“ Miller, Benjamin W., to extend,	417
“ Prentice, William H., to extend, in Boston,	436
“ Raymond, Edward A., to extend, in Boston,	424
“ Richardson, Thomas, to extend, in Boston,	429
“ Rider, Godfrey, to build, in Provincetown,	419
“ Rodman, Samuel, to build, in Fall River,	435
“ Rust, Thomas A., to build, in Boston,	170
“ Sargent’s, in Boston, proprietors to purchase additional real estate,	154
“ South Boston Iron Company, to extend,	436
“ Terry, Job, to build, in Freetown,	190
“ Thacher, George C., to extend, in Boston,	426
“ Thaxter, A. W. and Jacob Hall, to extend, in Boston,	9
“ Tileston’s, in Boston, extended,	431
“ Union, in Truro, extended,	414
“ Wait, Joseph, and others, to build, in Ipswich,	184
“ Wood, Amos and Timothy B., to extend, in Boston,	421
“ “ William, to extend, in Boston,	423
WHEATON Manufacturing Company, in Norton, incorporated,	152
WHEELOCK , Martin, pension to,	66
WHITAKER , William, to pay expenses of last sickness and removal of remains of,	294
WHITE POND Fishing Company, incorporated,	469
WHITWELL , Samuel, trustee, to sell certain real estate in Boston,	305
WIDOW of Charles Lincoln, late Warden of State Prison, in favor of,	331
“ and Orphan Association, Seamen’s, incorporated,	203
WILLARD , Calvin, of Millbury, compensation for transmitting public documents,	(12
WILLEY , John, compensation for printing laws,	79
WILLIAMSBURG and Hatfield, establishing dividing line between,	466
WILLIAMS COLLEGE , assignee of trustees of, allowed compensation,	586
“ Isaac, pension to,	586
“ Jane, to release the right of her minor children to real estate in Dorchester,	616
WILLIAMSTOWN , to be paid proportion of income of School Fund,	322
WILLS , made in other States by inhabitants of Massachusetts, how proveable,	56
WILSON , David, trustee under will of, to sell land,	615
WINCHENDON ACADEMY , incorporated,	400
“ Rail-road Corporation, incorporated,	460
WINTHROP BANK , tax remitted,	79
WITNESSES , payment of certain,	303, 621
WOBURN Branch Rail-road, incorporated,	264
WOOD , Amos and Timothy B., to extend wharf, in Boston,	421

INDEX.

WOOD, William, to extend wharf, in Boston,	Page 423
WOOLLEN MILL, Fitchburg, incorporated,	412
WORCESTER Aqueduct Company, incorporated,	431
“ Branch Rail-road Company, time for completion extended,	154
“ Manual Labor High School, grant of land to,	622
“ Master of Chancery, additional in county of,	281
“ and Nashua Rail-road Company, incorporated,	438
“ “ “ “ “ Norwich and Worcester Rail-road Company to subscribe for stock in,	576
WRIT OF ERROR allowed prosecuting officer, and convicts also, in certain cases,	45
WYMAN, Oliver C., release to him of Commonwealth's right in certain land in East Boston,	588

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