





ACTS  
AND  
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1863:

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOV-  
ERNOR, LIST OF THE CIVIL GOVERNMENT,  
CHANGES OF NAMES OF PERSONS,  
ETC., ETC., ETC.

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PUBLISHED BY THE  
SECRETARY OF THE COMMONWEALTH.

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# A CONSTITUTION

OR

# FORM OF GOVERNMENT

FOR THE

Commonwealth of Massachusetts.

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## P R E A M B L E .

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquility, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic, how formed. Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other; and of forming

a new constitution of civil government for ourselves and posterity ; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION of the COMMONWEALTH OF MASSACHUSETTS.

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PART THE FIRST.

*A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.*

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe.

Protection therein.

And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession or sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI. substituted for this.

[III. \* As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality ; and as these cannot be generally diffused through a community, but by the institution of the public worship of GOD, and of public instructions in piety, religion and morality ; Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of GOD, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

Legislature empowered to compel provision for public worship ;

\* NOTE.—Articles of the original constitution and articles of amendment thereto, which have become inoperative by reason of subsequent amendments, are printed in smaller type and inclosed in brackets : obsolete *portions* of articles, in some instances confined to a sentence or single word, are covered by brackets, but allowed to stand in type uniform with the matter still in force.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts and other bodies politic, or religious societies, shall at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. Subordination of one sect to another prohibited.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is 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 class of men: Therefore the people alone have an incontestable, unalienable and indefeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

Objects of government; right of people to institute and change it.

VIII. In order to prevent those who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish

Right of people to secure rotation in office.

by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to 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: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not contrrollable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

Private property not to be taken for public uses without, &c.

Remedies by recourse to the law, to be free, complete and prompt

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

Prosecutions regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself: and every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

Right to trial by jury, in criminal cases, except, &c.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.



XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practiced, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.

XVIII. 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. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or remon-

Right of people to instruct representatives and petition legislature.

stances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties, ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

*Ex post facto* laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Judges of supreme judicial court.

XXIX. 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 judicial court should hold their offices as long as they behave themselves well, and

Tenure of their office.

that they should have honorable salaries ascertained and established by standing laws. Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them : the executive shall never exercise the legislative and judicial powers, or either of them : the judicial shall never exercise the legislative and executive powers, or either of them : to the end it may be a government of laws, and not of men. Separation of executive, judicial, and legislative departments.

PART THE SECOND.

*The Frame of Government.*

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS. Title of body politic.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

*The General Court.*

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives ; each of which shall have a negative on the other. Legislative department.

The legislative body [shall assemble every year, on the last Wednesday in May, and at such other times as they shall judge necessary ; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May ; and] shall be styled, THE GENERAL COURT OF MASSACHUSETTS. See amendments, Art. X.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal ; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any Governor's veto.

objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

Bill may be passed by two-thirds of each house, notwithstanding.

See amendments, Art. I.

And in order to prevent unnecessary delays if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court may constitute judicatories, courts of record, &c.

III. The general court shall forever have full power and authority to creet and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, plaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal, or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

Courts, &c., may administer oaths.

General court may enact laws, &c.,

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name

not repugnant to the constitution;

and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

may provide for the election or appointment of officers;

prescribe their duties;

impose taxes;

duties and excises;

to be disposed of for defence, protection, &c.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practiced, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

Valuation of estates once in ten years, at least, while, &c.

CHAPTER I.

SECTION II.

*Senate.*

[ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each

Senate, number of, and by whom elected.

See amendments, Arts XIII, XVI, and XXII.

district, and the number of councillors and senators to be chosen therein: provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

Counties to be districts, until, &c.  
See amendments, Arts. XIII. and XXII.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz:—

Suffolk, . . . . . six.	York, . . . . . two.
Essex, . . . . . six.	Dukes Co. and Nantucket, one.
Middlesex, . . . . . five.	Worcester, . . . . . five.
Hampshire, . . . . . four.	Cumberland, . . . . . one.
Plymouth, . . . . . three.	Lincoln, . . . . . one.
Barnstable, . . . . . one.	Berkshire, . . . . . two.]
Bristol, . . . . . three.	

Manner and time of choosing senators and councillors.

II. The Senate shall be the first branch of the legislature; [and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

See amendments, Arts II., X., XIV. and XV.

See amendments, Arts. III., XX., XXIII. & XXVI.

Word "inhabitant" defined.

Selectmen to preside at town meetings.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county

Return of votes.

See amendments, Art. II.

in which such town lies, thirty days at least before [the last Wednesday in May, annually; or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

Amendments,  
Art. X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April,] at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Inhabitants of unincorporated plantations, who pay State taxes, may vote.

Plantation meetings.  
See amendments,  
Art. X.

Assessors to notify, &c.

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

Governor and council to examine and count votes, and issue summonses.

See amendments,  
Art. X.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes: and in case there shall not appear to be the full number of sena-

Senate to be final judge of elections, &c., of its own members.

See amendments,  
Arts. X., XIV.  
and XXIV.

- tors returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz : The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for ; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district ; and in this manner all such vacancies shall be filled up in every district of the Commonwealth ; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]
- Vacancies, how filled.
- Qualifications of a senator. See amendments, Arts. XIII. and XXII.
- Senate not to adjourn more than two days.
- Shall choose its officers and establish its rules. Shall try all impeachments.
- Oath.
- Limitation of sentence.
- Quorum.
- V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seized in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate of the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.
- VI. The senate shall have power to adjourn themselves ; provided such adjournments do not exceed two days at a time.
- VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.
- VIII. The senate shall be a court, with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices : but, previous to the trial of every impeachment, the members of the senate shall, respectively, be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth : but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.
- IX. Not less than sixteen members of the senate, shall constitute a quorum for doing business.



CHAPTER I.

SECTION III.

*House of Representatives.*

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town, containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable the mean increasing number for every additional representative.

Representatives, by whom chosen.

See amendments, Arts. XII., XIII. and XXI.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Proviso as to towns having less than 150 ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Towns liable to fine in case, &c.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Expense of travelling to and from the general court, how paid.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

[IV. Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter.

See amendments, Arts. III., XX. and XXIII.

Representatives, when chosen. See amendments, Arts. X. and XV. [V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

House alone can impeach. VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House to originate all money bills. VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn more than two days. VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Quorum. See amendments, Art. XXI. [IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences. X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members. And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the general assembly.

Governor and council may punish. XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

General limitation. Trial may be by committee, or otherwise. And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

*Governor.*

ART. I. There shall be a supreme executive magistrate, Governor.  
 who shall be styled—THE GOVERNOR OF THE COMMONWEALTH  
 OF MASSACHUSETTS; and whose title shall be—HIS EXCEL- His title.  
 LENCY.

II. The governor shall be chosen annually; and no per- To be chosen  
annually.  
Qualifications.  
 son shall be eligible to this office, unless, at the time of his  
 election, he shall have been an inhabitant of this Common-  
 wealth for seven years next preceding; and unless he shall,  
 at the same time, be seized, in his own right, of a freehold,  
 within the Commonwealth, of the value of one thousand  
 pounds; [and unless he shall declare himself to be of the  
 Christian religion.] See amendments,  
Art. VII.

[III. Those persons who shall be qualified to vote for senators and  
 representatives, within the several towns of this Commonwealth, shall, at  
 a meeting to be called for that purpose, on the first Monday of April,  
 annually, give in their votes for a governor, to the selectmen, who shall  
 preside at such meetings; and the town clerk, in the presence and with  
 the assistance of the selectmen, shall, in open town meeting, sort and  
 count the votes, and form a list of the persons voted for, with the number  
 of votes for each person against his name; and shall make a fair record  
 of the same in the town books, and a public declaration thereof in the said  
 meeting; and shall, in the presence of the inhabitants, seal up copies of  
 the said list, attested by him and the selectmen, and transmit the same to  
 the sheriff of the county, thirty days at least before the last Wednesday  
 in May; and the sheriff shall transmit the same to the secretary's office,  
 seventeen days at least before the said last Wednesday in May; or the  
 selectmen may cause returns of the same to be made, to the office of the  
 secretary of the Commonwealth, seventeen days at least before the said  
 day; and the secretary shall lay the same before the senate and the house  
 of representatives, on the last Wednesday in May, to be by them exam-  
 ined; and in case of an election by a majority of all the votes returned,  
 the choice shall be by them declared and published; but if no person shall  
 have a majority of votes, the house of representatives shall, by ballot, elect  
 two out of four persons, who had the highest number of votes, if so many  
 shall have been voted for; but, if otherwise, out of the number voted for;  
 and make return to the senate of the two persons so elected; on which,  
 the senate shall proceed, by ballot, to elect one who shall be declared  
 governor.] By whom chosen,  
if he have a ma-  
jority of votes.  
  
See amendments,  
Arts. II., X., XIV.  
and XV.  
  
How chosen,  
when no person  
has a majority.

IV. The governor shall have authority, from time to Power of gover-  
nor, and of gov-  
ernor and coun-  
cil.  
 time, at his discretion, to assemble and call together the  
 councillors of this Commonwealth for the time being; and  
 the governor, with the said councillors, or five of them, at  
 least, shall, and may, from time to time, hold and keep a

council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or prorogue the general court upon request, and convene same.

See amendments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same at any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amendments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

Governor and council may adjourn the general court in cases, &c., but not exceeding ninety days.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as

occasion shall necessarily require ; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering, or annoying this Commonwealth ; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court ; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

Limitation.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council ; but no charter or pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

Governor and council may pardon offences, except, &c.

But not before conviction.

IX. All judicial officers [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council ; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

All judicial officers, &c., how nominated and appointed. See amendments, Arts. XIV., XVII. and XIX.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards ;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments ; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades ; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected.

See amendments, Art. V.

How commissioned.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Major-generals,  
how appointed  
and commis-  
sioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Vacancies, how  
filled, in case,  
&c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly  
commissioned,  
how removed.  
See amendments,  
Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court martial, pursuant to the laws of the Commonwealth for the time being.]

Adjutants, &c.,  
how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers,  
how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

Organization of  
militia.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

Money, how  
drawn from the  
treasury, except,  
&c.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards,  
&c., to make  
quarterly returns

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with

the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall 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.

Salaries to be enlarged, if insufficient.

## CHAPTER II.

### SECTION II.

#### *Lieutenant-Governor.*

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—HIS HONOR; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council.

Lieutenant-governor a member of, except, &c.

Lieutenant-governor to be acting governor, in case, &c.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

## CHAPTER II.

### SECTION III.

*Council, and the Manner of settling Elections by the Legislature.*

Council.

See amendments, Art. XVI.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Number; from whom, and how chosen.

See amendments, Arts. X, XIII. and XVI.

Senators becoming councillors, seats to be vacated.

Rank of councillors.

No district to have more than two.

[II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

[IV. Not more than two councillors shall be chosen out of any one district in this Commonwealth.]



V. The resolutions and advice of the council shall be recorded in a register and signed by the members present ; and this record may be called for, at any time, by either house of the legislature ; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor, in case, &c.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may be adjourned until, &c.

Order thereof.

Amendments, Arts. XVI. and XXV.

## CHAPTER II.

### SECTION IV.

#### *Secretary, Treasurer, Commissary, &c.*

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.

Treasurer ineligible for more than five successive years.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

Secretary to keep records; to attend the governor and council, &c.

## CHAPTER III.

## JUDICIARY POWER.

Tenure of all commission officers to be expressed. Judicial officers to hold office during good behavior, except, &c. May be removed on address.

ART. I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

Provisions for holding probate courts.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Provisions for determining causes of marriage, divorce, &c.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

## CHAPTER IV.

## DELEGATES TO CONGRESS.

Delegates to congress.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, &C.

SECTION I.

*The University.*

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Harvard College.

Powers, privileges, &c. of the president and fellows, confirmed.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

All gifts, grants, &c., confirmed.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of

Who shall be  
overseers.

Power of altera-  
tion reserved to  
the legislature.

Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

## CHAPTER V.

### SECTION II.

#### *The Encouragement of Literature, &c.*

Duty of legisla-  
tures and magis-  
trates in all fu-  
ture periods.  
See amendments,  
Art. XVIII.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, 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, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general 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.

## CHAPTER VI.

OATHS AND SUBSCRIPTIONS ; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES ; PECUNIARY QUALIFICATIONS ; COMMISSIONS ; WRITS ; CONFIRMATION OF LAWS ; HABEAS CORPUS ; THE ENACTING STYLE ; CONTINUANCE OF OFFICERS ; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &C.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

“ I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth ; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.” See amendments,  
Art. VII.

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards, before the governor and council for the time being.]

And every person, chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

[“ I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State ; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth ; except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God.”] See amendments,  
Art. VI.

“ I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the

best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, GOD."

Amendments,  
Art. VI.

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words "swear and," and in each of them the words "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

Oaths and affirmations, how administered.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Plurality of offices prohibited to governor, &c., except, &c.

See amendments,  
Art. VIII.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Same subject.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Incompatible offices.

See amendments,  
Art. VIII.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—[solicitor-general]—treasurer or receiver-general—judge of probate—commissary-general—president, professor or instructor of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—[clerk of the inferior court of common pleas]—or officer of the customs, including in this

description naval officers—shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places. Same subject.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment. Bribery, &c., operates disqualification.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of 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. Value of money ascertained. Property qualifications. See amendments, Art. XIII.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto. Provisions respecting commissions.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court. Provisions respecting writs.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practiced on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution. Continuation of former laws, except, &c.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months. Benefit of habeas corpus secured, except, &c.

The enacting style.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

Officers of former government continued until, &c.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.

Provision for revising constitution. Amendments, Art. IX.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Same subject.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.



ARTICLES OF AMENDMENT.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the mean time.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

General court empowered to charter cities.

Proviso.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 538. See amendments, Arts. XX, XXIII, and XXVI.

Notaries public,  
how appointed  
and removed.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Vacancies in the  
offices of secretary  
and treasurer,  
how filled in case,  
&c.  
See amendment,  
Art. XVII.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Commissary-general  
may be appointed,  
in case,  
&c.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Militia officers,  
how removed.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Who may vote  
for captains and  
subalterns.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Oath to be taken  
by all officers;

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

or affirmation in  
case, &c.

*Provided*, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words, “So help me, God,” and subjoining, instead thereof, the words “This I do under the pains and penalties of perjury.”

Tests abolished.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

ART. VIII. No judge of any court of this Commonwealth, [except the court of sessions,] and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, [except the court of sessions,] nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

Incompatibility  
of offices.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Amendments to  
constitution, how  
made.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dis-

Commencement  
of political year,

and termination.

solved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general-court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Meetings for the choice of governor, lieutenant-governor, & c., when to be held. May be adjourned. See amendments, Art. XV.

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

Article, when to go into operation.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity

of a people, and the security of a republican government; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner, as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Census of ratable polls to be taken in 1837, and decennially thereafter.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Representatives, how apportioned. See amendments. Arts. XIII. and XXI.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a representative or representatives; and such districts shall have all the rights, in

Fractions, how represented.

Towns may unite into representative districts.

regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. See amendments, Art. XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

Senatorial districts declared permanent. See amendments, Art. XXII.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. See amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth, shall be settled.

Towns may unite in to representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such districts shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Basis of representation, and ratio of increase.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided,

shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.]

Councillors to be chosen from the people at large. See amendments, Art. XVI. Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification not required.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafterwards, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however,* that if, at any time, the constitution shall provide

Eight councillors to be chosen by the people.

Legislature to district State.

for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Eligibility defined.  
Day and manner of election, &c.  
Vacancies, how filled.  
Organization of the government.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be

Election of secretary, treasurer, auditor and attorney-general by the people.  
Vacancies, how filled.



chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

To qualify within ten days, otherwise office to be deemed vacant.

Qualifications requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

School moneys not to be applied for sectarian schools.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however,* that the provisions of this amendment shall not apply to any

Reading constitution in English and writing, necessary qualifications of voters. Proviso.

person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Census of legal voters and of inhabitants, when taken, &c.

See General Stat. chapter 20.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

House to consist of 240 members.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk,— or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of

Legislature to apportion, &c.

each county ; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Qualifications of representatives.

One hundred members a quorum.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven ; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor ; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his

Census of voters and inhabitants to be taken.

Senate to consist of 40 members. Senatorial districts, &c.

Proviso.

Qualifications of senators.

election, and at the time of his election shall be an inhabitant of the district for which he is chosen ; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Sixteen members  
a quorum.

Residence of two  
years required of  
naturalized citi-  
zen, to entitle to  
suffrage or make  
eligible to office.  
[Annulled. See  
amendment, Art.  
XXVI.]

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth : provided, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof ; and, provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Vacancies in the  
senate.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the  
council.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth which is as follows, to wit : " No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth : *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof ; and *provided*, *further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

[NOTE.—The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, “That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution.” The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them approved and ratified April 9, 1821.

The tenth Article of Amendment was adopted by the legislatures of the political years 1829–30, and 1830–31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article of Amendment was adopted by the legislatures of the political years 1832 and 1833, respectively and was approved and ratified by the people, November 11, 1833.

The twelfth Article of Amendment was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people, the fourteenth day of November, 1836.

The thirteenth Article of Amendment was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles of Amendment were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles of Amendment were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article of Amendment was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles of Amendment were adopted by the legislatures of the political years 1859 and 1860, respectively, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article of Amendment was adopted by the legislatures of the political years 1862 and 1863, respectively, and ratified by the people on the sixth day of April, 1863.]

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General Statutes and Special Acts

OF

MASSACHUSETTS.

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1863.

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☞ The General Court of 1863 assembled in the State House in Boston, on Wednesday, the seventh day of January, and was prorogued on Wednesday, the twenty-ninth day of April.

The oaths required by the Constitution to be administered to the Governor of the Commonwealth, were taken and subscribed by His Excellency JOHN A. ANDREW, on Friday, the ninth day of January.

# ACTS,

## GENERAL AND SPECIAL.

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AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE CURRENT 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 :*

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses for January of the year ending on the thirty-first day of December, eighteen hundred and sixty-three, to wit :

For the salary of the attorney-general, two hundred and eight dollars and thirty-three cents. Attorney-general

For clerk hire in the office of the attorney-general, eighty-three dollars, thirty-three cents. Clerk.

For the salary of the secretary of the Commonwealth, one hundred and sixty-six dollars and sixty-six cents. Secretary.

For the salary of the first clerk in the secretary's office, one hundred and twenty-five dollars. First clerk.

For the salary of the second clerk in the secretary's office, one hundred and sixteen dollars and sixty-six cents. Second clerk.

For the salary of the messenger in the secretary's office, sixty-six dollars and sixty-six cents. Messenger.

For continuing the copying of the New Plymouth Records, ninety-one dollars and sixty-six cents. Plymouth Records.

For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the office, a sum not exceeding eleven hundred and sixty-six dollars and sixty-six cents. Additional clerks

For the salary of the treasurer and receiver-general, one hundred and sixty-six dollars and sixty-six cents. Treasurer.

For the salary of the first clerk in the treasurer's office, one hundred and twenty-five dollars. First clerk.

Appropriations for salaries and expenditures authorized.

- Second clerk. For the salary of the second clerk in the treasurer's office, one hundred dollars.
- Extra clerks. For extra clerk hire in the treasurer's office, ninety-one dollars and sixty-six cents.
- Auditor. For the salary of the auditor of accounts, one hundred and sixty-six dollars and sixty-six cents.
- First clerk. For the salary of the first clerk of the auditor of accounts, one hundred and twenty-five dollars.
- Second clerk. For the salary of the second clerk of the auditor of accounts, ninety-one dollars and sixty-six cents.
- Additional assistance. For such additional clerical assistance as the auditor may find necessary, a sum not exceeding two hundred and seventy-five dollars.
- Fees of witnesses before committees. For fees of witnesses summoned before committees, in accordance with the provisions of the General Statutes, of the acts of eighteen hundred and sixty, and of the acts of eighteen hundred and sixty-one, a sum not exceeding eight hundred dollars.
- Governor's private secretary. For the compensation of the private secretary of the governor, one hundred and sixteen dollars and sixty-six cents.
- Messenger. For the compensation of the messenger of the governor and council, sixty-six dollars and sixty-six cents.
- Assistant messenger. For the compensation of the assistant-messenger to the governor and council, thirty-one dollars.
- Sergeant-at-arms. For the salary of the sergeant-at-arms, one hundred and sixty-six dollars and sixty-six cents.
- Bank commissioners. For the compensation of the bank commissioners, five hundred and fifty dollars.
- Clerk. For the salary of the clerk of the bank commissioners, one hundred and twenty-five dollars.
- Insurance commissioners. For the compensation of the board of insurance commissioners, two hundred and fifty dollars.
- Secretary board of agriculture. For the salary of the secretary of the board of agriculture, one hundred and sixty-six dollars and sixty-six cents.
- Clerk. For clerk hire in the office of the secretary of the board of agriculture, a sum not exceeding one hundred dollars.
- Adjutant-general. For the salary of the adjutant-general, one hundred and fifty dollars.
- First clerk. For the salary of the first clerk of the adjutant-general, one hundred and twenty-five dollars.
- Second clerk. For the salary of the second clerk of the adjutant-general, one hundred dollars.
- Additional clerks. For additional clerical assistance in the office of the adjutant-general, five hundred dollars.

For the salary of the secretary of the board of education, Secretary board of education. one hundred and eighty-three dollars, thirty-three cents; the same to be paid from the income of the school fund.

For the salary of the assistant-librarian and clerk of the Clerk. secretary of the board of education, one hundred and twenty-five dollars; the same to be paid from the income of the school fund.

For additional assistance in the library, in accordance with the General Statutes, and of the resolves of eighteen hundred and sixty-one, a sum not exceeding eight hundred dollars. Additional assistance.

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

*Approved January 30, 1863.*

AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE LIEUTENANT-GOVERNOR AND COUNCIL, AND OFFICERS AND MEMBERS OF THE LEGISLATURE, AT THE PRESENT SESSION THEREOF, AND FOR OTHER PURPOSES. *Chap. 2.*

*Be it enacted, &c., as follows:*

SECTION 1. The sums hereinafter mentioned, are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purposes specified, to meet the expenses for the mileage and compensation of the lieutenant-governor and council; officers and members of the legislature, at the present session thereof, and for other purposes, to wit: Appropriations authorized.

For the mileage and compensation of the lieutenant-governor and council, a sum not exceeding ten thousand dollars. Mileage and comp., lt. gov'r and council.

For the mileage of senators, a sum not exceeding four hundred dollars. Senators, mileage.

For the compensation of senators, a sum not exceeding two thousand four hundred and eighty dollars. Compensation.

For the mileage of representatives, a sum not exceeding two thousand three hundred dollars. Mileage, representatives.

For the compensation of representatives, a sum not exceeding fourteen thousand eight hundred and eighty dollars. Compensation.

For the salaries of the clerks of the senate and house of representatives, including the compensation of such assistants as they may appoint, thirteen hundred and thirty-three dollars thirty-three cents. Clerks and assistants of senate and house.

For the salaries of the chaplains of the senate and house of representatives, four hundred dollars. Chaplains.

For the compensation of the door-keepers, messengers, and pages of the senate and house of representatives, and Door-keepers, messengers,

watchmen and firemen. of such watchmen and firemen as may be employed in the state house, a sum not exceeding twelve hundred and eighty-six dollars and fifty cents.

Preacher election sermon. For the compensation of the preacher of the election sermon, one hundred dollars.

Transportation of paupers. For the transportation of state paupers, to be expended by the alien commissioners, a sum not exceeding eight thousand dollars: *provided*, that the same shall be expended only in the transportation of state paupers from the several hospitals and almshouses; and a detailed report of such expenditures shall be rendered to the auditor of the Commonwealth, on the first day of every month.

Proviso.

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

*Approved January 30, 1863.*

**Chap. 3.** AN ACT EXTENDING THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE DEDHAM AND WEST ROXBURY RAILROAD.

*Be it enacted, &c., as follows:*

Extension of time two years for construction and acceptance by city of Roxbury. The time allowed to the Dedham and West Roxbury Railroad Company for the location and construction of its railroad, and also for procuring the acceptance of its act of incorporation by the mayor and aldermen of the city of Roxbury, is hereby extended two years.

*Approved January 30, 1863.*

**Chap. 4.** AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE GLASGOW COMPANY.

*Be it enacted, &c., as follows:*

Capital stock, increase authorized. SECTION 1. The Glasgow Company are hereby authorized to increase their capital stock by the issue of five hundred new shares at the par value of one hundred dollars each.

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

*Approved January 30, 1863.*

**Chap. 5.** AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE FALL RIVER AND WARREN RAILROAD COMPANY.

*Be it enacted, &c., as follows:*

Time for construction extended. SECTION 1. The time within which the Fall River and Warren Railroad Company shall complete their location is hereby extended to the first day of October, in the year eighteen hundred and sixty-three.

Organization and proceedings of corporation confirmed. SECTION 2. The organization of said company at a meeting of the stockholders thereof held on the twenty-fifth day of June, in the year eighteen hundred and sixty-two, and the proceedings thereat, shall have the same effect and be in all respects as valid as if said meeting had been held previous to the first day of April, in the year eighteen hundred and sixty-two.

*Approved February 2, 1863.*



## AN ACT IN ADDITION TO AN ACT IN RELATION TO BANKS.

Chap. 6.

*Be it enacted, &c., as follows :*

SECTION 1. The provisions of section first, chapter first, of the acts of the year one thousand eight hundred and sixty-two, shall continue in force until the first day of February, one thousand eight hundred and sixty-four.

Section 1 of chapter 1, 1862, extended.

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

*Approved February 4, 1863.*

## AN ACT IN ADDITION TO THE ACTS INCORPORATING THE WILLISTON SEMINARY.

Chap. 7.

*Be it enacted, &c., as follows :*

SECTION 1. The Williston Seminary is hereby authorized to hold real and personal estate to the value of fifty thousand dollars, in addition to the amount which it is now authorized to hold ; and the income of the same shall be applied to the same purposes as are specified in the act of incorporation of said seminary.

Real and personal estate, increase authorized.

Income, application defined.

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

*Approved February 4, 1863.*

## AN ACT TO INCORPORATE THE CENTRAL MILLS COMPANY.

Chap. 8.

*Be it enacted, &c., as follows :*

SECTION 1. Chester A. Dresser, Samuel Foster, William Foster, and Thomas A. Randall, their associates and successors, are hereby made a corporation by the name of the Central Mills Company, for the purpose of manufacturing cotton and other fibrous materials, in the town of Southbridge, 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 sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequent thereto relating to manufacturing corporations.

Corporators.

Title.

Purpose.

Location.

Privileges, restrictions and liabilities.

SECTION 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 three hundred thousand dollars, in shares of one hundred dollars each : *provided, however*, that said corporation shall not go into operation, until the sum of fifty thousand dollars of its capital stock has been aid in, in cash.

Real estate.

Capital stock.

Shares.

Proviso.

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

*Approved February 5, 1863.*

## Chap. 9.

AN ACT IN AMENDMENT OF "AN ACT FOR SUPPLYING THE CITY OF CHARLESTOWN WITH PURE WATER."

*Be it enacted, &c., as follows :*

Mystic pond, city authorized to lower waters of.

SECTION 1. The city of Charlestown is hereby authorized for the purpose of constructing and repairing the works authorized by "An Act for supplying the City of Charlestown with pure Water," approved on the twenty-eighth day of March, in the year eighteen hundred and sixty-one, temporarily to lower the waters of Mystic Pond, by erecting temporary tide-gates across Mystic River, at such times and in such manner as may be necessary for said purpose: *provided*, that such tide-gates shall not be erected at any point on said river below Alewife Brook, nor allowed at any time to continue longer than shall be absolutely required for the construction or repair of said works, and that said city shall be liable for all damages occasioned by its proceedings under this act, to be recovered by the party sustaining the same, in the manner provided in the act above referred to.

Proviso.

Governor and council may cause removal of tide-gates.

SECTION 2. If at any time the governor and council shall deem such temporary tide-gates across the Mystic River prejudicial to the harbor of Boston, they shall have power to order said tide-gates to be removed within forty-eight hours, and, if not so removed, the governor and council may cause the same to be removed at the expense of said city of Charlestown.

Repeal.

SECTION 3. Such parts of any existing laws as are inconsistent herewith, are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

*Approved February 5, 1863.*

## Chap. 10.

AN ACT TO CONTINUE IN FORCE AN ACT INCORPORATING THE BERKSHIRE MUTUAL FIRE INSURANCE COMPANY.

*Be it enacted, &c., as follows :*

Act incorporating, and additional acts continued in force without limitation.

The act of the year one thousand eight hundred and thirty-five, incorporating the Berkshire Mutual Fire Insurance Company, with any acts in addition thereto or in amendment thereof, shall be continued and remain in force from and after the sixth day of March, in the year one thousand eight hundred and sixty-three; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force relating to such corporations.

*Approved February 6, 1863.*

## AN ACT TO CONTINUE IN FORCE AN ACT INCORPORATING THE FRANKLIN MUTUAL FIRE INSURANCE COMPANY.

Chap. 11.

*Be it enacted, &c., as follows :*

SECTION 1. The act of the year one thousand eight hundred and twenty-eight, incorporating the Franklin Mutual Fire Insurance Company, which was continued in force until the eleventh day of February, one thousand eight hundred and sixty-eight, by an act passed in the year one thousand eight hundred and forty-four, with any acts in addition thereto or in amendment thereof, shall be continued and remain in force from and after the eleventh day of February, one thousand eight hundred and sixty-eight.

Act incorporating, and additional acts continued in force without limitation.

SECTION 2. Said company shall have all the powers and privileges, and no other, and be subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force relating to such corporations, in the same manner as if the original charter had been granted after the eleventh day of March, in the year one thousand eight hundred and thirty-one.

*Approved February 6, 1863.*

## AN ACT TO ALTER AND ESTABLISH THE LINE BETWEEN THE TOWNS OF PLYMPTON AND HALIFAX.

Chap. 12.

*Be it enacted, &c., as follows :*

SECTION 1. The dividing line between the towns of Plympton and Halifax is hereby altered, and established as follows: Beginning at an angle in the line of the town of Middleborough, at a stone monument marked M. P. H.; thence running as the needle now points, north thirty-two degrees west, fifty-three rods, to a stone monument marked P. H., standing in Nathan Fuller's field; thence north fifty-seven degrees and forty-five minutes east, six hundred and seventeen rods, to a stone monument marked P. H. standing where once was "Adam's Rock;" thence same course two hundred and seventy-four rods to a stone monument marked P. H., standing on "Turkey Island," so called; thence north twenty-four degrees and thirty minutes east, two hundred and seventy-six rods, to a stone monument marked P. H., standing at the northerly end of a wall; thence north forty-three degrees and twenty minutes east, three hundred and forty-eight rods, to a stone monument marked P. H., standing on the margin of "Jones' River Pond;" thence northerly to a stone monument marked P. P. H., standing on "Widgeon Point," so called, at an angle of the line of the town of Pembroke.

Boundaries defined.

SECTION 2. All the territory lying on the northerly and westerly side of said line, which has heretofore constituted

Territory set off from and annexed to Halifax

and Plympton respectively.

a part of the town of Plympton, is hereby set off from the town of Plympton and annexed to the town of Halifax, and all the territory lying on the southerly and easterly side of said line, which has heretofore constituted a part of the town of Halifax, together with the inhabitants living thereon, is hereby set off from the town of Halifax and annexed to the town of Plympton; and the persons so set off, and who may hereafter become chargeable as paupers, shall receive support from said town of Plympton.

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

*Approved February 6, 1863.*

Chap. 13.

AN ACT MAKING APPROPRIATIONS FROM THE MOIETY OF THE INCOME OF THE SCHOOL FUND APPLICABLE TO EDUCATIONAL PURPOSES.

*Be it enacted, &c., as follows :*

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned in this section, are appropriated and shall be allowed and paid, out of the moiety of the income of the school fund applicable to educational purposes, for the year one thousand eight hundred and sixty-three :

Normal schools.

For the support of the four state normal schools, for the current year, under the direction of the board of education, the sum of sixteen thousand dollars.

Massachusetts teachers' association, conditionally.

For the Massachusetts teachers' association, the sum of six hundred dollars, on condition that said association shall furnish a copy of the Massachusetts Teacher to each school committee in the several cities and towns of the Commonwealth, during the year eighteen hundred and sixty-three, and furnish satisfactory evidence thereof to the auditor of the Commonwealth.

American institute of instruction.

For the American institute of instruction, the sum of three hundred dollars, to be paid to the president or treasurer of said institute, in the month of August next.

Board of education and secretary, incidental and contingent for normal sch'ls.

For postage, printing, advertising, stationery, meteorological observations, and all other incidental expenses of the board of education, or of the secretary thereof, and also for any contingent expenses of the normal schools, not otherwise herein provided for, a sum not exceeding sixty-nine hundred dollars.

Secretary board of education, salary.

For the salary of the secretary of the board of education, twenty hundred and sixteen dollars and sixty-seven cents.

Agents, support of.

For the support of one or more agents of the board of education, in accordance with chapter thirty-four, section nine, of the General Statutes, a sum not exceeding twenty-two hundred dollars.

For teachers' institutes, in accordance with chapter thirty-five, section two, of the General Statutes, the sum of twenty-eight hundred dollars. Teachers' institutes.

For the support of state scholarships, in accordance with chapter thirty-seven of the General Statutes, the sum of forty-eight hundred dollars. State scholarships.

For aid to pupils in the state normal schools, in accordance with the resolves of the year eighteen hundred and fifty-three, chapter sixty-two, a sum not exceeding four thousand dollars. Aid of pupils in normal schools.

For the salary of the assistant-librarian and clerk of the secretary of the board of education, thirteen hundred and seventy-five dollars. Clerk secretary board of education, salary.

For the expenses of the members of the board of education, in accordance with the provisions of chapter thirty-four, section ten, of the General Statutes, a sum not exceeding two hundred dollars. Board of education, expenses of members.

For the support of certain Indian schools, in accordance with the provisions of chapter thirty-six, section five, of the General Statutes, the sum of four hundred and five dollars. Indian schools, support of.

For county associations of teachers, in accordance with chapter thirty-five, section four, of the General Statutes, a sum not exceeding six hundred dollars. Teachers' county associations.

For painting and repairing the normal school building at Framingham, and providing furnaces therefor, a sum not exceeding ten hundred dollars. Normal school Framingham, repairs, etc.

For painting and repairing the normal school building at Salem, and providing furnaces therefor, a sum not exceeding ten hundred dollars. School at Salem, repairs, etc.

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

*Approved February 7, 1863.*

AN ACT EXTENDING THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE MYSTIC RIVER RAILROAD, AND AUTHORIZING THE SAME TO CONNECT WITH CERTAIN OTHER RAILROADS.

*Chap. 14.*

*Be it enacted, &c., as follows:*

SECTION 1. The time for locating and constructing the Mystic River Railroad is hereby extended two years beyond the time now allowed by law. Extension of time two years.

SECTION 2. The said Mystic River Railroad is hereby authorized to connect its tracks, in the city of Charlestown or in the town of Somerville, with the several tracks of the Eastern Railroad Company, of the Boston and Lowell Railroad Corporation, of the East Boston Freight Railroad Company, and of the Grand Junction Railroad and Depot Company, respectively, and to enter upon and use the same: May connect with Eastern, Boston and Lowell, East Boston Freight or Grand Junction companies.

**Proviso.** *provided, however,* that such connection with, entry upon, and use of the tracks of either of said corporations, shall not be made without the consent of such corporation first obtained; or, in the case of the last named of said corporations, without the like consent of the trustees thereof. And said Eastern Railroad Company, Boston and Lowell Railroad Corporation, East Boston Freight Railroad Company, and Grand Junction Railroad and Depot Company, or the trustees of the last named corporation, are hereby severally authorized, in like manner and on like terms and conditions, to connect with, enter upon and use the tracks of the said Mystic River Railroad.

Corporations named authorized to connect.

Construction of act defined.

SECTION 3. Nothing contained in this act, shall be construed as granting any additional power to the said Mystic River Railroad, to cross the track of any other railroad corporation, at grade, without the consent of said other corporation.

*Approved February 7, 1863.*

**Chap. 15.**

AN ACT CONCERNING THE NEWTON RAILROAD COMPANY.

*Be it enacted, &c., as follows:*

May unite with and adopt corporate name of Cambridge Railroad Company.

SECTION 1. The Newton Railroad Company is hereby authorized to unite and consolidate itself with the Cambridge Railroad Company, at such time and on such terms as may be mutually agreed by said corporations; and when thus united, said corporations shall constitute one corporation under the name of the Cambridge Railroad Company: *provided, however,* that such union shall be made within two years after the passage of this act; and *provided, further,* that the terms of such union shall be approved by a majority in interest of the stockholders of each of said corporations, respectively, who shall be present at meetings called for that purpose, at which a quorum shall be represented, and which shall be notified by publication in two daily papers published in the city of Boston, and approved by the secretary of the Commonwealth, two weeks successively, twelve times in each paper.

Provisos.

Consolidated corporation to have powers of respective companies.

SECTION 2. The corporation formed as aforesaid shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property and estates, which at the time of such union are held and enjoyed by each of the corporations so united, and shall be subject to all the duties, restrictions, obligations and liabilities to which they are severally subject: *provided,* that nothing in this act shall impair the rights of any creditor of either of said corporations.

Proviso.

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

*Approved February 13, 1863.*

AN ACT TO CONFIRM CERTAIN ACTS DONE BY WILLIAM HOBBS, JUNIOR, AS A NOTARY PUBLIC. *Chap. 16.*

*Be it enacted, &c., as follows :*

SECTION 1. All acts done by William Hobbs, junior, of Roxbury, in the county of Norfolk, as a notary public, within and for the county of Suffolk, between the fifteenth day of May and the twenty-second day of November, in the year eighteen hundred and sixty-two, are hereby made valid and confirmed to the same extent as though he had been during that interval duly qualified to discharge the duties of said office.

Acts in Suffolk County made valid.

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

*Approved February 13, 1863.*

AN ACT TO ESTABLISH THE SALARY OF THE SECOND CLERK IN THE OFFICE OF THE ADJUTANT-GENERAL. *Chap. 17.*

*Be it enacted, &c., as follows :*

SECTION 1. The salary of the second clerk in the office of the adjutant-general, shall be twelve hundred dollars per annum, to be computed from and after the first day of January, in the year eighteen hundred and sixty-three.

Established at \$1,200.

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

*Approved February 13, 1863.*

AN ACT TO AMEND AND CONTINUE IN FORCE AN ACT INCORPORATING THE RELIEF STEAM-BOAT COMPANY. *Chap. 18.*

*Be it enacted, &c., as follows :*

The act of the year one thousand eight hundred and forty-four, entitled "An Act to incorporate the Relief Steam-boat Company," is hereby amended by taking therefrom the words, "within the waters of New England;" and said act so amended, shall be continued and remain in force, from and after the eleventh day of February, in the year one thousand eight hundred and sixty-four, with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in the general laws, which now are or hereafter may be in force relating to such corporation.

Restriction removed and act continued without limitation of time.

Privileges and restrictions.

*Approved February 13, 1863.*

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE WORCESTER HORSE RAILROAD COMPANY. *Chap. 19.*

*Be it enacted, &c., as follows :*

The provisions of chapter one hundred and forty-eight of the acts of the year one thousand eight hundred and sixty-one, entitled "An Act to incorporate the Worcester Horse Railroad Company," are hereby extended for the term of two years from the passage of this act.

Extension of time two years.

*Approved February 13, 1863.*

*Chap. 20.* AN ACT IN RELATION TO THE WORCESTER SOUTH-EAST AGRICULTURAL SOCIETY.

*Be it enacted, &c., as follows :*

Annual fair to be holden in September.

The Worcester South-East Agricultural Society shall hereafter commence its annual fair on the last Tuesday in September.

*Approved February 14, 1863.*

*Chap. 21.* AN ACT TO INCORPORATE THE TRUSTEES OF THE PERMANENT PEACE FUND.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Joseph W. Converse, J. W. Parker, William C. Brown, Lewis T. Stoddard, George C. Beckwith, and their successors, are hereby made a corporation by the name of the Trustees of the Permanent Peace Fund, a fund devoted to the support and prosecution of the cause of international peace, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, so far as the same may be applicable.

Title.

Purpose.

Powers and liabilities.

Real and personal estate.

Proviso.

SECTION 2. Said corporation may take and hold real and personal estate to an amount not exceeding fifty thousand dollars ; but nothing in this act shall be so construed as to exempt any part of said estate from taxation.

*Approved February 16, 1863.*

*Chap. 22.* AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-TWO, AND PREVIOUS YEARS.

*Be it enacted, &c., as follows :*

Appropriation authorized.

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified herein, to wit :

Printing general laws.

For printing the General Acts and Resolves of the year eighteen hundred and sixty-two, the sum of fifteen hundred and seventeen dollars.

Printing for senate in 1862.

For printing blanks and circulars for the senate for the year eighteen hundred and sixty-two, the sum of one hundred and twenty-six dollars and thirty-five cents.

Washington tablets, for placing.

For expenses incurred in placing the Washington tablets in Doric Hall, the sum of twenty-two dollars and sixty-two cents.

Secretary's department, printing in 1861 and 1862.

For printing for the secretary's department for the year eighteen hundred and sixty-one, the sum of six hundred and three dollars and seventy-five cents ; and for the year .



eighteen hundred and sixty-two, the sum of sixty-five dollars and twenty-eight cents.

For incidental expenses of the treasurer's department for the year eighteen hundred and sixty-two, the sum of two hundred and fifty-nine dollars and thirty-four cents.

Treasurer's department, incidentals in 1862.

For expenses incurred in the support of the Troy Indians, for the year eighteen hundred and sixty-two, the sum of eighty-eight dollars and thirty-three cents.

Troy Indians, expense for in 1862.

For the support of patients from Massachusetts in the asylum for the deaf and dumb at Hartford, for the year eighteen hundred and sixty-two, the sum of one hundred and seventeen dollars and ninety-two cents.

Deaf and dumb at Hartford, support of in 1862.

For incidental expenses of the board of agriculture for the year eighteen hundred and sixty-two, the sum of sixteen dollars.

Board of agriculture, incidentals in 1862.

For engraving and printing state scrip in accordance with chapter one hundred and six of the resolves of the year eighteen hundred and sixty-one, the sum of four hundred and twenty-nine dollars and fifty cents.

State scrip, engraving and printing.

For printing blanks for returns from cities and towns of aid rendered to the families of volunteers, for the year eighteen hundred and sixty-two, the sum of two hundred and eighty-three dollars and seventy-six cents.

Blanks for returns by towns of aid to families of volunteers.

For expenses incurred in the establishment of the boundary lines between the towns of Harwich, Chatham and Orleans, in accordance with chapter ninety of the resolves of the year eighteen hundred and sixty-one, the sum of fifty-seven dollars.

Harwich, Chatham and Orleans, expense of establishing boundaries.

For compensation and expenses of the commissioners on harbors and flats, in accordance with the provisions of chapter eighty-eight of the resolves of the year eighteen hundred and sixty-two, the sum of four hundred and eighty-six dollars and forty-seven cents.

Commissioners on harbors and flats, compensation and expenses.

For compensation and expenses of the commissioners on the Concord and Sudbury meadows, appointed in accordance with the provisions of chapter two hundred and eleven of the acts of the year eighteen hundred and sixty, the sum of two hundred and forty-nine dollars and sixty-five cents.

Commissioners on Concord and Sudbury meadows, compensation, etc.

For office fixtures of the inspector of gasmeters, in accordance with the provisions of chapter one hundred and sixty-eight of the acts of the year eighteen hundred and sixty-one, the sum of nine hundred and sixty dollars.

Inspector gasmeters, office fixtures.

For sheriffs' accounts for the years eighteen hundred and sixty and eighteen hundred and sixty-one, the sum of ninety-nine dollars and twenty-one cents.

Sheriffs' accounts.

Convict state paupers, transportation of.

For the transportation of convict state paupers for the year eighteen hundred and sixty-two, the sum of eight dollars and seventy cents.

State paupers, burial of.

For the burial of state paupers for the year eighteen hundred and sixty-one, the sum of one hundred and eighty-one dollars.

Fuel and light for state house in 1862.

For fuel and light for the state house for the year eighteen hundred and sixty-two, the sum of four hundred and eighty-seven dollars and eighty-three cents.

Postage, printing and stationery, sergeant-at-arms 1862.

For postage, printing and stationery, ordered by the sergeant-at-arms for the year eighteen hundred and sixty-two, the sum of seventy-one dollars and forty-five cents.

Insurance commissioners, expenses 1862.

For expenses of the insurance commissioners for the year eighteen hundred and sixty-two, the sum of eleven dollars and thirty cents.

Pleuro-pneumonia, expenses relating to in 1860 and 1862.

For expenses incurred under the acts of the years eighteen hundred and sixty, and eighteen hundred and sixty-two, relating to pleuro-pneumonia, viz.: for the year eighteen hundred and sixty, the sum of seven hundred and thirty-two dollars and ten cents; and for the year eighteen hundred and sixty-two, the sum of eighty-three dollars and eighty-five cents.

Rainsford Island hospital, expenses in 1862.

For the current expenses of Rainsford Island hospital, for the year eighteen hundred and sixty-two, the sum of eight hundred and thirty-four dollars and eighty-one cents.

Cattle commissioners, expenses.

In the resolve chapter ninety-seven of the resolves of eighteen hundred and sixty-two, for the payment of expenses of the cattle commissioners, a sum not exceeding seven hundred dollars.

Assessors' returns, blanks for.

For printing blanks for assessors' returns for the year eighteen hundred and sixty-two, the sum of nineteen dollars and twenty-one cents.

Printing, governor and council, in 1861.

For printing done for the governor and council, for the year eighteen hundred and sixty-one, the sum of thirteen dollars and eighty-five cents.

Geological surveys, expenses.

For expenses incurred in geological surveys of the state, under authority of chapter twenty-eight of the resolves of the year eighteen hundred and fifty-two, the sum of seven-tenths dollars and eighty-eight cents.

Legislature, contingent expenses in 1862.

For contingent expenses of the legislature for the year eighteen hundred and sixty-two, the sum of one hundred dollars.

Nautical branch reform school, expenses in 1862.

For expenses of the nautical branch of the state reform school, being deficiency in the year eighteen hundred and sixty-two, the sum of thirteen hundred and sixty dollars and twenty cents.

For the support and relief of lunatic state paupers, in state hospitals, being deficiency for the year eighteen hundred and sixty-two, a sum not exceeding fifteen hundred dollars. For compensation to towns for support of state paupers, under chapter seventy-one, sections forty-three and forty-four, of the General Statutes, for the year eighteen hundred and sixty-one and previous years, the sum of two hundred dollars. For expenses incurred in the burial of state paupers for the year eighteen hundred and sixty-one, and previous years, the sum of five hundred dollars.

Paupers in lunatic hospitals, support of in 1862.

Towns, for support of state paupers, in 1861 and previously.

Burial of state paupers in 1861 and previously.

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

*Approved February 17, 1863.*

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE NORTH ATTLEBOROUGH BRANCH RAILROAD.

Chap. 23.

*Be it enacted, &c., as follows :*

The time for locating and constructing the North Attleborough Branch Railroad is hereby extended two years beyond the time now allowed by law.

Extension of two years.

*Approved February 17, 1863.*

AN ACT TO AUTHORIZE THE SPRINGFIELD INSTITUTION FOR SAVINGS TO HOLD REAL ESTATE.

Chap. 24.

*Be it enacted, &c., as follows :*

SECTION 1. The Springfield Institution for Savings is hereby authorized to hold real estate to the amount of fifty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

May hold fifty thousand dollars.

Proviso.

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

*Approved February 17, 1863.*

AN ACT PROVIDING FOR NOTICE IN CASE OF SALE OF TRUST PROPERTY WHEN PERSONS NOT IN BEING MAY HAVE AN INTEREST THEREIN.

Chap. 25.

*Be it enacted, &c., as follows :*

When any proceedings have been or shall hereafter be commenced under either the fourteenth or sixteenth sections, chapter one hundred, of the General Statutes, for obtaining an order or decree directing the sale of any trust estate, if it shall appear to the court that said estate or any remainder or interest therein may be held in trust for or be devised or limited over to, persons not in being, notice of such proceedings shall be given to persons who may be parents of such persons in such manner as the court shall order. The court

Parents shall be notified under direction of court.

Court shall appoint representative to appear, and may determine compensation for service.

Proceedings to be conclusive.

in such case shall appoint a suitable and competent person to appear and act as the next friend of such persons in such proceedings, the cost of whose appearance and services, including compensation of council, to be determined by the court, shall be paid as the court may order, either out of the trust estate or by the persons commencing said proceedings, in which latter case execution may issue therefor in the name of the person appointed. Any order or decree made in any such proceedings and any sale or transfer of property thereunder, shall be conclusive upon all persons for whom such property or any remainder or interest therein is held in trust or to whom the same is devised or limited over, in the same manner as if they had been in being and appeared and answered in the case or assented to the order or decree.

*Approved February 18, 1863.*

**Chap. 26.** AN ACT TO INCORPORATE THE PROTECTIVE WAR CLAIM ASSOCIATION.  
*Be it enacted, &c., as follows :*

**Corporators.** SECTION 1. George Tyler Bigelow, Amos A. Lawrence, Ebenezer R. Hoar, Joseph Coolidge, Frederick W. Lincoln, junior, Richard Frothingham, George S. Hillard, Patrick Donahoe, Charles E. Norton, Edward Atkinson, U. Tracy Howe, and their associates and successors, are hereby made a corporation by the name of The Protective War Claim Association, for the purpose of assisting men belonging to the army and navy, and their families, in obtaining the allowance of claims upon the government of the United States for pensions, pay or bounties.

**Title.**

**Purpose.**

**Privileges and restrictions.** SECTION 2. Said corporation may, for the purposes aforesaid, hold personal estate, not exceeding in value ten thousand dollars, and shall have all the privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

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

*Approved February 19, 1863.*

**Chap. 27.** AN ACT TO INCORPORATE THE HYDE PARK WOOLLEN COMPANY.  
*Be it enacted, &c., as follows :*

**Corporators.** SECTION 1. Josiah Bardwell, Charles H. Allen, and George F. Peirce, their associates and successors, are hereby made a corporation by the name of the Hyde Park Woollen Company, for the purpose of manufacturing woollen goods in Dorchester, 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 sixtieth and sixty-eighth chapters of the General Statutes,

**Title.**

**Purpose.**

**Powers and duties.**

and all acts passed subsequently thereto relative to manufacturing corporations.

SECTION 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of sixty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, in shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of fifty thousand dollars of its capital stock has been paid in, in cash.

May hold real estate.

Proviso.

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

*Approved February 19, 1863.*

AN ACT MAKING APPROPRIATIONS FROM THE INCOME OF THE SEVERAL FUNDS THEREIN MENTIONED, AND FOR OTHER PURPOSES.

Chap. 28.

*Be it enacted, &c., as follows:*

SECTION 1. The sums hereinafter mentioned, are appropriated, and shall be allowed and paid out of the income of the several funds mentioned herein, to wit:

Appropriations authorized.

The income of the Rogers book fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year eighteen hundred and fifty-seven.

Rogers book fund income.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied in such manner as shall be prescribed by said board, in accordance with chapter thirty-six of the General Statutes.

Todd normal school fund.

The income of the Indians school fund shall be applied according to the provisions of chapter thirty-six of the General Statutes.

Indian school fund.

SECTION 2. The sums mentioned in this section are appropriated, and shall be allowed and paid out of the Charles River and Warren Bridges fund, for the year eighteen hundred and sixty-three, to wit:

Charles river and Warren bridges fund.

For repairs on said bridges and buildings belonging thereto, a sum not exceeding nineteen hundred dollars.

Repairs on bridges, etc

For the compensation of the draw-tenders on said bridges, in conformity with an act of the year eighteen hundred and sixty-one, chapter ninety-six, a sum not exceeding twenty-three hundred dollars.

Draw-tenders, compensation.

For horse-keeping, a sum not exceeding three hundred dollars.

Horse-keeping.

For gas, oil, fluid and fuel, a sum not exceeding eight hundred and fifty dollars.

Lights, etc.

For incidental expenses, a sum not exceeding three hundred and fifty dollars.

Incidental.

Essex bridge  
tolls, appropri-  
ation of.

SECTION 3. The sums mentioned in this section are appropriated, and shall be allowed and paid out of the moneys arising from the tolls collected on the Essex bridge, for the year eighteen hundred and sixty-three, to wit:

Agent's salary.

For the salary of the agent of said bridge, the sum of one hundred dollars.

Toll-gatherers  
and tenders.

For the compensation of the toll-gatherers and draw-tenders upon said bridge, a sum not exceeding six hundred dollars.

Repairs, etc.

For the repair and maintenance of said bridge, a sum not exceeding two thousand dollars.

Lights.

For gas, oil and fluid, a sum not exceeding two hundred dollars.

Incidental.

For incidental expenses, a sum not exceeding twenty-five dollars.

Toll-money, how  
disposed.

And all moneys arising from the tolls on said bridge shall be paid into the state treasury.

Income of funds  
to be added to  
principal.

SECTION 4. In all cases for which no other provision is made by law, the income or any surplus thereof, of all funds belonging to, or in custody of the Commonwealth, shall be added to the principal.

SECTION 5. This act shall take effect upon its passage.

*Approved February 19, 1863.*

**Chap. 29.** AN ACT TO INCORPORATE THE DIGHTON AND SOMERSET RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. William Cobb, of Dighton, Job M. Leonard, of Somerset, Albert Field, Samuel L. Crocker and Sylvanus N. Staples, of Taunton, all of the county of Bristol, their associates and successors, are hereby made a corporation by the name of the Dighton and Somerset Railroad Company, with all the privileges, and subject to all the restrictions, duties and liabilities, (except as hereinafter provided,) set forth in the sixty-third and sixty-eighth chapters of the General Statutes of this Commonwealth.

Title, privileges  
and restrictions.

Location and con-  
struction, line of,  
defined.

SECTION 2. The said company may locate, construct and operate a railroad, commencing at some point on the Taunton Branch Railroad, or upon the New Bedford and Taunton Railroad, at or near the passenger station of said roads, in Taunton, thence in a southerly direction and upon the westerly side of Taunton River, through said towns of Taunton and Dighton, and to a point in the town of Somerset, upon the line of the Fall River and Warren Railroad, or to a line below Wilber's Pond in said Somerset, upon the

channel of said river, where there is sufficient water at low tide for vessels; said line to be determined by three commissioners to be appointed by the supreme judicial court: said commissioners shall select a line which shall accommodate said company, and not be prejudicial to the harbor of Fall River; the award of said commissioners, or a major part of them, fixing said line, when approved by the governor and council, shall be final. Said company may construct to said line, such wharves as are necessary for their accommodation, the number and location of said wharves to be determined by said commissioners and approved by the governor and council; and said award, and the number and location of said wharves, when approved as aforesaid, shall be filed by said company, with their location, with the county commissioners of Bristol county. Said commissioners shall be paid by said company for fixing said line, and the number and location of said wharves.

Commissioners to determine line.

Award, when approved by governor and council to be final. Comp'y may construct wharves under approval.

Award, and location of wharves to be filed with Bristol Co. commissioners.

Compensation of line commissioners.

SECTION 3. Said company may cross with their road aforesaid, at grade, the streets in Taunton, between the said passenger station and Bow Street, so called, and the two streets in Dighton, near Zebulon Landing, so called, and near the proposed passenger station of said company, at the village near said landing. Said company may also cross with their road, Three Mile River, and such coves and inlets of Taunton River as may be necessary.

Location of crossings in Taunton and Dighton.

May cross Three Mile and Taunton rivers.

SECTION 4. Said company may unite with the Fall River and Warren, Taunton Branch, and New Bedford and Taunton Railroads, and use the tracks of such of said roads as it unites with, upon the terms, and subject to the provisions of the statutes of this Commonwealth, relating to railroads and railroad corporations.

May unite with and use tracks of corporations named.

SECTION 5. The capital stock of said company shall be fixed by said company at an amount not less than three hundred thousand dollars, nor more than four hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said company may purchase and hold such real and personal estate as may be necessary for the purposes for which it is incorporated.

Capital, limitation and division of.

May hold estate.

SECTION 6. This act shall be void unless the said railroad is located within two years, and constructed within three years, from the passage hereof.

Act void unless, &c.

SECTION 7. This act shall take effect upon its passage.

*Approved February 21, 1863.*

*Chap. 30.* AN ACT TO AUTHORIZE GEORGE H. ROGERS TO BUILD WHARVES IN GLOUCESTER.

*Be it enacted, &c., as follows :*

May extend two hundred feet.

SECTION 1. George H. Rogers, of Boston, is hereby authorized to build wharves in front of his land at the head of the harbor in the town of Gloucester, extending the same not more than two hundred feet from high-water mark: *provided*, that this grant shall not affect the legal rights of any person.

Proviso.

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

*Approved February 21, 1863.*

*Chap. 31.* AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE LIEUTENANT-GOVERNOR AND COUNCIL, AND OFFICERS AND MEMBERS OF THE LEGISLATURE, AT THE PRESENT SESSION THEREOF, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows :*

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of this Commonwealth, from the ordinary revenue, upon the warrants of the governor, for the purposes specified, to meet the expenses for the compensation of the officers and members of the legislature at the present session thereof, and for other purposes, to wit:

Senators, compensation.

For the compensation of senators, a sum not exceeding nine thousand eight hundred and twenty dollars.

Representatives, compensation.

For the compensation of representatives, a sum not exceeding fifty-seven thousand four hundred and twenty dollars.

Door-keepers, messengers, pages, watchmen and firemen.

For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, and of such watchmen and firemen as may be employed in the state house, a sum not exceeding seventy-six hundred and fourteen dollars.

Clerks of senate and house, salaries.

For the salaries of the clerks of the senate and house of representatives, including the compensation of such assistants as they may appoint, a sum not exceeding two thousand six hundred and sixty-six dollars and sixty-seven cents.

Trustees industrial school for girls.

Under the resolve chapter fifty-eight, of the resolves of eighteen hundred and fifty-nine, the sum of two hundred dollars, to be expended by the trustees of the state industrial school for girls.

Printing and binding for senate and house.

For printing and binding, ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding twelve thousand dollars.



For printing blanks and circulars, and the calendar of orders of the day, for the use of the senate, a sum not exceeding six hundred dollars. Blanks, circulars and calendar, senate.

For printing blanks and circulars, and the calendar of orders of the day, for the use of the house of representatives, a sum not exceeding eight hundred dollars. Same, house of representatives.

For contingent fund of the governor and council, for military purposes, a sum not exceeding ten thousand dollars. Military contingent, governor and council.

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

*Approved February 21, 1863.*

AN ACT TO EXTEND THE TIME WITHIN WHICH TO LOCATE AND CONSTRUCT THE NEW YORK AND BOSTON RAILROAD. Chap. 32.

*Be it enacted, &c., as follows:*

The time for locating and constructing the New York and Boston Railroad, is hereby extended two years beyond the time now allowed by law. Extension two years.

*Approved February 21, 1863.*

AN ACT CONCERNING THE SUPERIOR COURT. Chap. 33.

*Be it enacted, &c., as follows:*

SECTION 1. Whenever any criminal case shall be on trial at the end of any term, as now established by law, of the superior court in this Commonwealth, such term may be continued until such case is finished, and the jurors setting in such case may be required by the presiding justice to serve until the same is concluded. Terms may be continued to determine pending cases.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed. Statutes inconsistent repealed.

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

*Approved February 27, 1863.*

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE CURRENT YEAR. Chap. 34.

*Be it enacted, &c., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, eighteen hundred and sixty-three, to wit: Appropriations authorized.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand dollars. Stationery, senate.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding eighteen hundred dollars. House.

- Governor's secretary. For compensation of the private secretary of the governor, twelve hundred and eighty-three dollars thirty-four cents.
- Messenger. For compensation of the messenger to the governor and council, nine hundred and thirty-three dollars thirty-four cents.
- Assistant-messenger. For compensation of the assistant-messenger to the governor and council, three hundred and thirty-four dollars.
- Attorney-general. For the salary of the attorney-general, twenty-two hundred and ninety-one dollars sixty-seven cents.
- Clerk hire. For clerk hire in the office of the attorney-general, a sum not exceeding nine hundred and sixteen dollars sixty-seven cents.
- Books for office. For the purchase of books for the library in the office of the attorney-general, three hundred dollars.
- Court expenses. For fees, costs, and court expenses of the attorney-general, two hundred dollars.
- Incidentals. For incidental expenses in the office of the attorney-general, a sum not exceeding two hundred dollars.
- Secretary of Commonwealth. For the salary of the secretary of the Commonwealth, eighteen hundred and thirty-three dollars and thirty-four cents.
- First clerk. For the salary of the first clerk in the secretary's office, thirteen hundred and seventy-five dollars.
- Second clerk. For the salary of the second clerk in the secretary's office, twelve hundred and eighty-three dollars thirty-four cents.
- Additional clerical assistance. For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the office, a sum not exceeding twelve thousand eight hundred thirty-three dollars and thirty-four cents.
- Plymouth records, copying. For continuing the copying of the New Plymouth records, a sum not exceeding one thousand and eight dollars and thirty-four cents.
- Messenger. For the salary of the messenger in the secretary's office, seven hundred and thirty-three dollars thirty-four cents.
- Publication bank returns. For the payment for the weekly and monthly publication of bank returns, in accordance with the General Statutes, a sum not exceeding five hundred dollars.
- Incidental, secretary's department. For incidental expenses of the secretary's office, a sum not exceeding thirty-two hundred dollars.
- Treasurer and receiver-general. For the salary of the treasurer and receiver-general, eighteen hundred and thirty-three dollars thirty-four cents.
- First clerk. For the salary of the first clerk in the treasurer's office, thirteen hundred and seventy-five dollars.
- Second clerk. For the salary of the second clerk in the treasurer's office, eleven hundred dollars.

- For extra clerical assistance in the treasurer's office, a sum not exceeding three thousand six hundred and eight dollars thirty-four cents. Additional assistance.
- For incidental expenses of the treasurer's office, a sum not exceeding twelve hundred dollars. Incidental, treasurer's department.
- For the salary of the auditor of accounts, eighteen hundred and thirty-three dollars thirty-four cents. Auditor of accounts.
- For the salary of the first clerk of the auditor of accounts, thirteen hundred and seventy-five dollars. First clerk.
- For the salary of the second clerk of the auditor of accounts, one thousand and eight dollars thirty-four cents. Second clerk.
- For incidental expenses of the auditor's office, a sum not exceeding three hundred and fifty dollars. Incidental, auditor's office.
- For such additional clerical assistance as the auditor may find necessary, a sum not exceeding three thousand three hundred dollars. Additional assistance.
- For compensation of the commissioners on public lands and clerk hire, a sum not exceeding three thousand dollars; for contingent and incidental expenses of said commissioners, a sum not exceeding one thousand dollars: said sums to be paid from the moiety of the proceeds of sales, which, by the resolves of the year eighteen hundred and fifty-seven, chapter seventy, is applicable to improvements. And the residue of said moiety is hereby appropriated to be applied and used in accordance with the provisions of section three of chapter two hundred of the acts of eighteen hundred and sixty. Commissioners on public lands. Incidental expenses to be paid from moiety of sales.
- For printing and binding the annual railroad reports, thirteen hundred dollars. Residue of moiety, how applied. Railroad reports, printing.
- For the salary of the sergeant-at-arms, eighteen hundred and thirty-three dollars and thirty-four cents. Sergeant-at-arms salary.
- For the authorized expenses of committees of the legislature, a sum not exceeding three hundred dollars. Committees, expenses of.
- For clerical assistance to committees authorized to send for persons and papers, a sum not exceeding three hundred dollars; and the auditor is hereby authorized to audit bills for such assistance, the same having been approved by the chairman of such committees, or other members authorized by the committees to certify such accounts. Clerical assistance to committees.
- For the salary of the chief justice of the superior court, three thousand seven hundred dollars. Superior court, chief justice.
- For the salaries of nine associate justices of said court, thirty-one thousand five hundred dollars. Associate justices.
- For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars. Clerk S. J. court, salary.
- For the salary of the assistant-clerk of said court, fifteen hundred dollars. Assistant-clerk.

Expenses of court.	For expenses of said court, two thousand five hundred dollars.
Judges probate and insolvency. Suffolk.	For the salary of the judge of probate and insolvency for the county of Suffolk, three thousand dollars.
Middlesex.	For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand dollars.
Worcester.	For the salary of the judge of probate and insolvency for the county of Worcester, eighteen hundred dollars.
Essex.	For the salary of the judge of probate and insolvency for the county of Essex, fifteen hundred dollars.
Norfolk.	For the salary of the judge of probate and insolvency for the county of Norfolk, fourteen hundred dollars.
Bristol.	For the salary of the judge of probate and insolvency for the county of Bristol, eleven hundred dollars.
Plymouth.	For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand dollars.
Berkshire.	For the salary of the judge of probate and insolvency for the county of Berkshire, eight hundred dollars.
Hampden.	For the salary of the judge of probate and insolvency for the county of Hampden, eight hundred dollars.
Barnstable.	For the salary of the judge of probate and insolvency for the county of Barnstable, seven hundred dollars.
Hampshire.	For the salary of the judge of probate and insolvency for the county of Hampshire, six hundred and fifty dollars.
Franklin.	For the salary of the judge of probate and insolvency for the county of Franklin, six hundred dollars.
Nantucket.	For the salary of the judge of probate and insolvency for the county of Nantucket, three hundred dollars.
Dukes.	For the salary of the judge of probate and insolvency for the county of Dukes County, two hundred and fifty dollars.
Registers and assistants. Suffolk.	For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.
	For the salary of the assistant-register for the county of Suffolk, fifteen hundred dollars.
Middlesex.	For the salary of the register of probate and insolvency for the county of Middlesex, fifteen hundred dollars.
	For the salary of the assistant-register for the county of Middlesex, one thousand dollars.
Worcester.	For the salary of the register of probate and insolvency for the county of Worcester, fifteen hundred dollars.
	For the salary of the assistant-register for the county of Worcester, one thousand dollars.
Essex.	For the salary of the register of probate and insolvency for the county of Essex, fifteen hundred dollars.
	For the salary of the assistant-register for the county of Essex, eight hundred dollars.

For the salary of the register of probate and insolvency for the county of Norfolk, one thousand dollars. Norfolk.

For the salary of the assistant-register for the county of Norfolk, six hundred dollars.

For the salary of the register of probate and insolvency for the county of Bristol, thirteen hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Plymouth, one thousand dollars. Plymouth.

For the salary of the register of probate and insolvency for the county of Hampden, eight hundred dollars. Hampden.

For the salary of the register of probate and insolvency for the county of Berkshire, eight hundred dollars. Berkshire.

For the salary of the register of probate and insolvency for the county of Hampshire, seven hundred and fifty dollars. Hampshire.

For the salary of the register of probate and insolvency for the county of Franklin, seven hundred dollars. Franklin.

For the salary of the register of probate and insolvency for the county of Barnstable, seven hundred dollars. Barnstable.

For the salary of the register of probate and insolvency for the county of Nantucket, three hundred dollars. Nantucket.

For the salary of the register of probate and insolvency for the county of Dukes County, three hundred and fifty dollars. Dukes.

For certain expenses of the courts of insolvency, authorized by the General Statutes, or similar accounts for the courts of probate and insolvency, a sum not exceeding three thousand dollars. Courts of probate and insolvency, expenses.

For the salary of the attorney for the county of Suffolk, three thousand dollars. District-attorneys. Suffolk.

For the salary of the assistant-attorney for the county of Suffolk, one thousand eight hundred dollars. Assistant.

For the salary of the district-attorney for the eastern district, one thousand two hundred dollars. Eastern.

For the salary of the district-attorney for the northern district, one thousand two hundred dollars. Northern.

For the salary of the district-attorney for the southern district, one thousand two hundred dollars. Southern.

For the salary of the district-attorney for the middle district, one thousand two hundred dollars. Middle.

For the salary of the district-attorney for the south-eastern district, one thousand two hundred dollars. South-eastern.

For the salary of the district-attorney for the western district, one thousand two hundred dollars. Western.

For the salary of the district-attorney for the north-western district, eight hundred dollars. North-western.

For the salaries of the justices of police courts, thirty-two thousand seven hundred dollars. Justices police courts.

- Clerks. For the salaries of the clerks of police courts, exclusive of clerks elected under chapter one hundred and sixteen, section four, of the General Statutes, fifteen thousand dollars.
- Reporter decisions S. J. Court. For the salary of the reporter of the decisions of the supreme judicial court, three hundred dollars.
- general laws and resolves. For printing such number, not exceeding seventy-five thousand, of the pamphlet edition of the General Acts and Resolves of the present year, for distribution in the Commonwealth, a sum not exceeding eight thousand dollars.
- Printing "blue book" edition. For printing two thousand five hundred copies of the "blue book" edition of the Acts and Resolves of the present year, with the governor's messages and other matters in the usual form, but not including the constitution, a sum not exceeding two thousand five hundred dollars.
- Newspaper publication of general laws, etc. For the publication of the General Laws, and all other information intended for the public, in accordance with the General Statutes, three hundred dollars.
- Blanks for registering births, marriages and deaths. For the printing and binding of blanks for the use of cities and towns, in the registration of births, marriages and deaths, a sum not exceeding three hundred dollars.
- Fuel and lights, state house. For fuel and lights for the state house, a sum not exceeding two thousand six hundred dollars.
- Repairs and furniture. For repairs, improvements and furniture of the state house, three thousand dollars.
- Contingent expenses, legislature. For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding one thousand five hundred dollars: *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object, for which an appropriation is otherwise made in this act, or in any act which may be subsequently passed.
- Proviso.
- Postage, printing, etc., for executive department. For postage, printing and stationery for the governor and council, a sum not exceeding eight hundred dollars.
- Blanks for returns of aid to families of volunteers. For printing blanks for returns from cities and towns, of aid rendered to the families of volunteers, the sum of three hundred and fifty dollars.
- Bank note impressions, numbering. For the numbering of bank note impressions, the sum of two hundred and fifty dollars, the same to be paid from the amount assessed on banks for expenses incurred on their account in the auditor's department.
- Sheriffs, forwarding blanks and returns. To the sheriffs of the several counties for distributing blanks and making returns of votes, in accordance with the General Statutes, a sum not exceeding eight hundred and sixty-eight dollars.

- For printing the public series of documents in the last quarter of the year one thousand eight hundred and sixty-three, under the direction of the secretary of the Commonwealth, according to the General Statutes, and for binding the copies to be distributed to the towns and cities, a sum not exceeding twelve thousand dollars. Public documents, printing and binding.
- For furnishing term reports, the sum of five thousand dollars. Reports decisions S. J. Court.
- For assessors' books, agreeably to the acts of eighteen hundred and sixty-one, the sum of thirteen hundred dollars. Assessors' books.
- For the compensation of the bank commissioners, a sum not exceeding six thousand and fifty dollars. Bank commissioners.
- For the salary of the clerk of the bank commissioners, one thousand three hundred and seventy-five dollars. Clerk.
- For the incidental expenses of the bank commissioners, a sum not exceeding one hundred and fifty dollars. Incidental.
- For the compensation of the board of insurance commissioners, two thousand seven hundred and fifty dollars. Insurance commissioners.
- For books, stationery, printing, and advertising, ordered by the sergeant-at-arms, for the legislature, a sum not exceeding seven hundred dollars. Books, printing, etc., sergeant-at-arms.
- For the state library, in accordance with the General Statutes, twenty-three hundred dollars, to be expended under the direction of the trustees and librarian. State library.
- For the contingent expenses of the council, a sum not exceeding eight hundred dollars. Council, contingent.
- For the compensation and expenses of the alien commissioners, and agents employed by them, according to law, a sum not exceeding seven thousand two hundred dollars. Alien commissioners and agents.
- For the compensation and expenses of the superintendent of alien passengers, a sum not exceeding six thousand three hundred dollars. Superintendent alien passengers.
- For compensation to towns, for support of state paupers, under the General Statutes, for the current year, one thousand dollars. Towns, for support of state paupers.
- For the expenses of coroners' inquests, a sum not exceeding five hundred dollars. Coroners' inquests.
- For burial of state paupers, two thousand dollars. Burial paupers.
- For the salary and expenses of the inspector of gasmeters, a sum not exceeding three thousand dollars, in accordance with the acts of the year eighteen hundred and sixty-one. Inspector gasmeters.
- The appropriation made in the twenty-second chapter of the acts of the year eighteen hundred and fifty-eight, for the emergency fund, is hereby made applicable to, and may be used during the present political year, for the purposes Emergency fund, reappropriation.

and under the provisions and limitations, mentioned in said chapter.

Money, certain, considered as ordinary revenue. Money now held in the treasury under chapter ninety-five of the resolves of the year eighteen hundred and fifty-nine, shall be considered as ordinary revenue, and paid out accordingly.

#### CHARITABLE.

Paupers, state, removal of to almshouses. For the removal of state paupers to almshouses, in accordance with the provisions of chapter seventy-one of the General Statutes, the sum of five hundred dollars.

Indians. For Indians, a sum not exceeding three thousand dollars.

Asylum for blind. For the Perkins' institution and Massachusetts asylum for the blind, in accordance with the resolves of the year eighteen hundred and fifty-five, twelve thousand dollars.

School for idiots. For the Massachusetts school for idiotic and feeble-minded youth, in accordance with the resolves of the year one thousand eight hundred and fifty-one, and of the resolves of the year eighteen hundred and sixty-one, nine thousand dollars.

Deaf and dumb at Hartford, Ct. For the support of patients from Massachusetts, in the asylum for the deaf and dumb at Hartford, in the state of Connecticut, in accordance with the resolves of the year eighteen hundred and twenty-nine, and the resolves of the year eighteen hundred and forty-seven, a sum not exceeding eight thousand six hundred dollars.

Bequests of M. Johannot. For the annuities due from the Commonwealth, in respect to the obligations incurred by the acceptance of the bequests of the late Martha Johannot, a sum not exceeding one thousand seven hundred and forty dollars.

Pensions. For pensions, a sum not exceeding seven hundred dollars.

Sinking fund, almshouses. To the sinking fund, for the redemption of the scrip issued to obtain means for building the state almshouses, six thousand dollars.

Union loan sinking fund. To the union loan sinking fund, established under chapter two hundred and nine, of the acts of the year eighteen hundred and sixty-one, section two, to be invested agreeably to the provisions of chapter one hundred and eighty-seven of the acts of the year eighteen hundred and sixty-two, the sum of one hundred and fifty-one thousand one hundred and eighty dollars.

#### AGRICULTURAL.

Bounties, agricultural. For bounties to agricultural societies, eleven thousand one hundred and seventy-two dollars, fifty-three cents.

Secretary board agriculture, salary. For the salary of the secretary of the board of agriculture, eighteen hundred and thirty-three dollars and thirty-four cents.



For the travelling expenses of members of said board, a sum not exceeding twelve hundred dollars. Travel, members.

For the travelling expenses of the secretary of said board, all postages and necessary expenses, in accordance with the resolves of the year one thousand eight hundred and fifty-three, a sum not exceeding two hundred and fifty dollars. Travel, postage, etc., of secretary.

For other incidental expenses of said board, a sum not exceeding one hundred and fifty dollars. Incidental.

For the salaries of the clerks of the secretary of said board, eleven hundred dollars. Clerks.

For printing ten thousand copies of the report of the board of agriculture, a sum not exceeding nine thousand dollars. Printing report.

## MILITARY.

For the salary of the adjutant-general, one thousand six hundred and fifty dollars. Adjutant-general, salary.

For the salary of the first clerk of the adjutant-general, thirteen hundred and seventy-five dollars. First clerk.

For the salary of the second clerk of the adjutant-general, eleven hundred dollars. Second clerk.

For extra clerical assistance, including messenger, in the adjutant-general's department, a sum not exceeding eight thousand five hundred dollars. Additional assistance.

For the incidental expenses of the adjutant-general, a sum not exceeding three thousand dollars. Incidental.

For the expenses of the departments of the quartermaster-general and master of ordnance, a sum not exceeding ten thousand five hundred dollars. Quartermaster and master of ordnance, expenses.

For military bounty, a sum not exceeding forty-three thousand dollars. Military bounty.

For military accounts, a sum not exceeding five thousand five hundred dollars. Accounts.

For the rent of armories, a sum not exceeding eleven thousand dollars. Rent of armories

For the salary of the surgeon-general, the sum of two thousand dollars. Surgeon-general.

For the salary of the clerk of the surgeon-general, one thousand two hundred dollars. Clerk.

For incidental, contingent and other expenses of the surgeon-general's department, a sum not exceeding five thousand dollars. Incidental.

## REFORMATORY AND CORRECTIONAL.

For the expenses of the arrest of fugitives from justice, a sum not exceeding one thousand dollars. Arrest of fugitives.

Agent discharged convicts, salary. For the salary of an agent for the relief of discharged convicts, a sum not exceeding eight hundred dollars.

Expenditures of agent. For the expenditures of said agent, in accordance with the General Statutes, and of the acts of the year eighteen hundred and sixty-one, a sum not exceeding one thousand dollars.

Industrial school, expenses. For the current expenses of the state industrial school for girls, at Lancaster, a sum not exceeding fifteen thousand dollars.

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

*Approved February 27, 1863.*

**Chap. 35.** AN ACT TO AUTHORIZE NATHANIEL P. WILEY AND OTHERS TO BUILD A WHARF IN THE TOWN OF WELLFLEET.

*Be it enacted, &c., as follows:*

Wharf on Atwood's Beach.

SECTION 1. Nathaniel P. Wiley, John C. Peak, Knowles Dyer, Theodore Brown, and Harvey O. Sparrow are hereby authorized to build a wharf upon the land and flats owned by them in common on the south side of Atwood's Beach, in the town of Wellfleet, and to extend said wharf to the channel of the harbor, and to lay vessels at the said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person.

Proviso.

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

*Approved February 27, 1863.*

**Chap. 36.** AN ACT AUTHORIZING THE LYNN AND BOSTON RAILROAD COMPANY TO LEASE CERTAIN RAILROADS.

*Be it enacted, &c., as follows:*

May lease Winnisimmet road.

SECTION 1. The Lynn and Boston Railroad Company is hereby authorized to lease the Winnisimmet Railroad, on such terms and conditions as may be approved by a majority in interest of the stockholders of said companies, respectively, at meetings legally called for that purpose.

May lease or receive transfer from Boston and Chelsea road.

SECTION 2. The Lynn and Boston Railroad Company is hereby authorized to receive a transfer of any existing lease of the Boston and Chelsea Railroad; or, upon such lease being cancelled by consent of parties in interest, the said Lynn and Boston Railroad Company is hereby authorized to lease said Boston and Chelsea Railroad, on such terms and conditions as may be approved by a majority in interest of the stockholders of said companies, respectively, at meetings legally held for that purpose.

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

*Approved February 27, 1863.*

AN ACT TO INCREASE THE CAPITAL STOCK OF THE SPRINGFIELD GAS-LIGHT COMPANY.

Chap. 37.

*Be it enacted, &c., as follows:*

SECTION 1. The Springfield Gas-Light Company is hereby authorized to increase its capital stock, by adding thereto an amount not exceeding one hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be paid in in such instalments as the directors of said corporation shall determine.

Increase of \$100,000 authorized.

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

*Approved February 27, 1863.*

AN ACT TO LEGALIZE THE DOINGS OF TOWNS IN AID OF THE WAR.

Chap. 38.

*Be it enacted, &c., as follows:*

SECTION 1. The acts and doings of cities and towns in paying or agreeing to pay bounties and recruiting expenses for soldiers already furnished by them, upon the requisition of the United States, and upon the call of the governor, for the present war, together with taxes that have been or may be assessed, and payments and obligations that have been or may be made or given by them for those objects, are hereby ratified, confirmed and made valid.

Assessing taxes and paying bounties legalized.

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

*Approved February 27, 1863.*

AN ACT TO CONTINUE IN FORCE AN ACT INCORPORATING THE MUTUAL MARINE INSURANCE COMPANY.

Chap. 39.

*Be it enacted, &c., as follows:*

SECTION 1. The act of the year one thousand eight hundred and forty-three, incorporating the Mutual Marine Insurance Company, shall be continued and remain in force from and after the twenty-fourth day of March in the year one thousand eight hundred and sixty-three, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force in relation to such corporations.

Corporate powers continued without limitation of time.

SECTION 2. The reserved profits which shall be held by said company at the time of the expiration of its present charter, whether represented by scrip or otherwise, either from terminated or unexpired policies, shall be divided among the respective persons and corporations, respectively entitled thereto under the present charter and by-laws.

Reserved profits, how divided.

SECTION 3. It shall be lawful for the said company to agree with any of such persons or corporations to allow and permit the whole or any part of such profits, accruing to them respectively, to remain with said company, and to

Profits may be allowed to remain, by mutual consent.

permit such persons or corporations to receive such portion of the future profits of the business of said company as shall be deemed just and equitable.

Remaining profits to be deemed a permanent fund.

SECTION 4. Any of the reserved profits aforesaid which shall be continued with said company shall, to the extent thereof, be deemed and taken to be a permanent fund, in lieu and stead of the subscription note provided to be given in and by the thirty-fifth and succeeding sections of the fifty-eighth chapter of the General Statutes.

Reserved and future profits not to be withdrawn, except, &c.

SECTION 5. No part of the future profits arising from the business of the said insurance company, and no part of the said reserved profits which shall be permitted to remain with the said company as aforesaid, shall be withdrawn from the said company except for the payment of losses and expenses; except that the said company may from time to time pay to the parties respectively entitled thereto such sums as shall be received or realized from the investment of such profits; and said company may, from from time to time, pay off such reserved profits so left with them as aforesaid, and such portion of their future profits as the persons or corporations entitled to such reserved profits shall be allowed to receive pursuant to the provisions of the third section of this act: *provided*, such payment shall leave net earned profits with said company, as a permanent fund, to the amount of not less than two hundred thousand dollars.

Proviso.

Corporation may pay for use of notes and profits.

SECTION 6. The said corporation may, from year to year, pay for the use of subscription notes taken by them, and for the use of the reserved profits as aforesaid, such percentage as may be determined upon by the directors of said corporation, the same to be paid in money at the expiration of each year, if, in the opinion of the directors, the same can be done without injury to the capital or permanent fund of the corporation.

*Approved February 27, 1863.*

*Chap. 40.* AN ACT TO CONTINUE IN FORCE AN ACT INCORPORATING THE COMMERCIAL MUTUAL MARINE INSURANCE COMPANY.

*Be it enacted, &c., as follows:*

Corporate powers continued without limitation of time.

SECTION 1. The act of the year one thousand eight hundred and fifty-three, incorporating the Commercial Mutual Marine Insurance Company, shall be continued and remain in force from and after the seventeenth day of March, in the year one thousand eight hundred and sixty-three, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are, or hereafter may be in force, in relation to such corporations.

SECTION 2. The reserved profits which shall be held by said company at the time of the expiration of its present charter, whether represented by scrip or otherwise, either from terminated or unterminated policies, shall be divided among the respective persons and corporations respectively entitled thereto under the present charter and by-laws.

Reserved profits,  
how divided.

SECTION 3. It shall be lawful for the said company to agree with any of such persons or corporations, to allow and permit the whole or any part of such profits accruing to them respectively, to remain with said company, and to permit such persons or corporations to receive such portion of the future profits of the business of said company as shall be deemed just and equitable.

Profits may be allowed to remain,  
by mutual consent.

SECTION 4. Any of the reserved profits aforesaid which shall be continued with said company shall, to the extent thereof, be deemed and taken to be a permanent fund in lieu and stead of the subscription notes provided to be given in and by the thirty-fifth and succeeding sections of the fifty-eighth chapter of the General Statutes.

Remaining profits to be deemed a permanent fund.

SECTION 5. No part of the future profits arising from the business of the said insurance company, and no part of the said reserved profits which shall be permitted to remain with the said company as aforesaid, shall be withdrawn from the said company, except for the payment of losses and expenses; except that the said company may, from time to time, pay to the parties respectively entitled thereto such sums as shall be received or realized from the investment of such profits; and said company may, from time to time, pay off such reserved profits so left with them as aforesaid, and such portion of their future profits as the persons or corporations entitled to such reserved profits shall be allowed to receive, pursuant to the provisions of the third section of this act: *provided*, such payment shall leave net earned profits with said company, as a permanent fund, to the amount of not less than two hundred thousand dollars.

Reserved and future profits not to be withdrawn, except, &c.

Proviso.

SECTION 6. The said corporation may, from year to year, pay for the use of subscription notes taken by them, and for the use of the reserved profits as aforesaid, such percentage as may be determined upon by the directors of said corporation, the same to be paid in money at the expiration of each year, if, in the opinion of the directors, the same can be done without injury to the capital or permanent fund of the corporation.

Corporation may pay for use of notes and profits.

*Approved February 27, 1863.*

*Chap.* 41. AN ACT TO PROVIDE FOR TAKING THE AFFIDAVITS, DEPOSITIONS AND ACKNOWLEDGMENT OF DEEDS OF PERSONS IN THE MILITARY AND NAVAL SERVICE OF THE UNITED STATES.

*Be it enacted, &c., as follows:*

Colonel, lieutenant-colonel or major may execute papers.

SECTION 1. Affidavits, and commissions to take the deposition of any person without this state, if engaged in the regular or volunteer land service of the United States, may be executed before and by the colonel, lieutenant-colonel, or major of the regiment in which such person shall at the time serve or with which he may be connected; and if engaged in the naval service, before and by the paymaster, assistant-paymaster, acting assistant-paymaster, surgeon or officer in command of the vessel in which he shall at the time serve or with which he may be connected; and the affidavits and depositions of such persons so taken, if otherwise taken in accordance with law, shall be received and may be used in evidence in the same manner as if taken before a commissioner of this Commonwealth appointed to take depositions in other states.

Naval commander, paymaster or surgeon, may act.

Acts, if otherwise legal, to be valid in courts.

Conveyance of real estate of citizen without Commonwealth; and powers of attorney, in army and navy.

SECTION 2. The deed of any person without this state for the conveyance of real estate within this Commonwealth, and powers of attorney, may be acknowledged before the colonel, lieutenant-colonel, or major of the regiment in which such person shall at the time serve, or with which he may be connected, if such person is engaged in the regular or volunteer land service of the United States; and if engaged in the naval service, by the paymaster, assistant-paymaster, acting assistant-paymaster, surgeon or officer in command of the vessel in which such person shall at the time serve or with which he may be connected.

Officers named may administer oaths.

SECTION 3. For the purposes aforesaid the respective officers above named shall have power and authority to administer oaths to, and take the acknowledgments of, persons in the military or naval service of the United States, as described in sections one and two of this act.

Repeal.

SECTION 4. Chapter two hundred and nineteen of the acts of the year one thousand eight hundred and sixty-two is hereby repealed.

Limitation of statute.

SECTION 5. This act shall take effect upon its passage, and shall remain in force until the first day of May, in the year eighteen hundred and sixty-five.

*Approved February 27, 1863.*

AN ACT TO ENABLE THE TRUSTEES OF THE METHODIST EPISCOPAL CHURCH IN GLOUCESTER TO SELL PROPERTY, AND FOR OTHER PURPOSES.

*Chap. 42.*

*Be it enacted, &c., as follows:*

SECTION 1. Aaron D. Wells, Edward Perkins, Charles Douglas, William H. Wonson, third, and John Lane, the trustees of the Methodist Episcopal Church in Gloucester, successors to Aaron Wait, Thomas Hiller, Amos Story, Nathaniel Witham and Samuel Marston, all deceased, the trustees of said church, named as grantees in the deed of Benjamin Hiller, dated the twenty-fourth day of January, in the year eighteen hundred and twenty-seven, recorded with Essex deeds, on the twenty-fourth day of March, in the year eighteen hundred and twenty-eight, are hereby authorized to sell at public auction to the highest bidder, first giving notice of the time and place of sale, by publication in the Gloucester Telegraph and News, a newspaper published in Gloucester, for three successive weeks next before such sale, the meeting-house standing on the land conveyed by said deed; and to distribute the proceeds, after payment of the debts due on said meeting-house and the costs of said sale, among the owners of pews in said meeting-house, in proportion to the original appraisement thereof; and also to sell in like manner and on like notice, the land conveyed by said deed, and to hold and apply the proceeds thereof, less the costs of sale, in lieu of said land for the benefit of said church, as the trusts in said deed declared; and they are hereby authorized to give to the purchasers at such sales, good and sufficient deeds of the property sold, free and discharged of all trusts whatsoever.

Trustees authorized to sell house at public auction.

May distribute proceeds.

May sell land and apply proceeds.

Deeds.

SECTION 2. The said trustees and their successors, are hereby made a body corporate by the name of The Trustees of the First Society of the Methodist Episcopal Church in Gloucester, with all the powers and privileges, and subject to all the duties and liabilities contained in the thirtieth chapter of the General Statutes, applicable to the trustees of societies of the Methodist Episcopal church.

Trustees made body corporate.

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

*Approved February 27, 1863.*

AN ACT TO CHANGE THE NAME OF THE FIFTH UNIVERSALIST SOCIETY, IN BOSTON.

*Chap. 43.*

*Be it enacted, &c., as follows:*

The Fifth Universalist Society, in Boston, shall hereafter be called and known by the name of the Shawmut Universalist Society.

Name changed.

*Approved February 27, 1863.*

Chap. 44. AN ACT IN ADDITION TO AN ACT CONCERNING TRUANT CHILDREN AND ABSENTEES FROM SCHOOL.

*Be it enacted, &c., as follows:*

Police and trial justices, jurisdiction conferred.

SECTION 1. Either of the justices of the police court of the city of Boston, and any judge or justice of any police court, and any trial justice, in this state, shall have jurisdiction within their respective counties of the offences described in chapter two hundred and seven of the acts of the year eighteen hundred and sixty-two.

Justice may discharge minor for cause.

SECTION 2. Whenever it shall be made to appear to any such justice, judge or trial justice acting within his jurisdiction, upon a hearing of the case, that there is good and sufficient reason for the discharge of any minor imprisoned for either of such offences, he may issue such discharge under his hand upon such terms as to costs as to him seems just, directed to the person having the custody of such minor; and upon the service of the same on such person and payment of costs required, said minor shall be discharged.

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

*Approved February 27, 1863.*

Chap. 45. AN ACT TO REDUCE THE CAPITAL STOCK OF THE ROCKPORT BANK.

*Be it enacted, &c., as follows:*

Corporation may reduce.

SECTION 1. The president, directors and company of the Rockport Bank are hereby authorized to reduce their capital stock to the sum of one hundred thousand dollars: *provided*, that said reduction shall not take place until the bank commissioners, or a majority of them, 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 liabilities existing against it, and for the purchase and extinguishment of five hundred shares of its stock, and after the payment of all liabilities, and the purchase of its stock, as aforesaid, the 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, how effected.

SECTION 2. The capital stock of said bank shall be reduced, as aforesaid, by the purchase and extinguishment by said corporation, of five hundred shares of its stock, so that each of the remaining one thousand shares shall be of the par value of one hundred dollars; and when the capital stock is reduced, as aforesaid, and the president and cashier of said bank shall have certified in writing to the governor and council that the capital stock of said bank has been reduced in manner as provided by this act, then all the

Governor to be certified of acts.



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 said reduction is made, and the certificate of the president and cashier is made, as aforesaid, said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

Tax to continue until filing of certificate.

SECTION 3. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for by this act, and the necessary expenses incurred by them in so doing shall be paid by said corporation.

Bank commissioners, examination by required.

SECTION 4. This act shall take effect upon its passage.

*Approved March 3, 1863.*

AN ACT TO REDUCE THE CAPITAL STOCK OF THE MERCHANTS' BANK OF NEWBURYPORT.

Chap. 46.

*Be it enacted, &c., as follows:*

SECTION 1. The president, directors and company of the Merchants Bank of Newburyport, 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 the bank commissioners, or a majority of them, 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 liabilities existing against it, and that after payment thereof, the 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.

Corporation may reduce.

Proviso.

SECTION 2. Nothing contained in this act shall be construed to authorize said corporation by the reduction aforesaid to create a surplus fund, but any such surplus of assets which shall remain above the reduced capital, shall, after such reduction, be divided, from time to time, as the same is realized, among the holders of stock in said corporation.

Surplus to be divided.

SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation, but on or before payments of surplus as aforesaid, or dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of twenty dollars.

Shares, number and par value.

SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination

Bank commissioners, examination by required.

and certificate of to governor. provided for in this act, and the necessary expenses incurred by them in so doing, shall be paid by said corporation; and when the bank commissioners shall have made and delivered their 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 said reduction is made said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

SECTION 5. This act shall take effect upon its passage.

*Approved March 3, 1863.*

*Chap. 47.* AN ACT IN ADDITION TO AN ACT INCORPORATING THE BERKSHIRE LIFE INSURANCE COMPANY.

*Be it enacted, &c., as follows :*

Guaranty stock may be extinguished.

SECTION 1. The Berkshire Life Insurance Company is hereby authorized, whenever so directed by a vote of the assured, to redeem at par and extinguish all or any part of its original guaranty capital stock; and to appropriate for this purpose, so much of its funds as may be necessary.

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

*Approved March 3, 1863.*

*Chap. 48.* AN ACT TO INCORPORATE THE GRANITE MILLS.

*Be it enacted, &c., as follows :*

Corporators.

Title.

Location and privileges.

Real estate.

Capital.

Proviso.

SECTION 1. Charles O. Shove, William Mason, S. H. Miller, their associates and successors, are hereby made a corporation by the name of the Granite Mills, for the purpose of manufacturing cotton and other fibrous materials in the city 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 sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequent thereto, relating to manufacturing corporations.

SECTION 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of two hundred and fifty thousand dollars, and the whole capital stock of said corporation shall not exceed five hundred thousand dollars: *provided, however,* that said corporation shall not go into operation until the sum of one hundred and seventy-five thousand dollars of its capital stock has been paid in, in cash.

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

*Approved March 3, 1863.*

AN ACT TO REDUCE THE CAPITAL STOCK OF THE FAIRHAVEN BANK. *Chap. 49.*  
*Be it enacted, &c., as follows:*

SECTION 1. The president, directors and company of the Fairhaven Bank are hereby authorized to reduce their capital stock to the sum of two hundred and forty thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place, until the bank commissioners, or a majority of them, 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 liabilities existing against it, and that after payment thereof, the sum of two hundred and forty thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Corporation may reduce.

Proviso.

SECTION 2. Nothing contained in this act shall be construed to authorize said corporation, by the reduction aforesaid, to create a surplus fund; but any such surplus of assets which shall remain above the reduced capital shall, after such reduction, be divided from time to time, as the same is realized, among the holders of stock in said corporation.

Surplus to be divided.

SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation, but on or before payments of surplus as aforesaid, or dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of eighty dollars.

Shares, number and par value.

SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for by this act, and the necessary expenses incurred by them in so doing shall be paid by said corporation; and when the bank commissioners shall have made and delivered their 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 forty thousand dollars; and until said reduction is made said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

Bank commissioners, examination by required and certificate of to governor and council.

SECTION 5. This act shall take effect upon its passage.

*Approved March 3, 1863.*

AN ACT TO REDUCE THE CAPITAL STOCK OF THE MARBLEHEAD BANK. *Chap. 50.*  
*Be it enacted, &c., as follows:*

SECTION 1. The president, directors and company of the Marblehead Bank are hereby authorized to reduce their capi-

Corporation may reduce.

Proviso. tal stock to the sum of one hundred and two thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place, until the bank commissioners, or a majority of them, 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 liabilities existing against it, and that after payment thereof the sum of one hundred and two thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Surplus to be divided. SECTION 2. Nothing contained in this act shall be construed to authorize said corporation, by the reduction aforesaid, to create a surplus fund; but any such surplus of assets which shall remain above the reduced capital shall, after such reduction, be divided from time to time, as the same is realized, among the holders of stock in said corporation.

Shares, number and par value. SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation; but on or before payments of surplus as aforesaid, or dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of eighty-five dollars.

Bank commissioners, examination by required, and certificate of to governor and council. SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for in this act, and the necessary expenses incurred by them in so doing shall be paid by said corporation; and when the bank commissioners shall have made and delivered their 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 two thousand dollars; and until said reduction is made, said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

SECTION 5. This act shall take effect upon its passage.

*Approved March 3, 1863.*

**Chap. 51.** AN ACT TO REDUCE THE CAPITAL STOCK OF THE LEE BANK.  
*Be it enacted, &c., as follows:*

Corporation may reduce. Proviso. SECTION 1. The president, directors and company of the Lee Bank 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 such reduction take place until the bank commissioners, or a majority of them, 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 liabilities existing against it, and that after payment thereof the 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.

SECTION 2. Nothing contained in this act shall be construed to authorize said corporation, by the reduction aforesaid, to create a surplus fund; but any such surplus of assets which shall remain above the reduced capital shall, after such reduction, be divided from time to time, as the same is realized, among the holders of stock in said corporation.

Surplus to be divided.

SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation; but on or before payments of surplus as aforesaid, or of dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of seventy dollars.

Shares, number and par value.

SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for by this act, and the necessary expenses incurred by them in so doing shall be paid by said corporation; and when the bank commissioners shall have made and delivered their 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 said reduction is made said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

Bank commissioners, examination by required, and certificate of to governor and council.

SECTION 5. This act shall take effect upon its passage.

*Approved March 3, 1863.*

AN ACT TO REDUCE THE CAPITAL STOCK OF THE WRENTHAM BANK.  
*Be it enacted, &c., as follows:*

Chap. 52.

SECTION 1. The president, directors and company of the Wrentham Bank 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 the bank commissioners, or a majority of them, 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,

Corporation may reduce.

Proviso.

deposits and other liabilities existing against it, and that after payment thereof the 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.

Surplus to be divided.

SECTION 2. Nothing contained in this act shall be construed to authorize said corporation, by the reduction aforesaid, to create a surplus fund, but any such surplus of assets which shall remain above the reduced capital shall, after such reduction, be divided from time to time, as the same is realized, among the holders of stock in said corporation.

Shares, number and par value.

SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation; but on or before payments of surplus as aforesaid, or dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of seventy dollars.

Bank commissioners, examination by required, and certificate of to governor and council.

SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for in this act, and the necessary expenses incurred by them in so doing shall be paid by said corporation; and when the bank commissioners shall have made and delivered their 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 said reduction is made said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

SECTION 5. This act shall take effect upon its passage.

*Approved March 3, 1863.*

*Chap. 53.* AN ACT TO REDUCE THE CAPITAL STOCK OF THE WALTHAM BANK.  
*Be it enacted, &c., as follows:*

Corporation may reduce.

SECTION 1. The president, directors and company of the Waltham Bank 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 the bank commissioners or a majority of them 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 liabilities existing against it, and that after payment thereof the 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.

Proviso.

SECTION 2. Nothing contained in this act shall be construed to authorize said corporation, by the reduction aforesaid, to create a surplus fund, but any such surplus of assets which shall remain above the reduced capital shall, after such reduction, be divided from time to time, as the same is realized, among the holders of stock in said corporation.

Surplus to be divided.

SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation; but on or before payments of surplus as aforesaid, or of dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of seventy-five dollars.

Shares, number and par value.

SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for in this act, and the necessary expenses incurred by them shall be paid by said corporation. When the bank commissioners shall have made and delivered their 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 said reduction is made said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

Bank commissioners, examination by required, and certificate of to governor and council.

SECTION 5. This act shall take effect upon its passage.

*Approved March 3, 1863.*

AN ACT TO INCORPORATE THE SOUTH BOSTON SAVINGS BANK.

Chap. 54.

*Be it enacted, &c., as follows :*

SECTION 1. Zibeon Southard, Henry Souther, D. McB. Thaxter, their associates and successors, are hereby made a corporation by the name of the South Boston Savings Bank, to be established and located in that part of the city of Boston called South Boston; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

Corporators.

Title.

Powers and duties.

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

*Approved March 3, 1863.*

AN ACT TO INCORPORATE THE WELLFLEET SAVINGS BANK.

Chap. 55.

*Be it enacted, &c., as follows :*

SECTION 1. James Swett, T. N. Stone, John C. Peak, their associates and successors are hereby made a corporation by the name of the Wellfleet Savings Bank, to be

Corporators.

Title.

Powers and duties.

established and located in the town of Wellfleet; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

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

*Approved March 3, 1863.*

**Chap. 56.** AN ACT TO AUTHORIZE JAMES SMALL, JUNIOR, TO BUILD A WHARF IN THE TOWN OF DENNIS.

*Be it enacted, &c., as follows:*

James Small, junior, is hereby authorized to build a wharf in front of his land on the east side of Bass River, in the town of Dennis, extending into Bass River fifty feet beyond low-water mark, with the right to lay vessels thereat, and collect wharfage and dockage therefor; said wharf to be situated below Bass River Lower Bridge, and about one hundred yards east of the channel used for navigable and other purposes: *provided, however*, that this grant shall in no wise impair the legal rights of any person.

*Approved March 3, 1863.*

**Chap. 57.** AN ACT TO AUTHORIZE DAVID K. AKIN TO EXTEND HIS WHARF IN YARMOUTH.

*Be it enacted, &c., as follows:*

David K. Akin is hereby authorized to extend his wharf in Bass River, in the town of Yarmouth, a distance not exceeding ten feet, and to lay vessels at the said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall not impair the legal rights of any person.

*Approved March 3, 1863.*

**Chap. 58.** AN ACT TO PROVIDE FOR THE PROMPT PAYMENT OF VOLUNTEERS AND TO ENCOURAGE ALLOTMENTS.

*Be it enacted, &c., as follows:*

Indebtedness of Commonwealth to volunteers declared.

SECTION 1. This Commonwealth shall hold and does hereby declare itself indebted to all Massachusetts volunteers in the military service of the United States for all or any part of their pay and allowances, accrued or allowed for their services rendered from and after the thirty-first day of October last, upon the terms and conditions hereinafter specified: *provided*, the United States shall assent thereto, and shall provide for the prompt transmission to the treasurer of this Commonwealth of the money for the payment of such volunteers, or in the absence thereof, certificates of indebtedness of the United States to the amount thereof, bearing interest at the rate of not less than six per cent.

Proviso.



per annum, from the dates when such pay and allowances were due and payable to such volunteers, and shall make all other provisions and shall do all other acts necessary to render valid the claim of this Commonwealth upon the United States for reimbursement for any sums advanced under the provisions of this act and the interest thereon.

SECTION 2. Any such Massachusetts volunteer may assign all or any part of his claim for pay and allowances for his services in the army of the United States to the treasurer of this Commonwealth, to be by him received and distributed in the manner contemplated in the first and second sections of the sixty-second chapter of the acts of the year eighteen hundred and sixty-two, "concerning the custody and distribution of funds of the Massachusetts volunteers," or held subject to the order of the volunteer, according to the fourth section of said chapter. And, when any volunteer shall have thus assigned his pay to the treasurer of this Commonwealth, and when all necessary arrangements shall have been completed with the United States, as provided for in the first section of this act for the reimbursement of this Commonwealth by the United States, the treasurer of this Commonwealth is hereby authorized and directed, on the date of receiving a properly certified copy of the pay-rolls made up for the guidance of the disbursing officers of the United States, to credit said volunteer with the amount of the original pay thus appearing on said rolls to be due him, which sum so standing to his credit the treasurer shall then distribute through the town treasurers, or retain on interest, or pay to the order of said volunteer, in the manner provided in said sixty-second chapter of the acts of the year eighteen hundred and sixty-two, according to the election of said volunteer, and in such proportion as he may designate. And this payment shall be made without regard to the fact whether or not the same shall have been received into the treasury of this Commonwealth from the treasury of the United States.

Volunteer may assign claims upon U. S. to State.

Conditions of payment of assigned claims defined.

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

*Approved March 3, 1863.*

AN ACT CONCERNING BAIL IN CRIMINAL CASES.

*Chap. 59.*

*Be it enacted, &c., as follows:*

SECTION 1. Bail in criminal cases, at any time before default upon their recognizance, may exonerate themselves by surrendering their principal into court or to the jailer, in the county in which the principal is held to appear and answer, by the condition of the recognizance, and delivering

Surrender of principal before default to exonerate surety.

to the jailer a certified copy of the recognizance, and the principal shall be received and detained by the jailer; and any person surrendered as aforesaid, may be again bailed in the same manner as if committed for not finding sureties to recognize for him.

Sureties may surrender principal after default and court remit penalty.

SECTION 2. At any time after default made upon the recognizance, bail may surrender their principal in the manner provided in the first section of this act, and the court for the county in which the default upon the recognizance is recorded, may on application therefor, being satisfied that the default of the principal was not with the connivance or consent of the bail, remit the whole or any part of the penalty.

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

*Approved March 3, 1863.*

**Chap. 60.** AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MASSACHUSETTS HORTICULTURAL SOCIETY.

*Be it enacted, &c., as follows :*

May hold real estate.

SECTION 1. The Massachusetts Horticultural Society is hereby authorized to hold real estate to the amount of two hundred and fifty thousand dollars.

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

*Approved March 4, 1863.*

**Chap. 61.** AN ACT TO INCORPORATE THE BUNKER HILL FIRE INSURANCE COMPANY.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Columbus Tyler, E. P. Mackintire, Edwin T. Adams, their associates and successors, are hereby made a corporation by the name of the Bunker Hill Fire Insurance Company, in the city of Charlestown, for the purpose of making insurance against losses by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the General Statutes, which now are or hereafter may be in force, relating to such corporations.

Title.

Purpose.

Powers and restrictions.

Capital stock and shares.

SECTION 2. The said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to two hundred thousand dollars, and shall have a right to hold real estate for its own use, not exceeding five thousand dollars.

Commencement of business.

SECTION 3. Said corporation may commence business when seventy-five thousand dollars of its capital stock shall have been subscribed and paid in, in cash.

SECTION 4. This act shall take effect upon its passage.

*Approved March 5, 1863.*

## AN ACT TO INCORPORATE THE TYPE-SETTING MACHINE COMPANY.

Chap. 62.

*Be it enacted, &c., as follows :*

SECTION 1. Charles W. Felt, G. Henry Lodge and Richard C. Manning, their associates and successors, are hereby made a corporation, by the name of the Type-Setting Machine Company, for the purpose of manufacturing and selling type-setting machines; 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 sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequent thereto, relative to manufacturing corporations.

Corporators.

Title.

Purpose.

Powers and restrictions.

SECTION 2. The said corporation may hold real estate to the amount of fifty thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars, in shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation, until the sum of fifty thousand dollars has been paid in, in cash.

May hold real estate.

Proviso.

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

*Approved March 5, 1863.*

## AN ACT TO CONFIRM CERTAIN ACTS DONE BY GEORGE TICKNOR CURTIS, AS A JUSTICE OF THE PEACE.

Chap. 63.

*Be it enacted, &c., as follows :*

SECTION 1. All acts done by George Ticknor Curtis, formerly of Boston, in the county of Suffolk, esquire, as a justice of the peace within and for the said county of Suffolk, between the twenty-seventh day of August, of the year one thousand eight hundred and forty-four, and the first day of December, of the year one thousand eight hundred and fifty-two, be and they hereby are made valid and confirmed, to the same extent as they would have been valid, had he been, during that interval, duly qualified to discharge the duties of the said office.

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

*Approved March 5, 1863.*

## AN ACT CONCERNING CLERKS OF COURTS.

Chap. 64.

*Be it enacted, &c., as follows :*

SECTION 1. Whenever an assistant-clerk of the courts shall be disabled by sickness or other cause, from performing the duties of his office, the justices of the court having by law the power to appoint such assistant, or a majority of them, may appoint an assistant-clerk pro tempore, who shall perform the duties of that office, until the assistant-clerk shall resume his duties.

Justices may appoint assistant-clerk pro tempore.

Bonds and compensation.

SECTION 2. Assistant-clerks pro tempore shall be sworn and give bonds in the same manner that assistant-clerks are required to do by law, and shall receive the same salary, to be paid from the county treasury ; and the amount so paid to them shall be deducted from the salary of the assistant-clerk.

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

*Approved March 5, 1863.*

*Chap. 65.* AN ACT TO PRESERVE A RECORD OF OUR SOLDIERS AND OFFICERS.  
*Be it enacted, &c., as follows :*

Clerks of cities and towns to prepare record of Mass. troops furnished U. S.

SECTION 1. It shall be the duty of the clerk of every city and town of this Commonwealth, as soon as may be after the passage of this act, to make out a full and complete record of the names of all the soldiers and officers who compose his town's quota of the troops furnished by the Commonwealth to the United States during the present rebellion, stating the place of residence, the time of enlistment of each, and the number and designation of his regiment and company ; also the names of all who have resigned or been discharged, and at what time and for what cause ; and all who have died in the service, and stating, when practicable, at what time and place and the cause of death, whether by disease, accident, or on the field of battle ; and the promotions of officers and from the ranks, and the date thereof ; and the names of all absentees, if any ; and all such other facts as may relate strictly to the military career of each soldier and officer.

Record books to be procured and preserved.

SECTION 2. It shall be the duty of the clerk of every city and town to procure a suitable blank book in which to make said record, and to preserve it among the other records of his town, and to make such additions to the same as may be necessary, from time to time, to make said record perfect and complete. And said clerks shall be entitled to a reasonable compensation for their services and expenses in performing the duties devolved upon them by the provisions of this act, to be paid by their respective cities or towns.

Compensation of clerks.

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

*Approved March 7, 1863.*

*Chap. 66.* AN ACT TO AMEND CHAPTER ONE HUNDRED AND TEN OF THE ACTS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

*Be it enacted, &c., as follows :*

Tax of 1861, and polls of town of Halifax, defined.

SECTION 1. Chapter one hundred and ten of the acts of the year one thousand eight hundred and sixty-one, is hereby so amended, that the amount apportioned according to the

provisions of said act, of a tax of one thousand dollars upon the town of Halifax, in the county of Plymouth, shall be forty cents, and the number of polls shall be two hundred.

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

*Approved March 7, 1863.*

AN ACT TO INCORPORATE THE BALTIC MARINE AND FIRE INSURANCE COMPANY.

*Chap. 67.*

*Be it enacted, &c., as follows :*

SECTION 1. Dennis Condry, William Perkins, Causten Browne, their associates and successors, are hereby made a corporation by the name of the Baltic Marine and Fire Insurance Company, in the city of Boston, for the purpose of making insurance against maritime losses, and losses by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the General Statutes, which now are or hereafter may be in force, relating to such corporations.

Corporators.

Title.

Purpose.

Powers and duties.

SECTION 2. The said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each.

Capital and shares.

SECTION 3. The said corporation may issue policies whenever one hundred and seventy-five thousand dollars of its capital stock shall have been subscribed and paid in, in cash.

Policies, condition of issue.

SECTION 4. This act shall take effect upon its passage.

*Approved March 7, 1863.*

AN ACT CONCERNING THE WINTHROP RAILROAD COMPANY.

*Chap. 68.*

*Be it enacted, &c., as follows :*

SECTION 1. The time within which the Winthrop Railroad Company may locate and construct its road, and obtain the acceptance of its act of incorporation by the mayor and aldermen of the city of Boston and the selectmen of the town of Winthrop, is hereby extended two years.

Time for location and construction extended two years.

SECTION 2. The said corporation is hereby authorized to extend its road for the purpose of entering upon and using the tracks of the Winnisimmet Railroad Company in the city of Chelsea, in such mode and upon such rates of compensation as may be agreed by said companies. Said Winthrop Railroad Company shall not be allowed to use their motive power upon the tracks of the Winnisimmet Railroad Company, without the consent of said corporation ; but said corporation shall, at reasonable times, and for a reasonable compensation, draw over the said tracks, the passengers and cars of said Winthrop Railroad Company ; and if said corporations cannot agree upon the stated periods at which the cars shall

May connect with Winnisimmet Company.

Conditions.

Disagreement of corporations to be determined by

commissioners appointed by S. J. Court.

Award of commissioners.

Consent of mayor and aldermen of Chelsea.

be so drawn, and the compensation to be paid, the supreme judicial court shall, upon the application of either party, appoint three commissioners, who, after due notice to, and hearing the parties, shall determine such rate of compensation, and fix such periods, having reference to the convenience and interests of the corporations, and the public to be accommodated thereby. And the award of the 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; but no such revision or alteration shall be made within one year after the award.

SECTION 3. Said corporation shall not extend its road and form said connection with the Winnisimmet Railroad, without having first obtained the consent of the mayor and aldermen of the city of Chelsea. *Approved March 7, 1863.*

### Chap. 69.

#### AN ACT CONCERNING THE NORTHAMPTON AND SHELburnE FALLS RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

Location and construction required to commence.

Conditions.

Connecticut River Company to maintain switches, and allow N. and S. F. Co. to use its tracks and land.

Failure of Conn. River Co. to provide for passage of trains of N. and S. F. and N.

SECTION 1. The Northampton and Shelburne Falls Railroad Company are hereby required to commence the location and construction of their road at the north end of the existing passenger station-house, near Bridge Street, in Northampton; to cross said Bridge Street at grade, as near as practicable to the track of the Connecticut River Railroad, in such a way as not to interfere with the car-house occupied by the said Connecticut River Railroad Company, and to connect their road with the track of said railroad south of Bridge Street.

SECTION 2. The Connecticut River Railroad Company are hereby required to make and maintain suitable switches, and to allow the Northampton and Shelburne Falls Railroad Company to pass their trains and engines over the track and land of said Connecticut River Railroad Company on the easterly side of said station-house, in such way and manner as to enable said Northampton and Shelburne Falls Railroad, properly and conveniently to connect with the New Haven and Northampton Railroad wherever the same is or may be located, subject to such reasonable regulations as may be consistent with the safety of public travel and the convenient use of said track by said Connecticut River Railroad Company.

SECTION 3. If at any time or times after the opening for use and travel of the first section of the Northampton and Shelburne Falls Railroad, the Connecticut River Railroad

Company shall refuse or neglect to make reasonable arrangements for the passage of trains and engines going to or coming from the Northampton and Shelburne Falls Railroad and the New Haven and Northampton Railroad, either party may apply to a judge of the superior court for the appointment of three commissioners, whose duty it shall be to establish, for the next succeeding three years, suitable regulations under which the trains and engines may pass on the easterly side of said station-house, to reach to and return from the track of the New Haven and Northampton Railroad, and the compensation to be paid therefor; and such regulations shall be administered by the Connecticut River Railroad Company.

H. and N. Co's, to authorize appointment of commissioners by superior court.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

*Approved March 7, 1863.*

AN ACT TO INCORPORATE THE MASSACHUSETTS POWDER WORKS.  
*Be it enacted, &c., as follows :*

*Chap. 70.*

SECTION 1. Addison G. Fay, Thomas M. Tolman, Samuel Potter, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Powder Works, for the purpose of manufacturing powder in the town of Barre, 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 sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequent thereto, relating to manufacturing corporations.

Corporators.

Title.

Purpose.

Powers.

SECTION 2. The 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 one hundred thousand dollars: *provided, however,* that said corporation shall not go into operation until the sum of seventy thousand dollars of its capital stock has been paid in, in cash.

Capital.

Proviso.

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

*Approved March 7, 1863.*

AN ACT CONCERNING SCHEDULES TO BE FILED BY INSOLVENT DEBTORS.

*Chap. 71.*

*Be it enacted, &c., as follows :*

SECTION 1. If the schedules to be delivered to the register of the court of insolvency within five days after the date of the warrant, as provided in the first section of the one hundred and seventy-ninth chapter of the acts of the year eighteen hundred and sixty-two, are not so delivered, through

Failure to deliver schedule not to defeat discharge, unless by fault of debtor.

accident or mistake, they shall be so delivered as soon thereafter as may be, at or before the first meeting of creditors; and the delay or omission to deliver them sooner shall not affect or operate to defeat the granting of the certificate of discharge, unless such omission or delay occurred through the fault of the insolvent debtor.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

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

*Approved March 10, 1863.*

**Chap. 72.** AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF WORCESTER WITH WATER.

*Be it enacted, &c., as follows:*

City may hold and convey waters, lay pipes, and maintain necessary works.

SECTION 1. The city of Worcester is hereby authorized to take, hold and convey the waters collected and flowing from the easterly slope of Millstone Hill, so called, in said city, in and upon the land of Henry Putnam, in the best and most convenient manner and direction, over, through and across any streets, highways and lands in said city, into Bell Pond, so called, and thence into the city reservoir and aqueduct, and to lay any pipes, and build and maintain any works necessary therefor.

Damage sustained to be claimed within one year.

SECTION 2. All damage sustained by taking land or otherwise, may be ascertained, determined and recovered in the manner provided by law in case of land taken for highways: but no proceedings shall be commenced after the lapse of one year after the damage occurred.

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

*Approved March 11, 1863.*

**Chap. 73.** AN ACT CONCERNING THE FISHERIES IN TAUNTON GREAT RIVER.  
*Be it enacted, &c., as follows:*

Provisions of act of 1855, extended.

SECTION 1. The provisions of chapter four hundred and one of the acts of the year eighteen hundred and fifty-five, relating to the catching of shad and alewives in Taunton Great River, and the Newmarket River, are hereby extended to all waters connected with the Newmarket River, within the towns of Middleborough and Lakeville.

Fish wardens, duties defined.

SECTION 2. It shall be the duty of the fish wardens chosen by the town of Middleborough, under the provisions of chapter four hundred and one, section nine, of the acts of the year eighteen hundred and fifty-five, either personally or by the assistants by them appointed and employed, to use all needful care, watch and inspection, to prevent any violation of any of the provisions of said act, from a point



one mile and a half below the dam at Squawbetty Village up to the waters of Assawampscott Pond; the expense of which care, watch and inspection, shall be paid by said town of Middleborough; and the other towns on said Taunton Great River shall annually pay to said town of Middleborough, for reimbursement for their share in the benefits to be derived by them for said care, watch and inspection, the sums following: The city of Fall River and the town of Freetown, ten dollars each; the towns of Somerset, Dighton, Berkley and Raynham twenty dollars each, and the town of Taunton thirty dollars. And the said town of Middleborough may recover the same in an action of contract in any court of competent jurisdiction

Expense, how paid.

Middleborough may recover.

SECTION 3. Any person who shall beat upon the ground, or do any act whatsoever whereby said fish in said rivers shall be disturbed, driven, destroyed or delayed, from the first day of March to the tenth day of June in each year, contrary to the meaning and intent of the provisions of chapter four hundred and one of the acts of the year one thousand eight hundred and fifty-five, shall be subject to all the pains and penalties named in the eleventh section of said act.

Penalty for disturbing fish.

SECTION 4. This act shall take effect upon its passage.

*Approved March 12, 1863.*

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AN ACT TO AUTHORIZE PRINCE S. CROWELL TO BUILD A WHARF IN FALMOUTH.

Chap. 74.

*Be it enacted, &c., as follows:*

Prince S. Crowell is hereby authorized to build a wharf in front of his land, at the head of Great Harbor, at Wood's Hole, in the town of Falmouth, extending the same not more than two hundred feet from high-water mark, and shall be allowed to lay vessels thereat, and to collect wharfage and dockage therefor: *provided*, that this grant shall not affect the legal rights of any person.

*Approved March 12, 1863.*

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AN ACT TO AMEND "AN ACT CONCERNING PILOTAGE."

Chap. 75.

*Be it enacted, &c., as follows:*

The sixth section of chapter one hundred and seventy-six of the acts of the year one thousand eight hundred and sixty-two is hereby so amended that the pilots shall collect and pay over to the commissioners four per cent. of all moneys received for pilotage, instead of three per cent. provided for in said section.

Pilots to pay four per cent. of receipts to commissioners.

*Approved March 12, 1863.*

**Chap. 76.** AN ACT RELATING TO THE "UNION STEAM-SHIP COMPANY."

*Be it enacted, &c., as follows :*

May use or charter to U. S., vessels owned or chartered by company.

SECTION 1. Permission is hereby given to the Union Steam-ship Company to use any steam-ship or steam-ships, now or hereafter owned, chartered or hired by them, or to let, to freight or to charter the same to the United States or to any state, corporation or person, for any trade or purpose authorized, and between any ports or places open by the treaties and laws of the United States: *provided*, said ship or ships shall not ply between the port of Boston and the ports of Philadelphia, Baltimore, Charleston and Savannah, or either of them, except when in the service of the United States.

Personal property.

SECTION 2. Said company may hold personal property not exceeding in value one million of dollars.

Act of 1859 to remain in force, notwithstanding, etc.

SECTION 3. The one hundred and eighty-seventh chapter of the acts of the year eighteen hundred and fifty-nine, shall remain in force, notwithstanding any failure on the part of said company to comply with the latter portion of the fifth section of said act relating to the route and employment of the ships of said company.

Inconsistent provisions repealed.

SECTION 4. Any portions of the acts creating or specially relating to said company, which may be inconsistent with this act, are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

*Approved March 12, 1863.*

**Chap. 77.** AN ACT TO INCORPORATE THE NEW ENGLAND HOSPITAL FOR WOMEN AND CHILDREN.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Lucy Goddard, Marie E. Zakrzewska, Ednah D. Cheney, their associates and successors are hereby made a corporation by the name of the New England Hospital for Women and Children, for the purpose of establishing and maintaining in the city of Boston, or its vicinity, a hospital for the treatment of the diseases of women and children, and of giving therein clinical instruction to female students of medicine, and of training nurses; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Powers and duties.

Real and personal property.

SECTION 2. The said corporation may take and hold real estate not exceeding in value fifty thousand dollars, and personal property not exceeding in value fifty thousand dollars, all of which shall be devoted to the purposes aforesaid.

*Approved March 12, 1863.*

AN ACT GIVING JURISDICTION TO POLICE COURTS IN CERTAIN CASES. *Chap. 78.*  
*Be it enacted, &c., as follows:*

SECTION 1. The several police courts in this Commonwealth shall have concurrent jurisdiction with the superior court, of all offences under the sixth and seventh sections of chapter eighty-seven of the General Statutes, and of all complaints under the common law, for the keeping and maintenance of a common, ill-governed and disorderly house.

Concurrent jurisdiction with superior court defined.

SECTION 2. Whenever final jurisdiction is exercised by any police court in such cases, the punishment shall be limited to a fine not exceeding one hundred dollars, and imprisonment not exceeding one year in the jail or house of correction.

Limitation of penalty in case of final jurisdiction.

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

*Approved March 12, 1863.*

AN ACT IN FURTHER ADDITION TO AN ACT IN AID OF THE FAMILIES OF VOLUNTEERS. *Chap. 79.*

*Be it enacted, &c., as follows:*

SECTION 1. Any town or city may raise money by tax or otherwise, and if necessary apply the same, under the direction of its selectmen, or city council, for the aid of the widow, children, parent, brothers or sisters, of any inhabitant of said town or city, and upon whom they were dependent, who may have died while in the service of the United States: *provided*, said inhabitant were a volunteer duly enlisted and mustered into the service of the United States, and his wife, children, parent, brothers or sisters, were entitled, prior to the decease of said volunteer, to receive aid under the provisions of chapter sixty-six of the laws of the year one thousand eight hundred and sixty-two.

Selectmen or city council may raise money and aid families of deceased soldiers.

Proviso.

SECTION 2. Any town or city may raise money and apply the same, in manner as provided in the first section of this act, for the aid of the wife, children, parent, brothers or sisters, of any inhabitant of said town or city, and upon whom they were dependent, who may have been disabled while in the service of the United States, and discharged from said service by reason of any disability contracted in or caused by said service, thereby rendering said inhabitant unable to provide for those dependent upon him: *provided*, that said inhabitant were a volunteer duly enlisted and mustered into the service of the United States, and his wife, children, parent, brothers or sisters were entitled, prior to his said discharge, to receive aid under the provisions of chapter sixty-six of the laws of the year one thousand eight hundred and sixty-two; and *provided, also*, that the pro-

May raise and apply money for families of soldiers discharged as disabled.

Provisos.

visions of this section shall apply to the widow, children, parent, brothers or sisters, of any such volunteer deceased after his discharge, by reason of disability or disease contracted while in the service.

Act of 1862, ch. 66, to apply under this act.

SECTION 3. All the provisions of the fourth and fifth sections of chapter sixty-six of the laws of the year one thousand eight hundred and sixty-two, concerning the reimbursement of money from the state treasury, and annual reports to the auditor, shall be applicable to the money applied under the provisions of this act.

Limitations of time, and conditions defined.

SECTION 4. No sums shall be so applied to the widow, wife, children, parent, brothers or sisters, of any such deceased or disabled volunteer, for a period of more than one year, or after the payment to them, or either of them, of any sums under the provisions of the pension act of congress, passed July fourteenth, in the year one thousand eight hundred and sixty-two; and if any town or city has furnished aid to the widow, wife, children, parent, brothers or sisters of any such deceased or disabled volunteer, prior to the passage of this act, the time during which said aid has been furnished, shall be included in computing the period of one year; and said town or city shall have the same right of reimbursement as in cases of aid furnished after the passage of this act. And the word "children," in this act, and in all acts to which this is in addition, shall be construed to include step-children.

SECTION 5. This act shall take effect upon its passage.

*Approved March 12, 1863.*

*Chap. 80.* AN ACT TO INCREASE THE NUMBER OF DIRECTORS OF THE BANK OF MUTUAL REDEMPTION.

*Be it enacted, &c., as follows:*

Number defined. SECTION 1. The number of directors of the Bank of Mutual Redemption shall consist of not less than nine, nor more than fifteen persons: *provided*, that at least two-thirds of the directors shall be inhabitants of this state, and all of them inhabitants of the New England states.

Inconsistent provisions repealed.

SECTION 2. Such parts of section third, chapter four hundred and fifty, of the acts of the year eighteen hundred and fifty-five, and section third, chapter one hundred and twenty-six, of the acts of the year eighteen hundred and fifty-six, as are inconsistent herewith, are hereby repealed,

*Approved March 12, 1863.*

AN ACT TO INCORPORATE THE EAST FALMOUTH HERRING RIVER COMPANY IN FALMOUTH. *Chap. 81.*

*Be it enacted, &c., as follows:*

SECTION 1. Henry F. Hatch, Benjamin H. Hatch, Robert H. Hatch, and Isaac H. Hatch, their associates and successors, are hereby made a corporation by the name of the East Falmouth Herring River Company in Falmouth, and are empowered to open a brook or ditch through their own land from Ashumet Pond to Bourne's Pond, so called, and from thence to the Vineyard Sound, with full powers to regulate the same so far as is necessary for an alewife fishery; and for this purpose said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Title.  
Authority.

Restrictions.

SECTION 2. Whoever without the permission of said corporation, shall take any alewives from said brook or river, shall forfeit and pay a fine of five dollars, to be recovered before any court proper to try the same.

Penalty for trespass of others.

SECTION 3. All persons who may be owners of land through which said brook passes, or which adjoins the same, may become members of said corporation; subject, however, to pay their proportional part of the expenses which shall have been incurred by said corporation before the time of their admission.

Adjoining land owners may be members.

SECTION 4. If any damage shall be done by said corporation to the property of any person not a member thereof, such individual shall have an action of tort for the injuries. And the members of said corporation shall be jointly and severally individually liable for such damage in an action of tort, in any court having jurisdiction of the case; and any member of said corporation of whom such damage has been collected, may have an action of contract against his co-members for contributions.

Liability of corporation for damages.

Members, how liable.

SECTION 5. If said brook crosses the highway where no bridge now exists, said corporation shall build a bridge over the same to the acceptance of the selectmen of the town of Falmouth, and be held to keep the same in repair.

Brook crossing unbridged highway, bridge to be built.

SECTION 6. Nothing herein contained shall authorize said corporation to take or use the property of any person without his written consent.

Written consent for use of property to be obtained.

SECTION 7. This act shall take effect upon its passage.

*Approved March 12, 1863.*

**Chap. 82.** AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE ROCKPORT RAILROAD COMPANY."

*Be it enacted, &c., as follows:*

Town of Rockport, by its officers, may choose majority of directors.

SECTION 1. The selectmen and treasurer of the town of Rockport, shall have authority to represent said town at any meeting of the Rockport Railroad Company held for the choice of directors of said company, and said town so represented, is hereby authorized to choose a majority of said directors, so long as three-fourths of the capital stock, issued by said company, shall be owned by said town.

Gen. Stats., sect. 5, ch. 63, not to apply.

SECTION 2. So much of the fifth section of the sixty-third chapter of the General Statutes, as is inconsistent with the provisions of the preceding section, shall not apply to said Rockport Railroad Company. *Approved March 12, 1863.*

**Chap. 83.** AN ACT TO INCORPORATE THE CAPE COD MUTUAL FIRE INSURANCE COMPANY.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. Zebina H. Small, Obed Brooks, Chester Snow, their associates and successors, are hereby made a corporation by the name of the Cape Cod Mutual Fire Insurance Company, to be established in the town of Harwich, for the purpose of effecting mutual insurance, exclusively within the county of Barnstable, upon dwelling-houses, other buildings and personal property, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in the general laws which now are or hereafter may be in force relating to such corporations.

Title.

Purpose.

Powers and duties.

Repeal.

SECTION 2. Chapter one hundred and fifty of the acts of the year eighteen hundred and sixty-one, incorporating the Cape Cod Mutual Fire Insurance Company, is hereby repealed. *Approved March 12, 1863.*

**Chap. 84.** AN ACT CONCERNING THE BOSTON, BARRE AND GARDNER RAILROAD CORPORATION.

*Be it enacted, &c., as follows:*

Time for construction extended.

SECTION 1. The time allowed to the Boston, Barre and Gardner Railroad Corporation for constructing their railroad is hereby extended to the first day of July, in the year one thousand eight hundred and sixty-five.

Estimation of damages.

SECTION 2. The time within which application may be made to the county commissioners to estimate damages for land or property taken by said railroad corporation, as provided in the General Statutes, is hereby extended four years from and after the passage of this act, notwithstanding said corporation may have heretofore filed the location of their railroad. *Approved March 12, 1863.*

AN ACT IN RELATION TO BANKS ORGANIZED UNDER GENERAL LAWS. *Chap. 85.*  
*Be it enacted, &c., as follows :*

The provisions of the one hundred and eighth section of the fifty-seventh chapter of the General Statutes are hereby made applicable to banks organized under the general banking laws which shall annul their charters or close their business; and the auditor shall deliver up the plates and dies of every such bank to be disposed of by the court named, and in the manner provided in said section for the benefit of the bank to which they belong. *Approved March 12, 1863.*

Gen. Stats., ch. 57, sect. 108, to apply.

AN ACT RELATING TO SNOW AND ICE ON THE ROOFS OF BUILDINGS. *Chap. 86.*  
*Be it enacted, as follows :*

SECTION 1. Cities and towns may make by-laws to prevent the falling, and to provide for the removal of snow and ice, from the roofs of buildings, in such portions of their limits, and to such extent, as they may deem expedient, and may annex penalties not exceeding twenty dollars, for any violation of such by-laws by the owner of any such building, or his agent having the care thereof.

Cities and towns may make by-laws to prevent falling, and annex penalties.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved March 12, 1863.*

Repeal.

AN ACT TO AUTHORIZE THE SERGEANT-AT-ARMS TO APPOINT AN ASSISTANT. *Chap. 87.*

*Be it enacted, &c., as follows :*

SECTION 1. In case of the disability or necessary absence of the sergeant-at-arms, he may appoint, subject to the approval of the presiding officers of the two branches of the legislature, or during the recess of the legislature, of the governor, a suitable person to perform the duties of the office of sergeant-at-arms, during such disability or absence, to be called the assistant sergeant-at-arms; and the compensation of such assistant shall be paid by the sergeant-at-arms.

May appoint subject to approval of presiding officers of legislature, or of governor.

SECTION 2. The sergeant-at-arms shall be responsible for the fidelity and good conduct of the assistant sergeant-at-arms, in his said capacity as such assistant; and such assistant may be removed from his said office for misconduct or other sufficient cause, by the legislature, or, during the recess of the legislature, by the governor and council.

Responsibility of sergeant-at-arms, and tenure of assistant.

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

*Approved March 14, 1863.*

AN ACT IN ADDITION TO AN ACT CONCERNING THE NEPONSET BRIDGE AND BRAINTREE AND WEYMOUTH TURNPIKE. *Chap. 88.*

*Be it enacted, &c., as follows :*

SECTION 1. The fund accrued under the provisions of chapter two hundred and twenty-three of the acts of the year

Fund accrued under ch. 223

of 1857, how applied.

eighteen hundred and fifty-seven, amounting on the first day of January, eighteen hundred and sixty-three, to the sum of seven thousand two hundred and twenty-four dollars and seventy-two cents, together with its future accumulations from tolls, contributions or other sources, shall be applied as provided in the following section.

County commissioners of Bristol, on petition of trustees, to apportion fund to towns in which bridges lie.

SECTION 2. Whenever said fund shall amount to the sum of fifteen thousand dollars, the collection of tolls on the bridges mentioned in said act shall be discontinued, and the county commissioners for the county of Bristol, on the petition of the trustees of said fund, or of any other person or party interested, and after notifying and hearing all parties interested, and viewing the premises in the manner provided in sections three and four of the forty-third chapter of the General Statutes, shall proceed to apportion said fund between the towns wherein said bridges lie, as they shall determine to be just, having regard to all the equities involved.

Towns to be paid portions, respectively, and thereafter have care of bridges.

SECTION 3. The trustees shall thereupon pay over the money so apportioned to the towns respectively entitled thereto, and said towns shall thenceforth have the care, maintenance and repair of the bridges within their limits, and be subject to the same duties and liabilities in relation thereto, as exist in regard to other highways; and the selectmen of said towns shall have and exercise within their respective limits, like powers in relation thereto, as have been heretofore reposed in the corporations and trustees: *provided*, that said bridges and turnpikes shall be forever free from tolls.

Proviso.

Quincy Railroad Co., rights to remain.

SECTION 4. Nothing in this act shall affect the rights, duties and liabilities of the Quincy Railroad Corporation having a track located upon the Neponset Bridge.

Arrearages may be collected, and shall be paid same as fund.

SECTION 5. Nothing in this act contained shall prevent the collection of any sums due for tolls when said bridges become public highways; but arrearages shall be collected by the trustees, and paid over to the same towns and in the same proportions as the principal fund shall have been paid.

SECTION 6. This act shall take effect upon its passage.

*Approved March 14, 1863.*

## Chap. 89.

AN ACT FOR THE PROTECTION OF PICKEREL IN CLAPP'S POND.

*Be it enacted, &c., as follows:*

Monopoly granted for ten years.

SECTION 1. Richard C. Hartford, his heirs and assigns, are hereby entitled to the exclusive right to take pickerel from Clapp's Pond, so called, in the town of Provincetown, for



the term of ten years from the passage of this act: *provided*, the consent of the owners of said pond be first obtained. Proviso.

SECTION 2. Any person taking pickerel from said pond contrary to the provisions of this act, shall, on conviction in any court having jurisdiction of the offence, be fined not exceeding one dollar to the use of the Commonwealth. Penalty for trespass.

*Approved March 14, 1863.*

AN ACT CONCERNING THE ESSEX RAILROAD COMPANY AND THE EASTERN RAILROAD COMPANY. Chap. 90.

*Be it enacted, &c., as follows:*

SECTION 1. The Essex Railroad Company is hereby authorized to sell, transfer and convey its franchise, privileges and all its property both real and personal, to the Eastern Railroad Company, and the Eastern Railroad Company is hereby authorized to receive such sale, transfer and conveyance, upon the terms and conditions recited in a contract dated the fifth day of July, in the year eighteen hundred and fifty-two, and assented to by said Essex Railroad Company, at a stockholders' meeting held on the eighteenth day of July, in the year eighteen hundred and fifty-three; or upon such other terms and conditions as may be mutually agreed by said corporations: *provided, however*, that such sale, transfer and conveyance, and all the terms and conditions thereof, shall be ratified by the stockholders of each of said corporations, at meetings legally called for that purpose, on or before the first day of August next. Transfer of Essex franchise to Eastern Co. authorized.

SECTION 2. When such sale, transfer and conveyance are made and completed, as aforesaid, said Eastern Railroad Company shall have all the rights and privileges, and shall be subject to all the duties, restrictions, debts and liabilities, to which the said Essex Railroad Company is or may be subject; and the said Eastern Railroad Company shall thereupon be empowered to increase its capital stock, by an amount not exceeding three hundred and fifty thousand dollars beyond the amount now authorized by law. Proviso.

SECTION 3. Nothing in this act contained shall impair the rights or remedies of any creditor of the said Essex Railroad Company. Eastern Co. to be possessed of all powers of Essex.

*Approved March 14, 1863.*

AN ACT TO PROMOTE ENLISTMENTS AND REGULATE RECRUITING. Chap. 91.

*Be it enacted, &c., as follows:*

SECTION 1. No town or city shall hereafter raise or expend money for the purpose of offering or paying bounties to volunteers: *provided, however*, that the provisions of this section shall not apply to the action of any town or city Bounties by towns prohibited.

Proviso.

prior to the passage of this act; and *provided, also*, that any city or town may offer and pay bounties not exceeding one hundred dollars for each volunteer to be enlisted and mustered into the volunteer military service of the United States for three years, towards supplying any existing deficiency in its quota of troops called for by the president and ordered to be drafted during the year eighteen hundred and sixty-two. It shall not be lawful for any person, within the territory or jurisdiction of this Commonwealth, to recruit for or enlist in military service, except under the authority of the governor thereof, or of the president of the United States; and every person so offending shall be deemed guilty of a misdemeanor, and fined not exceeding one thousand dollars, to be prosecuted and recovered before any competent court of the Commonwealth.

Penalty for recruiting without authority.

Governor may pay bounties for three years' volunteers raised under authority of U. S.

SECTION 2. The governor is authorized to offer and pay bounties not exceeding the rate of fifty dollars each, to volunteers for the military service of the United States, who may hereafter enlist and be duly mustered into the said service during the present war, as members of any regiment or company heretofore or hereafter raised for three years' service, under the authority of the president of the United States, and organized as a part of the contingent of Massachusetts, to be taken into account and allowed for, in assigning to this Commonwealth, or to any congressional or military district thereof, their respective quotas under any call or draft which may hereafter be made or ordered by the president of the United States. And the governor is further authorized to use and expend, in and about the procurement of such volunteers to recruit the corps of Massachusetts three years' volunteers now in the service, and those hereafter raised, whether in the employment of recruiting agents, in subsistence, transportation, and such other reasonable expenditure as he shall judge necessary and expedient, a sum not exceeding twenty-five dollars for each volunteer, who may hereafter be mustered into a pre-existing regiment or company, and sums not exceeding in their aggregates twenty-five thousand dollars, for each new regiment of infantry hereafter organized and mustered in, and not exceeding thirty-seven hundred and fifty dollars for each company of artillery, and not exceeding twenty-five hundred dollars for each company of cavalry, hereafter organized and mustered in as aforesaid.

May expend for procurement of volunteers for new and pre-existing regiments.

May pay bounties for re-enlistment.

SECTION 3. The governor is authorized to offer and pay bounties, not exceeding the rate of twenty-five dollars each, to such of the Massachusetts volunteers, now in the service of the United States, as may re-enlist to serve for any term

less than three years, but not less than one, after the expiration of their present service.

SECTION 4. For the purpose of meeting the expenses to be incurred under this act, a fund is hereby created to be called the Bounty Fund; and the treasurer of the Commonwealth, under the direction of the governor and council, is hereby authorized from time to time to issue scrip or certificates of debt bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually on the first days of January and July in each year, and redeemable in not less than ten nor more than thirty years, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding fifteen hundred thousand dollars; and the proceeds of such scrip so issued shall be passed to the credit of said bounty fund, and the same is hereby appropriated for the purpose of paying all liabilities to be incurred under the provisions of this act.

Bounty Fund established and issue of scrip authorized.

SECTION 5. There shall be raised by taxation in each year, commencing with the year eighteen hundred and sixty-four, a sum equal to one-tenth part of the whole amount found by the report of the treasurer to have been drawn from said bounty fund; and the sum so raised from year to year, shall be pledged and held as a sinking fund to be invested in the scrip of the United States, or in the scrip or certificates of debt of this Commonwealth.

One-tenth part expended to be raised by taxation and funded.

SECTION 6. This act shall take effect upon its passage.

*Approved March 17, 1863.*

AN ACT TO INCORPORATE THE FATHER MATHEW MUTUAL BENEVOLENT TOTAL ABSTINENCE SOCIETY.

*Chap. 92.*

*Be it enacted, &c., as follows:*

SECTION 1. John McNellis, James McFague, Timothy McCarty, their associates and successors, are hereby made a corporation by the name of the Father Mathew Mutual Benevolent Total Abstinence Society, for the purpose of promoting the cause of temperance in the city of Charlestown, in the county of Middlesex, and of benefiting the condition of their members, by assisting them in time of sickness; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Title.

Location.

Powers and duties.

SECTION 2. Said corporation may take and hold real estate not exceeding ten thousand dollars, and personal property not exceeding five thousand dollars, for the purposes aforesaid.

Real and personal estate.

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

*Approved March 17, 1863.*

*Chap. 93.* AN ACT TO INCORPORATE THE VERY REVEREND FATHER MATHIEW MUTUAL BENEVOLENT TOTAL ABSTINENCE SOCIETY.

*Be it enacted, &c., as follows :*

**Corporators.** SECTION 1. Richard O'Flynn, John B. O'Leary, Michael McLaughlin, their associates and successors, are hereby made a corporation by the name of the Very Reverend Father Mathew Mutual Benevolent Total Abstinence Society, for the purpose of promoting the cause of temperance in the city of Worcester, in the county of Worcester, and of benefiting the condition of their members in time of sickness, and by other charitable assistance ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

**Title.**

**Location.**

**Powers and duties.**

**Real and personal estate.** SECTION 2. Said corporation may take and hold real estate not exceeding ten thousand dollars, and personal property not exceeding five thousand dollars, for the purposes aforesaid.

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

*Approved March 17, 1863.*

*Chap. 94.* AN ACT TO INCORPORATE THE HADLEY COMPANY.

*Be it enacted, &c., as follows :*

**Corporators.** SECTION 1. George W. Lyman, James W. Paige and Abbott Lawrence, their associates and successors, are hereby made a corporation, by the name of the Hadley Company, for the purpose of manufacturing wool, cotton, or other fibrous materials, in the town of Holyoke, in the county of Hampden, 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 sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequently thereto, relating to manufacturing corporations.

**\*Title.**

**Purpose.**

**Powers and duties.**

**Real and personal estate.** SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of five hundred thousand dollars, and the whole capital stock of said corporation shall not exceed eight hundred thousand dollars.

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

*Approved March 18, 1863.*

*Chap. 95.* AN ACT TO AUTHORIZE THE CAPE COD RAILROAD COMPANY TO BUILD A WHARF.

*Be it enacted, &c., as follows :*

**May build in front of "Tim's Island," in Wareham.** SECTION 1. The Cape Cod Railroad Company, its successors and assigns, are hereby authorized to build and maintain a wharf in front of said company's premises, known as "Tim's Island," in Wareham, in the county of

Plymouth, and to extend the same at right angles with the track of said company into the Wankinco River not over one hundred and fifty feet from the front of the wall upon said premises as the same now stands; and said company, its successors and assigns, shall have the right to lay vessels at the end and sides of said wharf, and to collect and receive wharfage and dockage therefor: *provided, however,* that this grant shall not interfere with the legal rights of any person whatever.

Privileges.

Proviso.

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

*Approved March 18, 1863.*

AN ACT TO AUTHORIZE THE TOWN OF CHATHAM TO TAKE STOCK IN THE CAPE COD CENTRAL RAILROAD COMPANY.

*Chap. 96.*

*Be it enacted, &c., as follows:*

SECTION 1. The town of Chatham is hereby authorized to subscribe for and hold shares in the capital stock of the Cape Cod Central Railroad Company, to the amount of fifty thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

May hold to amount of fifty thousand dollars.

SECTION 2. The said town of Chatham is hereby authorized to raise, by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments or its subscriptions to said stock and interest thereon.

May raise money by loan or tax therefor.

SECTION 3. The committee appointed by a vote of said town of Chatham, to petition this legislature for the authority granted in the first and second sections of this act, are hereby authorized to subscribe in behalf of said town for the number of shares in the capital stock of said Cape Cod Central Railroad, as was voted by said town, at a meeting held on the third day of February, eighteen hundred and sixty-three; and said committee are hereby further authorized to cast the vote of said town in the choice of directors for said road, at the first meeting of the stockholders called for that purpose; and thereafter the vote of said town in the choice of directors shall be cast by the person or persons said towns may appoint.

Committee of town to subscribe for number of shares voted at meeting in February, and may cast vote of town for first directors.

Thereafter vote to be cast by persons designated.

SECTION 4. This act shall take effect upon its passage.

*Approved March 18, 1863.*

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE SALEM AND SOUTH DANVERS RAILROAD COMPANY.

*Chap. 97.*

*Be it enacted, &c., as follows:*

SECTION 1. The Salem and South Danvers Railroad Company are hereby authorized to extend their railroad

May extend over Essex Bridge, into Beverly, and

construct, with assent of municipalities, over streets and highways in Salem and Beverly.

over the Essex Bridge, to and in the town of Beverly, with power to construct, maintain and use a railroad, with convenient single or double tracks, from such point or points in the city of Salem as shall be fixed by the mayor and aldermen of said city, with the assent in writing of said corporation, filed with said mayor and aldermen, and upon and over such streets and highways of said city as shall be from time to time fixed and determined by said mayor and aldermen, with the assent in writing of said corporation filed as aforesaid, to the Essex Bridge, and then upon and over the Essex Bridge to the town of Beverly, and then upon and over such of the streets and highways in the town of Beverly as shall be from time to time fixed and determined by the selectmen of said town, with the assent in writing of said corporation, filed with said selectmen, and also upon and over such other land in said city or town as said corporation may elect to build their road or roads upon or over. Said railroad track or tracks shall be laid at such distance from the sidewalks in said town or city as the selectmen of said town, and mayor and aldermen of said city shall, respectively, within the limits of their several jurisdictions, in their order fixing the routes of said railroad, determine to be for the public safety and convenience.

Tracks, conditions for laying.

Municipality to give notice to abutters, by publication, before locating track.

SECTION 2. Before proceeding to locate the track or tracks of said railroad in any street or highway, as aforesaid, in said town of Beverly or said city of Salem, the selectmen of said town or mayor and aldermen of said city, respectively, shall give notice to the abutters thereon, by publication in such newspapers as said selectmen or mayor and aldermen shall determine, at least fourteen days before such meeting, of the time and place at which they will fix and determine the location and manner of construction of such track or tracks; and such abutters may then and there appear, and show cause, if any there be, why said track or tracks should not be so located and constructed.

City and town authorities to determine construction and grade.

SECTION 3. Said railroad shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said town and mayor and aldermen of said city, respectively, shall, by their votes, fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation it shall be necessary to alter the grade of any street so occupied by it, the sole expense of said alteration shall be paid by said corporation; and such alteration shall not be made unless the assent of the selectmen of the town or mayor and alder-

men of the city within which it is proposed to be made, shall first be obtained.

SECTION 4. The railroad thus authorized to be built and maintained, shall be built and maintained subject to all the restrictions and liabilities contained in the act to which this is in addition. And the gauge of said railroad shall be four feet eight and one-half inches.

Provisions of act incorporating to apply.

Gauge.

SECTION 5. The county commissioners for the county of Essex, upon a proper application, shall fix and determine the manner of construction of such railroad over the Essex Bridge, and also what compensation shall be paid to the Commonwealth for the use of Essex Bridge.

Essex Bridge, constructi'n over and compensation for, how determined.

SECTION 6. The said corporation are hereby authorized to increase their capital stock by an amount not exceeding seventy-five thousand dollars, to be divided into seven hundred and fifty shares of one hundred dollars each.

Capital, increase authorized and shares defined.

SECTION 7. The mayor and aldermen of the city of Salem are hereby authorized to hear and determine anew the mode of construction of the road to be built by this corporation through and upon the streets of said city, in the same manner as though no proceedings had been had, and all proceedings in regard to the same shall be according to the second section of the act to which this is in addition.

Mayor and aldermen of Salem, to determine anew mode of construction in city.

SECTION 8. This act shall take effect upon its passage.

*Approved March 18, 1863.*

AN ACT TO INCORPORATE THE HANCOCK MILLS.

*Chap. 98.*

*Be it enacted, &c., as follows:*

SECTION 1. Erastus B. Bigelow, James L. Little, Benjamin E. Bates, their associates and successors, are hereby made a corporation by the name of the Hancock Mills, for the purpose of manufacturing worsted goods, and any fabric, yarn or thread composed wholly or in part of either cotton, wool, flax, silk, hemp or jute, and the machinery requisite therefor, in the town of Holyoke, in the county of Hampden; and for this purpose shall have all the powers and privileges, and be subject to all duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and the two hundred and eighteenth chapter of the acts of the year one thousand eight hundred and sixty-two, and all general acts passed after the enactment of the General Statutes relating to manufacturing corporations.

Corporators.

Title.

Purpose.

Location.

Powers and duties.

SECTION 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of five hundred thousand dollars; and the whole capital stock of said corpo-

Capital stock.

ration shall not exceed one million five hundred thousand dollars.

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

*Approved March 18, 1863.*

*Chap. 99.*

AN ACT CONCERNING PERSONS CONFINED IN JAIL.

*Be it enacted, &c., as follows:*

Convicts may be employed upon lands and buildings of county.

SECTION 1. The commissioners of the several counties except Suffolk, and the board of directors for public institutions in Boston may, with the assent of the master or keeper of any jail, employ any person confined therein pursuant to a sentence, upon conviction of an offence, to labor upon the public lands and buildings belonging to the county.

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

*Approved March 18, 1863.*

*Chap. 100*

AN ACT CONCERNING HORSE RAILROAD COMPANIES.

*Be it enacted, &c., as follows:*

Uniform gauge defined.

SECTION 1. All railroad companies now established or hereafter established, for the carriage of passengers, and required by their charters to operate their roads by horse-power only, shall construct and maintain their tracks or road, of the uniform gauge of four feet eight and one-half inches.

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

*Approved March 18, 1863.*

*Chap. 101*

AN ACT CONCERNING INVESTMENTS OF THE SINKING FUND OF THE CAMBRIDGE RAILROAD COMPANY.

*Be it enacted, &c., as follows:*

Trustees may invest in U. S. stocks and certain other securities.

SECTION 1. The trustees appointed under the provisions of an act in addition to an act to incorporate the Cambridge Railroad Company, approved on the twenty-first day of February, in the year eighteen hundred and fifty-five, are hereby authorized to make investments of the sinking fund, in the public bonds and stock of the United States, and in any securities in which savings banks of the Commonwealth are authorized to invest.

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

*Approved March 18, 1863.*

*Chap. 102*

AN ACT RELATING TO THE PRINTING OF BANK BILLS.

*Be it enacted, &c., as follows:*

Printing prohibited except by authority of directors.

SECTION 1. No bank shall hereafter procure any bills to be printed, except in pursuance of a vote of the directors passed at a regular meeting of the board; and a copy of



such vote duly certified by the cashier or clerk of the board, shall be forthwith transmitted to the office of the bank commissioners. Whenever any bills so ordered shall have been printed, and shall be delivered to said bank, they shall be accompanied by duplicate certificates, signed by the printer or other proper officer on his behalf, stating the number and denominations of the bills so delivered, one of which certificates shall be retained by the bank, and the other forthwith transmitted to the office of the bank commissioners.

Duplicate certificates to accompany delivery of notes, one to be transmitted to bank commissioners.

SECTION 2. This act shall not apply to banks organized under general laws.

Banks under general law exempt.

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

*Approved March 18, 1863.*

AN ACT TO INCORPORATE THE BOSTON HOUSE COMPANY.

Chap. 103

*Be it enacted, &c., as follows :*

SECTION 1. David Bryant, Thomas E. Nichols, Samuel S. Perkins, their associates and successors, are hereby made a corporation by the name of the Boston House Company, for the purpose of holding, improving, and maintaining a public house in the city of Boston, and for this purpose shall have all the powers and privileges, and be subject to the duties, liabilities and restrictions, set forth in the General Statutes applicable to such corporations: *provided* that said corporation shall not engage in the business of hotel or boarding-house keeping.

Corporators.

Title and purpose.

Proviso.

SECTION 2. The capital stock of said company shall not exceed two hundred thousand dollars, to be issued in shares of the par value of one hundred dollars each.

Capital.

SECTION 3. This act shall not go into effect until the sum of one hundred thousand dollars of the capital stock shall have been subscribed by responsible parties, and the sum of seventy-five thousand dollars paid into the treasury of said company.

Conditions of validity of act.

*Approved March 23, 1863.*

AN ACT TO AUTHORIZE THE TOWN OF HARWICH TO TAKE STOCK IN THE CAPE COD CENTRAL RAILROAD COMPANY.

Chap. 104

*Be it enacted, &c., as follows :*

SECTION 1. The town of Harwich is hereby authorized to subscribe for and hold shares in the capital stock of the Cape Cod Central Railroad Company, to the amount of forty thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town, for public purposes, in like manner as any other property which it may possess.

May hold to amount of forty thousand dollars.

SECTION 2. The said town of Harwich is hereby authorized to raise by issuing its bonds, or by loan, or tax, any

May raise money therefor.

sums of money which may be required to pay its instalments, or its subscription to said stock and interest thereon.

Committee may subscribe for shares voted, and cast vote of town for directors of corporation.

SECTION 3. The committee appointed by a vote of said town of Harwich, to petition this legislature, for the authority granted in the first and second sections of this act, are hereby authorized to subscribe, in behalf of said town, for the number of shares in the capital stock of said Cape Cod Central Railroad, as was voted by said town, at a meeting held on the thirteenth day of February, eighteen hundred and sixty-three; and said committee are hereby further authorized to cast the vote of said town in the choice of directors of said road at the first meeting of the stockholders held for that purpose; and thereafter the vote of said town, in the choice of directors for said road, shall be cast by the person or persons said town may appoint.

Persons to be designated thereafter, for choice of directors.

SECTION 4. This act shall take effect upon its passage.

*Approved March 24, 1863.*

*Chap. 105* AN ACT TO AUTHORIZE THE TOWN OF ORLEANS TO TAKE STOCK IN THE CAPE COD CENTRAL RAILROAD COMPANY.

*Be it enacted, &c., as follows:*

May hold to amount of twenty-five thousand dollars.

SECTION 1. The town of Orleans is hereby authorized to subscribe for, and hold shares in the capital stock of the Cape Cod Central Railroad Company, to the amount of twenty-five thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

May raise money therefor.

SECTION 2. The said town of Orleans is hereby authorized to raise by issuing its bonds, or by loan or tax, any sums of money which may be required to pay its instalments or its subscriptions to said stock and interest thereon.

Committee may subscribe for shares voted, and cast vote of town for directors.

SECTION 3. The committee appointed by a vote of said town of Orleans to petition this legislature for the authority granted in the first and second sections of this act, are hereby authorized to subscribe in behalf of said town for the number of shares in the capital stock of said Cape Cod Central Railroad Company as was voted by said town at a meeting held on the fourth day of March, eighteen hundred and sixty-three; and said committee are hereby further authorized to cast the vote of said town in the choice of directors for said road at the first meeting of the stockholders called for that purpose; and thereafter the vote of said town in the choice of

Persons to be designated there-

directors, shall be cast by the person or persons said town may appoint. after, for choice of directors.

SECTION 4. This act shall take effect upon its passage.

*Approved March 24, 1863.*

AN ACT TO INCORPORATE THE EDUCATION SOCIETY OF THE DENOMINATION CALLED CHRISTIANS.

*Chap. 106*

*Be it enacted, &c., as follows :*

SECTION 1. Richard F. Fuller, John W. Haley, Benjamin F. Carter, their associates and successors, are hereby made a corporation, for the purpose of holding and distributing funds to promote education in the Christian denomination; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes. Corporators. Purpose. Privileges.

SECTION 2. The said corporation may take and hold real estate, not exceeding in value fifty thousand dollars, and personal property not exceeding in value fifty thousand dollars, all of which shall be devoted to the purpose aforesaid. Real and personal estate.

*Approved March 24, 1863.*

AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO CONSTRUCT CERTAIN DRAINS.

*Chap. 107*

*Be it enacted, &c., as follows :*

SECTION 1. The city council of the city of Springfield is hereby authorized to construct one or more, but not exceeding three drains, leading from suitable points on Garden Brook, in the central part of the city, to the Connecticut River, for the purpose of protecting private property and the streets of the city, from damage by water during seasons of freshet. May construct not exceeding three, from Garden Brook to Conn. River.

SECTION 2. After the completion of any drain constructed under the provisions of this act, the city council shall, with the assistance of a competent engineer, ascertain and determine the extent of territory benefited thereby, and what portion of the expense thereof shall be borne by the city, and what portion by the owners of real estate: but not less than one-third part of the cost shall be borne by the city. A notice of such determination shall be published for two weeks successively, in the newspaper having the largest circulation in the city. Upon completion city council to determine division of expense with land owners. Proviso. Notice to be published.

SECTION 3. Any person aggrieved by the determination of the city council, either as to the division of expense between the city and the owners of real estate, or as to the extent of territory over which it is proposed to distribute that part of the expense to be assessed upon owners of real estate benefited, may at any time within two months after

Aggrieved parties may apply for jury.

- Manner of application and proceedings. Such application shall be made in like manner, and the proceedings thereon shall be the same, as in the case of a jury called to act upon the laying out and discontinuance of highways ; provided that, upon making his application, the party shall give two weeks' notice in writing to the mayor and aldermen, of his intention so to apply, and shall therein particularly specify his objections to the proposed division of expense, and to the extent of territory over which a portion of the expense is to be assessed ; to which specification he shall be confined upon the hearing before the jury. If upon the hearing, the objections to said determination are not sustained, the charges arising on such application shall be paid by the applicant, or person recognizing therefor ; otherwise they shall be paid by the city, and the city council may, if necessary, determine anew the division of expense and the extent of territory benefited by said drainage. Any person who neglects to make application for a jury, as herein provided, shall be concluded by such determination of the city council, and shall not be entitled to recover, by an action at law, or otherwise, the amount of the assessment collected of him.
- Costs of hearing, how paid.
- Objections being sustained, council may determine anew.
- Failure to apply for jury to bar right of appeal from council.
- Expense to be borne by estate owners to be assessed in two months after adjustment.
- Assessments to constitute lien upon estate.
- Aggrieved party may have remedy.
- Landlord and tenant, assessors to determine division of assessment.
- Drains to be held as property of city.
- SECTION 4. After two months from the final determination of the city council, as to the division of expense of any drain constructed under the provisions of this act, and the extent of territory benefited thereby, that portion of the expense of said drain which is to be borne by the owners of real estate within the district adjudged to be benefited, shall be equitably and ratably assessed upon such owners by the board of assessors of the city, and shall be collected by the city collector. The assessments so made shall constitute a lien upon the real estate assessed, in the same manner as taxes are a lien upon real estate, and shall be collected in the manner provided by chapter twelve of the General Statutes, for the collection of taxes. But any person aggrieved by the amount assessed to him, shall be entitled to the remedies provided in sections forty-three, forty-four and forty-five of chapter eleven of the General Statutes.
- SECTION 5. When any real estate to be assessed under the provisions of this act, is held by a tenant for life or years, the assessors shall determine how much shall be assessed to the tenant, and how much to the landlord or reversioner, and shall assess the same accordingly.
- SECTION 6. Any drain constructed under the provisions of this act, shall be held to be the property of the city of Springfield, to be used, controlled, maintained and repaired,

in the same manner as drains constructed wholly at the expense of the city.

SECTION 7. This act shall take effect upon its passage.

*Approved March 24, 1863.*

AN ACT IN ADDITION TO AN ACT RELATING TO THE LOCATION AND ALTERATION OF HIGHWAYS.

*Chap. 108*

*Be it enacted, &c., as follows:*

The provisions of the act of the year eighteen hundred and sixty-two, chapter two hundred and three, shall not apply to any highway, town way or private way, located before the passage of said act, until sixty days after the expiration of the time within which such way was ordered in such location to be constructed.

Application of act of 1862 extended.

*Approved March 24, 1863.*

AN ACT CONCERNING LIBELS FOR DIVORCE.

*Chap. 109*

*Be it enacted, &c., as follows:*

SECTION 1. Libels for divorce in all cases may be filed in the office of the clerk of the supreme judicial court, in vacation.

May be filed with clerk S. J. Court in vacation.

SECTION 2. The clerk of said court may in vacation issue any summons, and make any order, prescribed in the nineteenth section of chapter one hundred and seven of the General Statutes: *provided*, that the court or any judge thereof, may cause such additional notice to be given as justice requires.

Clerk may issue summons or order.

Proviso.

*Approved March 24, 1863.*

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE CAPE COD CENTRAL RAILROAD COMPANY.

*Chap. 110*

*Be it enacted, &c., as follows:*

SECTION 1. The second section of an act approved March twenty-eighth, eighteen hundred and sixty-one, entitled "An Act to incorporate the Cape Cod Central Railroad Company," is hereby so amended that said company may locate, construct and operate its road through the town of Chatham, in addition to the towns named in said section.

Location extended into town of Chatham.

SECTION 2. The third section of said act is hereby so amended that said company may increase its capital stock fifty thousand dollars beyond the amount named in said section.

Increase of capital authorized.

SECTION 3. The time for organizing said company, for filing the location of its road, and for constructing the same, is hereby extended six months beyond the time allowed in the fourth section of said act.

Time for constructing extended six months.

SECTION 4. This act shall take effect upon its passage.

*Approved March 26, 1863.*

**Chap. 111** AN ACT TO INCORPORATE THE WENHAM LAKE BRANCH RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

- Corporators.** SECTION 1. Benjamin C. Raymond, Augustus N. Clark and William D. Northend, their associates and successors, are hereby made a corporation, by the name of The Wenham Lake Branch Railroad Company, with all the powers and privileges, and subject to all the liabilities, restrictions and duties, set forth in the sixty-third and sixty-eighth chapters of the General Statutes, and in all statutes which have been or may hereafter be passed, relating to railroad corporations.
- Title.**
- Privileges.**
- Location defined.** SECTION 2. Said company is hereby authorized to locate, construct and maintain a railroad, with one or more tracks, from some convenient point in the town of Beverly or Wenham, northerly of the North Beverly depot, so called, on the Eastern Railroad, to the land and ice-houses of Benjamin C. Raymond, near to Wenham Lake, so called; and with the consent of the Eastern Railroad Company, to enter upon said Eastern Railroad, by proper turnouts and switches, and to use the same, or any part thereof, according to law.
- Capital and shares.** SECTION 3. The capital stock of said corporation shall not exceed one hundred shares, the number of which shall be determined from time to time, by the directors of said corporation; and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may purchase and hold such real estate and other property, as may be necessary for the use of said railroad, and for the transportation of ice over the same.
- Real and personal estate.**
- Time for location and construction.** SECTION 4. If the location of this road be not filed within one year, and if the said railroad be not constructed within two years from the passage of this act, then this act shall be void.

SECTION 5. This act shall take effect upon its passage.

*Approved March 26, 1863.*

**Chap. 112** AN ACT TO INCORPORATE THE AMERICAN STEAM-SHIP COMPANY.

*Be it enacted, &c., as follows :*

- Corporators.** SECTION 1. Edward S. Tobey, Amos A. Lawrence, James M. Beebe, their associates and successors, are hereby made a corporation by the name of The American Steam-ship Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are, or may hereafter be in force, relative to such corporations.
- Title.**
- Privileges.**

SECTION 2. The said company are hereby authorized and empowered to build, purchase, charter, hold and convey steam-ships, and navigate the ocean therewith, between any port or ports in this Commonwealth, and any port or ports in the United Kingdom of Great Britain and Ireland, with authority to touch at intermediate ports; and said company may let, by charter, one or more of their steam-ships to any person, provided such charter does not prevent said company from complying with the terms of this act; and said company may also, by charter, let any or all of their steam-ships to the United States of America, without any restriction as to the service in which said vessels may be employed.

May build, purchase or charter vessels, and ply between ports in Commonwealth and Great Britain and Ireland.

May charter to others conditionally, and to U. S. without restriction.

SECTION 3. The capital stock of said corporation shall not exceed two millions of dollars, and shall be divided into shares of the par value of one hundred dollars each; and said corporation shall have power to assess, from time to time, upon such shares, such sums as may be deemed necessary to accomplish the object of said corporation, not exceeding the par value of such shares.

Capital and shares.

SECTION 4. If said corporation shall not within one year from the passage hereof, have been organized, and have collected assessments of not less than five per cent. on the capital stock, and shall not within two years from the passage of this act have employed one steam-ship, and within three years two steam-ships, to navigate the ocean between some port or ports in this Commonwealth, and some port or ports in the United Kingdom of Great Britain and Ireland: or if said company shall thereafter wholly fail, unless prevented by war with foreign powers, for the period of one year to employ two steam-ships for said purposes, or if said company shall fail to comply with the other conditions of this act, then this act shall be null and void.

Conditions of validity of act.

SECTION 5. This act shall take effect upon its passage.

*Approved March 26, 1863.*

AN ACT CONCERNING THE LICENSING OF DOGS.

*Be it enacted, &c., as follows:*

Any person becoming the owner or keeper of a dog not duly licensed, on or after the first day of May, shall cause said dog to be registered, numbered, described and licensed until the first day of the ensuing May, in the manner, and subject to the terms and duties prescribed in section fifty-two, chapter eighty-eight, of the General Statutes; and if he shall fail so to do, he shall forfeit ten dollars, to be recovered by complaint, to the use of the place wherein the dog is kept.

*Approved March 26, 1863.*

*Chap. 113*

Person becoming owner, after May 1, of dog not licensed, to cause registration and issue of license to May ensuing.

*Chap. 114* AN ACT TO AUTHORIZE TOWNS TO PROVIDE FOR THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS.

*Be it enacted, &c., as follows :*

Having adopted provisions of Gen. Stats., may establish by-laws to enforce.

SECTION 1. Towns which have adopted or shall adopt the provisions of sections seven and eight of chapter forty-five of the General Statutes, may, at their annual town meetings, establish by-laws to provide for the removal of snow and ice, to such extent as they may deem expedient, from sidewalks which have been or shall be established, constructed or graded, in accordance with the provisions of said sections.

By-laws to determine time and manner of removal and annex penalties.

SECTION 2. Said by-laws shall determine the time and manner of such removal, and annex penalties, not exceeding ten dollars, for each violation of their provisions by any owner or tenant of the estate abutting upon the sidewalk from which the snow and ice are required to be removed; and such penalties shall be recovered in an action of tort, in the name and to the use of the town.

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

*Approved March 26, 1863.*

*Chap. 115*

AN ACT CONCERNING BANK BILLS.

*Be it enacted, &c., as follows :*

Act of 1860 suspended until April, '64.

SECTION 1. The operation of section seven, chapter two hundred and nine of the acts of the year eighteen hundred and sixty, is hereby suspended until the first day of April, in the year eighteen hundred and sixty-four.

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

*Approved March 26, 1863.*

*Chap. 116* AN ACT CONCERNING THE MIDLAND LAND DAMAGE COMPANY, AND TO CHANGE ITS NAME TO THE SOUTHERN MIDLAND RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

Name changed: rights and obligations to remain.

SECTION 1. The corporation established by the name of the Midland Land Damage Company, shall hereafter be known by the name of the Southern Midland Railroad Company, and by that name it may sue and be sued, and its rights and obligations shall remain the same as if its name had not been changed.

Time for completion of road extended.

SECTION 2. The time within which said corporation is required to complete its railroad, is hereby extended to the first day of May, in the year eighteen hundred and sixty-five.

In case of sale of portion of road under mortgage, corporation may purchase.

SECTION 3. In case there should be a sale of any portion of its railroad, under the provisions of the mortgage of the Norfolk County Railroad Company, or under the provisions



of the mortgage of the Boston and New York Central Railroad Company, said corporation is hereby authorized to purchase the same.

SECTION 4. After the railroad of said corporation shall have been completed between its extreme terminal points, and opened for public use and travel throughout its entire line from Boston to Globe Village, in the town of Southbridge, to the satisfaction and approval of three able and impartial commissioners, to be appointed by the governor, said corporation may issue at one time additional shares of the par value of one hundred dollars each, and divide the same pro rata among the stockholders of that date, and those who may become such by virtue of contracts or agreements with said corporations subsisting at the passage of this act: *provided, however*, that the whole number of shares of said corporation shall not exceed forty thousand, and shall represent money actually expended in the construction of said road, and that the whole number of shares subject to the above limitation shall be determined by said commissioners, after a full inquiry into the amount of money so expended, the amount of the indebtedness then existing, and the number of shares then already issued: and *provided, further*, that no such additional shares shall be issued until the report of said commissioners, upon all the matters hereby committed to them, shall have been published once a week for four successive weeks in some newspaper, to be named by said commissioners, printed in each of the counties wherein said road is located, nor until all the land damages remaining unpaid upon the entire line of said road shall be paid or secured by this corporation, as provided in the sixty-third chapter of the General Statutes. The compensation of said commissioners shall be fixed by the governor and council, and shall be paid by the said corporation.

SECTION 5. This act shall take effect upon its passage.

*Approved March 28, 1863.*

Upon completion of road from Boston to Southbridge, and approval by commissioners, corporation may issue additional shares.

Provisos: number of shares; basis defined; subject to limitation, how determined.

Report of commissioners to be published and damages paid before issue of shares.

Compensation of commissioners.

AN ACT IN ADDITION TO AN ACT TO REGULATE THE FISHERY IN THE AGAWAM AND HALF-WAY POND RIVERS.

*Chap. 117*

*Be it enacted, &c., as follows:*

SECTION 1. The committees annually chosen by the towns of Plymouth and Wareham, under the provisions of the eighty-ninth chapter of the acts of the year eighteen hundred and sixty, shall have a general superintendence and control of the alewife and shad fishery in the Agawam and Half-way Pond Rivers, and in any pond or stream communicating therewith, throughout the entire year for which they

Committees of Plymouth and Wareham to have entire control until others are qualified.

are elected, and until other committees are chosen and qualified in their stead.

Penalty for taking fish without license from committee.

SECTION 2. All persons, excepting those who may be engaged, with their agents, in taking said fish under the license of said committees, within the times limited by said committee, who shall take any of the fish called alewives or shad in any stage of their growth, at any time of the year, in either of said rivers, or in any pond or stream communicating therewith, shall forfeit and pay not less than five nor more than fifty dollars for each and every offence, to be recovered in the same manner and to the use of said towns, as is provided in the seventh section of the act herein first before referred to.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

*Approved March 28, 1863.*

*Chap. 118*

AN ACT IN RELATION TO THE COAST DEFENCES OF MASSACHUSETTS.  
*Be it enacted, &c., as follows :*

Governor and council may purchase materials and devise measures.

SECTION 1. The governor, by and with the advice and consent of the council, is authorized to expend any portion or the whole of the sum hereinafter appropriated, in the purchase or manufacture of ordnance, or in the building and equipping of iron-clad or other steamers, or in the erection of iron-clad or other fortifications, or in such other measures as the public exigencies may require for the defence of the coast of Massachusetts; and he may enter into all such arrangements with the general government as may be necessary for the better accomplishment of the object of this act, and for the reimbursement of any sums so expended.

May co-operate with U. S. government.

SECTION 2. The inhabitants of any town, and the city council of any city on the coast of Massachusetts, are hereby authorized to raise money and expend the same in defending such city or town against the public enemies of the United States; but no such expenditures shall be made without the approval of the governor and council, nor shall any thing be done under this act in contravention of the constitution and laws of the United States.

Cities and towns may expend money for defence, with approval of governor and council.

Treasurer to issue scrip, and governor may draw from treasury not exceeding \$1,000,000.

SECTION 3. For the purpose of meeting the expenses which may be incurred under the first section of this act, the treasurer of the Commonwealth is hereby authorized to issue scrip or certificates of debt, in the name and on behalf of the Commonwealth, under his signature and the seal of the Commonwealth, to an amount not exceeding one million dollars; and the same is hereby appropriated for the purpose

of paying all liabilities incurred under the first section of this act; and the governor is authorized, from time to time, to draw his warrant upon the treasurer for so much as may be needed.

SECTION 4. Such scrip or certificates of debt shall bear interest not exceeding six per centum per annum, payable semi-annually on the first days of January and July in each year, and may be issued at such times and in pieces of such amount as shall be fixed by the governor and council. All such scrip issued in pieces of five hundred dollars or over, shall have interest warrants attached thereto, signed by the treasurer. Scrip for smaller sums shall be issued without such warrants, but bearing interest payable semi-annually on presentation to the treasurer. Such scrip or certificates of debt shall be redeemable in not less than ten, nor more than thirty years from the first day of July, eighteen hundred and sixty-three; and the same shall be countersigned by the governor, and be deemed a pledge of the faith and credit of the Commonwealth. The treasurer may from time to time dispose of so much of the same as shall be required under the direction of the governor and council.

Interest on scrip not to exceed six per cent., and warrants to be attached, on pieces of \$500 and over.

Scrip redeemable in ten to thirty years.

SECTION 5. This act shall take effect upon its passage.

*Approved March 30, 1863.*

AN ACT TO SECURE MORE EQUAL TAXATION.

*Chap. 119*

*Be it enacted, &c., as follows:*

SECTION 1. The twentieth section of the sixty-eighth chapter of the General Statutes shall be applicable to and deemed to include all corporations, whose stockholders are subject to taxation for the shares of the capital stock they own therein.

Corporations covered by sect. 20, ch. 68 of General Statutes.

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

*Approved March 30, 1863.*

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM.

*Chap. 120*

*Be it enacted, &c., as follows:*

SECTION 1. On the first Monday of January, annually, there shall be chosen by ballot in each of the wards of the city of Salem, a warden, two assistant-wardens, and a clerk, who shall be qualified as soon after the day of said election as may be, and shall enter upon the duties of their respective offices on the fourth Monday of January, and hold their offices for the term of one year thereafter and until others shall have been chosen and qualified in their places.

Wardens and clerk of ward to be chosen on first Monday of January.

SECTION 2. The ward clerk, within twenty-four hours after the day of such election, shall deliver to the persons

Certific't's of election to be forthwith delivered,

and copy filed with city clerk.

elected as warden, assistant-wardens and clerk, certificates of their election, and shall forthwith give to the city clerk a certified copy of the record of such election.

In case of absence of ward officers, or refusal to serve, meeting may be organized.

SECTION 3. If at any ward meeting in either of the wards, both the warden and clerk shall be absent, either of the assistant-wardens may call the meeting to order and preside until a warden pro tempore shall be chosen ; and in case of the absence of all of said officers, the constable who returns the warrant to said meeting, may call the meeting to order and preside until a warden pro tempore shall be chosen by ballot ; and whenever any ward officer may be absent or neglect or refuse to perform his duties, his office shall be filled pro tempore, by ballot.

Repeal.

SECTION 4. All the provisions of an act establishing the city of Salem, and the acts additional thereto, inconsistent herewith, are hereby repealed. This act shall take effect upon its acceptance by the city council of said city.

Act in force when accepted.

Approved March 30, 1863.

Chap. 121

AN ACT TO INCORPORATE THE SPRINGFIELD HORSE RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Chester W. Chapin, George Bliss, Henry Alexander, junior, their associates and successors, are hereby made a corporation by the name of The Springfield Horse Railroad Company, with power to construct, maintain and use a railway, with convenient single or double tracks, from such point or points on Main Street, in the city of Springfield, as shall be from time to time fixed by the city council of said city, with the assent, in writing, of said corporation, filed in the office of the city clerk of said city ; then upon and over such street or streets, and such highway or highways, as shall be designated by a vote of the city council of said city.

Title.

Location.

Conditions of crossing tracks of other companies.

SECTION 2. The corporation hereby created, in crossing all the branches and lateral tracks of any other railroad company, shall cross in such a manner as not to injure any of the said tracks or branches, and the rails thereof, and shall insert no frogs therein, and make no incisions into the rails thereof without the consent of said company.

Motive-power and rate of speed.

SECTION 3. Said tracks or roads shall be operated and used with horse-power only. The city council of the city of Springfield shall have power, at all times, to make all such regulations as to the rate of speed and mode of use of the tracks, as the public safety and convenience may require.

Highways occupied, corporation to maintain and

SECTION 4. Said corporation shall keep and maintain in repair such portion of the streets and highways respec-

tively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of any of its agents and servants in the management, construction or use of said roads, tracks or highways; and in case any recovery shall be had against said city of Springfield, by reason of such defect or want of repair, said corporation shall be liable to pay to said city of Springfield any sums thus recovered against said city, together with all costs and reasonable expenditures, incurred by said city in the defence of any such suits, in which recovery may be had; and said corporation shall not use any portion of the streets or highways not occupied by said road or tracks.

be liable for injuries from its neglect or misconduct of agents.

Limitation of use.

SECTION 5. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months.

Obstructing corporation punishable by fine or imprisonment.

SECTION 6. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highways, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Obstructing by corporation, by fine.

SECTION 7. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital.  
Shares.

SECTION 8. Said corporation shall have power to purchase and hold such real estate within said city of Springfield, as may be convenient or necessary for the purposes and management of said road.

Real estate.

SECTION 9. The said road shall be constructed and maintained in such form and manner, and upon such grade as the city council of said city of Springfield may in their votes, fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever in the judgment of said corporation it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the expense of said corporation: *provided*, the same shall be assented to by the city council of said city of Springfield.

Construction and maintenance of road, city council to direct.

Alteration of grade.

Proviso.

SECTION 10. Nothing in this act shall be construed to prevent the city council of said city from entering upon and taking up any of the public streets or highways trav-

Control of highways by municipality affirmed.

ersed by said railroad, for any purpose for which they may now lawfully take up the same.

Discontinuance of road after one year authorized.

SECTION 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad in any street or road in which the same shall be located, as provided by its charter, the city council of the city of Springfield may determine that the same, or any part thereof, be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with the order of said city council of the city of Springfield; and such taking up and removal shall be at the expense of said railroad corporation.

City of Springfield, after ten years, may purchase franchise and property.

SECTION 12. The city of Springfield may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholders thereon.

Acceptance of act and construction of road.

SECTION 13. This act shall be void, so far as relates to the right to construct said road in said city of Springfield, unless the same shall be accepted by the city council of said city of Springfield, and unless the same shall be accepted by said corporation, and unless two miles of said road shall be located and constructed within two years from the passage of this act.

Annual returns.

SECTION 14. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature as are or may be prescribed by law; and also so far as to be subject to all existing provisions of law for the assessment and payment of damages for the land outside of the streets and highways taken by them for tracks, and to all general provisions of law that are or may be prescribed relative to horse or street railroads.

Land damages.

SECTION 15. This act shall take effect upon its passage.

*Approved March 30, 1863.*

AN ACT TO PROHIBIT CITIES AND TOWNS FROM MAKING ILLEGAL APPROPRIATIONS OF MONEY, AND TO PUNISH OFFICERS THEREOF FOR UNLAWFUL PAYMENT OF THE SAME.

Chap. 122

*Be it enacted, &c., as follows :*

SECTION 1. No city or town shall vote or appropriate any money to relieve or discharge from the military service of the United States any person who shall be called or drafted into such service under or by authority of the act of congress, entitled "An Act for enrolling and calling out the National Forces, and for other purposes," approved on the third day of March, in the year one thousand eight hundred and sixty-three; and every such vote and appropriation shall be void and of no effect.

Appropriations in behalf of drafted persons declared void.

SECTION 2. No city or town officer shall pay or disburse any money in his custody or possession belonging to his city or town, to relieve or discharge from the military service of the United States, any person who shall be called or drafted into such service under or by authority of the aforesaid act of congress; nor shall any city or town officer pay or disburse any money in his custody or possession belonging to his city or town, for any bounty or other gratuity to any volunteer or other person who has been or shall be enlisted or drafted into the military service of the United States, except for such bounties and aid as are authorized by existing laws; and every payment or disbursement by any city or town officer, in violation of the provisions of this act, shall be deemed to have been made by him in his own wrong, and he shall be held to account for the same to his city or town.

Town officer not to pay public money therefor, or for bounties except as authorized by law.

SECTION 3. Any city or town officer who shall offend against the provisions of this act shall, upon conviction thereof, be punished by a fine not exceeding two thousand dollars, or by imprisonment, not exceeding two years, in the jail or house of correction.

Penalty.

SECTION 4. This act shall take effect upon its passage.

*Approved March 31, 1863.*

AN ACT TO INCORPORATE THE TRUSTEES OF THE BOSTON COLLEGE.

Chap. 123

*Be it enacted, &c., as follows :*

SECTION 1. John McElroy, Edward H. Welch, John Bapst, James Clark, and Charles H. Stonestreet, their associates and successors, are hereby constituted a body corporate by the name of the Trustees of the Boston College, in Boston, and they and their successors and such as shall be duly elected members of such corporation, shall be and remain a body corporate by that name forever: and for the orderly conducting the business of said corporation the said

Corporators.

Title.

Charter perpetual.  
Trustees may elect necessary

officers and de-  
clare duties.

May remove trust-  
tees and fill va-  
cancy.

Proviso.

May determine  
times of meetings  
and manner of  
convening; elect  
officers from time  
to time, and de-  
termine duties,  
tenures, salaries,  
etc.

Corporation may  
own buildings, es-  
tablish rules and  
by-laws for gov-  
ernment of col-  
lege, and confer  
degrees.

Proviso.

May have corpo-  
rate seal.

May sue and be  
sued.

May hold be-  
quests, etc., in  
fee simple.

trustees shall have power and authority from time to time, as occasion may require, to elect a president, vice-president, secretary, treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices, and also to remove any trustee from the same corporation, when in their judgment he shall be rendered incapable by age or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same, and also from time to time to elect new members of the said corporation: *provided, nevertheless*, that the number of members shall never be greater than ten.

SECTION 2. The said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and the manner of notifying the trustees to convene at such meetings, and also from time to time to elect a president of said college, and such professors, tutors, instructors and other officers of the said college, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities and tenures of their several offices: and the said corporation are further empowered to purchase or erect and keep in repair, such houses and other buildings as they shall judge necessary for the said college; and also to make and ordain, as occasion may require, reasonable rules, orders and by-laws, not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties for the good government of the said college, and for the regulation of their own body; and also, to determine and regulate the course of instruction in said college, and to confer such degrees as are usually conferred by colleges in this Commonwealth, except medical degrees: *provided, nevertheless*, that no corporate business shall be transacted at any meeting unless one-half, at least, of the trustees are present.

SECTION 3. Said corporation may have a common seal, which they may alter or renew at their pleasure, and all deeds sealed with the seal of said corporation, and signed by their order, shall, when made in their corporate name, be considered in law as the deeds of said corporation; and said corporation may sue and be sued in all actions, real, personal or mixed, and may prosecute the same to final judgment and execution by the name of the Trustees of Boston College; and said corporation shall be capable of taking and holding in fee simple or any less estate by gift, grant, bequest, devise or otherwise, any lands, tenements, or other estate real or



personal: *provided*, that the clear annual income of the same shall not exceed thirty thousand dollars. Proviso.

SECTION 4. The clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized and possessed, shall be appropriated to the endowments of said college in such manner as shall most effectually promote virtue and piety, and learning, in such of the languages and of the liberal and useful arts and sciences, as shall be recommended from time to time by the said corporation, they conforming to the will of any donor or donors in the application of any estate which may be given, devised or bequeathed, for any particular object connected with the college. Rents and profits to be appropriat'd to purposes of college. Will of donor to be observed.

SECTION 5. No student in said college shall be refused admission to, or denied any of the privileges, honors or degrees of said college on account of the religious opinions he may entertain. Religious opinions to be no bar to admission of student.

SECTION 6. The legislature of this Commonwealth may grant any further powers to, or alter, limit, annul or restrain any of the powers vested by this act in the said corporation, as shall be found necessary to promote the best interests of the said college, and more especially may appoint overseers or visitors of the said college, with all necessary powers for the better aid, preservation and government thereof. Legislature may modify powers of corporation and appoint overseers.

SECTION 7. The granting of this charter shall never be considered as any pledge on the part of the Commonwealth that pecuniary aid shall hereafter be granted to the college. Charter not to be deemed pledge of future aid.

*Approved April 1, 1863.*

AN ACT TO AUTHORIZE THE COMMENCEMENT OF CERTAIN ACTIONS BEFORE THE COURTS AND JUSTICES OF THE PEACE OF THIS COMMONWEALTH.

*Chap. 124*

*Be it enacted, &c., as follows:*

SECTION 1. The United States and any collector thereof, appointed under or by authority of the act of congress, entitled "An Act to provide internal revenue to support the government and to pay interest on the public debt," approved on the first day of July, in the year one thousand eight hundred and sixty-two, and the acts in addition thereto or in amendment thereof, may commence actions before the supreme judicial court, superior court, the several police courts, and justices of the peace, of this Commonwealth, for the recovery of any tax, duty, fine, penalty or forfeiture, imposed or incurred under or by virtue of said acts of congress; and the several courts and justices of the peace aforesaid shall respectively have jurisdiction of all such Government of U. S. and collectors thereof, may sue for recovery of tax or forfeiture.

actions, in like manner and to the same extent as they now have of other personal actions.

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

*Approved April 4, 1863.*

Chap. 125

AN ACT RELATING TO WRITS OF SCIRE FACIAS FROM POLICE COURTS AND JUSTICES OF THE PEACE.

*Be it enacted, &c., as follows :*

Execution levied on real estate deemed insufficient may be superseded.

SECTION 1. Whenever an execution issued by a police court or justice of the peace has been levied on real estate, and after the execution is returned or recorded, it appears to the creditor that the estate levied on, or any part thereof, cannot be held thereby, the creditor may sue out, before the same police court or justice of the peace from which the execution issued, a writ of *scire facias* to the debtor, requiring him to appear and show cause, why another execution should not be issued on the same judgment; and like proceedings may be had, as to the issuing of another execution and the levy thereof, as is provided in similar cases in sections twenty-two and twenty-three of chapter one hundred and three of the General Statutes.

Title to estate being questioned, fact to be noted and case removed to superior court for adjudication.

SECTION 2. If it appears by the pleadings or otherwise, in such action, that the title to real estate is concerned or brought in question, the fact, if it does not appear by the pleadings, shall be stated on the record, and the case shall, at the request of either party, be removed to the superior court, in the manner now provided for the removal of actions involving the title to real estate; and shall be there heard and determined and execution may be issued for the amount found due, in like manner as if the original judgment had been obtained in said court.

*Approved April 4, 1863.*

Chap. 126

AN ACT IN RELATION TO SCHOOL BOOKS.

*Be it enacted, &c., as follows :*

Change may be made in cities with committees of more than eighteen.

SECTION 1. In any city in which the school committee consists of more than eighteen persons, a change may be made in the school books used in the public schools in such city, by a majority of the whole committee, at a legal meeting of said committee. Notice of such intended change shall be given at a previous meeting thereof.

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

*Approved April 4, 1863.*

AN ACT RELATING TO PROSECUTIONS FOR THE MAINTENANCE OF  
BASTARD CHILDREN. Chap. 127

Be it enacted, &c., as follows:

SECTION 1. Police courts and justices of the peace may continue from time to time the hearing of any complaint pending before them founded on the seventy-second chapter of the General Statutes, and may take a bond from the accused in a sufficient sum and with sufficient surety or sureties to the complainant, for the appearance of the accused before the court or justice at any hearing of the complaint at any subsequent time to which the same may be continued, and from time to time until the final disposition of the complaint before the court or justice, and not depart without leave.

Hearing may be continued and bond taken for attendance of accused.

SECTION 2. If the accused shall not appear before the court or justice at any time to which the hearing of the complaint is continued, or shall depart without leave, his default shall be recorded, and the bond with a copy of the complaint and warrant and also a copy of the record of the court or justice in the case shall be transmitted to the superior court in the same county, where the complaint shall be entered and proceeded with in accordance with the provisions of said seventy-second chapter regulating the mode of proceedings in like cases in the superior court; and if the accused shall be adjudged by the court, on a final hearing of the complaint, to be the father of the child of which he is accused, the bond shall be security for the performance by him of any order of the court under the seventh section of said chapter.

Failure to appear, or depart're without leave, to cause removal of case to superior court.

Bond to be security for compliance with order of court.

SECTION 3. The surety in a bond given under the provisions of the first section of this act may surrender the principal to the police court or justice of the peace before whom the complaint is pending, or if the complaint is pending therein, to the superior court at any term thereof, and in case of such surrender, the bond shall be void, and either of said courts or justice, to whom the surrender is made, may order a new bond to be taken from the accused with sufficient surety or sureties, and the accused shall stand committed until he gives such new bond: *provided, however*, that if the surrender is made in the superior court, the new bond shall be for the appearance of the accused to answer to the complaint in said court and abide the order of the court thereon.

Surety may surrender principal and release bond.

New bond may be taken.

Proviso.

SECTION 4. When a police court or justice of the peace shall require the accused to give bond under the fourth section of said seventy-second chapter, or when the accused

Upon requirement of bond or default of accused, under

sections and in case named, complainant to have written notice.

shall make default, as mentioned in the second section of this act, the court or justice before whom the complaint was made shall, before the next term of the superior court in the same county, if the complaint was made by the woman entitled to make the same under the first section of said chapter, send written notice, by mail or otherwise, to the person authorized to make the complaint under the second section of said chapter, that such complaint has been made and that the accused has been required to give bond, or has made default, as the case may be.

Police courts may have jurisdiction at any sitting.

SECTION 5. The trial of complaints mentioned in this act may be had before a police court when sitting for criminal or civil business.

*Approved April 4, 1863.*

*Chap. 128*

AN ACT CONCERNING TRUANT CHILDREN IN DUKES COUNTY.

*Be it enacted, &c., as follows :*

Minor may be sent to Farm School in New Bedford.

SECTION 1. Any minor convicted under the provisions of the two hundred and seventh chapter of the acts of the year eighteen hundred and sixty-two, in Dukes county, may be sentenced and confined in the farm school, so called, in the city of New Bedford, in the county of Bristol, in the same manner as if the same was in Dukes county.

Expense, how determined & paid.

SECTION 2. Any town in Dukes county from which any minor may be sentenced as aforesaid, shall pay to the city of New Bedford, for the support of every person so confined, the sum of two dollars for each and every week such person may remain at said school.

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

*Approved April 4, 1863.*

*Chap. 129*

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF NEWBURYPORT.

*Be it enacted, &c., as follows :*

Overseers of poor to be chosen.

SECTION 1. The qualified voters of the city of Newburyport, at their respective annual ward meetings, shall elect at large, by ballot, three persons to be overseers of the poor ; and the persons thus chosen shall constitute the board of overseers of the poor: said board of overseers shall quarterly, on or before the fifth days of March, June, September and December in each year, make returns to the city council of the names of all those who have received assistance from the city, for any portion or the whole of the quarters ending on the last days of the months immediately preceding said returns, with the amount received by each. All supplies shall be purchased, and all aid dispensed in such manner as the city council may direct.

Duties defined.

SECTION 2. The mayor, president of the common council, and the city treasurer, shall constitute a board of auditors, whose duty it shall be to examine all the accounts, acts and doings of the said board of overseers, and shall annually, on or before the first Monday of December, make a report to the city council, of all such matters relating to all disbursements by said board of overseers, whether as trustees under the wills of Margaret Atwood and Timothy Dexter, or otherwise, as they may deem the public good to require.

Board of auditors—duties.

SECTION 3. So much of the two hundred and ninety-sixth chapter of the acts of the year one thousand eight hundred and fifty-one, and of all other acts as is inconsistent herewith, is hereby repealed.

Repeal.

SECTION 4. This act shall be void unless the inhabitants of the city of Newburyport, at a legal meeting called for that purpose within ninety days after the passage of this act, shall by a vote of a majority of the voters present and voting thereon, yea or nay, by a written ballot, determine to adopt the same.

Act void unless accepted.

*Approved April 4, 1863.*

AN ACT CONCERNING THE ELECTION OF TOWN OFFICERS.

*Chap. 130*

*Be it enacted, &c., as follows :*

SECTION 1. The election of moderator and town officers heretofore made at the annual town meetings in the several towns in the Commonwealth, in the year eighteen hundred and sixty-three, so far as the same may appear illegal, for the reason that the check-list was not used in the said election, is hereby ratified and confirmed, and the same shall be taken and deemed good and valid in law, to all intents and purposes whatsoever.

Elections in 1863, legalized.

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

*Approved April 4, 1863.*

AN ACT RELATING TO DRAWBRIDGES IN RAILROADS.

*Chap. 131*

*Be it enacted, &c., as follows :*

SECTION 1. Every railroad corporation having one or more drawbridges in its passenger tracks shall make and enforce, and every engineer of a passenger train and superintendent of such drawbridge shall observe the rules and regulations provided in this act, in addition to those provided in chapter sixty-three of the General Statutes.

Observance of rules enjoined.

SECTION 2. Every such drawbridge shall be kept closed at all times, except while open for the actual passage of vessels, and except on Sundays.

Bridges to be closed except, &c.

SECTION 3. Every such drawbridge shall be furnished with conspicuous day and night signals, which shall be dis-

Signals, how displayed.

played at all times in such manner as clearly to indicate to the engineer of an approaching train the position of the draw, whether open or closed.

Erection of gates, construction prescribed.

SECTION 4. The corporation may erect, at a distance of five hundred feet from every such drawbridge, or at such other distance as may, on application of the corporation, be prescribed by the county commissioners of the county where the same is located, and on each side thereof, a substantial gate, so constructed, and connected with the draw by suitable mechanism, that the draw, when in position for the passage of trains, cannot be opened or moved until the gates have been closed across the track, in such manner as to be a barrier and warning to any train approaching in either direction.

If not erected, trains to be stopped within certain distance of draw.

SECTION 5. If any such drawbridge is not furnished with gates as provided in section four, and in all cases when, by reason of darkness or otherwise, the gates or signals connected with any such drawbridge are not visible from the engine of an approaching passenger train, the engineer of such train shall bring the same to a full stop, at a distance of not less than three hundred nor more than eight hundred feet from such drawbridge, and shall, before proceeding, positively ascertain that the draw is properly closed for the passage of trains: *provided, however*, that when such drawbridge is between two railroad crossings at grade within six hundred feet of each other, one stop only shall be required for such crossings and drawbridge.

Proviso.

Penalties for neglect and violations.

SECTION 6. Every railroad corporation neglecting to comply with the provisions of this act, shall forfeit the sum of one hundred dollars for each day such neglect is continued; and any engineer, or superintendent of a drawbridge, violating any of the provisions of this act, or any rule or regulation established in conformity thereto by the corporation by which he is employed, shall forfeit the sum of one hundred dollars for each offence. Said forfeitures may be recovered upon complaint or indictment in the county where the offence is committed, to the use of the complainant.

Forfeitures recovered.

Act, when in force.

SECTION 7. This act shall take effect on the first day of May next; and all acts and parts of acts inconsistent herewith are hereby repealed.

*Approved April 4, 1863.*

## AN ACT CONCERNING THE SOMERVILLE HORSE RAILROAD COMPANY.

Chap. 132

*Be it enacted, &c., as follows:*

SECTION 1. The Somerville Horse Railroad Company is hereby authorized and empowered, with the consent of the selectmen of the town of Somerville, to extend its railroad from its track, as now laid down in Milk Street, in said Somerville, to Bridge Street, near Miller's Creek, in East Cambridge; thence through Bridge Street, in East Cambridge, to the track of the Cambridge Railroad Company; and to enter upon and use the tracks of the said Cambridge Railroad Company, and the tracks of the Suffolk Railroad Company, in such mode and upon such rates of compensation, as may be agreed by the parties. But the said Somerville Horse Railroad Company shall be subject to all such regulations as said board of selectmen may make, touching the location of its tracks between the aforesaid terminal points, the mode of using said tracks, and the rate of speed thereon, and to all the liabilities imposed upon the Somerville Horse Railroad Company, as set forth in the two hundred and fiftieth chapter of the acts of the year eighteen hundred and fifty-seven, and the several acts therein referred to; and this act shall be void unless accepted by the selectmen of the town of Somerville.

Authorized to extend its road.

Regulations, &amp;c.

Liabilities.

SECTION 2. Said Somerville Horse Railroad Company may cross the tracks of the Fitchburg Railroad and the tracks of the Grand Junction Railroad at Milk Street, in Somerville, on a level therewith, but without inserting frogs, and without interfering with the frogs already located or projected in the tracks of said last named companies; and said crossing shall be at an angle with the said Fitchburg Railroad of not less than sixty degrees: *provided, however,* that in case the county commissioners for the county of Middlesex, upon application of either of the companies named in this section, or of the selectmen of Somerville, within three months from the passage of this act, shall determine that the public safety requires said Somerville Horse Railroad to pass over said Fitchburg Railroad and Grand Junction Railroad by a bridge, then said crossing shall be so constructed and established as said county commissioners may prescribe and determine.

May cross tracks of Fitchburg and Grand Junction Railroads.

Proviso.

SECTION 3. The Somerville Horse Railroad Company shall have no authority to use its motive-power upon the tracks of the Cambridge Railroad Company, without the consent of said company, but said Cambridge Railroad Company shall, at reasonable times, and for a reasonable compensation, draw over its tracks the cars and passengers of

Cambridge Railroad Co. shall draw over its tracks cars of Somerville Co.

Disagreements of corporations to be determined by commissioners appointed by S. J. Court.

said Somerville Horse Railroad Company; and if said corporations cannot agree upon the stated periods at which the cars shall be so drawn, or the compensation to be paid therefor, the supreme judicial court shall, upon the application of either party, appoint three commissioners, who, after due notice to the parties interested and hearing the same, shall determine such rate of compensation, and fix such periods, having reference to the public use and convenience; and the award of the commissioners, or a major part of them, shall be binding upon the respective parties for the term of one year, and until other commissioners in like manner appointed, shall make a new award.

Construction—conditions prescribed.

SECTION 4. In case the Somerville Horse Railroad Company does not construct the railroad authorized by this act within one year, the Cambridge Railroad Company shall have power to construct said railroad, subject to the provisions of this act so far as the same are applicable.

SECTION 5. This act shall take effect upon its passage.

*Approved April 4, 1863.*

**Chap. 133** AN ACT IN ADDITION TO AN ACT INCORPORATING THE EAST CAMBRIDGE LAND COMPANY.

*Be it enacted, &c., as follows:*

May increase capital to \$500,000.

SECTION 1. The capital stock of the East Cambridge Land Company may be increased to an amount not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each.

Inconsistent provisions repealed.

SECTION 2. So much of the third section of chapter sixty-two of the acts of the year eighteen hundred and sixty-one, as is inconsistent herewith, is hereby repealed.

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

*Approved April 4, 1863.*

**Chap. 134** AN ACT TO INCREASE THE CAPITAL STOCK OF THE EAST BOSTON WHARF COMPANY.

*Be it enacted, &c., as follows:*

May increase \$500,000.

SECTION 1. The East Boston Wharf Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding five hundred thousand dollars, to be divided into shares according to the original charter: *provided*, that no shares shall be issued for a less sum than one hundred dollars each.

Proviso.

Powers.

SECTION 2. Said company is hereby authorized to purchase, take and hold, to itself, its successors and assigns, and to use as may be necessary and convenient to carry on the business for which said company was incorporated, all or any part of that real estate in East Boston lying between



the northerly line of the premises now owned by said company and the southerly line of the Carleton estate, so called.

SECTION 3. Chapter one hundred and six of the acts of the year eighteen hundred and sixty-one, is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

*Approved April 4, 1863.*

AN ACT CONCERNING THE WINNISIMMET COMPANY.

*Chap. 135*

*Be it enacted, &c., as follows :*

SECTION 1. The Winnisimmet Company is hereby authorized to increase its capital stock, five hundred thousand dollars, for the purpose of purchasing additional real estate adjoining its present property: *provided, however*, that no shares in the capital stock hereby authorized shall be issued for a less sum, to be actually paid in on each and every share, than the par value of the shares already issued.

May increase capital \$500,000.

Proviso.

SECTION 2. In case said company shall purchase the property of the Cary Improvement Company, it shall then change its name, and thereafter be called the Winnisimmet and Cary Company; and as such shall be subject to all the obligations and liabilities of said companies, severally, at the time of such purchase.

May change name.

Liability.

SECTION 3. This act shall not take effect until it has been accepted by a vote of two-thirds of the stockholders of each of said companies, present and voting at meetings called for that purpose.

When to take effect.

*Approved April 6, 1863.*

AN ACT TO AMEND AND CONTINUE IN FORCE AN ACT INCORPORATING THE MERRIMAC STEAM NAVIGATION COMPANY.

*Chap. 136*

*Be it enacted, &c., as follows :*

SECTION 1. The act of the year one thousand eight hundred and forty-seven, incorporating the Merrimac Steam Navigation Company, shall be continued in force from and after the expiration of the term of twenty years therein named.

Corporation continued without limitation of time.

SECTION 2. Said corporation is hereby authorized to increase its capital stock, to an amount not exceeding seventy-five thousand dollars, to be divided as named in said act; and also to take such steps as may be found necessary to render the Merrimac River navigable between the ocean and the entrance to the Essex Company's Canal in Lawrence, by removing or otherwise overcoming rocks and sandbars now obstructing the free and safe navigation of said river; and to purchase and hold such real estate, and to build and own such wharves, canals, locks or landings within said limits as may be deemed necessary or proper for the purposes

May increase capital to \$75,000

Purpose.

Proviso. of navigation, and for the transportation of merchandise or passengers upon said river: *provided*, that said corporation shall have no right under this act to interfere with any private rights, or to do any thing which may render said river less navigable to the public than it now is.

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

*Approved April 6, 1863.*

### Chap. 137

AN ACT RELATING TO THE BOSTON PENNY SAVINGS BANK.

*Be it enacted, &c., as follows :*

Time for organizing extended.

The time for organizing the Boston Penny Savings Bank is hereby extended one year.

*Approved April 6, 1863.*

### Chap. 138

AN ACT TO INCORPORATE THE UNITED STATES STEAM-SHIP COMPANY.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Silas Pierce, Jacob Sleeper, James H. Beal, their associates and successors, are hereby made a corporation by the name of the United States Steam-ship Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws, which now are or may hereafter be in force, relating to such corporations.

Title.

Powers and privileges.

Purpose.

SECTION 2. Said company are hereby authorized and empowered to build, purchase, hold, charter and convey, one or more steam-ships or steam-propellers, and navigate the same between any port or ports in this Commonwealth and the British Provinces, with liberty to touch at intermediate ports; also between any port or ports in this Commonwealth and other ports in the United States, or in the Gulf of Mexico, with liberty to touch at any port in the West India Islands: *provided*, said ship or ships shall not ply between the port of Boston and the ports of Philadelphia, Baltimore, Charleston, Savannah and New Orleans, or either of them. And said company may let by charter, one or more of their steam-ships or propellers to any person, provided such charter does not prevent said company from complying with the terms of this act: and said company may also by charter, let any or all of their steam-ships or propellers to the United States of America, without any restriction as to the service in which said vessels may be employed.

Proviso.

Capital and shares.

SECTION 3. The capital stock of said company shall not exceed two millions of dollars, and shall be divided into shares of the par value of one hundred dollars each; and said corporation shall have power to assess, from time to time, upon said shares such sums as may be deemed neces-

sary to accomplish the object of said corporation, not exceeding the par value of such shares.

SECTION 4. If said corporation shall not within one year from the passage of this act, have been organized, and have collected an assessment or assessments amounting to ten per cent. on their capital stock, and shall not within one year from the passage hereof, have placed in service one or more steam-ships or propellers for the purposes of said company; or if said company shall thereafter, for the period of one year, wholly fail to use one or more steam-ships or propellers for the purposes aforesaid, unless prevented by war with foreign powers, then this act shall be null and void.

Act void unless, &c.

SECTION 5. This act shall take effect upon its passage.

*Approved April 6, 1863.*

AN ACT CONCERNING THE STATE REFORM SCHOOL AND THE NAUTICAL BRANCH THEREOF.

Chap. 139

*Be it enacted, &c., as follows:*

SECTION 1. Sections seventeen, eighteen, twenty-one and twenty-six, of chapter seventy-six of the General Statutes, shall apply to boys between the ages of eleven and eighteen years, instead of under the age of sixteen years, as therein limited.

General Statutes amended.

SECTION 2. No boy shall be committed to the state reform school, unless he is between the ages of eleven and fourteen years, nor to the nautical branch thereof, unless he is between the ages of fourteen and eighteen years.

Ages for committal of boys.

SECTION 3. Any notice or summons required by said chapter seventy-six, need not be served by a constable or other person, if the party to whom the same is directed waives in writing the service thereof; and so much of said section twenty-one, as requires notice of the proceedings to be given, is hereby repealed.

Service of notice or summons.

*Approved April 6, 1863.*

AN ACT IN RELATION TO THE SALE OF MILK.

Chap. 140

*Be it enacted, &c., as follows:*

SECTION 1. Whoever buys or sells milk by any other measures, cans or vessels, than those sealed as provided in the one hundred and fiftieth section of the forty-ninth chapter of the General Statutes, shall for one violation pay twenty dollars, and for a second and each subsequent violation, fifty dollars.

Penalty for using measures not sealed.

SECTION 2. Whoever adulterates, by water or otherwise, milk to be sold in this state, or being recorded in the books of the inspector as a dealer in milk, conveys from place to place, or knowingly sells or causes to be sold adulterated or

Penalty for selling adulterated milk.

unwholesome milk, shall for one violation pay twenty dollars, for a second violation pay fifty dollars, and for any subsequent violation, be imprisoned in the house of correction not less than thirty nor more than ninety days; and whoever, in the employment of another, knowingly violates any provision of this section, shall be held equally guilty with the principal, and suffer the same penalty or punishment.

Employees held responsible.

Publication of convictions.

SECTION 3. It shall be the duty of the inspector to cause the name and place of business of all persons convicted under the preceding section, to be published in two newspapers printed in the town or county where the offence may have been committed.

Repeal.

SECTION 4. So much of section one hundred and fifty-one, of the forty-ninth chapter of the General Statutes, inconsistent herewith, is hereby repealed.

*Approved April 6, 1863.*

#### Chap. 141

AN ACT AUTHORIZING THE TOWN OF MILFORD TO PURCHASE REAL ESTATE FOR A PUBLIC PARK.

*Be it enacted, &c., as follows :*

SECTION 1. The town of Milford may purchase and hold real estate within the limits of said town, not to exceed in value at the time of purchase, the sum of fifteen thousand dollars, to be used as a public park or common.

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

*Approved April 8, 1863.*

#### Chap. 142

AN ACT RELATING TO THE CITY OF FALL RIVER.

*Be it enacted, &c., as follows :*

Ward limits may be changed.

SECTION 1. The city council of the city of Fall River may, during the current year, alter the wards of said city, so that each ward shall contain as nearly as conveniently may be, an equal number of legal voters, and thereafter revise and alter said wards and increase their number, as provided in the third section of the original charter of said city.

When to take effect.

SECTION 2. The aforesaid alteration of said wards shall take effect at the next annual municipal election after the same shall have been made.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

*Approved April 8, 1863.*

#### Chap. 143

AN ACT CONCERNING CERTAIN OFFENCES COMMITTED ON THE LORD'S DAY.

*Be it enacted, &c., as follows :*

Penalty.

SECTION 1. Section one, chapter eighty-four, of the General Statutes, is hereby so far amended that the offences

named therein shall be punished each by a fine not exceeding fifty dollars.

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

*Approved April 10, 1863.*

AN ACT CONCERNING ELECTIONS IN CITIES.

*Chap. 144*

*Be it enacted, &c., as follows :*

SECTION 1. In all elections held within the cities of the Commonwealth, whether the same shall be for United States, state, county, city or ward officers, it shall be the duty of the warden, or other presiding officer, to cause all ballots which shall have been given in by the qualified voters of the ward in which such election has been held, and after the same shall have been sorted, counted, declared and recorded, to be secured in an envelope, in open ward meeting, and sealed with a seal provided for the purpose; and the warden, clerk, and a majority of the inspectors of the ward, shall endorse upon the envelope for what offices and in what ward the ballots have been received, the date of the election, and their certificate that all the ballots given in by the voters of the ward, and none other, are contained in said envelope.

Ballots, after being declared and recorded, shall be seal'd in envelope by ward officer.

Endorsement thereon.

SECTION 2. The warden, or other presiding officer, shall forthwith transmit the ballots sealed as aforesaid to the city clerk, by the constable in attendance at said election, or by one of the ward officers other than the clerk; and the clerk shall retain the custody of the seal, and deliver the same, together with the records of the ward and other documents, to his successor in office.

Transmission to city clerk.

Custody of seal.

SECTION 3. The city clerk shall cause to be furnished to the clerks of the several wards a seal of suitable device, the design of which shall include the number or designation of the ward for which it shall be furnished. He shall receive and retain in his care the ballots transmitted to him, for the space of not less than sixty days; if within the time prescribed by law for forwarding returns or declaring the results of an election, ten or more citizens of any ward shall notify the city clerk, by a written statement, that they have reason to believe that the returns of the ward officers are erroneous, and shall specify wherein they deem them in error, the said clerk shall receive such statement, and shall notify the board of aldermen, or the committee thereof appointed to examine the returns of said election; and the board of aldermen, or their committee, shall, within the time required by law for examining the returns or declaring the results of the election, examine the ballots

City clerk to furnish seal.

Shall retain ballots 60 days.

Proceedings in case of erroneous returns.

thrown in said ward and determine the questions raised; they shall then re-seal the envelope, either with the seal of the city or a seal provided for the purpose, and shall endorse upon said envelope a certificate that the same has been opened and re-sealed by them in conformity to law; and the ballots sealed as aforesaid shall be returned to the city clerk, who upon their certificate shall alter and amend such returns as are found to be erroneous, and such amended return shall stand as the true return of the ward. And if within sixty days of an election, any person who received votes for any office at said election shall serve upon the city clerk, by himself, his agent, or attorney, a written notification claiming an election to such office, and declaring an intention to contest the right of any person who has received or who may receive a certificate of election for the same, the city clerk shall retain such ballots, sealed as aforesaid, subject to the order of the body to which such person shall claim to have been elected, or until such claim shall have been withdrawn or finally decided.

Ballots, on notice of intention to contest election, how long retained.

Duties of ward officers when voter is challenged.

SECTION 4. Whenever in any election the right of any person offering to vote is challenged for any cause recognized by existing laws, it shall be the duty of the warden or presiding officer, if the person challenging shall so demand, to require the person so offering to vote to write his name and residence upon the ballot so offered and challenged, and the warden or presiding officer shall add thereto the name of the person challenging the same, and the cause assigned therefor, before such ballot shall be received; and if such ballot shall be offered sealed, the writing as aforesaid may be upon the envelope covering the same, and the warden or other presiding officer, in the presence of the clerk and at least one inspector, shall mark and designate such ballot by writing thereon the name of the person by whom it was cast, before it is counted; and at the close of the election the same shall be returned to the envelope in which it was deposited: *provided*, that nothing contained in this section shall be so construed as to permit ward officers to receive any vote which by existing laws they are required to refuse.

Proviso.

Penalties for wilful neglect.

SECTION 5. If any city clerk shall wilfully neglect or refuse to comply with any of the requirements of this act, he shall be punished by a fine not exceeding two hundred dollars. And if any warden or other presiding officer, constable, or ward officer as aforesaid, shall wilfully neglect or refuse to comply with the provisions of this act, he shall be

punished by a fine of not less than twenty, or more than two hundred dollars, or by imprisonment in the county jail for a term not exceeding one year. *Approved April 13, 1863.*

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE STATE ALMSHOUSES; HOSPITAL AT RAINSFORD ISLAND; SUPPORT AND RELIEF OF STATE LUNATIC PAUPERS; REFORM SCHOOL AT WESTBOROUGH AND NAUTICAL BRANCH THEREOF; AND FOR OTHER PURPOSES.

*Chap. 145*

*Be it enacted, &c., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury of this Commonwealth, from the ordinary revenue, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, to wit :

Appropriations authorized.

For state almshouse at Tewksbury, a sum not exceeding forty-six thousand four hundred dollars.

Almshouses. Tewksbury.

For state almshouse at Monson, a sum not exceeding thirty-six thousand dollars.

Monson.

For state almshouse at Bridgewater, a sum not exceeding thirty-five thousand dollars.

Bridgewater.

For hospital at Rainsford Island, the sum of three hundred and forty-one dollars and ninety-six cents, for deficiencies for the year eighteen hundred and sixty-one, and eighteen hundred and sixty-two : and for current expenses and repairs, a sum not exceeding twenty thousand dollars.

Hospital, Rainsford Island.

For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding one hundred thousand dollars.

Lunatic paupers.

For the current expenses of the state reform school for boys at Westborough, a sum not exceeding thirty-five thousand dollars : said sum to be expended solely for the current expenses of said institution ; and all other sums received by said institution from the cities and towns, for the support of boys in said school, shall be paid into the treasury of the Commonwealth ; and no money appropriated by this act shall be expended by the trustees of said school to pay for improvements at said institution.

Reform School, current expenses.

For the current expenses of the nautical branch of the state reform school, a sum not exceeding twenty-one thousand four hundred dollars : and all sums received by said institution from cities and towns, for the support of boys in said nautical branch, shall be paid into the treasury of the Commonwealth.

Nautical Branch.

For the payment of expenses incurred for repairs on Tewksbury almshouse, occasioned by the explosion the past year, a sum not exceeding three thousand and seventy dol-

Repairs, Tewksbury.

Bridgewater.      lars fifteen cents in addition to the balance of appropriation for said almshouse the past year. For building a barn at Bridgewater almshouse, a sum not exceeding twenty-five hundred dollars.

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

*Approved April 13, 1863.*

**Chap. 146** AN ACT RELATING TO THE PROBATE COURT IN THE COUNTY OF NANTUCKET.

*Be it enacted, &c., as follows :*

Time of holding.      SECTION 1. The probate court for the county of Nantucket shall be held on the Thursday next after the second Tuesday of every month.

Repeal.      SECTION 2. So much of the thirty-sixth section of the one hundred and seventeenth chapter of the General Statutes as is inconsistent with this act, is hereby repealed.

SECTION 3. This act shall take effect upon the first day of May next.

*Approved April 13, 1863.*

**Chap. 147** AN ACT TO LEGALIZE CERTAIN MARRIAGES, AND FOR OTHER PURPOSES.

*Be it enacted, &c., as follows :*

Wm. Brodhead and Ann C. Brodhead.      SECTION 1. William Brodhead, of New Bedford, in the county of Bristol, and Ann C. Brodhead, who is now and has heretofore been reputed his wife, are hereby declared to be husband and wife, to all legal intents and purposes. And William H. Brodhead, the son of said William and Ann C., is hereby declared to be the legitimate son of his said parents, to all legal intents and purposes.

Reuben Burgess. Hope Burgess.      SECTION 2. Reuben Burgess, of Dennis, in the county of Barnstable, and Hope Burgess, who is now and has heretofore been reputed his wife, are hereby declared to be husband and wife, to all legal intents and purposes.

SECTION 3. The bonds of matrimony heretofore existing between said Reuben Burgess and Ann C. Brodhead, are hereby dissolved.

SECTION 4. This act shall take effect upon its passage.

*Approved April 13, 1863.*

**Chap. 148** AN ACT CONCERNING LIFE INSURANCE.

*Be it enacted, &c., as follows :*

Companies whose liabilities exceed funds, to discontinue issue of policies.      When the actual funds of any life insurance company doing business in this Commonwealth are not of a net cash value equal to its liabilities, counting (as such,) the net value of its policies according to the rule of valuation adopted in chapter one hundred and eighty-six of the acts of the year eighteen hundred and sixty-one, it shall be the



duty of the insurance commissioners to give notice to such company and its agents, to discontinue issuing new policies within this Commonwealth until such time as its funds have become equal to its liabilities, valuing its policies as aforesaid. And any officer or agent who shall, after such notice has been given before its funds have become equal to its liabilities as aforesaid, issue a new policy from and on behalf of such company, shall be subject to the penalty provided in chapter fifty-eight, section seventy-seven, of the General Statutes.

Penalty for issuing after notice from commissioners.

*Approved April 13, 1863.*

AN ACT IN RELATION TO THE CITY OF NEW BEDFORD.

*Chap. 149*

*Be it enacted, &c., as follows :*

SECTION 1. The acts of the city council of the city of New Bedford, in relation to the election, in October last, of a mayor to fill the vacancy occasioned by the death of the honorable Isaac C. Taber, are hereby confirmed.

Acts of city council confirmed.

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

*Approved April 13, 1863.*

AN ACT TO PROTECT THE SOUTH BEACH IN THE TOWN OF EDGARTOWN.

*Chap. 150*

*Be it enacted, &c., as follows :*

SECTION 1. If any person shall unlawfully, wilfully and maliciously, break down, open or cut through, or attempt so to do, the beach known by the name of the South Beach, adjoining the Great Pond, in the town of Edgartown, for the purpose of letting off the water of said Great Pond, into the ocean, every such offender shall, on conviction, be punished by a fine of not less than one hundred dollars, and not more than one thousand dollars, or by imprisonment in the house of correction, not less than one month, nor more than one year, or both.

Penalty for wilful damage.

SECTION 2. Every breach made or attempted to be made in said beach, unless done under authority of the commissioners provided for in the act for the incorporation of the proprietors of Mattakesset Creek, passed the twenty-fourth day of June, in the year seventeen hundred and eighty-three, shall be deemed to be maliciously and unlawfully made.

Breach attempted, to be deemed malicious.

SECTION 3. All fines that shall be recovered under this act shall inure, one-half to the complainant, and one-half to the Commonwealth.

Fines.

SECTION 4. This act shall take effect upon its passage.

*Approved April 13, 1863.*

**Chap. 151** AN ACT TO INCORPORATE THE BOSTON IRISH AMERICAN BENEVOLENT SOCIETY.

*Be it enacted, &c., as follows :*

**Corporators.** SECTION 1. Patrick Fennelly, Samuel Hopkins, Patrick Pratt, their associates and successors, are hereby made a corporation, by the name of The Boston Irish American Benevolent Society, for the purpose of benefiting the condition of their members in time of sickness, and by other charitable assistance, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

**Title.**

**Privileges.**

**Real and personal estate.** SECTION 2. Said corporation may take and hold real estate not exceeding ten thousand dollars, and personal property not exceeding five thousand dollars, for the purposes aforesaid.

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

*Approved April 14, 1863.*

**Chap. 152** AN ACT TO INCORPORATE THE SOUTHBRIDGE AND PALMER RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

**Corporators.** SECTION 1. Oliver S. Sanford, of Boston, Ebenezer D. Ammidown, of Southbridge, Newton S. Hubbard, of Brimfield, their associates and successors, are hereby made a corporation by the name of the Southbridge and Palmer Railroad Company, with all the powers and privileges, and subject to all the liabilities, restrictions and duties, set forth in the sixty-third and sixty-eighth chapters of the General Statutes of this Commonwealth.

**Title.**

**Privileges.**

**Location.** SECTION 2. Said company is hereby authorized and empowered to construct a railroad, with one or more tracks, from some point in the town of Southbridge near the Hamilton Woollen Mills, connecting there with the Southern Midland Railroad; thence through the towns of Southbridge, Sturbridge, Brimfield and Monson, to some convenient point of junction with the Western Railroad, in the town of Palmer, and connecting therewith, not interfering with the depot arrangements or depot grounds at said Palmer.

**Capital stock and shares.** SECTION 3. The capital stock of said company shall consist of not more than six thousand and five hundred shares, the par value of which shall be one hundred dollars each, the number of which shall be fixed and determined, from time to time, by the stockholders; provided that they fix and determine not less than five thousand shares in all.

**Estate.** Said company may purchase and hold such real and per-

sonal estate as may be necessary for the purpose for which it is incorporated.

SECTION 4. Said corporation is hereby authorized to cross with its railroad at grade the two streets at Globe Village, in Southbridge, the highway near Blanchard's Mills, so called, in Palmer, and also the road about one-fourth of a mile easterly of Palmer Station, on the Western Railroad.

May cross certain tracks.

SECTION 5. This act shall be void unless the said railroad is located within two years, and constructed within four years from the passage of this act.

Act to be accepted.

SECTION 6. This act shall take effect upon its passage.

*Approved April 14, 1863.*

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF NEW BEDFORD.

*Chap. 153*

*Be it enacted, &c., as follows:*

SECTION 1. The inhabitants of the city 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 city as a municipal corporation.

City continued a body politic.

Rights, immunities, &c.

SECTION 2. The administration of the fiscal, prudential, and municipal affairs of said city, and 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 the members thereof 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.

Government: mayor, aldermen and council.

Quorum.

Compensation.

SECTION 3. The meetings of the citizens for the election of municipal officers shall be held on the first Monday of December, annually; and the said officers so chosen shall hereafter enter upon the duties of their respective offices on the first Monday of January, annually, and shall hold their said offices for the term of one year thereafter, and until others are chosen and qualified in their stead, except the assessor at large and the members of the school committee, who shall severally hold their respective offices for three

Election of city officers.

Tenure of office.

years from the first Monday of January succeeding their election.

Division into wards.

SECTION 4. It shall be the duty of the city council, and they are empowered during the year eighteen hundred and sixty-five, and in every tenth year thereafter, to cause a new division of the city to be made into six wards, in such manner as to include an equal number of voters in each ward as nearly as conveniently may be, consistently with well defined limits to each ward; and until such division be made, the boundary lines of the wards shall remain as now established.

Election of ward officers: to be chosen annually.

SECTION 5. On the first Monday in December, annually, there shall be chosen by ballot, in each of the wards of the city of New Bedford, a warden, clerk, and three inspectors of elections, who shall be different persons, residents of the ward in which they are chosen, whose term of office shall commence on the first Monday in January next ensuing, and they shall hold their offices for one year thereafter, and until others have been chosen and qualified in their stead; and the warden, clerk and inspectors, before entering upon their duties, shall, respectively, make oath faithfully and impartially to discharge their several duties, relative to all elections; which oath may be administered by the city clerk to the warden, and by the warden to the ward clerk or inspectors, or to either or all of said officers, by any justice of the peace for the county of Bristol. A certificate that said oath has been taken shall be entered upon the records of the ward by the clerk thereof.

Oaths, how administered.

Warden, duties of.

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 meetings, the warden shall be absent, the clerk, and in case of the absence of the clerk, any inspector, shall preside, according to seniority of age, until a warden *pro tempore* shall be chosen.

Clerk and inspectors.

The clerk shall record all the proceedings, and certify the votes given, and deliver over to his successor in office, all such records and journals, together with all other documents and papers held by him in said capacity. It shall be the duty of the inspectors of elections to assist the warden in receiving, sorting and counting the votes.

Warrants for meetings, how issued.

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.

SECTION 6. The mayor and six aldermen, one alderman being selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards: and four common councilmen shall be elected from and by the voters of each ward, being residents in the wards when elected: all said officers shall be chosen by ballot.

Election of mayor, aldermen and councilmen.

SECTION 7. On the first Monday in December, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen and common councilmen, as provided in the preceding section: all the votes so given, shall be assorted, 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 record at length: the clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected members of the common council, certificates of their election, signed by the warden and clerk and by a majority of the inspectors of elections, and shall deliver to the city clerk, a copy of the records of such election, certified in like manner: *provided, however*, that if the choice of members of the common council shall not be effected on that day, the meeting may be adjourned from time to time to complete such election.

Proceedings at elections.

Certificates.

Proviso.

SECTION 8. 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, to be notified in writing of his election; but if it shall appear that no person has received a plurality of the votes, or if the person elected shall refuse to accept the office, the board shall issue its warrants for a new election, and the same proceedings shall be had in all respects, as are herein before provided for the choice of mayor, and repeated from time to time until a mayor shall be chosen.

Returns to be examined and mayor or elect notified.

Failure to elect or refusal to serve proceedings in case.

SECTION 9. After the organization of the city government and the qualification of a mayor, and when a quorum of the board of aldermen shall be present, said board, the mayor presiding, shall proceed to choose a permanent chairman, who shall, in the absence of the mayor, preside at all meetings of the board, and at conventions of the two branches; and, in case of any vacancy in the office of mayor, for any cause, he shall exercise all the powers, and perform all the duties of the said office, as long as such vacancy shall continue; and he shall always have a vote in the board.

Chairman board of aldermen to be chosen.

Duties and powers.

Vacancy in office of mayor, how filled.

In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the boards of aldermen and common council shall, respectively, by vote, declare that a vacancy exists, and the cause thereof; whereupon the two boards shall meet in convention, and elect a mayor to fill such vacancy; and the mayor, thus elected, shall hold his office until the inability causing the vacancy shall be removed, or until a new election.

Vacancies in board of aldermen.

If it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had as are herein before provided in regard to the office of mayor. Each alderman shall be notified in writing, of his election, by the mayor and aldermen for the time being.

Oath of mayor.

The oaths prescribed by this act may be administered to the mayor by the city clerk, or by any justice of the peace for the county of Bristol.

Convention of members elect. for purpose of organization.

The aldermen and common councilmen elect shall, on the first Monday of January, at ten 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, or by any justice of the peace for the county of Bristol; and a certificate, setting forth that such oath has been taken, shall be entered in the journals of the mayor and aldermen and of the common council, by their respective clerks.

Proceedings in case of failure to elect mayor.

Whenever it shall appear that a mayor has not been elected previously to the said first Monday of January, the mayor and aldermen, for the time being, 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 January.

Common council, organization.

After the oaths have been administered, as aforesaid, the two branches shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices during the pleasure of the common council; the clerk to be under oath faithfully to perform the duties of his office.

Absence of mayor elect.

In case of the absence of the mayor elect, on the first Monday of January, the city government shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter, in convention of the two branches, be administered to the mayor, and any member of the city council who may have been absent at the organization. Each board shall keep a record of its own proceedings, and judge of the election of its own members.

Records.

SECTION 10. The mayor shall be the chief executive officer of the city: it shall be his duty to be vigilant and active in causing the laws to be enforced, and to keep a general supervision over the conduct of all subordinate officers; and he may, whenever the public good may require, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination.

Duties of mayor.

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 notices to be left at the usual dwelling-place of each member of the board or boards to be convened.

He shall, from time to time, communicate to both boards such information, and recommend such measures, as the business and interests of the city may, in his opinion, require.

The mayor when present, shall preside in the board of aldermen, and in convention of the two branches, but shall have a casting vote only.

The mayor shall be compensated for his services by a salary to be fixed by the city council, payable at stated periods, which salary shall not exceed the sum of fifteen hundred dollars annually; and he shall receive no other compensation: but such compensation shall not be increased or diminished during the year for which he is chosen.

Salary of mayor.

SECTION 11. The executive power of said city, generally, and the administration of police shall be vested in the mayor and aldermen, as fully as if the same were herein specially enumerated.

Executive power.

The mayor and aldermen may require any person who may be appointed a marshal or constable of the city, to give bonds, with such security and to such amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds required by the selectmen of towns in this Commonwealth.

Bonds may be required of constables by mayor and aldermen.

All sittings of the mayor and aldermen (when they are not engaged in executive business,) and of the city council and common council shall be public.

Sittings to be public, except, etc.

SECTION 12. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a city marshal and assistants, and constables, who shall hold their offices until others are chosen and qualified in their stead; and all other needful police

Police officers, &c., how chosen.

Proviso.

officers, who shall hold office for such time as the city council shall, by standing ordinance, prescribe: *provided, however*, that no person shall be chosen a marshal or constable, or to any other office in the department of police of the city, who shall not have been nominated to the city council by the mayor.

The city council shall in such manner as their by-laws shall prescribe, appoint or elect all subordinate officers, (whose appointment or election is not otherwise provided for) for the ensuing year.

City clerk and treasurer, election and duties.

The city council shall in the month of April, annually, elect by joint ballot in convention a city clerk, and a city treasurer who shall be also collector of taxes for the ensuing year; and shall define the duties and compensation of all officers so appointed or elected by them, when such duties and compensation shall not be defined and fixed by the laws of this Commonwealth.

In case of a vacancy in any of said offices, the same shall be filled in the manner prescribed in this section.

Money and property of city, duties of council concerning.

The city council shall take care that no money be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalties and sureties from all persons intrusted 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 the interest or convenience of the inhabitants may, in their judgment, require it.

The city council shall, as often as once in a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of the city property and the city debts.

Aldermen and councilmen ineligible for appointment to salaried office.

SECTION 13. No person shall be eligible to any office, (except the mayoralty,) the salary of which is payable from the city treasury, who, at the time of his appointment, shall be a member either of the board of aldermen or common council, and no member of either of these boards shall hold any other office under the city government.

City clerk, qualification, duties and tenure of office.

SECTION 14. The city clerk 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 clerks of towns: 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: he shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, record-books, papers, documents, and other things held by him in his capacity as city clerk.

SECTION 15. The qualified voters, at their respective annual ward meetings, shall elect, by ballot, one person in each ward, who shall be a resident of the ward, to be an overseer of the poor; and the persons thus chosen shall, with the mayor of the city, constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties appertaining to overseers of the poor for towns.

SECTION 16. The qualified voters, at their respective annual ward meetings, shall elect, by ballot, one person in each ward, who shall be a resident of the ward, to be a member of the school committee, who shall hold his office for three years: and the persons thus chosen, with those whose terms of office have not expired, shall constitute the school committee, and have the care and superintendence of the public schools.

SECTION 17. The qualified voters of the city, at the annual meetings in their respective wards, shall elect, by ballot, one person to be an assessor at large, who shall hold his office for three years, and until another is chosen and qualified in his stead: and the person thus chosen assessor at large, with those whose terms of office have not expired, shall constitute the board of assessors, and shall exercise all the powers, and be subject to all the duties and liabilities of assessors of towns.

In case of a vacancy in the board of assessors, the city council in convention shall elect, by ballot, a person to fill the same, who shall hold office until the next annual meeting for the choice of municipal officers, and until another person shall be chosen and qualified in his stead; and at said annual meeting a person shall be elected to said office, who shall hold the same for the residue of the unexpired term.

The qualified voters shall, at the same time, and in like manner, elect one person in each ward, who shall be a resident of the ward, to be an assistant-assessor, who shall hold his office for one year, and until another is chosen in his stead: and it shall be the duty of the persons so chosen, to furnish the assessors with all such information as they may require, relative to the persons and property taxable in their respective wards; and they shall receive for their services

such compensation *per diem*, as the city council may determine.

Taxes, how assessed.

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.

Streets and ways, powers of council over defined.

SECTION 18. The city council shall have the same power in relation to the acceptance, altering, or discontinuing of streets and ways, and the assessment of damages, which selectmen and inhabitants of towns now by law have; but all petitions and questions relating to laying out, widening, altering or discontinuing any street or way, shall be first acted on by the mayor and aldermen.

Aggrieved party may have redress

Any person aggrieved by any proceedings of the mayor and aldermen, or city council, in the exercise of such powers, shall have the same right of appeal, to the county commissioners of the county of Bristol, as are given by the laws of the Commonwealth to appeal from the decisions of selectmen or the inhabitants of towns.

Health officers, council may appoint.

SECTION 19. All the power and authority, by law vested in the board of health for towns, shall be vested in the city council, to be carried into execution by the appointment of health commissioners, or in such manner as the city council may deem expedient.

Drains and sewers.

SECTION 20. The city council shall have authority to cause drains and common sewers to be laid 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 drains 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.

Police court, jurisdiction of, under by-laws.

SECTION 21. The police court of New Bedford shall have cognizance of all offences against the by-laws and regulations which may be 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.

Appeals allowed.

Any person aggrieved by such sentence, may make appeal therefrom to the superior court for the county of Bristol, under the restrictions and conditions provided by law in other cases of appeal from said court.

Complaints before court, certain, form set forth.

In all prosecutions by complaint before the said police court founded on the special acts of the legislature, or the ordinances and 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 in such complaint, it shall not be necessary to set forth such special act, by-law, or ordinance, or any part thereof.

SECTION 22. 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 these elections respectively; and at such meetings, all the votes given for said several officers respectively, shall be assorted, 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, at length: and 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.

Election of county, state and federal officers, manner of, and of records and returns.

In all elections for representatives to the general court, in case the whole number proposed to be elected shall not be chosen, the mayor and aldermen shall forthwith issue their warrants for a new election, conformably to the provisions of the constitution and laws of the Commonwealth.

Representatives in general court.

SECTION 23. 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 empowered to call for the assistance of all assessors, assistant-assessors, and other city officers; and they shall deliver said lists, so prepared and corrected, to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list: and in relation to the preparation, posting and correction of such lists, the mayor and aldermen shall perform the same duties and be governed by the same regulations as are provided in the sixth chapter of the General Statutes, to be observed by the selectmen of towns: *provided, however*, that a list of the voters of each ward shall be posted up in one or more public places in each ward; and *provided, further*, that any person whose name shall not be borne on the list of the ward in which he is

Lists of voters, mayor and aldermen to cause to be made prior to each election, and delivered to ward clerks.

General Statutes to apply.

Provisos.

entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon at any time thereafter, before the closing of the polls, upon presenting to the ward officers a certificate signed by the mayor or city clerk, setting forth his right to have his name thus entered.

Meetings of citizens, how warned

SECTION 24. General meetings of the citizens qualified to vote, may, from time to time, be held, to consult upon the public good, to instruct 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 the Commonwealth; and such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of thirty qualified voters.

By-laws, council may establish and annex penalties.

SECTION 25. 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; and all such by-laws, and all city ordinances, shall be duly published in such newspapers as the city council shall direct: *provided, however*, that all by-laws, regulations and ordinances now in force in the city of New Bedford shall, until they 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 of the city, shall be paid into the city treasury.

Proviso.

Forfeitures.

Act subject to amendment.

SECTION 26. Nothing contained in this act shall be so construed as to prevent the legislature from altering or amending the same, whenever it shall deem it expedient.

Repeal.

SECTION 27. All acts and parts of acts inconsistent with this act, are hereby repealed.

Act void unless accepted.

SECTION 28. This act shall be void unless the city council of New Bedford shall, by a concurrent vote of the two branches, voting by yea and nay, within sixty days adopt the same.

SECTION 29. This act shall take effect upon its passage.

*Approved April 15, 1863.*

**Chap. 154** AN ACT TO REGULATE THE DISCHARGE OF SOLDIERS ON WRIT OF HABEAS CORPUS.

*Be it enacted, &c., as follows:*

Minor, before discharge upon writ of habeas corpus,

SECTION 1. From and after the passage of this act, no person enlisted or drafted into the military service of the

United States, or substituted for any person so drafted, who has received, or may hereafter receive bounty money or advance pay, in consideration of his contract of enlistment, or of being so drafted or substituted into said service, shall be discharged from such service, upon a writ of habeas corpus, on the ground that he was a minor at the time of his enlistment, or on any other ground, until he shall have paid over to the provost-marshal of the district where he is commorant, such bounty money and advance pay, and until he shall have delivered up to said provost-marshal, all clothing, arms, and military accoutrements, by him received, from any officer of the United States, or of the Commonwealth of Massachusetts, for his equipment as a soldier: *provided, however*, that in cases of enlistment procured by fraud, the court, in their discretion may discharge the enlisted person upon such terms and conditions as justice may require.

to restore bounty, pay, arms and accoutrements received, to provost-marshal.

Proviso.

SECTION 2. The provost-marshal shall keep an account of all moneys, clothing, arms and military accoutrements, by him received as aforesaid, and once each month, shall pay over and deliver the same, to the parties by whom they were paid or furnished to the person mentioned in the preceding section.

Marshal to render account monthly, to parties supplying.

*Approved April 17, 1863.*

AN ACT CONCERNING THE APPREHENSION OF DESERTERS AND DRAFTED MEN.

Chap. 155

*Be it enacted, &c., as follows:*

SECTION 1. The sheriffs and deputy-sheriffs of the counties of this Commonwealth, the police of the cities, and the constables of the towns, are hereby authorized to arrest, upon the written order of the provost-marshals of the different districts within this Commonwealth, any person charged with the offence of desertion from the army of the United States, or from the volunteer forces of the United States, and any person who, having been drafted into the military service of the United States, shall fail to attend at the time and place of rendezvous for such drafted person; and they are hereby authorized to receive for such arrests, such compensation as may be provided therefor by the government of the United States.

Sheriffs, police officers and constables may arrest upon written order of provost-marshal.

Compensation.

SECTION 2. The sheriffs of the counties of this Commonwealth are hereby authorized to receive and confine in the county jails, persons charged with the offence of desertion from the army of the United States, or from the volunteer forces of the United States.

Persons arrested as deserters may be detained in county jail.

*Approved April 17, 1863.*

**Chap. 156** AN ACT CONCERNING APPLICATIONS TO COURTS OF PROBATE AND INSOLVENCY.

*Be it enacted, &c., as follows:*

Registers may receive petitions, etc., and issue order of notice.

SECTION 1. Registers of probate and insolvency may in their several counties, at any time, receive and place on file petitions and applications to the probate court and the court of insolvency, and may issue proper orders of notice and citations in the same manner and with the same effect as the judges of said courts may now do; but when the judge deems such notice insufficient, he may order such further notice as the case requires.

Judges may amend.

SECTION 2. The one hundred and sixty-third chapter of the acts of the year eighteen hundred and sixty, is hereby repealed.

*Approved April 17, 1863.*

**Chap. 157** AN ACT IN RELATION TO THE ACKNOWLEDGMENT OF LEGAL INSTRUMENTS AND SUMMONING WITNESSES.

*Be it enacted, &c., as follows:*

Justices may attest in any county.

SECTION 1. Justices of the peace may take acknowledgments of deeds and other instruments in any county.

Arbitrator, being a justice, may administer.

SECTION 2. Any arbitrator who is a justice of the peace, may take the acknowledgment provided for in section two, chapter one hundred and forty-seven of the General Statutes.

Justices' civil summons authoritative in any county.

SECTION 3. Summonses for witnesses in civil cases, issued by justices of the peace, may be served in any county, and any witness so summoned, and who has been tendered his legal fees, shall be obliged to attend as directed by the summons.

*Approved April 17, 1863.*

**Chap. 158** AN ACT TO PROVIDE FOR THE ATTENDANCE OF WITNESSES BEFORE MUNICIPAL AUTHORITIES.

*Be it enacted, &c., as follows:*

May be compelled to attend, subject to conditions as witnesses before police courts.

SECTION 1. Witnesses may be summoned, and compelled to attend, produce books and papers, and testify before any city council, or either branch of such council, or any joint committee thereof, or special committee of either branch thereof, or any board of selectmen, at any hearing before any such council, committee or board, as to matters within their respective jurisdiction; and such witnesses shall be summoned in the same manner, paid the same fees, and be subject to the same penalties for default, as witnesses before police courts of this Commonwealth. And the presiding officer of such city council or of either branch thereof, and any member of any such committee or board of selectmen, are hereby severally authorized to administer oaths, to all such witnesses as shall appear before such council or

Oaths, how administered.

either branch thereof, or any such committee or board respectively.

SECTION 2. In case any witness so summoned and paid shall fail to attend in pursuance of such summons, the presiding officer of such city council, or of either branch thereof, or the chairman of the board of selectmen, may issue a warrant to bring such witness before them to answer for the contempt, and also to testify as a witness in the cause in which he was summoned.

In case of failure to attend, witness to answer for contempt.

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

*Approved April 17, 1863.*

AN ACT AUTHORIZING THE REMOVAL OF CERTAIN INDIANS TO THE STATE ALMSHOUSES.

*Chap. 159*

*Be it enacted, &c., as follows :*

Guardians and agents of the several tribes of Indians in this Commonwealth, are authorized to send such Indians to the state almshouses as they may deem the interest of the state and the welfare of said Indians require ; first obtaining a permit from one of the alien commissioners.

Guardians and agents to act, with approval of alien commissioners.

*Approved April 17, 1863.*

AN ACT CONCERNING THE REMOVAL OF GATES FROM THE ROADS IN THE TOWN OF HULL.

*Chap. 160*

*Be it enacted, &c., as follows :*

SECTION 1. No person or corporation shall have the right to erect, keep or maintain any gate across any town way or highway in the town of Hull, and so much of the provisions of chapter fifty-six of the special laws, passed on the twenty-second day of June, in the year eighteen hundred and eleven, as authorizes the erection and maintenance of any such gates, is hereby repealed : and the selectmen of said town shall forthwith remove any such gate now standing upon any highway or town way in said town.

Maintenance of gates prohibited

Selectmen may remove.

SECTION 2. Any person or corporation sustaining damages by this act, may have their damages assessed and paid, in the same manner in all respects as is now provided for the assessment and payment of damages for the taking of land for a highway.

Damages may be assessed.

*Approved April 17, 1863.*

AN ACT TO CONFIRM CERTAIN ACTS DONE BY WATSON GOWARD, AS A JUSTICE OF THE PEACE.

*Chap. 161*

*Be it enacted, &c., as follows :*

SECTION 1. All acts done by Watson Goward of Newton, in the county of Middlesex, esquire, as a justice of the peace within and for the county of Suffolk, between the eighth day of May in the year one thousand eight hundred and

sixty-two, and the thirtieth day of March in the year one thousand eight hundred and sixty-three, be and they hereby are made valid and confirmed to the same extent as they would have been valid had he been during that interval duly qualified to discharge the duties of the said office.

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

*Approved April 17, 1863.*

*Chap. 162* AN ACT TO AUTHORIZE S. S. TUCKWELL AND OTHERS TO BUILD A WHARF IN SOUTH AMESBURY.

*Be it enacted, &c., as follows :*

S. S. Tuckwell, Patten Sargent, Willis P. Sargent, and James Whitten, are hereby authorized to build a wharf opposite the land of said Tuckwell, in the village of South Amesbury, and to extend the same into Merrimack River a distance not exceeding one hundred and fifteen feet from high-water mark, and not beyond a point where the depth of water at mean low tide exceeds seven feet; with the right to lay vessels thereat, and to collect for wharfage and dockage: *provided*, that this grant shall not affect the legal rights of any person.

*Approved April 17, 1863.*

*Chap. 163* AN ACT FOR SUPPLYING THE CITY OF NEW BEDFORD WITH PURE WATER.

*Be it enacted, &c., as follows :*

May supply from  
Acushnet River.

SECTION 1. The city of New Bedford is hereby authorized to take, hold, and convey by steam or other power, to, into, and through the said city, by suitable aqueducts or pipes, the waters of the Acushnet River, and the waters which flow into and from the same, and may also take and hold, by purchase or otherwise, any land, real estate, or water rights, necessary for erecting, laying and maintaining, and may erect, lay and maintain, such aqueducts, pipes, dams, gates, pumps, bridges, reservoirs, embankments, water-ways, drains, or other structures, as may be necessary or convenient to insure the purity of the said waters, or to convey said waters into and for the use of the said city of New Bedford: *provided*, that in the event of the construction of a dam across said River Acushnet, it shall not be located south of a line drawn east and west from the northerly line of buildings now occupied by the New Bedford Copper Company, or north of a line drawn east and west from the southerly line of the town of Acushnet, within the tide waters of said river, but at any point north of tide water in said river; nor in such a manner as to prevent the passage of vessels through the same.

Proviso.



SECTION 2. For the purposes of distribution, the city may lay down pipes to any house or building in said city, the owner or owners thereof having notice and not objecting thereto; and may make and establish public hydrants, in such places as may from time to time be deemed proper, and prescribe the purposes for which they may be used, and may change or discontinue the same; may regulate the use of the water within and without the said city, and establish the price or rents to be paid for the uses thereof. And the said city may, for the purposes aforesaid, carry and conduct any aqueducts or other works, by them to be made or constructed, over or under any water-course, or any street, turnpike road, highway, or other way, in such manner as not to obstruct or impede travel thereon, or the free flow of the water therein.

May lay pipes and regulate use of, and of water.

May construct aqueducts, etc.

SECTION 3. Three commissioners shall be chosen by the city council in convention, who shall during their continuance in office, superintend and direct the execution and performance of all the works, matters and things mentioned in the preceding sections, which are not otherwise specially provided for in this act; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may from time to time ordain and establish, not inconsistent with the provisions of this act, and the laws of this Commonwealth; they shall respectively hold their said office for the term of two years next after their said appointment, unless the aqueducts and works aforesaid shall be sooner completed; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time by a concurrent vote of two-thirds of the whole number of each branch of the city council; and in case of a vacancy in the board of commissioners, by death, resignation or removal, such vacancy shall be filled by the choice of another commissioner in manner aforesaid, who shall hold his said office for the residue of the said term of two years, with all the powers and subject to all the restrictions aforesaid. A major part of said commissioners shall be a quorum for the exercise of the powers, and the performance of the duties of the said office; they shall, once in every three months, and whenever required by the city council, make and present, in writing, a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

Commissioners to superintend shall be chosen, subject to ordinances of city council.

Tenure of office.

Vacancy, how filled.

Quorum.

Quarterly report.

SECTION 4. Before the choice of the commissioners aforesaid, the city council shall establish and fix the salaries or

Compensation of commissioners.

compensation to be paid to the commissioners for their services. And the said salaries of the said commissioners so established, and fixed as aforesaid, shall not be reduced during their continuance in said office, respectively.

Upon expiration of commission, powers to vest in city council.

SECTION 5. Whenever the said office of commissioners shall cease, either by the expiration of the said term of two years from the original appointment, or by the completion of the aqueduct and works mentioned in the preceding sections of this act, all the rights, power and authority given to the city of New Bedford by this act, shall be exercised by the said city, subject to all the duties, liabilities and restrictions herein contained, in such manner and by such agents as the city council shall from time to time ordain, appoint and direct.

City liable for damages.

SECTION 6. The said city of New Bedford shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water, or water-rights, or by the constructing of any dams, aqueducts, reservoirs, or other works, for the purposes of this act. And if the owner of any land, water, or water-rights, which shall be taken as aforesaid, or other person who shall sustain damage as aforesaid, shall not agree upon the damage to be paid therefor, he may apply by petition, for the assessment of his damages at any time within three years from the taking of said land, water or water-rights, or sustaining damage as aforesaid, and not afterwards, to the superior court in the county in which the same are situate, unless sooner barred, as provided in the seventh section of this act; such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the city of New Bedford, returnable, if issued in vacation, to the then next term of said court, and if in term time, returnable on such day as the court shall order, to appear and answer to the said petition: the said summons shall be served fourteen days at least before the return day thereof, by leaving a copy thereof, and of the said petition, certified by the officer who shall serve the same, with the mayor or clerk of said city; and the said court may, upon default or hearing of the said city, appoint three disinterested freeholders of this Commonwealth, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the said freeholders, or of the major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon for the pre-

Aggrieved party may apply for adjustment to superior court.

Petition and summons.

Upon default of city, court may appoint arbiters.

vailing party, with costs, unless one of the said parties shall claim a trial by jury, as hereinafter provided.

SECTION 7. Whenever any damages shall have been sustained by any persons as set forth in the sixth section of this act, and such persons shall neglect to institute proceedings against the city of New Bedford according to the provisions of this act, for the space of twelve months, it shall be lawful for the city of New Bedford to commence such proceedings, which shall go on and be determined in the same manner as if commenced by the persons who shall have sustained such damage; and if such persons, on receiving due notice, shall not come in and prosecute the proceedings so instituted, judgment shall be entered against them, without costs, and they shall be forever barred from recovering any damages under this act.

City may commence proceedings in certain cases.

SECTION 8. If either of the parties mentioned in the sixth section shall be dissatisfied with the amount of damages awarded as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of such jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the said parties respectively, in the same manner as is provided by law, in respect to proceedings relating to the laying out of highways.

Party dissatisfied with award, may have jury.

Verdict to be final.

SECTION 9. No application shall be made to the court for the assessment of damages for the taking of any water-rights, until the water shall be actually withdrawn or diverted by the said city under the authority of this act.

Application for assessment of damages.

SECTION 10. In every case of a petition to a superior court for the assessment of damages, as provided in the sixth, seventh, eighth and ninth sections of this act, the city of New Bedford, by any of its officers, may tender to the complainant or his attorney any sum that they shall think proper, or may bring the same into court to be paid to the complainant for the damages by him incurred, or claimed in his petition; and if the complainant shall not accept the same with his costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender, or such payment into court, and not afterward; and the said city shall be entitled to recover its costs afterward, unless the complainant shall recover greater damages than were so offered.

Adjustment of damages and costs, and suspension of proceedings.

“Water bonds” may be issued to meet expenditures.

SECTION 11. For the purpose of defraying all the costs and expenses of such lands, estates, water, and water-rights, as shall be taken, purchased or held, for the purposes mentioned in this act, and of constructing all aqueducts and works necessary and proper for the accomplishment of the said purposes, and all expenses incident thereto, heretofore incurred, or that may be hereafter incurred, the city council shall have authority to issue, from time to time, scrip, notes, or certificates of debt, to be denominated on the face thereof, “Water Bonds of the City of New Bedford,” to an amount not exceeding five hundred thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth, which shall be redeemable at a period of time not less than ten nor more than fifty years from and after the issue of said scrip, notes or certificates, respectively; and the said city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said city council shall judge proper; and the said city council may, for the purpose of meeting payments of such interest as may accrue upon any certificate of debt, make such further issue of scrip, notes or certificates of debt, as may be necessary therefor.

Not to exceed \$500,000.

City council may pass ordinances for preservation of works.

SECTION 12. The city council may, from time to time, pass such by-laws and ordinances as they may deem proper for the preservation and protection of all or any of the works connected with the supplying of the city of New Bedford with pure and wholesome water, under and by virtue of this act: *provided*, such by-laws and ordinances are not inconsistent with any laws of this Commonwealth, or with the constitution thereof, subject at any time to be repealed or modified by the legislature; and may, also, organize a department, with full powers for the management of such works and the distribution of the said water.

Proviso.

Water rates, council may regulate.

SECTION 13. The city council shall, from time to time, regulate the price or rent for the use of the water, with a view to the payment, from the net income and receipts, not only of the semi-annual interest, but ultimately of the principal of said debt, so contracted, so far as the same may be practicable and reasonable. And the occupant of any tenement shall be liable for the payment of the price or rent for the use of the water in such tenement; and the owner thereof shall also be liable, if, on being notified of such use, he does not object thereto; and if any person or persons shall use any of the said water, either within or without the

Liabilities of landlord and tenant. Use of water without consent, action for damages allowed.

said city, without the consent of the city, an action of tort may be maintained against him or them for the recovery of damages therefor.

SECTION 14. If any person or persons shall wilfully or maliciously divert the water or any part thereof, of any of the ponds, streams or water sources, which shall be taken by the city, pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other property, held, owned or used by the said city, by the authority, and for the purposes of this act, such person or persons shall forfeit and pay to the said city, three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And such person or persons may, moreover, on indictment and conviction of either of the wilful and malicious acts aforesaid, be punished by fine not exceeding one thousand dollars and imprisonment not exceeding one year.

Diverting or corrupting water, or injuring works, liability for triple of damage.

Further liability upon conviction.

SECTION 15. The provisions of this act shall be void, unless submitted to, and approved by, the voters of the city of New Bedford, at meetings held simultaneously, for the purpose, in the several wards, within one year from the passage of this act upon notice duly given, at least seven days before the time of holding said meetings.

Act to be accepted within one year.

*Approved April 18, 1863.*

AN ACT IN ADDITION TO AN ACT TO LEVY TAXES ON CERTAIN INSURANCE COMPANIES AND ON DEPOSITORS IN SAVINGS BANKS.

*Chap. 164*

*Be it enacted, &c., as follows :*

The tax provided for in section four of chapter two hundred and twenty-four, of the acts of eighteen hundred and sixty-two, shall be increased to three-fourths of one per cent. per annum.

Rate fixed in ch. 224 of 1862, advanced to 3-4 per cent.

*Approved April 18, 1863.*

AN ACT CONCERNING MARRIED WOMEN CARRYING ON BUSINESS ON THEIR SOLE AND SEPARATE ACCOUNT.

*Chap. 165*

*Be it enacted, &c., as follows :*

SECTION 1. The provisions of section three, of chapter one hundred and eight of the General Statutes, authorizing a married woman to carry on any trade or business on her sole and separate account, shall be so construed as not to allow her to enter into copartnership in business with any person.

Copartnership prohibited.

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

*Approved April 18, 1863.*

*Chap. 166* AN ACT TO PROVIDE FOR THE RECEPTION OF A GRANT OF CONGRESS,  
AND TO CREATE A FUND FOR THE PROMOTION OF EDUCATION IN  
AGRICULTURE AND THE MECHANIC ARTS.

*Be it enacted, &c., as follows :*

Commonwealth  
accepts grant  
of U. S.

SECTION 1. The Commonwealth of Massachusetts hereby accepts the grant offered to it by the United States, as set forth and defined in the act of congress entitled "An Act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," said act being chapter one hundred and thirty of the statutes of the United States, passed at the second session of the thirty-seventh congress, and approved by the president July second, in the year eighteen hundred and sixty-two, upon the terms and conditions contained and set forth in said act of congress ; and the governor of the Commonwealth is hereby authorized and instructed to give due notice thereof, to the government of the United States.

Governor to give  
notice thereof.

To receive land  
scrip when is-  
sued.

SECTION 2. The governor is hereby authorized and instructed to receive, by himself or his order, from the secretary of the interior, or any other person authorized to issue the same, all the land scrip to which this Commonwealth may be entitled by the provisions of the before-mentioned act of congress.

To appoint com-  
missioner to lo-  
cate scrip.

SECTION 3. The governor, with the advice and consent of the council, is hereby authorized and instructed to appoint a commissioner, whose duty it shall be to locate, without unnecessary delay, all the land scrip which may come into the possession of the Commonwealth by virtue of this act, and to sell the same from time to time, on such terms as the governor and council shall determine. Said commissioner shall give a bond, with sufficient sureties, in the penal sum of fifty thousand dollars, to be approved by the governor and council, that he will faithfully perform the duties of his office, and shall render full and accurate returns to them, at the end of every six months, or oftener if required to do so by them, of his proceedings under this act. The compensation of said commissioner shall be fixed by the governor and council, and shall be paid out of the treasury of the Commonwealth, and the governor is hereby authorized to draw his warrants therefor.

Commissioner to  
give bond and re-  
turn doings semi-  
annually, or  
when required.

Compensation.

Moneys received  
for scrip to be  
paid Treas'r, and  
invested in fund  
for appropria-  
tions.

SECTION 4. All moneys received by virtue of this act, for the sale of land scrip, shall be immediately deposited with the treasurer of the Commonwealth, who shall invest and hold the same in accordance with the fourth section of the afore-mentioned act of congress. The moneys so invested

shall constitute a perpetual fund, to be entitled the Fund for the Promotion of Education in Agriculture and the Mechanic Arts, which shall be appropriated and used in such manner as the legislature shall prescribe, and in accordance with the said act of congress.

SECTION 5. This act shall take effect upon its passage.

*Approved April 18, 1863.*

AN ACT TO AUTHORIZE THE FORMATION OF THE STATE GUARD.  
*Be it enacted, &c., as follows:*

*Chap. 167*

SECTION 1. The citizens in the several cities and towns, above the age of forty-five years, may form volunteer companies for military service, to be called the State Guard, and may uniform, arm and equip themselves, as a majority of the same may respectively prescribe.

Citizens of 45 years of age may organize as majority prescribe.

SECTION 2. Each company of infantry or riflemen shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two musicians, one wagoner, a clerk who shall be one of the sergeants, and not less than sixty-four nor more than eighty-two privates.

Infantry and riflemen, composition of companies defined.

SECTION 3. Each battery of artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two musicians, two artificers, one wagoner, and one hundred and twenty-two privates.

Batteries of artillery.

SECTION 4. To each company there shall be a clerk, who shall be one of the sergeants.

Clerk of company

SECTION 5. The officers shall be chosen, commissioned and qualified, and the non-commissioned officers appointed and qualified, in the same manner, and have the same rank as is provided in the laws concerning the militia for similar officers.

Officers, choice and qualifications.

SECTION 6. Each company may make by-laws, rules and regulations providing for its government, fixing the times of parade for drill, company discipline and maneuver, and the manner of calling out and notifying its members therefor, and establish fines for non-attendance of members and for their deficiency of uniform, arms and equipments thereat, which fines shall be collected and disposed of for the benefit of the company, as its members may determine.

Companies may establish rules for government.

SECTION 7. The commanding officer of each company shall make an annual return to the adjutant-general, of his company, on or before the first day of November, reporting therein the number of men enrolled, the number present and doing duty at its last parade, the state of its equipment

Commander to report, annually, to adjutant-general.

and efficiency, with such suggestions as he deems proper relating to the corps to which it belongs.

Governor may order guard.

SECTION 8. The commander-in-chief may order out the state guard to suppress insurrection, repel invasion by the public enemies of the United States, and to garrison the defences of the sea-coast.

Companies in detachment, senior officer to command.

SECTION 9. When one or more companies serve together as a separate detachment, the senior officer present shall command, until the commander-in-chief assigns an officer of suitable rank to that duty.

Guard subject to civil authority.

SECTION 10. The guard may be ordered to aid the civil authority in suppressing a tumult, riot, mob or body of men acting together with intent to commit a felony, or to offer violence to persons or property, or by force and violence to break or resist the laws of the Commonwealth or of the United States, by the same authority and in the same manner as is provided by law for calling out the militia for similar duty.

Limitation of service.

SECTION 11. The guard shall not be required to serve beyond the limits of the Commonwealth.

Compensation.

SECTION 12. When ordered out for duty by the commander-in-chief, or by the civil authority, as provided in section ten, each member of the guard shall receive one dollar and thirty cents for each day's service.

Rolls and returns, Adj. general to furnish blanks.

SECTION 13. The adjutant-general shall furnish the several companies with the blank forms of rolls and returns, now required to be furnished to the companies of militia, with such alterations as will make them conform to the organization and service of the guard.

Company may choose trustees.

SECTION 14. Each company may choose a board of trustees, of not less than five nor more than nine persons, who shall be members of said company. A majority of said trustees shall constitute a quorum, and vacancies happening in the board shall be filled in such manner as the members of the company direct.

Powers and duties of trustees.

SECTION 15. The trustees of any such company may purchase, receive, hold and manage real estate to the value of ten thousand dollars, and may hold personal estate to the same value, for such company, and may also hold any gift, bequest or donation made to such company, and manage the same by investment or otherwise, for the benefit of such company.

Company providing armory, may be furnished arms and equipments.

SECTION 16. Each company formed under the provisions of this act, on application of the commander thereof to the adjutant-general, and producing satisfactory evidence that a suitable armory or place of deposit is provided, may be



furnished, as a loan, under such regulation as he may prescribe, with such appropriate arms and equipments as shall be determined by the commander-in-chief.

SECTION 17. This act shall take effect upon its passage.

*Approved April 21, 1863.*

AN ACT TO INCORPORATE THE HIBERNIAN BENEVOLENT SOCIETY OF BOSTON.

*Chap. 168*

*Be it enacted, &c., as follows:*

SECTION 1. Michael Doherty, Nicholas J. Bean, Neil O. Donnell, their associates and successors, are hereby made a corporation by the name of the Hibernian Benevolent Society, in the city of Boston, for the purpose of benefiting the condition of their members in time of sickness, and by other charitable assistance; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Title.

Purpose.

Privileges.

SECTION 2. Said corporation may take and hold real estate, not exceeding twenty-five thousand dollars, and personal property not exceeding ten thousand dollars, for the purposes aforesaid.

Real and personal estate.

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

*Approved April 21, 1863.*

AN ACT TO INCORPORATE THE BOSTON AND FAIRHAVEN IRON WORKS.

*Chap. 169*

*Be it enacted, &c., as follows:*

SECTION 1. F. R. Whitwell, junior, Bartholomew Taber and W. G. Robinson, their associates and successors, are hereby made a corporation by the name of the Boston and Fairhaven Iron Works, located in the town of Fairhaven, for the purpose of manufacturing wrought and cast-iron; 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 sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequently thereto, relating to manufacturing corporations.

Corporators.

Title.

Privileges.

SECTION 2. The 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 one hundred thousand dollars, in shares of one hundred dollars each; and no shares of said corporation shall be issued for a less sum to be actually paid in on each, than the par value of the shares which shall first be issued.

Capital stock and real estate.

Shares.

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

*Approved April 21, 1863.*

*Chap.* 170 AN ACT TO INCORPORATE THE MELROSE AND SOUTH READING HORSE RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

<p><b>Corporators.</b></p>	<p>SECTION 1. Lorin L. Fuller, Samuel Rice, Henry A. Norris, their associates and successors, are hereby made a</p>
<p><b>Title.</b></p>	<p>corporation by the name of the Melrose and South Reading Horse Railroad Company, with power to construct, maintain and use a railroad, with convenient single or double tracks,</p>
<p><b>Location.</b></p>	<p>from such point or points of intersection in Malden, in the county of Middlesex, with the railroad of the Malden and Melrose Railroad Company, as may be fixed by the selectmen of said town of Malden, with the assent of said corporation in writing expressed, and filed with said selectmen, and</p>
<p>May intersect with Malden and Melrose Railroad, with its assent.</p>	<p>upon and over such of the streets and highways of said town, as may be from time to time fixed and determined by said selectmen, with the written assent of said corporation, filed as aforesaid ; thence upon and over such of the streets and highways of the town of Melrose, as may be from time to time fixed and determined by the selectmen of said town of Melrose, with the written assent of said corporation, filed as aforesaid ; thence over and upon such of the streets and highways of said town of South Reading, as may be from time to time fixed and determined by the selectmen of said town of South Reading, with the written assent of said corporation, filed as aforesaid : and the tracks of said railroad shall be laid at such distances from the sidewalks in said towns as the selectmen of said towns shall respectively, in their orders fixing the route and location of said railroad, determine. Said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property, as they may think expedient ; but the rate of passenger fare shall not exceed five cents per mile for each passenger, and no property shall be transported at such times or in such manner as to interfere in any way whatever with the transportation of passengers. Said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-third and sixty-eighth chapters of the General Statutes, and in all general laws which are or may be in force relating to horse railroad corporations.</p>
<p>May use highways as determined by selectmen.</p>	<p>SECTION 2. The corporation hereby created may enter upon and use the tracks of the Malden and Melrose, and Middlesex Railroad Companies, in such mode, and upon such rates of compensation, as may be agreed by the parties ; or in case of disagreement, such mode and rates shall be fixed by three commissioners, to be appointed by the</p>
<p><b>Tracks, distance of from sidewalks.</b></p>	<p></p>
<p><b>Transportation of persons and property, conditions and rate of fare.</b></p>	<p></p>
<p>May exchange use of tracks with Malden and Melrose, and Middlesex Co's.</p>	<p></p>

supreme judicial court; and the said Malden and Melrose, and Middlesex Railroad Companies, may in like manner and on the same terms and conditions, enter upon and use the tracks of the corporation hereby created.

Disagreement,  
how adjusted.

SECTION 3. Said tracks or roads shall be operated and used by said corporation, with horse-power only. The selectmen of said towns shall have power at all times, to make all such regulations, as to the rate of speed and mode of use of the tracks in their respective towns, as the public convenience and safety may require.

Motive power and  
rate of speed.

SECTION 4. Said corporation shall keep and maintain in repair such portion of the streets and highways respectively, as is occupied by their tracks, and shall be liable for any loss or injury, that any person sustains, by reason of any carelessness, neglect or misconduct of any of its agents and servants, in the management, construction or use of said roads or tracks; and in case any recovery is had against either of said towns, by reason of such defect or want of repair, said corporation shall be liable to pay such towns respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them respectively, in the defence of any such suit or suits, in which recovery is had; and said corporation shall not use any portion of the streets or highways not occupied by said road or tracks.

Repairs of high-  
ways.

Liabilities.

Restriction.

SECTION 5. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months.

Penalty for ob-  
structing corpo-  
ration.

SECTION 6. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Obstruction by  
corporation.

SECTION 7. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital.  
Shares.

SECTION 8. Said corporation shall have power to purchase and hold such real estate, within said towns, or either of them, as may be convenient or necessary for the purposes for which it is incorporated.

Real estate.

SECTION 9. The said road shall be constructed and maintained in such form and manner, and upon such grade,

Construction and  
maintenauce of  
road.

as the selectmen of said towns, respectively, in their votes fixing and determining the route and location thereof, as  
 Alterations. aforesaid; prescribe and direct; and whenever, in the judgment of said corporation, it is necessary to alter the grade of any street so occupied by it, such alteration may be made  
 Proviso. at the sole expense of said corporation: *provided*, such alteration shall be assented to by the selectmen of the town within which the same is to be made. Notice to abutters  
 Notice to abutters. on streets and highways, in which it is proposed to lay the tracks of said corporation, shall be given, by publishing in such newspapers as the selectmen of said towns shall determine, and also by posting in three public places in each of the towns of Malden, Melrose and South Reading, notice of the proposed location, and of the time and place of hearing thereon, fourteen days, at least, before the same shall be made.

SECTION 10. Nothing in this act shall be construed to prevent the selectmen of either of said towns from entering upon and taking up any of the public streets or highways traversed by said railroad, for any purpose for which they may now lawfully take up the same.

SECTION 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad, in any street or road in which the same is located, as provided by its charter, the selectmen of said towns, respectively, may determine as to so much of said tracks as is located within their respective limits, that the same, or any part thereof be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with the order of said selectmen; and such taking up and removal shall be at the expense of said railroad corporation.

SECTION 12. The towns of Malden, Melrose and South Reading, or either of them, may at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation, all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon; said towns having the right to purchase only that part of the corporate property, which relates to and lies within the limits of their own jurisdic-

Control of highways by municipality.

Discontinuance of track, selectmen may determine.

Malden, Melrose and South Reading may purchase road after ten years.

tions respectively, and paying therefor a proportionate sum, on the basis above mentioned, to be ascertained and fixed by commissioners to be appointed by the supreme judicial court.

SECTION 13. This act shall be void, so far as relates to the right to construct said road, in either of said towns, unless the same shall be accepted by the selectmen of such towns respectively, and unless the same shall be accepted by said corporation, and unless said road shall be constructed within two years after the passage of this act. Acceptance of act and construction of road.

SECTION 14. Said corporation shall be subject to all existing provisions of law for the assessment and payment of damages for land outside of the streets and highways taken by them for their tracks. Liability for land damages.

SECTION 15. This act shall take effect upon its passage.

*Approved April 23, 1863.*

AN ACT CONCERNING CERTIFICATES TO BE DELIVERED TO BUYERS OF COAL.

*Chap. 171*

*Be it enacted, &c., as follows :*

SECTION 1. The provisions of section one hundred eighty-nine, of chapter forty-nine of the General Statutes, are hereby so far amended, that the certificate shall not be required to be delivered, as therein prescribed, unless the buyer shall request the same. Required upon request of buyer

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

*Approved April 23, 1863.*

AN ACT TO INCORPORATE THE LOWELL HORSE RAILROAD COMPANY.

*Chap. 172*

*Be it enacted, &c., as follows :*

SECTION 1. Peter Lawson, Nicholas Mickel, John A. Goodwin, their associates and successors are hereby made a corporation, by the name of the Lowell Horse Railroad Company, with power to construct, maintain and use, a railway or railways, with convenient single or double tracks, commencing at such point in the city of Lowell, and thence upon and over such streets or highways to such point or points in said city of Lowell, as may be fixed and determined from time to time by the mayor and aldermen of said city, and assented to in writing by said corporation. Corporators.  
Title.  
Powers.  
Location.

SECTION 2. Said railroad shall be operated by horse-power only. Horse-power.

SECTION 3. The capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, to be divided into shares of fifty dollars each. Capital.

SECTION 4. Said corporation shall have power to purchase and hold such real estate within said city of Lowell, as may Real estate.

be necessary or convenient for the purposes and management of said railroad.

City of Lowell to determine manner of construction, &c.

SECTION 5. Said railroad shall be constructed and maintained in such form and manner, and upon such grade, as the mayor and aldermen of said city of Lowell may prescribe and direct; and whenever said corporation shall deem it necessary to alter the grade of any street so occupied by it, the assent of the mayor and aldermen to such alterations shall first be obtained, and the same shall be made at the sole expense of said corporation.

May make regulations as to rate of speed, &c.

SECTION 6. The mayor and aldermen of the city of Lowell shall have power, at all times, to make such regulations respecting the rate of speed and mode of use of said tracks as the public safety and convenience may require, and shall also have power, at any time after the expiration of one year from the opening for use of the tracks of said railroad in any of the streets or highways in which the same shall be laid, to determine that the said tracks, or any part thereof, shall be discontinued, and thereupon the location, as to such part, shall be deemed to be revoked; and such part shall be forthwith taken up and removed, in conformity to the direction of the said mayor and aldermen, at the expense of said corporation. But no such discontinuance of any part of said tracks shall be made, unless after due notice by the said mayor and aldermen to said corporation of the time and place at which said corporation may be heard in relation thereto, and the opportunity for such hearing shall have been granted.

Discontinuance of road in certain cases.

Repairs of highways.

Damages.

Liability.

SECTION 7. Said corporation shall keep and maintain in repair such portion of all streets, highways and bridges, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its officers, agents or servants, in the construction, management or use of said tracks or road; and in case any recovery shall be had against said city of Lowell, by reason of any defect, want of repair, or use of said tracks or road, said corporation shall be liable to pay to said city any sum thus recovered, together with all costs and reasonable expenditures incurred by said city in the defence of any suit in which said recovery shall be had.

Control of highways by municipality.

SECTION 8. Nothing in this act shall be construed to prevent the city authorities of said Lowell from taking up, altering or repairing, any of the public streets traversed by said railroad, for any purpose for which they may now lawfully do the same.

Manner of crossing the tracks of other railroads.

SECTION 9. Said corporation in crossing all branches and lateral tracks of any other railroad company, shall cross in

such a manner as not to injure any of said tracks or branches, or the rails thereof, and shall insert no frogs therein and make no incisions into the rails thereof, without the consent of said company.

SECTION 10. If any person shall wilfully and maliciously obstruct said corporation, or its agents, or servants in the use of said railroad and tracks, or the passing of the cars or carriages of said corporation thereon, or aid or abet in so doing, he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months, by any court of competent jurisdiction, after due prosecution by complaint or indictment and conviction thereof. If said corporation, or its agents or servants shall wilfully and maliciously obstruct any highway, or the passing of any persons or carriages over the same, said corporation shall in like manner be punished by a fine not exceeding five hundred dollars.

Obstructing punishable.

Obstruction by corporation, how punished.

SECTION 11. The city of Lowell, at any time after the expiration of ten years from the opening of said railroad for use, may purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, for the time he shall have owned such stock, according to the books of said corporation, deducting all dividends received by said stockholder thereon.

City of Lowell may, after ten years, purchase franchise.

SECTION 12. Said corporation may fix, from time to time, the fare of passengers, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, and in all general laws which are or may be in force relating to horse railroad corporations.

Rates of fare.

SECTION 13. This act shall be void so far as it authorizes the said corporation to construct said railroad, unless the same shall be accepted by said corporation and by the city council of said city of Lowell, and unless said railroad shall be constructed within two years from the time of such acceptance of this act by said city council.

Acceptance of act and construction of road.

SECTION 14. This act shall take effect upon its passage.

*Approved April 23, 1863.*

AN ACT IN RELATION TO THE WEIGHING OF BOILERS AND OTHER HEAVY ARTICLES.

Chap. 173

*Be it enacted, &c., as follows:*

SECTION 1. The mayor and aldermen or selectmen of any city or town where boilers and heavy machinery are

weighers to be appointed by cities and towns.

sold, shall appoint one or more persons, not engaged in the manufacture or sale thereof, to be weighers of boilers and heavy machinery, who shall be sworn to the faithful discharge of their duties, and shall receive such fees as may be ordered by the board appointing them, which shall be paid by the seller, and shall be removable at the pleasure of the appointing power.

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

*Approved April 23, 1863.*

*Chap. 174* AN ACT TO ENABLE BANKS TO SELL STOCK ON WHICH THEY HAVE  
A LIEN.

*Be it enacted, &c., as follows :*

Upon default of payment of indebtedness, bank may notify debtor and publish notice.

SECTION 1. Any bank which may have a lien on any share or shares of its stockholders, by virtue of any by-law of said bank or otherwise, for any indebtedness of its stockholders, may at any time after default shall have been made in the payment of the sum for which the shares are held, or any part thereof, give notice to the owner of such shares of its intention to enforce payment by a sale of the same, which notice shall state the time and place of the intended sale, and shall be served by leaving a copy thereof with the owner, or at his last and usual place of abode, if within the county in which the bank is situated, sixty days before the time fixed for the sale : and if he has no such place of abode within the county, said copy shall be sent him by mail at his last known place of residence, and shall also in all cases be published three successive weeks in one of the principal newspapers published in the city or town where the bank is situated, or if there is no such paper, in one of the principal newspapers published in the county ; the last publication to be at least thirty days before the time fixed for said sale.

Payment being delayed beyond limitation, sale may ensue.

SECTION 2. If the debt for which said shares are held shall not be paid before the time fixed for the sale thereof, the bank may sell the same pursuant to said notice, at public auction, and the proceeds shall be applied towards the satisfaction of the debt or demand, and the expense of notice and sale ; and any surplus shall be paid to the party entitled thereto on demand. The purchaser shall be entitled to a certificate of the shares bought by him.

Certificate of acts to be recorded by town or city clerk and be valid as evidence.

SECTION 3. The notice, with an affidavit of the person giving the same in behalf of the bank, setting forth the acts in the premises fully and particularly as to the giving of said notice and the sale of the shares, shall be recorded in the office of the city or town clerk where the bank is situated, within thirty days after the sale, and when so recorded the



original notice and affidavit, or an attested copy of the record thereof shall be admitted as evidence that notice was duly given and sale duly made, if it shall appear therein that the provisions of this act have been complied with.

SECTION 4. Nothing in this act shall be construed to authorize any bank to sell and dispose of any stock contrary to the terms of any contract under which the same may be held.

Contracts not to be vitiated.

*Approved April 23, 1863.*

AN ACT EXTENDING THE POWERS OF SAVINGS BANKS IN RELATION TO INVESTMENTS.

*Chap. 175*

*Be it enacted, &c., as follows :*

SECTION 1. Savings banks and institutions for savings, in addition to the provisions of the General Statutes, chapter fifty-seven, section one hundred and forty-two, may invest their deposits in the public funds of the state of New York, the bonds or notes of the cities of the New England states, the first mortgage bonds of any railroad company incorporated under the authority of this state, which is in possession of and operating its own road, and which has earned and paid regular dividends for two years next preceding such investment, or in the bonds of any such railroad company which is unencumbered by mortgage, or on the notes of any citizen of this state with a pledge as collateral of any of the aforesaid securities, or with a pledge as collateral of the stock of any of said railroad companies, at not over eighty per cent. of the market value, and at not over ninety per cent. of the par value of such stock.

May invest in funds of N. Y., cities of N. E., Mass. railroad bonds, and individual notes, with said securities as collateral.

SECTION 2. No savings bank or institution for savings shall hold both by way of investment and as security for loans, more than one-half of the capital stock of any corporation, nor invest more than ten per cent. of its deposits, and not to exceed one hundred thousand dollars in the capital stock of any corporation.

Limitation to investment and securities.

SECTION 3. Savings banks and institutions for savings, may deposit on call in banks incorporated under the authority of this state, and receive interest for the same, sums not to exceed twelve per cent. of the amount deposited in said savings banks.

May deposit on call in banks of Commonwealth.

SECTION 4. The term railroad, as used in this act, shall not be construed to include horse railroads.

Horse railroads excepted.

SECTION 5. This act shall take effect upon its passage.

*Approved April 23, 1863.*

AN ACT IN AID OF THE FAMILIES OF DRAFTED MEN, AND FOR OTHER PURPOSES.

*Chap. 176*

*Be it enacted, &c., as follows :*

SECTION 1. Any city or town may raise money by tax or otherwise, in aid of the families and dependants of those

Cities and towns may raise and expend money.

persons who may be drafted and serve in the army of the United States, under the law passed by congress, entitled "An Act for enrolling and calling out the national forces, and for other purposes," and approved March the third, in the year one thousand eight hundred and sixty-three, in the same manner and under the same restrictions as money is raised and applied to the aid of families and dependants of volunteers, as prescribed in chapter sixty-six of the laws of the year one thousand eight hundred and sixty-two, and chapter seventy-nine of the laws of the year one thousand eight hundred and sixty-three: and the provisions of said chapter in relation to reimbursement from the Commonwealth to the towns, shall be applicable to the aid thus furnished under the provisions of this act.

Reimbursement.

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

*Approved April 23, 1863.*

**Chap. 177** AN ACT RELATING TO CRIMINAL JURISDICTION IN THE TOWN OF HULL.

*Be it enacted, &c., as follows:*

Courts in Suffolk county to have jurisdiction.

The courts in the county of Suffolk, concurrently with the courts of the county of Plymouth, shall have jurisdiction of all crimes, offences and misdemeanors, committed in those portions of the town of Hull, in the county of Plymouth, not embraced within the provisions of the tenth section of the seventeenth chapter of the General Statutes.

*Approved April 23, 1863.*

**Chap. 178** AN ACT IN RELATION TO FIELD-DRIVERS.

*Be it enacted, &c., as follows:*

Fee for driving swine.

Section twenty-third of chapter twenty-fifth of the General Statutes, is so far amended, as to make the fees of the field-drivers fifty cents per head for driving swine to the pound.

*Approved April 23, 1863.*

**Chap. 179** AN ACT RELATING TO THE SEALING OF WEIGHTS AND MEASURES.

*Be it enacted, &c., as follows:*

Upon neglect of owners, sealers shall visit stores and houses.

SECTION 1. The respective sealers of weights and measures in the several cities and towns are authorized and required to go to the houses, stores and shops of all such persons within their respective cities and towns using weights and measures for the purpose of buying and selling, as shall neglect to bring in their weights, measures, milk-cans, balances, scales and beams to be adjusted and sealed, and there at the said houses, stores and shops, having entered the same with the assent of the occupant thereof, to adjust and seal

the same, or send the same to his office to be adjusted and sealed, and shall be entitled to receive therefor the fees provided by law, together with all the expense of removing the same.

SECTION 2. If any such person shall refuse to have his measures, milk-cans, weights, balances, scales or beams so tried, adjusted and sealed, the same not having been tried, adjusted and sealed within one year preceding such refusal, he shall forfeit ten dollars for each offence, one-half to the use of the city or town, and one-half to the use of the sealer of weights and measures.

SECTION 3. If any person shall alter any weight, measure, milk-can, scale, balance or beam, after the same shall have been adjusted and sealed, so that the same thereby shall not conform to the public standard, and shall fraudulently make use of the same, he shall forfeit for each offence the sum of fifty dollars, one-half to the use of the city or town and one-half to the use of the complainant. And any sealer when he shall have reasonable cause to believe that any weight, measure, milk-can, scale, balance or beam has been altered since the same was last adjusted and sealed, is authorized and required to enter the premises in which any such weight, measure, milk-can, scale, balance or beam is kept or used, and examine the same.

SECTION 4. The city council of any city may by ordinance, and any town may by by-law, provide that the sealer of weights and measures for their respective city or town be paid by a salary, and that he account for, and pay into the treasury of the city or town, the fees received by him by virtue of his office.

SECTION 5. The mayor and aldermen of any city are authorized to remove the sealer of weights and measures at any time they may see fit.

SECTION 6. No milk-can shall be sealed by any sealer which does not contain one or more quarts without any fractional part of a quart.

SECTION 7. This act shall not take effect in any city or town until it shall have been accepted by the city council of such city, or by the inhabitants of such town, at a legal meeting.

*Approved April 23, 1863.*

AN ACT RELATING TO THE TRIAL OF ISSUES OF FACT.

*Be it enacted, &c., as follows:*

SECTION 1. In the trial of any cause before a jury in the supreme judicial court or superior court, the presiding justice shall, immediately after the decision by him of any

Fees.

Penalty for refusal to allow adjustment.

Penalty for alteration after sealing.

Examination to be made if suspected.

Town may fix salaries for sealers.

Removal from office.

Milk-cans not to contain fractional parts.

Act when in force.

Chap. 180

Law decisions and instructions to jury to be in writing.

question of law raised during the progress of the trial, reduce to writing such decision, and shall also, before the jury retire to consider the cause, reduce to writing all instructions given the jury on any question of law relating to the issues submitted to them; and all such decisions and instructions shall be forthwith filed in the case for the benefit of the parties.

Exceptions may be made verbally.

SECTION 2. In the trial of any cause before a jury in either of said courts, neither party shall be required to allege his exceptions in writing to the rulings, charge or instructions of the presiding justice before the jury retire to consider the cause.

*Approved April 23, 1863.*

**Chap. 181**

AN ACT TO INCREASE THE SALARY OF THE ADJUTANT-GENERAL.

*Be it enacted, &c., as follows :*

Increased to \$2,000.

SECTION 1. The adjutant-general shall receive a salary of two thousand dollars a year, which shall be in full payment of all services rendered as such officer.

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

*Approved April 25, 1863.*

**Chap. 182**

AN ACT RELATING TO BILLS OF EXCHANGE AND OTHER CONTRACTS.

*Be it enacted, &c., as follows :*

Grace to expire day preceding special Fast or Thanksgiving.

SECTION 1. The seventh section of the fifty-third chapter of the General Statutes, is hereby so far amended, as to include any fast or thanksgiving day appointed or recommended by the governor of this state, or by the president of the United States.

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

*Approved April 27, 1863.*

**Chap. 183**

AN ACT IN RELATION TO THE DISTRICT OF MARSHPEE.

*Be it enacted, &c., as follows :*

Proprietors may choose treasurer of district.

SECTION 1. The proprietors of the District of Marshpee, qualified according to law to vote in the affairs of said district, may choose annually by ballot, at a legal meeting of such proprietors called for that purpose, one of their own number, or a white person not a proprietor, to be treasurer of the district, to perform all the duties now imposed by law upon the treasurer of Marshpee and Herring Pond Plantation, so far as the same relate to the District of Marshpee; and the person so chosen shall be sworn to the faithful performance of the duties of said office, and shall give bond to the proprietors of said district, in such sum and with such sureties as the selectmen of said district for the time being shall approve.

Qualification and bonds.

SECTION 2. Upon the choice and qualification of such treasurer, the treasurer of Marshpee and Herring Pond Plantation then in office, shall transfer to him the property and effects in his hands belonging to said district; and thereupon the duties of said treasurer of Marshpee and Herring Pond Plantation, so far as they relate to the affairs of the District of Marshpee, shall cease; but such treasurer of Marshpee and Herring Pond Plantation shall continue to perform all duties required of him by law relative to the affairs of Herring Pond Plantation, according to the tenor of his commission. Upon the expiration of his term of office, the governor, with the advice and consent of the council, shall appoint some person resident in the county of Barnstable, to be treasurer of Herring Pond Plantation, whose duties, obligations, and term of office shall be the same now provided in reference to the treasurer of Marshpee and Herring Pond Plantation.

Treas. of Marshpee and Herring Pond Plantation to transfer property, and duties of in Marshpee to cease.

Treasurer of Herring Pond to be appointed by governor.

SECTION 3. This act shall take effect on the first day of March, in the year eighteen hundred and sixty-four, provided the same shall be accepted by the vote of a majority of the legal voters of the District of Marshpee, at a meeting held for that purpose, previous to said first day of March.

Act when accepted, to be in force March 1, 1864.

SECTION 4. So much of the existing laws relating to the District of Marshpee as are inconsistent with this act, are hereby repealed.

Repeal.

*Approved April 27, 1863.*

AN ACT CONCERNING THE INDUSTRIAL SCHOOL FOR GIRLS AT LANCASTER.

*Chap. 184*

*Be it enacted, &c., as follows:*

SECTION 1. The governor and council upon application of the trustees of the industrial school for girls at Lancaster, may extend the time during which such girls may be retained within the institution for further discipline and instruction, until they are twenty-one years old; but nothing in this act shall prevent a discharge from the institution between the age of eighteen and twenty-one years, if the trustees shall so determine.

Governor, upon request of trustees, may extend terms.

Trustees may discharge.

SECTION 2. In all cases where girls are discharged from said institution under twenty-one years of age, and who have no parents or guardian, the trustees shall act as guardians for said girls, with all the power and authority provided in chapter one hundred and nine of the General Statutes.

Shall act as guardians in certain cases.

*Approved April 27, 1863.*

**Chap. 185** AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS.

*Be it enacted, &c., as follows:*

Real estate,  
\$30,000.

SECTION 1. The American Board of Commissioners for Foreign Missions are hereby authorized to take, receive, have and hold, in fee simple or otherwise, lands, tenements or hereditaments, by gift, grants, or otherwise, for the purposes of their organization, not exceeding the yearly value of thirty thousand dollars, and may also take and hold, by donation, bequest, or otherwise, personal estate to an amount the yearly income of which shall not exceed fifty thousand dollars, any thing in their act of incorporation to the contrary notwithstanding.

Personal estate,  
\$50,000.

Appropriation of  
income.

SECTION 2. Said American Board of Commissioners for Foreign Missions shall not be under obligation, by reason of the seventh section of their act of incorporation, to appropriate any part of the income of their funds to defray the expense of imparting the holy scriptures to unevangelized nations in their own languages, unless they shall deem it advisable so to do, or shall be so required by the express terms of any grant, donation or bequest made to them.

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

*Approved April 27, 1863.*

**Chap. 186** AN ACT IN ADDITION TO THE ACT TO INCORPORATE THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

*Be it enacted, &c., as follows:*

Upon organiza-  
tion under acts  
of 1861, '62, '63,  
one-third of in-  
come under act  
of congress, and  
of Mass. accept-  
ing same, to be  
paid treasurer of  
institute.

SECTION 1. When the Massachusetts Institute of Technology shall have been duly organized, located and established, in conformity with the provisions of chapter one hundred and eighty-three of the acts of the year eighteen hundred and sixty-one, and chapter one hundred and forty-two of the acts of the year eighteen hundred and sixty-two, and as is hereinafter provided, there shall be appropriated and paid to its treasurer, each year, on the warrant of the governor, for its endowment, support and maintenance, one-third part of the annual interest or income which may be received from the fund created under and by virtue of the one hundred and thirtieth chapter of the acts of the thirty-seventh congress, at the second session thereof, approved July second, in the year eighteen hundred and sixty-two, and the laws of this Commonwealth, accepting the provisions thereof and relating to the same.

Institute to pro-  
vide instruction  
in military tac-  
tics.

SECTION 2. Said institute of technology, in addition to the objects set forth in its act of incorporation,—to wit, instituting and maintaining a society of arts, a museum of arts,

and a school of industrial science, and aiding the advancement, development and practical application of science in connection with arts, agriculture, manufactures and commerce,—shall provide for instruction in military tactics; and in consideration of this grant, the governor, the chief justice of the supreme judicial court, and the secretary of the board of education, shall be each a member, *ex officio*, of the government of the institute.

Governor, chief jus. S. J. C., and sec. board of education, to be members, *ex officio*.

SECTION 3. Should the said corporation, at any time, cease or fail to maintain an institute, as and for the purposes provided in its act of incorporation, and in the foregoing section, the aid granted to it by the first section of this act shall be withheld, and not paid to it. The institute shall furnish to the governor and council a copy of the annual reports of its operations.

Suspension of institute with hold aid.

Report.

SECTION 4. This act shall be void, unless the said institute of technology shall accept the same, and give due notice thereof, to the secretary of the Commonwealth, on or before the first day of July next.

Act void unless accepted and notice given.

*Approved April 27, 1863.*

AN ACT TO CONFIRM CERTAIN ACTS DONE BY BENJAMIN D. HYDE AS JUSTICE OF THE PEACE. Chap. 187

*Be it enacted, &c., as follows:*

SECTION 1. All acts done by Benjamin D. Hyde, of Sturbridge, in the county of Worcester, esquire, as a justice of the peace within and for said county, between the twenty-fifth day of January, in the year eighteen hundred and sixty-three, and the eighth day of April of the same year, shall be and they hereby are, made valid and confirmed, to the same extent as they would have been valid, had he been, during that interval, duly qualified to discharge the duties of said office.

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

*Approved April 27, 1863.*

AN ACT AUTHORIZING THE MILFORD AND WOONSOCKET RAILROAD COMPANY TO CROSS CERTAIN HIGHWAYS AT GRADE. Chap. 188

*Be it enacted, &c., as follows:*

The Milford and Woonsocket Railroad Company is hereby authorized to construct its road at grade across the following highways, to wit: Depot and Howard Streets, in the town of Milford, and the main road from South Milford to West Medway, in the town of Bellingham.

May cross in Milford and Bellingham.

*Approved April 27, 1863.*

**Chap. 189** AN ACT TO AUTHORIZE GIDEON BOWLY AND JOSHUA E. BOWLY TO EXTEND THEIR WHARF IN PROVINCETOWN.

*Be it enacted, &c., as follows:*

Chapter fifty-one of the acts of the year eighteen hundred and forty-nine is hereby so amended, as to authorize Gideon Bowly and Joshua E. Bowly to extend their wharf in Provincetown, to a point at which there shall be not exceeding ten feet of water at low tide.

*Approved April 27, 1863.*

**Chap. 190**

AN ACT CONCERNING FENCE-VIEWERS.

*Be it enacted, &c., as follows:*

Viewers may determine upon necessity of partition fences, and designate line.

SECTION 1. Fence-viewers, when called to act under the provisions of section ten, chapter twenty-five of the General Statutes, shall have power to determine whether a partition fence is required between the lands of the respective occupants, and may, when the division line between their lands is in dispute, or unknown, designate a line on which the fence shall be built, and may employ a surveyor therefor, if necessary; and such line shall, for the purpose of maintaining a fence, be deemed the division line between such lands, until it shall be determined by judicial proceedings, or otherwise, that the true line is in another place; and until so determined, all provisions of law relating to the erection, maintenance and protection of fences, shall be applicable to the fence erected, or to be erected, on such line.

Designation to be division line until otherwise decreed

Fence to be removed upon judicial establishment of line.

SECTION 2. If, after a fence has been made upon a line thus designated, it shall be determined by judicial proceedings, or otherwise, that the true division line is in another place, each occupant shall remove his part of the fence to, and rebuild the same on such line; and in case of neglect or refusal by either party to remove and rebuild his share thereof, the other may apply to two or more fence-viewers, who, upon such application, shall view the premises and assign a time within which the fence shall be removed and rebuilt, and give the delinquent party notice thereof; and if such party does not remove and rebuild the fence within the time so assigned, the other party may remove and rebuild the same, and recover double the expense therefor, together with the fees of the fence-viewers, to be ascertained and recovered in the manner provided in section four, chapter twenty-five, of the General Statutes.

Proceedings in case of non-compliance.

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

*Approved April 27, 1863.*



## AN ACT CONCERNING SIDEWALKS IN THE CITY OF CAMBRIDGE.

Chap. 191

*Be it enacted, &c., as follows :*

Whenever the mayor and aldermen of the city of Cambridge shall deem it expedient to construct sidewalks, or complete any partially constructed sidewalks, in any street of said city, they are hereby authorized to construct or complete such sidewalks with edge-stones, and in front of buildings or occupied premises to cover the same with brick or flat stones; and they are further authorized to cover such sidewalks, in front of vacant lots of land, with brick, flat stones, or plank supported by timber; and the expense of such edge-stones and covering materials shall be assessed upon the abutters in just proportions, and shall constitute a lien upon the abutting lots of land, and be collected in the same manner as taxes on real estate now are; and such sidewalks, when constructed and covered with brick or flat stones, as aforesaid, shall afterwards be maintained at the expense of the city. Whenever any such sidewalk shall be covered with brick or flat stones, there shall be deducted from the assessment therefor any sum which shall have been previously paid the city by the abutter, for any plank covering of the same.

Mayor and aldermen may construct when deemed expedient.

Assessment upon abutters to be a lien.

Brick or stone walks to be maintained by city.

Approved April 27, 1863.

## AN ACT CONCERNING SIDEWALKS IN THE CITY OF SPRINGFIELD.

Chap. 192

*Be it enacted, &c., as follows :*

SECTION 1. The city council of the city of Springfield may by joint resolution set apart such portion of the public streets within its limits, as sidewalks, for the accommodation of foot passengers, as public convenience requires; and may, by ordinance or by-law, compel owners or occupants of abutting lands to remove the snow and ice from such sidewalk in front of their lands.

City council may designate limits and localities.

Removal of snow and ice.

SECTION 2. The exercise of the power given in the preceding section shall not prevent the said city council from making any alteration in such sidewalks or from compelling the owners of abutting lands to construct said sidewalks of such materials as the public good requires.

Construction and alterations, council may determine.

Approved April 27, 1863.

## AN ACT RELATING TO ENROLLMENT OF THE MILITIA.

Chap. 193

*Be it enacted, &c., as follows :*

SECTION 1. Every able-bodied male citizen resident within this Commonwealth, liable to enrollment by the laws of the United States, shall be enrolled in the militia.

No able-bodied citizen exempt.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

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

Approved April 27, 1863.

**Chap. 194** AN ACT TO AUTHORIZE THE TRUSTEES UNDER THE WILL OF CALEB FRENCH, LATE OF BRAINTREE, DECEASED, TO SELL REAL ESTATE.

*Be it enacted, &c., as follows :*

Minister and deacons may sell.

SECTION 1. The minister and deacons of the first church in Braintree, trustees under the will of Caleb French, deceased, are hereby authorized to sell certain real estate held by them in trust under said will, and to execute any and all conveyances necessary to complete said sale, freed from said trust.

Proceeds how expended.

SECTION 2. The proceeds of said sale shall be permanently and safely invested by said trustees, and the income only shall be expended in the manner provided in said will, and for carrying out the uses and trusts therein contained.

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

*Approved April 27, 1863.*

**Chap. 195** AN ACT CONCERNING THE MALDEN AND MELROSE GAS-LIGHT COMPANY.

*Be it enacted, &c., as follows :*

May lay pipes in bed of Mystic River.

SECTION 1. The Malden and Melrose Gas-Light Company are hereby authorized to lay their pipes in the bed of the Mystic River at the Medford bridge, under such restrictions and regulations as may from time to time be imposed by the selectmen of Medford : *provided*, that nothing shall be done to interfere with the navigation of said river.

Proviso.

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

*Approved April 27, 1863.*

**Chap. 196** AN ACT TO INCREASE THE CAPITAL STOCK OF THE BOSTON SUGAR REFINERY.

*Be it enacted, &c., as follows :*

Increase of \$500,000 authorized.

The Boston Sugar Refinery is hereby authorized to increase its capital stock, by adding thereto a sum not exceeding five hundred thousand dollars, and to invest such additional capital in real or personal estate, as may be necessary and convenient for carrying on the business of the corporation : *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

Proviso.

*Approved April 27, 1863.*

**Chap. 197** AN ACT CONCERNING POLICE COURTS, AND THE POLICE COURTS OF THE CITIES OF BOSTON AND CHELSEA.

*Be it enacted, &c., as follows :*

Auditor, consent of parties for required.

SECTION 1. Justices of police courts shall have no power to send any case to an auditor, unless both parties shall assent thereto in writing.

SECTION 2. The jurisdiction of the police courts in the cities of Boston and Chelsea respectively, in civil actions and proceedings so far as it now extends, shall exclude that of justices of the peace within and for the county of Suffolk.

Civil jurisdiction in Suffolk to exclude J. P's.

*Approved April 27, 1863.*

AN ACT IN RELATION TO THE ELECTION OF MODERATORS OF TOWN MEETINGS. Chap. 198

*Be it enacted, &c., as follows :*

In the election of moderators of town meetings, held for the choice of town officers, the check-list shall be used.

Check-list required.

*Approved April 27, 1863.*

AN ACT CONCERNING THE RECORD OF COMMITMENTS TO THE REFORM AND INDUSTRIAL SCHOOLS. Chap. 199

*Be it enacted, &c., as follows :*

Every judge of the probate court or superior court, before whom any boy is brought, under the provisions of the seventeenth, twenty-first and twenty-second sections of the seventy-sixth chapter of the General Statutes, and every judge of the probate court, or any commissioner, before whom any girl is brought, under the provisions of the sixth, ninth and tenth sections of the seventy-fifth chapter of the General Statutes, shall make a brief record of his doings in the premises, and transmit the same, with all the papers in the case, to the superior court for criminal business in the county in which such proceedings are had ; and the clerk thereof shall file and preserve the same in his office.

Judge or commissioner to transmit record to superior court, and clerk to preserve.

*Approved April 28, 1863.*

AN ACT CONCERNING REGISTERS OF DEEDS.

Chap. 200

*Be it enacted, &c., as follows :*

SECTION 1. When a register of deeds dies or is removed, leaving deeds and other instruments entered in his office unrecorded, and records unattested, and also deeds and other instruments recorded but unattested, his successor shall record and attest such unrecorded deeds and instruments conformably to the entry thereof, and shall attest such records and deeds and other instruments remaining unattested, agreeably to the facts, and in conformity with records and books of entry in the office ; and all records and certificates, so made and attested shall be deemed valid and effectual for the purposes for which the same were made.

Succeeding register to complete unfinished records.

SECTION 2. In case of the death or disability of a register of deeds, the person then acting as clerk in the office shall receive and enter all deeds, instruments and papers in the

Clerk may act in case of death or disability of register.

proper books of the office, as required by sections ninety-two and ninety-three of chapter seventeen of the General Statutes, until the vacancy is filled or the disability removed.

Existing vacancies, act to apply.

SECTION 3. The provision of the first section shall be held to apply to cases when the death of a register of deeds occurred previous to the passage of this act.

SECTION 4. This act shall take effect upon its passage.

*Approved April 28, 1863.*

**Chap. 201** AN ACT IN RELATION TO CONTRACTS FOR THE PAYMENT OF MONEY WITHOUT THE LIMITS OF THE UNITED STATES.

*Be it enacted, &c., as follows :*

Current rate of exchange to determine value.

SECTION 1. In any action on a contract, for the payment of money without the limits of the United States, other than bills of exchange, the debt or damage recovered by the creditor shall be determined by the current rate of exchange, when such contract fell due, and to this, interest shall be added from said period.

General Statutes amended.

SECTION 2. The eleventh section of the fifty-third chapter of the General Statutes is amended, by striking out the words "excepting places in Africa beyond the Cape of Good Hope, and places in Asia and the islands thereof," and the twelfth section of said chapter is hereby repealed.

SECTION 3. This act shall not apply to any contract now existing.

*Approved April 28, 1863.*

**Chap. 202** AN ACT TO INCORPORATE THE OCEAN MUTUAL INSURANCE COMPANY.

*Be it enacted, &c., as follows :*

Corporators.

William H. Taylor, Pardon Tillinghast, Thomas Cook; their associates and successors, are hereby made a corporation by the name of the Ocean Insurance Company, to be established in the city of New Bedford, for the purpose of insuring against fire and maritime losses; 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 fifty-eighth chapter of the General Statutes, so far as the same is applicable to mutual fire and marine insurance companies.

Title.

Powers and duties.

*Approved April 28, 1863.*

**Chap. 203** AN ACT TO INCORPORATE THE SOUTH AMERICAN STEAM-SHIP COMPANY.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Daniel Deshon, Paul Curtis, Daniel W. Lord, their associates and successors, are hereby made a corporation by the name of the South American Steam-ship Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general

Title.

Powers and duties.

laws, which now are or may hereafter be in force relative to such corporations.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey steam-ships, and to navigate the ocean therewith, between any port in this Commonwealth, and any of the ports of South America, with liberty to touch at New York and any of the West India Islands; and said corporation may let by charter one or more of their steam-ships to any person, provided such charter does not prevent said corporation from complying with the terms of this act; and said company may also, by charter, let any or all of their steam-ships to the United States of America, without any restriction as to the service in which said vessels may be employed.

May own or charter steam-ships and navigate ocean.

May let ships by charter.

SECTION 3. The capital stock of said corporation shall not exceed one million of dollars, and shall be divided into shares of the par value of one hundred dollars each; and said corporation shall have power to assess from time to time, upon such shares, such sums as may be deemed necessary to accomplish the object of said corporation, not exceeding the par value of such shares; no certificate of stock to be issued until the par value thereof has been actually paid in.

Capital stock and shares.

SECTION 4. If said corporation shall not within two years from the passage hereof, have been organized and have collected assessments of not less than ten per cent. of its capital stock, and shall not within three years from the passage of this act, have employed two steam-ships to navigate the ocean between some port or ports of this Commonwealth and some of the ports of South America; or if said company shall thereafter wholly fail—unless prevented by war with foreign powers—for the period of one year, to employ two steam-ships for said purpose, or if said company shall fail to comply with the other conditions of this act, then this act shall be null and void.

Conditions of validity of act.

SECTION 5. This act shall take effect upon its passage.

*Approved April 28, 1863.*

AN ACT CONCERNING THE RE-LOCATION OF STREETS AND WAYS IN THE CITY OF SPRINGFIELD.

*Chap. 204*

*Be it enacted, &c., as follows:*

SECTION 1. When the city council of the city of Springfield deem it necessary to locate anew a street or way in said city, either for the purpose of establishing the boundary lines of such street or way, erecting monuments thereon or of making alterations in the course or width thereof, they may so locate such street or way, giving notice, and pro-

City council may locate anew.

ceeding in the manner prescribed by law for laying out and establishing streets or ways in said city.

Damages to be estimated and paid.

SECTION 2. Any person sustaining damages in his property by the location of a street or way, as provided in the preceding section, shall have his compensation ascertained and paid in accordance with the provisions of the General Statutes in respect to the laying out, altering and discontinuing of streets and ways.

*Approved April 28, 1863.*

**Chap. 205** AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE DORCHESTER AND MILTON BRANCH RAILROAD COMPANY TO EXTEND ITS RAILROAD.

*Be it enacted, &c., as follows :*

Time for locating extended.

The time for locating and constructing the extension of the Dorchester and Milton Branch Railroad, as authorized by the fifty-first chapter of the acts of the year eighteen hundred and sixty-one, is hereby extended two years beyond the time designated in said act.

*Approved April 28, 1863.*

**Chap. 206** AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE DIGHTON AND SOMERSET RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

May cross highway in Somerset.

The Dighton and Somerset Railroad Company is hereby authorized to construct its road, at grade, across the highway in the town of Somerset, leading westerly from the village in said town, to the house of Philip Bowers.

*Approved April 29, 1863.*

**Chap. 207** AN ACT TO INCORPORATE THE MERRIMACK VALLEY HORSE RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. William H. P. Wright, George D. Cabot, and William R. Spaulding, their associates and successors, are hereby made a corporation by the name of the Merrimack Valley Horse Railroad Company, with power to construct, maintain and use a railroad, with convenient single or double tracks, from such point or points in the city of Lawrence, and in the towns of Andover, North Andover and Methuen, and upon and over such streets and highways in said city and towns respectively, as the mayor and aldermen of said city and the selectmen of said towns respectively may, from time to time, fix and determine, with the assent of said corporation in writing, filed with the city clerk of said city and the selectmen of said towns respectively. The tracks of said railroad shall be laid at such distances from the sidewalks in said city and towns, as the mayor and aldermen of said city, and the selectmen of said towns shall respectively, in their

Location.

Tracks, how laid.

orders fixing the route and location of said railroad, determine. Said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property as they may think expedient: but the rate of passenger fare shall not exceed five cents per mile for each passenger, and no property shall be transported at such times or in such manner as to interfere in any way whatever with the transportation of passengers. Said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, and in all general laws which are or may be in force relating to horse railroad corporations.

Rates of fare.

Transportation.

Powers and duties.

SECTION 2. Notice to abutters on streets and highways, in which it is proposed to lay the tracks of said corporation, shall be given, by publishing in such newspapers as the mayor and aldermen of said city, and the selectmen of said towns, shall respectively determine, and also by posting in three public places in said city and in each of said towns, notice of the proposed location, and of the time and place of hearing thereon, fourteen days, at least, before the same shall be made; and said abutters may then and there appear and show cause, if any there be, why said railroad should not be so located and constructed.

Abutters to be notified.

May appear in remonstrance.

SECTION 3. Said tracks or roads shall be operated and used with horse-power only. The selectmen of said towns, and the mayor and aldermen of said city, shall have power at all times to make all such regulations as to the use of the tracks and the rate of speed, within the limits of their respective jurisdictions, as the public convenience and safety may require.

Motive power and rate of speed.

SECTION 4. Said corporation shall keep and maintain in repair such portion of the streets, highways and bridges respectively as is occupied by their tracks, and shall be liable for any loss or injury that any person sustains, by reason of the carelessness, neglect or misconduct of any of its agents and servants, in the management, construction or use of said roads or tracks; and in case any recovery is had against either of said towns or city by reason of such defect or want of repair, said corporation shall be liable to pay such towns or city respectively or either of them any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them respectively, in the defence of any such suit or suits in which said recovery is had; and said corporation shall not use any portion of the streets or highways not occupied by said roads or tracks.

Highways, repair of.

Liability for conduct of agents.

Recovery of damages.

Penalty for obstructing corporation.

SECTION 5. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of cars or carriages of said corporation thereon, such person, and all who aid or abet therein, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months.

Obstruction by corporation.

SECTION 6. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, said corporation shall be punished by a fine not exceeding five hundred dollars.

Capital.

SECTION 7. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Real estate.

SECTION 8. Said corporation shall have power to purchase and hold such real estate within said towns or city, or either of them, as may be convenient or necessary for the purposes for which it is incorporated.

Construction and grade of road.

SECTION 9. The said road shall be constructed and maintained in such form and manner, and upon such grade, as the mayor and aldermen of said city, and the selectmen of said towns, respectively, in their votes fixing and determining the route and location thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it is necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation: *provided*, such alteration shall be assented to by the selectmen of the town within which the same is to be made.

Re-grading streets.

Proviso.

Construction of act.

SECTION 10. Nothing in this act shall be construed to prevent the selectmen of either of said towns, or the mayor and aldermen of said city, from entering upon and taking up any of the public streets or highways traversed by said railroad, within their respective limits, for any purpose for which they may now lawfully take up the same.

Municipal authorities may, after one year, revoke location and remove tracks.

SECTION 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad, in any street or road in which the same is located, as provided by its charter, the selectmen of said towns and the mayor and aldermen of said city, respectively, may determine as to so much of said tracks as is located within their respective limits, that the same or any part thereof be discontinued: and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall be forthwith taken up and removed, in conformity with the order



of said selectmen and mayor and aldermen, respectively; and such taking up and removal shall be at the expense of said railroad corporation.

SECTION 12. The towns of Andover, North Andover and Methuen, and the city of Lawrence, or either of them may, at any time after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person, who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per centum per annum from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon; said towns and city having the right to purchase only that part of the corporate property which relates to and lies within the limits of their own jurisdictions respectively, and paying therefor a proportionate sum on the basis above mentioned, to be ascertained and fixed by commissioners to be appointed by the supreme judicial court.

SECTION 13. This act shall be void so far as relates to the right to construct said road in either of said towns or city, unless the same shall be accepted by the selectmen of such towns, or the city council of said city, respectively, and unless the same shall be accepted by said corporation; and unless said road shall be constructed within two years after the passage of this act.

SECTION 14. Said corporation shall be subject to all existing provisions of law for the assessment and payment of damages for land outside of the streets and highways taken by them for their tracks.

SECTION 15. This act shall take effect upon its passage.

*Approved April 29, 1863.*

AN ACT TO CONFIRM CERTAIN ACTS DONE BY PETER C. BACON AS A JUSTICE OF THE PEACE.

*Chap. 208*

*Be it enacted, &c., as follows:*

SECTION 1. All acts done by Peter C. Bacon, of Worcester, in the county of Worcester, as a justice of the peace within and for said county, between the tenth day of October, in the year eighteen hundred and sixty-two, and the twentieth day of April, in the year eighteen hundred and sixty-three, are hereby made valid, and confirmed to the same extent as they would have been valid, had he been during that period duly commissioned and qualified to discharge the duties of said office.

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

*Approved April 29, 1863.*

## Chap. 209

## AN ACT CONCERNING THE BOSTON WHARF COMPANY.

*Be it enacted, &c., as follows :*

Reduction of par value of shares authorized.

SECTION 1. The Boston Wharf Company is hereby authorized to reduce the par value of the shares of said corporation, in such manner, and upon such conditions, as three-fourths of the stockholders of said company present and voting, at a meeting called for that purpose, shall determine: *provided, however,* that said par value shall not be reduced below twenty dollars, and that no assessment shall be laid upon the new shares.

Proviso.

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

*Approved April 29, 1863.*

## Chap. 210

## AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE NORTHAMPTON AND SHELBURNE FALLS RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

May cross, at grade, certain highways.

The Northampton and Shelburne Falls Railroad Company is hereby authorized to construct its railroad, at grade, over and across such highways and roads in the county of Hampshire, between Bridge Street, in Northampton, and the terminus of the present location of said railroad, near the village of Williamsburg, as it is impracticable or inconsistent with the public convenience to cross over or under by means of bridges: *provided, however,* said company shall not cross any of said highways or roads at grade, without the approval of the county commissioners of said county, upon application of said company, and after hearing all parties interested, who shall be notified in the manner provided in the laying out of highways.

Proviso.

*Approved April 29, 1863.*

## Chap. 211

## AN ACT CONCERNING THE FIBRILIA FELTING COMPANY.

*Be it enacted, &c., as follows :*

Location changed.

SECTION 1. The location of the Fibrilia Felting Company is hereby changed from the town of Winchester, to the city of Lawrence; and said company is hereby authorized to establish and carry on its business at said Lawrence.

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

*Approved April 29, 1863.*

## Chap. 212

## AN ACT REQUIRING RAILROAD CORPORATIONS TO HOLD ANNUAL MEETINGS.

*Be it enacted, &c., as follows :*

Every railroad corporation shall hold a meeting annually for the election of directors.

*Approved April 29, 1863.*

AN ACT TO AUTHORIZE BANKS TO RECEIVE AND CIRCULATE UNITED STATES CIRCULATING NOTES. *Chap. 213*

*Be it enacted, &c., as follows:*

SECTION 1. Any bank incorporated under the laws of this Commonwealth, at the time of the passage of the act of congress approved the twenty-fifth day of February, in the year eighteen hundred and sixty-three, entitled "An Act to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," may avail itself of the provisions of section sixty-two, and become subject to the provisions of sections sixty-three and sixty-four of said act, and may pay out as its own the circulating notes received under the provisions of said section sixty-two: *provided*, the amount of such circulating notes, so issued, together with the amount of bills issued under existing laws of this Commonwealth by any bank, shall at no time exceed the capital stock of such bank actually paid in; and *provided, also*, that the circulating notes received under said section sixty-two, and issued by any such bank, shall be considered as part of the circulation of such bank, for the purpose of determining the amount of specie such bank shall keep under the provisions of section nineteen, chapter fifty-seven of the General Statutes.

Banks may avail of U. S. law, and pay out circulating notes.

Not to exceed capital.

To be deemed as circulation.

SECTION 2. Any bank availing itself of the provisions of said section sixty-two of said act of congress, shall, as part of the returns it is required to make under the provisions of sections ninety-three and ninety-four of chapter fifty-seven of the General Statutes, transmit a statement of the amount of bonds deposited, and of circulating notes received under the provisions of said act of congress, and the amount of such notes in circulation; and an amount of the capital stock of any such bank, equal to the average amount of such circulating notes so received, to be determined by such returns for the six months next preceding the first Mondays of April and October in each year, shall be exempted from the tax imposed by the provisions of section eighty-nine of chapter fifty-seven of the General Statutes.

Returns to cover statement of bonds and notes.

Exemption of capital from taxation defined.

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

*Approved April 29, 1863.*

*Chap. 214* AN ACT IN ADDITION TO "AN ACT PROVIDING FOR THE MORE SPEEDY COMPLETION OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL."

*Be it enacted, &c., as follows:*

Commissioners may construct and equip and make alterations in road and tunnel.

SECTION 1. The commissioners appointed under the one hundred and fifty-sixth chapter of the acts of eighteen hundred and sixty-two, are hereby authorized, subject to the advice and approval of the governor and council, to construct, complete and equip the Troy and Greenfield Railroad and Hoosac Tunnel; and to make such alterations in the line of said road as may be deemed necessary to render it suitable and proper for part of a through line from Troy to Boston; also such alterations in the location and dimensions of said tunnel as will render it suitable and proper for use, in accordance with the spirit and intent of the two hundred and twenty-sixth chapter of the acts of eighteen hundred and fifty-four.

Governor may draw warrants upon request of commissioners.

SECTION 2. The governor is hereby authorized to draw his warrant on the treasurer of the Commonwealth for such sums as may be required from time to time by said commissioners for the purpose of carrying out the provisions of this act, and the act or acts to which this is in addition; and there is accordingly hereby appropriated for the purpose of constructing and completing said tunnel and railroad and equipping the same, and paying interest upon such scrip as has been or may be issued during the progress of the work, the unexpended balance of the two millions of dollars authorized by chapter two hundred and twenty-six of the acts of the year eighteen hundred and fifty-four, and referred to in chapter one hundred and fifty-six of the acts of the year eighteen hundred and sixty-two. And the treasurer of the Commonwealth is hereby authorized, upon the warrant of the governor drawn as aforesaid, to issue scrip or certificates of debt to the amount of said appropriation, which shall be expressed in such currency and shall bear such rate of interest as the governor and council may direct, and shall be redeemable at the end of thirty years from the date thereof; and said treasurer shall sell or otherwise dispose of the same as he may deem proper, subject to the approval of the governor and council.

Appropriation.

Treasurer may issue scrip with approval of governor and council.

Commissioners—tenure of office.

SECTION 3. Said commissioners, and their successors in office, shall be removable by the governor, with the advice of the council, and in case of any vacancy occasioned by death, resignation or removal, such vacancy shall be filled by appointment of the governor, with the advice of the council; and said commissioners shall, once in three months,

Shall present accounts to gover-

and oftener if required, present to the governor and council an account of all contracts entered into by them as such commissioners, and of all payments and charges by them made, by virtue of their commission, with their vouchers therefor, which vouchers and accounts shall be examined, and if found correct, and in good faith, shall be allowed by the governor and council; but no lease of any part of said railroad, nor any contract amounting to more than ten thousand dollars shall be made by said commissioners without the consent of the governor and council.

nor and council, quarterly, or when required, and have consent for certain acts.

SECTION 4. Said commissioners in altering the location of the line of said road shall have the same power as railroad corporations have in making locations under existing laws, and may take, by purchase or otherwise, such lands, or easements therein, as may be needed for any purposes connected with the construction of said tunnel, and all titles or easements so taken shall vest in the Commonwealth; and all parties aggrieved by any action of said commissioners, under this section, may have their damages assessed in the manner provided by law for the assessment of damages against railroad corporations; and all damages so assessed shall be paid from the treasury of the Commonwealth to the party entitled thereto, upon the warrant of the governor, drawn pursuant to the provisions of this act.

Powers of commissioners in altering line, defined.

Assessment of damages.

SECTION 5. Said commissioners, subject to the approval of the governor and council, shall have the power to use a part of the money appropriated by this act, not exceeding fifty thousand dollars, to extinguish any liens or claims, or rights of redemption which any person or corporation may have, in order to perfect the title of the Commonwealth to said railroad and tunnel.

Commonwealth's title to be perfected by extinguishment of liens and claims.

SECTION 6. The contract executed by the Troy and Boston Railroad Company, on the eighteenth day of February, eighteen hundred and sixty-three, by the Vermont and Massachusetts Railroad Company on the twentieth day of said February, and by the Fitchburg Railroad Company on the twenty-third day of said month, printed on pages eighty-eight to ninety-four, inclusive, of the report of said commissioners made on the twenty-eighth day of February, aforesaid, and referred to in the message of the governor, dated the twelfth day of March, in the year eighteen hundred and sixty-three, is hereby approved, ratified and confirmed.

Contract of Troy and Boston, Vermont and Mass., and Fitchburg Railroad Companies, confirmed.

SECTION 7. The compensation of said commissioners shall be fixed by the governor, with the advice of the council; but the compensation of the chairman of said com-

Compensation of commissioners

missioners shall in no event exceed the sum of five thousand dollars per annum, nor shall the entire compensation of all of said commissioners exceed the sum of seven thousand dollars per annum.

*Approved April 29, 1863.*

**Chap. 215** AN ACT RELATING TO THE COUNTY LAW LIBRARY ASSOCIATIONS.

*Be it enacted, &c., as follows :*

Associations to be paid amount received by clerks of courts.

SECTION 1. The sixth section of the thirty-third chapter of the General Statutes is so far amended, that the several county treasurers shall pay to the county law library associations the whole amount received from the clerks of the courts during the preceding year, provided the same does not exceed four hundred dollars. And in case the same exceeds four hundred dollars, they shall pay over in addition thereto, one-quarter part of the surplus: *provided, however*, that the whole amount paid to said association in any county in any one year, shall not exceed one thousand dollars.

Provisos.

Act not to restrain county commissioners.

SECTION 2. This act shall not be deemed to prevent the county commissioners from allowing any further payment as provided in the said sixth section of the said thirty-third chapter of the General Statutes.

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

*Approved April 29, 1863.*

**Chap. 216** AN ACT TO AUTHORIZE THE DISCONTINUANCE OF THE COUNTY JAIL AT IPSWICH.

*Be it enacted, &c., as follows :*

Commissioners may remove, and dispose of materials.

SECTION 1. The county commissioners for the county of Essex are hereby authorized to discontinue the county jail at Ipswich and to take down the same, and to make such disposition of the materials thereof as they shall deem proper.

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

*Approved April 29, 1863.*

**Chap. 217** AN ACT CONCERNING INSOLVENT ESTATES OF PERSONS DECEASED

*Be it enacted, &c., as follows :*

Extension, for proof of claims pending appeal, may be allowed.

SECTION 1. When, during the pendency of an appeal from the commissioners on an insolvent estate of a person deceased, it appears to the probate court that a just and equitable distribution of the estate requires that further time shall be allowed for the proof of claims against the same, the court may allow further time for that purpose, notwithstanding the limitation of time made by section four of the ninety-ninth chapter of the General Statutes :

*provided, however,* that such further time shall not in any case extend more than one month beyond the final decision of the appeal then pending. Proviso.

SECTION 2. When the office of a commissioner on an insolvent estate of a person deceased shall become vacant by reason of the death or resignation of such commissioner, or otherwise, the probate court may fill such vacancy. Vacancy in office of commissioner, how filled.

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

*Approved April 29, 1863.*

AN ACT TO PROVIDE FOR THE REIMBURSEMENT OF BOUNTIES PAID TO VOLUNTEERS, AND TO APPORTION AND ASSESS A TAX THEREFOR.

*Chap. 218*

*Be it enacted, &c., as follows:*

SECTION 1. All sums of money paid by any city or town, as bounties to volunteers duly enlisted and mustered into the military service, and accounted as a part of the quotas of Massachusetts under the calls of the president of the United States, which were made in the months of July and August, in the year eighteen hundred and sixty-two, shall be reimbursed from the treasury of the Commonwealth to such city or town, in the manner provided in this act: *provided, however,* that the amount thus reimbursed to any city or town, shall not exceed the sum of one hundred dollars for each such volunteer, and shall not in any case exceed the amount actually paid by such city or town, to each such volunteer. Reimbursement from treasury authorized.

SECTION 2. The several cities and towns shall, on or before the first day of July next, make returns to the governor of the Commonwealth, of the names of all such volunteers, to whom they have paid bounties, the amount paid to each, and the regiment in which such volunteers were enlisted and mustered into service, together with such other facts as may be required by the governor, who shall prescribe the form of said returns, and the officers of the cities and towns by whom they shall be made and sworn to; and no reimbursement shall be made from the state treasury, to any city or town, as provided in the first section of this act, unless such return is made and sworn to by the officers thus prescribed by the governor. Said returns shall be examined, compared and revised by the governor, or under his direction, and the amount to be reimbursed to each city and town, under the provisions of this act, shall be thus ascertained. Provisos: limitations prescribed.

SECTION 3. The amount so reimbursed to any city or town, on account of any such volunteers who have been transferred to fill the quota of any other city or town, shall Towns to return names, amount paid, regiment, and other facts required, to governor, who shall prescribe returns, officers to certify same, and cause examination.

Reimbursement to be paid town receiving transfer of volunteer.

- Proviso. be paid over, by the city or town receiving the reimbursement, to such other city or town: *provided, however*, the amount so paid over shall not exceed the sum originally paid for such transfer; and an action of contract may be maintained in any court of competent jurisdiction, to recover the same. In case such volunteers are, at any time hereafter, transferred back to the city or town to which they originally belonged, pursuant to an agreement to that effect, the amount so paid over or recovered under the provisions of this section, shall be deducted from the sum agreed to be paid for such re-transfer.
- Re-transfer, how adjusted. SECTION 4. The amounts to be reimbursed to the several cities and towns, as ascertained according to the provisions of the second section, shall be certified by the governor, to the treasurer of the Commonwealth, and also to the assessors of said cities and towns, respectively. The aggregate of all the amounts so certified, shall be apportioned by the said treasurer, to and among the several cities and towns of the Commonwealth, in the same manner as the aggregate of the annual state tax for the current year is apportioned to and among the same. Each city and town in the Commonwealth, shall be assessed and pay the several sums so apportioned to them respectively, in the same manner, and with the same effect, as they are assessed and charged with their respective proportions of other state taxes.
- Governor to certify reimbursements to treasurer and to towns. SECTION 5. The treasurer of the Commonwealth, upon completing such apportionment, shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town, taxed as aforesaid, requiring them, respectively, to assess the sum apportioned as aforesaid, to said city or town, according to the provisions of the eleventh chapter of the General Statutes; and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively, on each city or town.
- Apportionment by treasurer. SECTION 6. The treasurer, in his said warrant, shall require the said selectmen, or assessors, to pay, or to issue their several warrant or warrants, requiring the treasurers of their several cities or towns to pay to said treasurer of the Commonwealth, on or before the first day of December, in the year eighteen hundred and sixty-three, the sums apportioned, as aforesaid, to said cities or towns respectively; 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
- Payments to be made as are other taxes.
- Treasurer to issue warrant requiring assessment.
- Payment to have been made Dec. 1, 1863.
- Names of town treasurers, with sum required, to be returned.



Commonwealth, at some time before the first day of October next.

SECTION 7. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month, during such delinquency, dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed, by the treasurer of the Commonwealth, in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as the said court, or the justices thereof, before whom the hearing is had, shall order.

Penalty for delinquency.

SECTION 8. The proceeds of the tax apportioned and assessed as aforesaid, upon the several cities and towns, are hereby appropriated for the purpose of paying all liabilities incurred by the Commonwealth under the provisions of this act. When any city or town shall have paid its proportion of said tax, to the treasurer of the Commonwealth, the governor shall thereupon draw his warrant on said treasurer, in favor of said city or town, for the sum which it is entitled to be reimbursed under the provisions of this act.

Proceeds of tax appropriated for liabilities.

SECTION 9. Any city or town electing so to do, may raise and pay its proportion of the tax apportioned and assessed as aforesaid, in the manner provided in this section. Such election may be made by any city, by a vote of the city council thereof, or by any town by a vote of the legal voters thereof, at a meeting called for that purpose; and such vote shall be certified by the clerk of said city or town, to the treasurer of the Commonwealth. Any city or town may raise money if necessary, by tax or otherwise, for the purpose of carrying out the provisions of this section. The treasurer of the Commonwealth shall credit such city or town with the sum which it is entitled to receive as reimbursement, and charge such city or town with the sum apportioned and assessed upon it under the provisions of this act. In case the sums so credited and charged to any city or town are equal, the said treasurer shall deliver his receipt in full for the tax of such city or town. In case the credits of any city or town exceed its charges, the treasurer

Warrant for reimbursement shall issue upon receipt of tax.

City council or voters of town may elect to raise and pay money: treasurer of Commonwealth to be certified.

Duties of treasurer.

shall deliver his receipt in full, as aforesaid, and the governor shall, on or before the first day of December next, draw his warrant on the said treasurer, in favor of such city or town, for the amount of such excess. In case the charges of any city or town exceed its credits, such city or town shall pay the amount of such excess to the said treasurer, who shall thereupon deliver his receipt in full as aforesaid. Any city or town paying and adjusting its tax, in the manner provided in this section, shall have no further claim upon the Commonwealth for reimbursement, under the provisions of this act, and the treasurer of such city or town shall deliver his receipt in full, of the same, to the treasurer of the Commonwealth.

Tax adjusted, further reimbursement barred.

Liability in case of failure to pay.

SECTION 10. Any city or town electing to pay its tax in the manner provided in the preceding section, and failing to do so within the time mentioned in the sixth section, shall be subject to all the provisions of the seventh section of this act.

SECTION 11. This act shall take effect upon its passage.

*Approved April 29, 1863.*

### Chap. 219

#### AN ACT CONCERNING PUBLIC REPORTS AND DOCUMENTS.

*Be it enacted, &c., as follows:*

Number of copies to be annually printed.

SECTION 1. There shall be printed annually three thousand copies each of the reports of the insurance commissioners, and bank commissioners, five thousand copies of the report of the adjutant-general, and fifteen hundred copies each of the reports of the attorney-general, treasurer and receiver-general, and auditor, of the report of the insurance commissioners concerning loan fund associations, the abstract of joint stock corporations, abstract of sheriffs' returns concerning jails and houses of correction, abstract of returns concerning paupers and indigent children, and the several reports relating to the Indians of the Commonwealth. Five hundred copies of the annual report of the secretary of the board of agriculture shall be delivered to the secretary of the Commonwealth; five hundred copies of their respective reports shall be placed at the disposal of the insurance and bank commissioners; and twenty-five hundred copies of the adjutant-general's report shall be placed at the disposal of that officer for distribution among persons employed in the military service of the country.

Disposition of certain reports.

Railroad reports to be deemed "public."

SECTION 2. Reports of railroad corporations shall be deemed "public" documents under chapter four of the General Statutes, and each of said public documents shall bear the same number from year to year.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with this act, are hereby repealed.

*Approved April 29, 1863.*

AN ACT TO INCORPORATE THE TRUSTEES OF THE MASSACHUSETTS *Chap. 220*  
 AGRICULTURAL COLLEGE.

*Be it enacted, &c., as follows :*

SECTION 1. Marshall P. Wilder, of Dorchester ; Charles G. Davis, of Plymouth ; Nathan Durfee, of Fall River ; John Brooks, of Princeton ; Henry Colt, of Pittsfield ; William S. Southworth, of Lowell ; Charles C. Sewall, of Medfield ; Paoli Lathrop, of South Hadley ; Phinehas Stedman, of Chicopee ; Allen W. Dodge, of Hamilton ; George Marston, of Barnstable ; William B. Washburn, of Greenfield ; Henry L. Whiting, of Tisbury ; John B. King, of Nantucket, their associates and successors, are hereby constituted a body corporate, by the name of the Trustees of the Massachusetts Agricultural College, the leading object of which shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life—to be located as hereinafter provided ; and they and their successors, and such as shall be duly elected members of said corporation, shall be and remain a body corporate by that name forever. And for the orderly conducting of the business of said corporation the said trustees shall have power and authority, from time to time, as occasion may require, to elect a president, vice-president, secretary and treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices ; and also to remove any trustee from the same corporation, when, in their judgment, he shall be rendered incapable, by age, or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same ; and, whenever vacancies shall occur in the board of trustees, the legislature shall fill the same : *provided, nevertheless*, that the number of members shall never be greater than fourteen, exclusive of the governor of the Commonwealth, the secretary of the board of education, the secretary of the board of agriculture, and the president of the faculty, each of whom shall be, *ex officio*, a member of said corporation.

SECTION 2. The said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and the manner of notifying the trustees to convene at such meetings ; and also, from time to time, to elect a president of said college, and such professors, tutors, instructors and other officers of said college, as

- they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities and tenures, of their several offices. And the said corporation are further empowered to purchase or erect, and keep in repair, such houses and other buildings as they shall judge necessary for the said college; and also to make and ordain, as occasion may require, reasonable rules, orders, and by-laws, not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties, for the good government of the said college, and for the regulation of their own body, and also to determine and regulate the course of instruction in said college, and to confer such appropriate degrees as they may determine and prescribe: *provided, nevertheless*, that no corporate business shall be transacted at any meeting unless one-half, at least, of the trustees are present.
- Real estate.**
- By-laws.**
- Instruction.**
- Proviso.**
- Seal.** SECTION 3. The said corporation may have a common seal, which they may alter or renew at their pleasure, and all deeds sealed with the seal of said corporation, and signed by their order, shall, when made in their corporate name, be considered in law as the deeds of said corporation; and said corporation may sue and be sued in all actions, real, personal or mixed, and may prosecute the same to final judgment and execution, by the name of the Trustees of the Massachusetts Agricultural College; and said corporation shall be capable of taking and holding in fee simple, or any less estate, by gift, grant, bequest, devise, or otherwise, any lands, tenements, or other estate, real or personal: *provided*, that the clear annual income of the same shall not exceed thirty thousand dollars.
- Corporation may sue and be sued.**
- May hold estate given or bequeathed.**
- Proviso.**
- Rents and profits of estate, how appropriated.** SECTION 4. The clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized and possessed, shall be appropriated to the uses of said college, in such manner as shall most effectually promote the objects declared in the first section of this act, and as may be recommended, from time to time, by the said corporation, they conforming to the will of any donor or donors, in the application of any estate which may be given, devised or bequeathed, for any particular object connected with the college.
- Legislature may enlarge or restrain powers of corporation and appoint overseers.** SECTION 5. The legislature of this Commonwealth may grant any further powers to, or alter, limit, annul or restrain, any of the powers vested by this act in the said corporation, as shall be found necessary to promote the best interests of the said college; and more especially may appoint and establish overseers or visitors of the said college, with all

necessary powers for the better aid, preservation and government thereof. The said corporation shall make an annual report of its condition, financial and otherwise, to the legislature, at the commencement of its session.

SECTION 6. The board of trustees shall determine the location of said college, in some suitable place within the limits of this Commonwealth, and shall purchase, or obtain, by gift, grant, or otherwise, in connection therewith, a tract of land containing at least one hundred acres, to be used as an experimental farm, or otherwise, so as best to promote the objects of the institution: and in establishing the by-laws and regulations of said college, they shall make such provision for the manual labor of the students on said farm as they may deem just and reasonable. The location, plan of organization, government and course of study prescribed for the college, shall be subject to the approval of the legislature.

SECTION 7. One-tenth part of all the moneys which may be received by the state treasurer, from the sale of land scrip, by virtue of the provisions of the one hundred and thirtieth chapter of the acts of the thirty-seventh congress, at the second session thereof, approved July second, eighteen hundred and sixty-two, and of the laws of this Commonwealth, shall be paid to said college, and appropriated towards the purchase of said site or farm: *provided, nevertheless*, that the said college shall first secure by valid subscriptions or otherwise, the further sum of seventy-five thousand dollars, for the purpose of erecting suitable buildings thereon; and upon satisfactory evidence that this proviso has been complied with, the governor is authorized, from time to time, to draw his warrants therefor.

SECTION 8. When the said college shall have been duly organized, located, and established, as and for the purposes specified in this act, there shall be appropriated and paid to its treasurer each year, on the warrant of the governor, two-thirds of the annual interest or income, which may be received from the fund created under and by virtue of the act of congress named in the seventh section of this act, and the laws of this Commonwealth, accepting the provisions thereof, and relating to the same.

SECTION 9. In the event of a dissolution of said corporation, by its voluntary act at any time, the real and personal property belonging to the corporation shall revert and belong to the Commonwealth, to be held by the same, and be disposed of as it may see fit, in the advancement of education, in agriculture, and the mechanic arts. The legislature shall have authority at any time to withhold the

Annual report.

Location of college.

Land for farm, and manual labor thereon.

One-tenth proceeds of sale of certain land scrip to apply to purchase of farm.

Proviso.

Future support of college provided for.

Property, in case of dissolution, how to revert.

portion of the interest or income from said fund provided in this act, whenever the corporation shall cease or fail to maintain a college within the provisions and spirit of this act and the before-mentioned act of congress, or for any cause which they deem sufficient. *Approved April 29, 1863.*

*Chap. 221* AN ACT TO APPORTION AND ASSESS A TAX OF TWO MILLIONS THREE HUNDRED AND NINETY-SIX THOUSAND FIVE HUNDRED AND SIXTY-EIGHT DOLLARS.

*Be it enacted, &c., as follows :*

Assessment of cities and towns.

SECTION 1. Each town and city in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say :

County of Suffolk.

*Suffolk County.*—Boston, seven hundred and fifty-six thousand six hundred dollars; Chelsea, eighteen thousand seven hundred and sixty-eight dollars; North Chelsea, two thousand and sixteen dollars; Winthrop, one thousand two hundred dollars.

County of Essex.

*Essex County.*—Amesbury, four thousand two hundred and seventy-two dollars; Andover, six thousand six hundred and forty-eight dollars; Beverly, nine thousand and forty-eight dollars; Boxford, one thousand seven hundred and seventy-six dollars; Bradford, two thousand four hundred and twenty-four dollars; Danvers, seven thousand one hundred and seventy-six dollars; Essex, two thousand seven hundred and thirty-six dollars; Georgetown, two thousand two hundred and thirty-two dollars; Gloucester, twelve thousand seven hundred and ninety-two dollars; Groveland, one thousand seven hundred and twenty-eight dollars; Hamilton, one thousand two hundred and ninety-six dollars; Haverhill, fifteen thousand nine hundred and twelve dollars; Ipswich, three thousand eight hundred and sixteen dollars; Lawrence, twenty-seven thousand two hundred and forty dollars; Lynn, twenty-six thousand five hundred and sixty-eight dollars; Lynnfield, one thousand five hundred and thirty-six dollars; Manchester, two thousand three hundred and fifty-two dollars; Marblehead, seven thousand six hundred and thirty-two dollars; Methuen, three thousand seven hundred and sixty-eight dollars; Middleton, one thousand one hundred and fifty-two dollars; Nahant, one thousand three hundred and twenty dollars; Newbury, two thousand two hundred and eighty dollars; Newburyport, eighteen thousand seven hundred and sixty-eight dollars; North Andover, four thousand two hundred and seventy-two dollars; Rockport, four thousand and fifty-

six dollars; Rowley, one thousand five hundred and twelve dollars; Salem, thirty-nine thousand three hundred and eighty-four dollars; Salisbury, four thousand three hundred and sixty-eight dollars; Saugus, three thousand two hundred and sixty-four dollars; South Danvers, nine thousand nine hundred and sixty dollars; Swampscott, two thousand eight hundred and eight dollars; Topsfield, one thousand eight hundred and forty-eight dollars; Wenham, one thousand five hundred and eighty-four dollars; West Newbury, two thousand eight hundred and thirty-two dollars.

*Middlesex County.*—Acton, two thousand four hundred and twenty-four dollars; Ashby, one thousand three hundred and ninety-two dollars; Ashland, one thousand eight hundred and forty-eight dollars; Bedford, one thousand two hundred and ninety-six dollars; Belmont, five thousand two hundred and eighty dollars; Billerica, two thousand nine hundred and four dollars; Boxborough, six hundred and twenty-four dollars; Brighton, nine thousand and forty-eight dollars; Burlington, one thousand one hundred and twenty-eight dollars; Cambridge, fifty-three thousand four hundred and twenty-four dollars; Carlisle, nine hundred and thirty-six dollars; Charlestown, forty-one thousand five hundred and sixty-eight dollars; Chelmsford, three thousand eight hundred and sixteen dollars; Concord, four thousand four hundred and sixty-four dollars; Dracut, two thousand seven hundred and eighty-four dollars; Dunstable, one thousand and eighty dollars; Framingham, six thousand two hundred and sixty-four dollars; Groton, four thousand two hundred and seventy-two dollars; Holliston, four thousand three hundred and ninety-two dollars; Hopkinton, four thousand four hundred and sixty-four dollars; Lexington, four thousand eight hundred and forty-eight dollars; Lincoln, one thousand four hundred and sixty-four dollars; Littleton, one thousand eight hundred and forty-eight dollars; Lowell, fifty-six thousand five hundred and forty-four dollars; Malden, nine thousand four hundred and fifty-six dollars; Marlborough, six thousand one hundred and ninety-two dollars; Medford, twelve thousand seven hundred and ninety-two dollars; Melrose, three thousand eight hundred and sixty-four dollars; Natick, five thousand nine hundred and fifty-two dollars; Newton, eighteen thousand six hundred and forty-eight dollars; North Reading, one thousand five hundred and eighty-four dollars; Pepperell, two thousand four hundred dollars; Reading, three thousand seven hundred and sixty-eight dollars; Sherborn, two thousand three hundred and fifty-two dollars; Shirley, one thousand nine

County of Middlesex.

hundred and forty-four dollars; Somerville, fifteen thousand eight hundred and forty dollars; South Reading, five thousand two hundred and eighty dollars; Stoneham, three thousand eight hundred and eighty-eight dollars; Stow, two thousand and eighty-eight dollars; Sudbury, two thousand nine hundred and four dollars; Tewksbury, one thousand eight hundred and twenty-four dollars; Townsend, two thousand one hundred and thirty-six dollars; Tyngsborough, nine hundred and thirty-six dollars; Waltham, twelve thousand three hundred and sixty dollars; Watertown, six thousand eight hundred and forty dollars; Wayland, one thousand five hundred and sixty dollars; West Cambridge, six thousand four hundred and eight dollars; Westford, two thousand three hundred and four dollars; Weston, two thousand seven hundred and twelve dollars; Wilmington, one thousand three hundred and forty-four dollars; Winchester, four thousand one hundred and four dollars; Woburn, ten thousand three hundred and twenty dollars.

County of Worcester.

*Worcester County.*—Ashburnham, two thousand four hundred and twenty-four dollars; Athol, three thousand and twenty-four dollars; Auburn, one thousand one hundred and fifty-two dollars; Barre, four thousand six hundred and eighty dollars; Berlin, one thousand two hundred and seventy-two dollars; Blackstone, five thousand seven hundred and eighty-four dollars; Bolton, one thousand seven hundred and four dollars; Boylston, one thousand three hundred and forty-four dollars; Brookfield, two thousand five hundred and twenty dollars; Charlton, two thousand seven hundred and twelve dollars; Clinton, four thousand eight hundred and seventy-two dollars; Dana, eight hundred and sixteen dollars; Douglas, two thousand eight hundred and eighty dollars; Dudley, two thousand and sixty-four dollars; Fitchburg, ten thousand nine hundred and twenty dollars; Gardner, two thousand nine hundred and fifty-two dollars; Grafton, five thousand two hundred and eight dollars; Hardwick, two thousand five hundred and ninety-two dollars; Harvard, two thousand four hundred and ninety-six dollars; Holden, two thousand four hundred dollars; Hubbardston, one thousand nine hundred and forty-four dollars; Lancaster, two thousand four hundred and twenty-four dollars; Leicester, four thousand four hundred and sixty-four dollars; Leominster, four thousand nine hundred and sixty-eight dollars; Lunenburg, two thousand and sixty-four dollars; Mendon, two thousand and sixty-four dollars; Milford, ten thousand two hundred and seventy-two dollars; Millbury, four thousand two hundred and seventy-two dollars; New Braintree, one



thousand four hundred and eighty-eight dollars; North Brookfield, three thousand five hundred and fifty-two dollars; Northborough, two thousand six hundred and sixteen dollars; Northbridge, two thousand nine hundred and seventy-six dollars; Oakham, one thousand and thirty-two dollars; Oxford, three thousand five hundred and fifty-two dollars; Paxton, nine hundred and thirty-six dollars; Petersham, one thousand nine hundred and sixty-eight dollars; Phillipston, nine hundred and twelve dollars; Princeton, two thousand and sixteen dollars; Royalston, two thousand three hundred and twenty-eight dollars; Rutland, one thousand four hundred eighty-eight dollars; Shrewsbury, three thousand and seventy-two dollars; Southborough, two thousand seven hundred and sixty dollars; Southbridge, three thousand nine hundred eighty-four dollars; Spencer, three thousand eight hundred and forty dollars; Sterling, two thousand eight hundred and eight dollars; Sturbridge, two thousand six hundred and forty dollars; Sutton, three thousand two hundred and sixteen dollars; Templeton, three thousand four hundred and thirty-two dollars; Upton, two thousand three hundred and four dollars; Uxbridge, four thousand six hundred and eighty dollars; Warren, two thousand four hundred and forty-eight dollars; Webster, three thousand three hundred and twelve dollars; West Boylston, two thousand seven hundred and thirty-six dollars; West Brookfield, one thousand nine hundred and forty-four dollars; Westborough, three thousand five hundred and seventy-six dollars; Westminster, two thousand two hundred and eighty dollars; Winchendon, three thousand two hundred and forty dollars; Worcester, forty-seven thousand seven hundred and eighty-four dollars.

*Hampshire County.*—Amherst, four thousand five hundred and thirty-six dollars; Belchertown, three thousand two hundred and forty dollars; Chesterfield, one thousand two hundred and forty-eight dollars; Cummington, one thousand one hundred and fifty-two dollars; Easthampton, two thousand five hundred and forty-four dollars; Enfield, one thousand six hundred and fifty-six dollars; Goshen, five hundred and four dollars; Granby, one thousand three hundred and ninety-two dollars; Greenwich, eight hundred and sixty-four dollars; Hadley, three thousand four hundred and eighty dollars; Hatfield, two thousand eight hundred and fifty-six dollars; Huntington, one thousand three hundred and ninety-two dollars; Middlefield, nine hundred and thirty-six dollars; Northampton, ten thousand two hundred and ninety-six dollars; Pelham, six hundred and twenty-

County of Hamp-  
shire.

four dollars ; Plainfield, eight hundred and sixteen dollars ; Prescott, seven hundred and forty-four dollars ; South Hadley, three thousand and twenty-four dollars ; Southampton, one thousand four hundred and eighty-eight dollars ; Ware, four thousand and thirty-two dollars ; West Hampton, eight hundred and sixty-four dollars ; Williamsburg, two thousand six hundred and eighty-eight dollars ; Worthington, one thousand two hundred and ninety-six dollars.

County of Hampden.

*Hampden County.*—Agawam, two thousand and forty dollars ; Blandford, one thousand five hundred and eighty-four dollars ; Brimfield, two thousand and sixteen dollars ; Chester, one thousand four hundred and sixteen dollars ; Chicopee, eight thousand four hundred and ninety-six dollars ; Granville, one thousand three hundred and ninety-two dollars ; Holland, four hundred and eighty dollars ; Holyoke, six thousand and ninety-six dollars ; Longmeadow, two thousand five hundred and forty-four dollars ; Ludlow, one thousand three hundred and sixty-eight dollars ; Monson, three thousand two hundred and eighty-eight dollars ; Montgomery, four hundred and eighty dollars ; Palmer, three thousand eight hundred and sixteen dollars ; Russell, six hundred and forty-eight dollars ; Southwick, one thousand seven hundred and fifty-two dollars ; Springfield, twenty-four thousand five hundred and fifty-two dollars ; Tolland, eight hundred and sixteen dollars ; Wales, eight hundred and sixty-four dollars ; West Springfield, two thousand nine hundred and twenty-eight dollars ; Westfield, eight thousand and sixteen dollars ; Wilbraham, two thousand five hundred and forty-four dollars.

County of Franklin.

*Franklin County.*—Ashfield, one thousand eight hundred dollars ; Bernardston, one thousand three hundred and twenty dollars ; Buckland, one thousand six hundred and eighty dollars ; Charlemont, one thousand two hundred dollars ; Colrain, one thousand seven hundred and seventy-six dollars ; Conway, two thousand one hundred and eighty-four dollars ; Deerfield, three thousand six hundred and twenty-four dollars ; Erving, five hundred and fifty-two dollars ; Gill, one thousand and eighty dollars ; Greenfield, four thousand four hundred and eighty-eight dollars ; Hawley, seven hundred and forty-four dollars ; Heath, seven hundred and sixty-eight dollars ; Leverett, nine hundred and sixty dollars ; Leyden, seven hundred and ninety-two dollars ; Monroe, two hundred and sixty-four dollars ; Montague, one thousand seven hundred and fifty-two dollars ; New Salem, one thousand one hundred and fifty-two dollars ; Northfield, two thousand one hundred and sixty dollars ;

Orange, one thousand eight hundred dollars; Rowe, six hundred and seventy-two dollars; Shelburne, two thousand and forty dollars; Shutesbury, seven hundred and sixty-eight dollars; Sunderland, one thousand and thirty-two dollars; Warwick, one thousand one hundred and four dollars; Wendell, seven hundred and forty-four dollars; Whately, one thousand seven hundred and seventy-six dollars.

*Berkshire County.*—Adams, seven thousand seven hundred and four dollars; Alford, eight hundred and eighty-eight dollars; Becket, one thousand four hundred and sixty-four dollars; Cheshire, one thousand nine hundred and forty-four dollars; Clarksburg, three hundred and sixty dollars; Dalton, two thousand and forty dollars; Egremont, one thousand three hundred and ninety-two dollars; Florida, four hundred and fifty-six dollars; Great Barrington, five thousand two hundred and eight dollars; Hancock, one thousand three hundred and forty-four dollars; Hinsdale, one thousand seven hundred and fifty-two dollars; Lanesborough, one thousand eight hundred and forty-eight dollars; Lee, five thousand and eighty-eight dollars; Lenox, two thousand three hundred and fifty-two dollars; Monterey, nine hundred and thirty-six dollars; Mount Washington, two hundred and forty dollars; New Ashford, three hundred and thirty-six dollars; New Marlborough, one thousand nine hundred and twenty dollars; Otis, nine hundred and twelve dollars; Peru, six hundred and forty-eight dollars; Pittsfield, thirteen thousand seven hundred and four dollars; Richmond, one thousand three hundred and ninety-two dollars; Sandisfield, one thousand six hundred and eighty dollars; Savoy, eight hundred and eighty-eight dollars; Sheffield, three thousand two hundred and sixteen dollars; Stockbridge, two thousand seven hundred and thirty-six dollars; Tyringham, eight hundred and eighty-eight dollars; Washington, nine hundred and sixty dollars; West Stockbridge, one thousand seven hundred and twenty-eight dollars; Williamstown, three thousand four hundred and eight dollars; Windsor, one thousand and thirty-two dollars.

*Norfolk County.*—Bellingham, one thousand four hundred and sixty-four dollars; Braintree, four thousand three hundred and sixty-eight dollars; Brookline, twenty-five thousand four hundred and eighty-eight dollars; Canton, five thousand five hundred and forty-four dollars; Cohasset, two thousand eight hundred and eighty dollars; Dedham, eleven thousand nine hundred and twenty-eight dollars;

Dorchester, twenty-seven thousand six hundred and seventy-two dollars; Dover, nine hundred and sixty dollars; Foxborough, three thousand seven hundred and ninety-two dollars; Franklin, two thousand four hundred and ninety-six dollars; Medfield, one thousand seven hundred and four dollars; Medway, three thousand six hundred and ninety-six dollars; Milton, eight thousand five hundred and twenty dollars; Needham, four thousand five hundred and twelve dollars; Quincy, ten thousand seven hundred and fifty-two dollars; Randolph, eight thousand and forty-dollars; Roxbury, sixty-one thousand one hundred and seventy-six dollars; Sharon, one thousand nine hundred and forty-four dollars; Stoughton, five thousand five hundred and ninety-two dollars; Walpole, three thousand and twenty-four dollars; West Roxbury, twenty thousand six hundred and eighty-eight dollars; Weymouth, nine thousand seven hundred and forty-four dollars; Wrentham, three thousand seven hundred and forty-four dollars.

County of Bristol.

*Bristol County.*—Acushnet, two thousand one hundred and sixty dollars; Attleborough, seven thousand two hundred and seventy-two dollars; Berkley, nine hundred and sixty dollars; Dartmouth, seven thousand eight hundred dollars; Dighton, two thousand one hundred and thirty-six dollars; Easton, three thousand four hundred and eight dollars; Fairhaven, nine thousand one hundred and forty-four dollars; Fall River, thirty-four thousand one hundred and twenty-eight dollars; Freetown, two thousand two hundred and fifty-six dollars; Mansfield, two thousand two hundred and eighty dollars; New Bedford, sixty-one thousand six hundred and thirty-two dollars; Norton, two thousand four hundred and twenty-four dollars; Raynham, two thousand eight hundred and eighty dollars; Rehoboth, two thousand five hundred and ninety-two dollars; Seekonk, one thousand three hundred and forty-four dollars; Somerset, two thousand six hundred and eighty-eight dollars; Swanzey, two thousand one hundred and twelve dollars; Taunton, twenty-two thousand nine hundred and twenty dollars; Westport, four thousand nine hundred forty-four dollars.

County of Plymouth.

*Plymouth County.*—Abington, ten thousand one hundred and four dollars; Bridgewater, five thousand two hundred and eighty dollars; Carver, one thousand four hundred and eighty-eight dollars; Duxbury, three thousand three hundred and twelve dollars; East Bridgewater, four thousand and eighty dollars; Halifax, nine hundred and sixty dollars; Hanover, two thousand four hundred and twenty-four dollars; Hanson, one thousand six hundred and fifty-

six dollars; Hingham, seven thousand and eighty dollars; Hull, four hundred and eighty dollars; Kingston, three thousand five hundred and four dollars; Lakeville, one thousand six hundred and eighty dollars; Marion, one thousand three hundred and forty-four dollars; Marshfield, two thousand two hundred and thirty-two dollars; Mattapoissett, two thousand three hundred and seventy-six dollars; Middleborough, six thousand six hundred and twenty-four dollars; North Bridgewater, six thousand eight hundred and forty dollars; Pembroke, one thousand eight hundred and ninety-six dollars; Plymouth, eight thousand nine hundred and fifty-two dollars; Plympton, one thousand one hundred and seventy-six dollars; Rochester, one thousand seven hundred and fifty-two dollars; Scituate, two thousand eight hundred and fifty-six dollars; South Scituate, two thousand six hundred and sixty-four dollars; Wareham, three thousand five hundred and fifty-two dollars; West Bridgewater, two thousand two hundred and eighty dollars.

*Barnstable County.*—Barnstable, six thousand one hundred and forty-four dollars; Brewster, one thousand eight hundred and forty-eight dollars; Chatham, two thousand seven hundred and sixty dollars; Dennis, three thousand four hundred and fifty-six dollars; Eastham, seven hundred and ninety-two dollars; Falmouth, three thousand eight hundred and forty dollars; Harwich, two thousand eight hundred and fifty-six dollars; Orleans, one thousand five hundred and eighty-four dollars; Provincetown, three thousand eight hundred and forty dollars; Sandwich, four thousand nine hundred and twenty dollars; Truro, one thousand four hundred and sixteen dollars; Wellfleet, two thousand and eighty-eight dollars; Yarmouth, three thousand three hundred and eighty-four dollars.

*Dukes County.*—Chilmark, one thousand five hundred and eighty-four dollars; Edgartown, three thousand seven hundred and sixty-eight dollars; Tisbury, two thousand seven hundred and twelve dollars.

*Nantucket County.*—Nantucket, ten thousand six hundred and eight dollars.

*Recapitulation.*—Suffolk County, seven hundred and seventy-eight thousand five hundred and eighty-four dollars; Essex County, two hundred and forty thousand three hundred and sixty dollars; Middlesex County, three hundred and sixty-nine thousand nine hundred and twelve dollars; Worcester County, two hundred and twenty-one thousand two hundred and eight dollars; Hampshire County, fifty-one thousand six hundred and seventy-two

dollars; Hampden County, seventy-seven thousand one hundred and thirty-six dollars; Franklin County, thirty-eight thousand two hundred and thirty-two dollars; Berkshire County, seventy thousand four hundred and sixty-four dollars; Norfolk County, two hundred and twenty-nine thousand seven hundred and twenty-eight dollars; Bristol County, one hundred and seventy-five thousand and eighty dollars; Plymouth County, eighty-six thousand five hundred and ninety-two dollars; Barnstable County, thirty-eight thousand nine hundred and twenty-eight dollars; Dukes County, eight thousand and sixty-four dollars; Nantucket County, ten thousand six hundred and eight dollars.

Treasurer to issue warrant to assessors, etc.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of the eleventh chapter of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively, on each city or town.

Duties of assessors and selectmen.

SECTION 3. The treasurer, in his said warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants, requiring the treasurers of their several cities or towns to pay to said treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and sixty-three, the sums set against said cities or towns in the schedule aforesaid; 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, at some time before the first day of October next.

Penalty for delinquency.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon,

a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as the said court, or the justice thereof before whom the hearing is had, shall order.

SECTION 5. This act shall take effect upon its passage.

*Approved April 29, 1863.*

AN ACT IN ADDITION TO "AN ACT TO ENCOURAGE ENLISTMENTS AND REGULATE RECRUITING."

*Chap. 222*

*Be it enacted, &c., as follows :*

The governor may, in his discretion, appropriate the whole or any part of the bounty authorized by the ninety-first chapter of the acts of the year eighteen hundred and sixty-three, to the payment of necessary expenses of transporting the troops of the second Massachusetts cavalry: *provided, however,* that the whole amount thus expended in the transportation of said corps, shall not exceed the maximum fixed in the said chapter, for bounty and other expenses.

Governor may appropriate for transport of second reg. cavalry.

Proviso.

*Approved April 29, 1863.*

AN ACT CONCERNING HORSE RAILROAD COMMISSIONERS.

*Chap. 223*

*Be it enacted, &c., as follows :*

SECTION 1. Whenever any horse railroad corporation is authorized by law to connect its road or track with the road or track of another such corporation, and whenever any such corporation, either itself or by its lessees or assigns, enters upon and uses, under authority of law, in any manner the road or track, or any portion thereof, of another such corporation, and the corporations cannot agree upon the mode of such connection, or the manner and stated periods of such use, or the compensation to be paid therefor, the supreme judicial court, upon the petition of either party, and notice to the other, shall appoint three commissioners, who, after due notice to and hearing the parties interested, shall determine such rate of compensation, or fix the mode of such connection, or the manner and stated periods of such use, having reference to the convenience and interest of the corporations and the public to be accommodated thereby: and the award of the commissioners, or a major part of them, shall be binding upon the respective corporations interested therein, until the same is revised or altered by other commissioners appointed in the same manner; but no such revision or alteration shall be made within one year after the last award.

Connection of horse railroads: in cases of disagreement, S. J. C. to appoint commissioners.

Duties of commissioners.

Award.

SECTION 2. Whenever commissioners are so appointed to determine the compensation to be paid for the use of the road or track of another corporation, they shall, if desired

May determine compensation for use of tracks.

by either party, determine the compensation to be paid therefor from the commencement of such use, excepting, however, such period of time, if any, as is covered by the award of previous commissioners, or by agreement of the parties.

Until determined, S. J. C. may prescribe rate of monthly payment.

SECTION 3. Whenever such entry upon and use of the tracks of another corporation are hereafter made, the corporation so entering and using shall, until the rate of compensation is fixed by commissioners, or by agreement, pay, monthly, for such use from the time of entry at such rate as the supreme judicial court shall, on petition of either party, and notice to the other, from time to time, order; but the rate of compensation thus fixed by the court shall not be deemed, in any manner, to preclude the judgment of commissioners, as to the amount which ought justly to be allowed and paid for such use.

Injunction in case of non-payment.

SECTION 4. In case the corporation so using the tracks of another corporation fails to make the monthly payment herein provided for, the further use of said tracks may be enjoined by the supreme judicial court, until all payments in arrear have been made or satisfactorily secured.

Difference in award of S. J. C. and commissioners.

SECTION 5. If the compensation fixed by commissioners for such prior use of the tracks of another corporation, exceeds the rate previously fixed by the court under the third section of this act, the excess shall be paid by the party using such tracks; and in case it falls below said rate, the difference shall be deducted from the compensation subsequently accruing.

Expenses and costs before commissioners, how adjusted.

SECTION 6. In all cases heard before commissioners under the provisions of this act, the expenses and costs attending the same, including the compensation of the commissioners, shall be paid by such party, or divided between the parties in such proportions, as the commissioners determine. The court appointing the commissioners shall fix and award them such compensation for their services and expenses as is deemed by the court just and reasonable.

Pending cases, not affected.

SECTION 7. This act shall take effect upon its passage, but shall not affect any proceeding now pending. All acts and parts of acts inconsistent herewith, are hereby repealed.

*Approved April 29, 1863.*

*Chap. 224* AN ACT RELATING TO THE RETURNS AND REPORTS OF RAILROAD CORPORATIONS.

*Be it enacted, &c., as follows:*

Secretary to have reports conform to law.

SECTION 1. The secretary of the Commonwealth is hereby required to examine the annual railroad returns and



reports of the year eighteen hundred and sixty-two, and all subsequent years, and notify the several railroad corporations of the particulars, if any, in which their reports do not conform to the requirements of law.

SECTION 2. Whenever a railroad corporation, notified as provided in section first of this act, shall fail to make any subsequent annual returns and reports, so as to conform to all such requirements, it shall be the duty of the secretary, and he is hereby required, to recover from said corporation the penalties provided in section one hundred and thirty-five of chapter sixty-three of the General Statutes.

Penalty if corporations refuse.

*Approved April 29, 1863.*

AN ACT CONCERNING THE REGISTRY OF DEEDS.

*Chap. 225*

*Be it enacted, &c., as follows :*

SECTION 1. Registers of deeds shall note upon the record of any instrument recorded by them, the value of any stamp affixed to such instrument, pursuant to the laws of the United States, and the cancellation thereof.

Registers to note value of stamp and cancellation.

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

*Approved April 29, 1863.*

AN ACT TO REPEAL SECTIONS EIGHT AND NINE OF THE "ACT TO INCORPORATE THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY, AND TO GRANT AID TO SAID INSTITUTION, AND TO THE BOSTON SOCIETY OF NATURAL HISTORY."

*Chap. 226*

*Be it enacted, &c., as follows :*

Sections eight and nine of chapter one hundred and eighty-three of the acts of the year eighteen hundred and sixty-one, entitled "An Act to incorporate the Massachusetts Institute of Technology, and to grant aid to said institution, and to the Boston Society of Natural History," are hereby repealed.

Repeal of reservation certain lots on Back Bay.

*Approved April 29, 1863.*

AN ACT TO INCORPORATE THE TRUSTEES OF THE NEWBURYPORT VETERAN ARTILLERY COMPANY.

*Chap. 227*

*Be it enacted, &c., as follows :*

SECTION 1. John Burrill, William E. Currier, Richard Fowler, their associates and successors, are hereby made a corporation by the name of the Trustees of the Newburyport Veteran Artillery Company.

Corporators.

SECTION 2. Said board of trustees shall consist of not less than five nor more than nine persons, who shall be members of said company. A majority of said trustees shall constitute a quorum for doing business, and all vacancies that may happen in said board of trustees, by death, resignation or otherwise, shall be filled in such manner as the members of the company may direct.

Number of trustees.

Quorum.

Vacancies, how filled.

May hold real and personal estate.

SECTION 3. Said board of trustees shall have power to purchase, receive, hold and manage real estate for said corporation, to the amount of ten thousand dollars, and personal property belonging to said corporation, and receive any gift, grant, bequest or donation which may be made to said corporation, and manage the same, by investment or otherwise.

Rules and by-laws.

SECTION 4. Said board of trustees shall have power to make rules, regulations and by-laws in conformity with the previous sections, for the government of said company, which rules, regulations and by-laws shall be binding on its members.

*Approved April 29, 1863.*

**Chap. 228** AN ACT TO REDUCE THE CAPITAL OF THE MERCHANTS' BANK OF BOSTON.

*Be it enacted, &c., as follows :*

Reduction of \$1,000,000 authorized.

SECTION 1. The president, directors and company of the Merchants' Bank, established in the city of Boston, are hereby authorized to reduce their capital stock to the sum of three million dollars: *provided*, that said reduction shall not take place until the bank commissioners, or a majority of them, 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 liabilities existing against it, and for the purchase and extinguishment of ten thousand shares of its stock, and after the payment of all liabilities, and the purchase of its stock, as aforesaid, the sum of three million dollars shall remain in said bank as capital stock in funds available, for all usual and proper banking purposes, nor until the stockholders of said corporation, at a meeting called for that purpose, shall vote in favor of said reduction.

Proviso.

Reduction affected by purchase of 10,000 shares stock.

SECTION 2. The capital stock of said bank shall be reduced as aforesaid, by the purchase and extinguishment by said corporation, of ten thousand shares of its stock, so that each of the remaining thirty thousand shares shall be of the par value of one hundred dollars; and when the capital stock is reduced, as aforesaid, and the president and cashier of the said bank shall have certified, in writing, to the governor and council, that the capital stock of said bank has been reduced in manner as provided by this act, then all the rights, duties and liabilities of said bank shall have relation to, and be governed by, said reduced capital stock of three million dollars; and until such reduction is made, and the certificate of the president and cashier is made as aforesaid, said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its capital stock.

President and cashier to certify governor.

Tax, until stock is reduced.

SECTION 3. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for by this act, and the necessary expenses incurred by them in so doing, shall be paid by said corporation.

Duty of bank commissioners.

SECTION 4. This act shall take effect upon its passage.

*Approved April 29, 1863.*

AN ACT IN ADDITION TO "AN ACT TO PRESERVE A RECORD OF OUR SOLDIERS AND OFFICERS." *Chap. 229*

*Be it enacted, &c., as follows :*

SECTION 1. The first section of an act, entitled, "An Act to preserve a Record of our Soldiers and Officers," approved March seventh, in the year eighteen hundred and sixty-three, is hereby so amended that the record required by the provisions of said first section shall, as far as practicable, state the time and place of birth, names of parents, previous occupation, term of enlistment, time of entering the service, and whether married or single, of all such soldiers and officers.

Act of 1863, ch. 65, amended.

SECTION 2. The clerk of each city and town shall also keep a full and complete record of the names of all seamen and officers, residents of such cities and towns, engaged in the naval service of the United States, during the present rebellion, which record shall, as far as practicable, state the time and place of birth, name of parents, the date at which he entered such service, his previous occupation, whether he was married or single, the vessel or vessels on which he served, the battles or kind of service in which he was engaged, whether he resigned, or was discharged, or deserted, and the date of such resignation, discharge, or desertion, the cause of such discharge or resignation, his promotions, and the dates, occasions, and nature of the same; and, if he died in the service, it shall state the date and cause of his death; and such record shall contain any and all such other facts as relate to the naval career of such seamen or officers during such rebellion.

Clerks of cities and towns to prepare record of seamen and officers in U. S. service.

SECTION 3. The adjutant-general shall prepare suitable blank books, in conformity with the requirements of this act, with proper blanks for marginal notes, and furnish the same to the several cities and towns at cost, on the application of the clerk thereof.

Record books to be furnished.

SECTION 4. All the expenses incurred in making said records, with the cost of the record-books, shall be paid by the several cities and towns, and the records, when completed, shall be deposited and kept in the city and town clerk's office.

Expense of making records.

Repeal.

SECTION 5. The second section of chapter sixty-five of the acts of the year eighteen hundred and sixty-three, is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

*Approved April 29, 1863.*

**Chap. 230** AN ACT IN RELATION TO THE DISCHARGE OF VESTED RIGHTS BY EXECUTORS AND OTHERS.

*Be it enacted, &c., as follows :*

General Statutes, amended.

Section eleven of chapter one hundred and one of the General Statutes is amended by adding thereto the following words: *provided*, that in all cases notice shall be given in the same manner as now prescribed by law in relation to applications for sales of real estate by the same parties, under license from the probate court.

*Approved April 29, 1863.*

**Chap. 231** AN ACT TO DEFINE THE FEES FOR MANUSCRIPT COPIES FURNISHED BY THE SECRETARY OF THE COMMONWEALTH, AND FOR THE EXAMINATION OF RECORDS AND PAPERS.

*Be it enacted, &c., as follows :*

Fees for copying.

SECTION 1. The fees required for copies of acts, resolves or orders of the legislature, and of orders or other papers of the governor and council, certified by the secretary of the Commonwealth, and furnished to any private person, shall be computed at twenty-five cents for each page; and twenty-five cents shall be added for the official certificate thereto attached.

Official certificate.

Fee for recording corporate certificate.

SECTION 2. Every corporation and joint stock company, upon filing in the secretary's department any certificate of organization, increase of capital stock, or other paper to be recorded in said department, shall pay therefor the sum of one dollar: and an entry of such payment shall be made upon the record.

Examination of records.

SECTION 3. Every person upon whose application or request, an examination of records or papers shall be made by direction of the secretary of the Commonwealth, shall pay therefor into said department, the actual expense of such examination, and of copying the manuscript or record required: *provided*, that any citizen or other person deemed entitled to exemption from the fees herein prescribed for examinations and copies of papers, shall receive such service and copies as the secretary shall decide the case to require, for such reduced fees, or without fee, as may seem just.

Proviso.

Disposition of fees received.

SECTION 4. All fees received under the provisions of this act, shall be included in the certificates of quarterly returns

of moneys by the secretary, to the treasurer and receiver-general.

SECTION 5. The eleventh section of the one hundred and fifty-seventh chapter of the General Statutes, is hereby repealed. Repeal.

SECTION 6. This act shall take effect upon its passage.

*Approved April 29, 1863.*

AN ACT CONCERNING THE DORCHESTER RAILWAY COMPANY.

*Chap. 232*

*Be it enacted, &c., as follows :*

SECTION 1. The organization of the Dorchester Railway Company, under the provisions of section seven of the two hundred and seventy-ninth chapter of the acts of eighteen hundred and fifty-six, is hereby confirmed. Organization confirmed.

SECTION 2. The said company is hereby authorized to purchase the franchise, railroad and other property of the Dorchester Extension Railway Company, provided such purchase shall not be made until the same has been sanctioned by a majority in interest of the stockholders of both companies. Purchase of Dorchester Extension Co. authorized.

SECTION 3. The Dorchester Railway Company is hereby authorized to sell or lease its railroad, franchise and other property, or any part of the same, including what they may acquire under the provisions of section second of this act, to any other horse railroad corporations in the counties of Suffolk and Norfolk, or in either of them: *provided, however,* that no such sale or lease shall be made without the sanction of a majority in interest of the stockholders of said Dorchester Railway Company, and of a majority in interest of the stockholders of the company purchasing or leasing the same; and the company purchasing or leasing the franchise and railroad of said Dorchester Railway Company, may purchase and hold any real estate in Dorchester, which may be required for their railroad purposes. May lease or sell road.

Proviso.

Co. purchasing may hold estate.

SECTION 4. This act shall take effect upon its passage.

*Approved April 29, 1863.*

AN ACT TO AMEND THE CHARTER OF THE BAY STATE STEAM-BOAT COMPANY.

*Chap. 233*

*Be it enacted, &c., as follows :*

SECTION 1. The third section of an act, entitled "An Act to incorporate the Bay State Steam-boat Company," approved March twenty-second, in the year one thousand eight hundred and forty-nine, is so far amended that it shall read as follows: The said company may hold real estate, not exceeding in value one hundred thousand dollars, and personal property to an amount not exceeding four hundred Real and personal estate.

thousand dollars, to be divided into such number of equal shares as the said company, by its by-laws, shall determine.

Provisions of act of 1856, when void.

SECTION 2. Whenever the said Bay State Steam-boat Company shall cease to carry passengers or freight in connection with the Old Colony and Fall River Railroad, in the manner in which said business is now done, then the obligation contained in section fourth, of chapter one hundred and fifty-six, of the acts of the year one thousand eight hundred and sixty-one, shall be of no effect.

*Approved April 29, 1863.*

**Chap. 234** AN ACT IN RELATION TO SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS HOLDING BANK STOCK.

*Be it enacted, &c., as follows :*

May continue to hold stock in certain banks.

Savings banks and institutions for savings holding stock in banks which may become banking associations, under the provisions of section sixty-one of the act of congress, entitled "An act to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," may continue to hold such stock in such banking associations. *Approved April 29, 1863.*

**Chap. 235** AN ACT IN ADDITION TO "AN ACT EXTENDING THE POWERS OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES TO SETTLE CONTROVERSIES BY ARBITRATION OR COMPROMISE."

*Be it enacted, &c., as follows :*

Sect. 2, ch. 174, of 1861, how to apply.

SECTION 1. The provisions of the second section of chapter one hundred and seventy-four of the laws of the year eighteen hundred and sixty-one shall apply to all claims, whether the time for prosecuting the same had or had not expired at the time of the passage of said act.

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

*Approved April 29, 1863.*

**Chap. 236** AN ACT TO LEVY A TAX ON THE STOCK OF CORPORATIONS HELD BY PERSONS WHOSE RESIDENCE IS OUT OF THE COMMONWEALTH.

*Be it enacted, &c., as follows :*

One-fifteenth of dividends to be reserved and paid as tax to treasurer.

SECTION 1. Every corporation organized under a charter or under general statutes, paying dividends in scrip, stock or money, shall reserve from each and every dividend one-fifteenth part of that portion due and payable to its stockholders residing out of the Commonwealth, and shall pay the same, as a tax or excise, on such estate or commodity, to the treasurer of the Commonwealth, within ten days after such dividend is declared payable: *provided*, that this act shall not apply to stock standing in the name of executors, administrators or trustees, when the income is payable

Proviso.

to persons residing in this state so that the stock is liable to taxation under existing laws.

SECTION 2. If such corporation shall neglect to make payment to the treasurer, as provided in this act, the treasurer shall forthwith commence an action of contract in the name of the Commonwealth, for the recovery of the same with interest.

Upon neglect, treasurer may recover with interest.

SECTION 3. Every such corporation shall at all times submit its books to the inspection of the treasurer of the Commonwealth, and shall within ten days after each and every dividend is declared, make a return to the treasurer, signed and sworn to by the treasurer of the corporation, of the rate per cent. and amount of such dividend, the time when it was declared, the amount of stock owned by and the name of each stockholder residing out of the Commonwealth; and any corporation liable to make payment to the treasurer of the Commonwealth under the provisions of this act, neglecting to make this return within the time prescribed, shall forfeit to the use of the Commonwealth fifty dollars for each day's neglect, to be recovered by the treasurer.

Books to be submitted to his inspection, and returns made to him.

Penalty for neglect.

SECTION 4. This act shall take effect upon its passage.

*Approved April 29, 1863.*

AN ACT TO AUTHORIZE THE RAISING OF MONEY FOR THE ERECTION OR ENLARGEMENT OF A JAIL AND HOUSE OF CORRECTION IN THE COUNTY OF BARNSTABLE.

*Chap. 237*

*Be it enacted, &c., as follows:*

SECTION 1. The county commissioners for the county of Barnstable are hereby authorized to borrow, on the credit of the county, a sum not exceeding thirteen thousand dollars, the same to be expended by said commissioners, or their successors in office, in erecting a suitable building for a jail and house of correction, or in enlarging the present jail, in the town of Barnstable.

County commissioners may borrow \$13,000.

SECTION 2. The county commissioners for said county of Barnstable may apportion, for assessment upon the inhabitants of said county, such proportion of the sum which they may borrow under the authority of the preceding section, not exceeding three thousand dollars in any one year, as they may determine.

May apportion for assessment.

SECTION 3. If the said county commissioners shall determine to erect a jail and house of correction upon some other site than that of the present jail in Barnstable, they are hereby authorized to sell and execute a deed or deeds to convey the lands under and around the present jail in Barn-

May sell present lands if new site be selected.

May build on present site.

Prisoners to be confined at New Bedford during erection.

County of Bristol to be compensated.

In case of disagreement superior court to decide.

Repeal.

stable, and the buildings thereon. And if said commissioners shall determine to build a jail and house of correction upon the site of the present jail, they are hereby authorized to take down the present jail, and to discontinue the same for the time being. And while a new building for the purposes of a jail and house of correction may be in process of construction, the sheriff of the county of Barnstable is authorized, whenever it shall appear to him expedient, to transfer and remove any prisoner which may be in his custody in said county to the jail or house of correction in New Bedford, in the county of Bristol. And during such time, any trial justice in any court in said county of Barnstable, may commit any persons, for detention, or under sentence, to the jail or house of correction in said New Bedford, in the same manner as they might have been committed in the county of Barnstable. And the keeper of the jail and the master of the house of correction in said New Bedford, shall receive and detain such persons in the same manner as if they had been committed by a trial justice or court in the county of Bristol. And there shall be paid to the county of Bristol by the county of Barnstable, for the support of such persons, so transferred or committed, such sum as shall be agreed upon by the county commissioners of said counties; and in case said commissioners shall not be able to agree upon the amount to be paid, representation of the facts may be made to the superior court sitting in either of said counties, and the amount to be paid shall be determined by said court.

SECTION 4. The seventy-first chapter of the acts of the year eighteen hundred and sixty-two, is hereby repealed.

SECTION 5. This act shall take effect upon its passage.

*Approved April 29, 1863.*

**Chap. 238** AN ACT CONCERNING THE OLD COLONY AND FALL RIVER RAILROAD COMPANY.

*Be it enacted, &c., as follows :*

Authorized to relocate their extension.

SECTION 1. The Old Colony and Fall River Railroad Company are hereby authorized to re-locate at any time within two years, the extension of their railroad authorized to be built by chapter one hundred and fifty-six of the acts of the year eighteen hundred and sixty-one, entitled "An Act to extend the railroad of the Old Colony and Fall River Railroad Company to the line of the state of Rhode Island and for other purposes," from a point at or near the tunnel on the line of their present railroad in the city of Fall River, in a southerly direction through said city to the



former line of the state of Rhode Island, to the terminus of a railroad now being constructed from Newport in the state of Rhode Island to the former line of the Commonwealth of Massachusetts.

SECTION 2. The Old Colony and Fall River Railroad Company are hereby authorized to construct their railroad at grade with the streets where the same shall cross the three following streets or ways in said Fall River: a private way or street called Metacomet Street, a private way or street, called Mill Street, and a public way or street called Broadway. And said railroad company are also hereby authorized to cross the southeasterly and the southerly portions of the American Print Works Pond on a solid filling of earth, provided the proprietors of said pond consent to such filling.

May cross at grade, certain streets in Fall River.

May cross American Print Works Pond.

Proviso.

SECTION 3. Whenever said railroad company shall re-locate the extension of their said railroad as authorized by this act, they shall surrender and abandon the location of the extension of their said railroad heretofore made and filed, by an instrument duly executed by said railroad company and filed with the clerk of the county commissioners for Bristol County; and said railroad company, shall only be liable for such damages for said first location of said extension of their railroad as shall have accrued up to the time of said surrender.

Upon re-location, shall surrender previous one.

Liability for damages.

SECTION 4. When streets shall be crossed over or under the same by the railway, the grading to and from said crossing shall be made satisfactory to the city authorities of Fall River and at the expense of the railroad company; and said company shall also pay all damages to abutters on said streets, occasioned by raising or lowering the same. The said railroad company shall also make proper provision at their own expense for any obstruction to the sewerage or drainage occasioned by the construction of said railroad.

Grade at crossings over or under streets.

Damage to abutters.

SECTION 5. This act shall be void unless accepted by said railroad company within six months from its passage, at a meeting of the stockholders of said railroad company legally called and held for the purpose.

Act void unless accepted.

SECTION 6. This act shall take effect upon its passage.  
*Approved April 29, 1863.*

AN ACT RELATING TO AN ANNUAL ABSTRACT OF PUBLIC DOCUMENTS AND REPORTS.

Chap. 239

Be it enacted, &c., as follows:

SECTION 1. The secretary of the Commonwealth shall cause to be prepared and presented to the legislature, in

Tabular abstract, with notes, to be prepared.

printed form, annually, a tabular abstract of each of the public documents and reports of the year next preceding, so far as the same shall be practicable; together with such other tables, notes and explanations as will illustrate the general financial and industrial condition of the Commonwealth, the condition of the several public charitable and penal institutions, and such other statistical information relating to the Commonwealth and its institutions, as he shall deem practicable and valuable for reference. Such document shall be deemed a "public" document, under chapter four of the General Statutes, and shall take precedence in the numbering and arrangement of the same.

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

*Approved April 29, 1863.*

**Chap. 240** AN ACT IN RELATION TO STATE CHARITABLE AND CORRECTIONAL INSTITUTIONS.

*Be it enacted, &c., as follows:*

SECTION 1. The governor, with the advice and consent of the council, shall appoint five persons who, together with the general agent and secretary hereinafter mentioned, shall constitute the board of state charities. One of the persons so appointed shall hold office for one year; one of them for two years and one for three years; one for four years and one for five years, unless sooner removed. Appointments to fill vacancies, caused by death, resignation or removal before the expiration of terms, may be made for the residue of such terms by the governor and council; and all appointments to fill vacancies caused by expiration of terms shall be made in the same manner.

SECTION 2. The governor, with the advice and consent of the council, shall appoint some suitable person as general agent of state charities, who shall hold his office for three years, unless sooner removed. He shall be a member of the board of state charities, *ex officio*, and shall, subject to the control and direction of the said board, oversee and conduct its out-door business, especially the examination of paupers and lunatics, to ascertain their places of settlement and means of support, or who may be responsible therefor; the removal of paupers and lunatics to their usual homes; the prosecution of cases of settlement and bastardy; the collection of emigrant head-money and the bonding of suspicious persons, and all and singular the duties now devolved by law upon the superintendent of alien passengers for the city of Boston.

Board of state charities established.

Tenures.

General agent, appointment, tenure, and duties.

SECTION 3. The governor, with the advice and consent of the council, shall appoint some suitable person to be secretary of the board of state charities. He shall hold his office three years, unless sooner removed. He shall keep an accurate record of the proceedings of the board and shall perform such clerical service as they may require. He shall, under the direction and control of the board, examine the returns of the several cities and towns in relation to the support of paupers therein, and in relation to births, deaths and marriages, and he shall prepare a series of interrogatories to the several institutions of charity, reform and correction, supported wholly or in part by the Commonwealth, or the several counties thereof, with a view to illustrate in his annual report the causes and best treatment of pauperism, crime, disease and insanity. He shall also arrange and publish in his said report all desirable information concerning the industrial and material interests of the Commonwealth, bearing upon these subjects, and shall have free access to all reports and returns now required by law to be made; and he may also propose such general investigations as may be approved by the board. He shall be paid, annually, the sum of two thousand dollars and his actual travelling expenses.

Secretary of board, tenure and duties.

Salary.

SECTION 4. The board of state charities shall be provided with suitable rooms in the state house. They shall hold meetings on the first Wednesday of every month. They may make such rules and orders for the regulation of their own proceedings as they may deem necessary. They shall investigate and supervise the whole system of the public charitable and correctional institutions of the Commonwealth, and shall recommend such changes and additional provisions as they may deem necessary for their economical and efficient administration. They shall have full power to transfer pauper inmates from one charitable institution or lunatic hospital to another, and for this purpose to grant admittances and discharges to such pauper inmates, but shall have no power to make purchases for the various institutions. They shall receive no compensation for their services except their actual travelling expenses, which shall be allowed and paid.

Location, and meetings of board.

Powers and duties.

Compensation.

SECTION 5. The board of state charities shall annually prepare and print for the use of the legislature a full and complete report of all their doings during the year preceding, stating fully and in detail all expenses incurred, all officers and agents employed, with a report of the secretary and general agent, embracing all the respective proceedings

Annual report.

and expenses during the year, and showing the actual condition of all the state institutions under their control, with such suggestions as they deem necessary and pertinent.

Com'rs alien passengers, and superintendent, in Boston, offices abolished and duties transferred.

SECTION 6. The board of commissioners in relation to alien passengers and state paupers, and the office of superintendent of alien passengers in the city of Boston are hereby abolished, and the duties now required by law to be performed by the incumbents of said offices shall be performed by the secretary and general agent herein provided for, subject to the control and direction of the board of state charities. No compensation shall be allowed for this service except actual travelling expenses.

Salary of agent.

SECTION 7. The general agent shall be paid annually the sum of two thousand dollars in full for all his services, and his actual travelling expenses. The general agent and secretary, subject to the approval of the board, may employ such assistants, and incur such expenses as they may deem necessary, within the limits of the annual appropriations; and the balance of appropriations already made for the alien commissioners and the superintendent of alien passengers, remaining unexpended on the first day of October, eighteen hundred and sixty three, shall be held subject to the requirements of the board.

Appointment and pay of assistants.

Secretary and agent to give bonds.

SECTION 8. The secretary and general agent shall respectively give bond to the treasurer of the Commonwealth, with sufficient sureties, for the faithful performance of their duties, in such sums as may be required in their commissions.

Support of non-resident lunatics.

SECTION 9. The expenses of the lunatic hospitals for the support of lunatics not having known settlements in this state committed thereto, shall be paid by the Commonwealth at the same rates charged for other lunatics residing therein, not exceeding two dollars and twenty-five cents a week for each lunatic.

Repeal.

SECTION 10. All acts and parts of acts inconsistent with this act are hereby repealed.

Act, when to take effect.

SECTION 11. This act, so far as the appointment of officers under it is concerned, shall take effect upon its passage; and for all other purposes, on the first day of October in the year one thousand eight hundred and sixty-three.

*Approved April 29, 1863.*

**Chap. 241** AN ACT INCORPORATING THE UNION FREIGHT HORSE RAILROAD COMPANY.

*Be it enacted, &c., as follows:*

Corporators.

SECTION 1. George B. Upton, Alfred C. Hersey, John L. Gardner, their associates and successors, are hereby made a

corporation, by the name of the Union Freight Horse Rail- Title.  
road Company, with power to construct, maintain and use  
a railway or railways, with convenient single or double  
tracks, commencing at some convenient point at or near the Location.  
freight station of the Boston and Lowell Railroad Company,  
in Lowell or Brighton Streets, in the city of Boston, and  
continuing thence upon and over Causeway, Commercial,  
India, Broad, (or India, Custom House and Broad,) Federal,  
Kneeland and Eliot Streets, to the tracks of the Boston and  
Providence Railroad Company, in the city of Boston; thence  
upon and over such streets, in the city of Boston, as may be  
designated from time to time, by the mayor and aldermen  
of said city, with the written consent of said corporation,  
filed with the city clerk of said city, to the point of begin- Provisos.  
ning: *provided, however*, that said tracks shall not be laid  
in any of the streets of said city without the consent of the  
said mayor and aldermen being first obtained; and provided  
also that in carrying out the purposes of this corporation,  
the route aforesaid may be varied through any streets other  
than those designated, by and with the consent of the mayor  
and aldermen of the city of Boston: and *provided, also*,  
that all tracks of said railroad shall be laid at such distances  
from the sidewalks in said city, as said mayor and aldermen  
shall determine to be for the public safety and convenience.  
Said mayor and aldermen, before proceeding to locate any Notice to abut-  
tracks in any street, as aforesaid, shall give notice to the  
abutters thereon, by publication thereof in one or more  
newspapers published in said city, fourteen days at least  
prior to the location of any such tracks. Said corporation Rates of compen-  
shall have power to fix, from time to time, such rates of  
compensation for transporting property thereon, as they may  
think expedient, and shall have all the powers and priv- Powers and priv-  
ileges, and be subject to all the duties, liabilities and restric-  
tions set forth in the sixty-eighth chapter of the General  
Statutes.

SECTION 2. Said tracks and road shall be operated and Motive power.  
used by said corporation with horse-power only. Said mayor  
and aldermen shall have power, at all times, to make all Rate of speed and  
such regulations, as to the rate of speed and mode of use form of rail.  
of said tracks, and the form of rail to be used, as the public  
convenience and safety may require.

SECTION 3. Said corporation shall maintain and keep in Repairs of streets.  
repair such portions of the streets, respectively, as shall be  
occupied by their tracks, and shall be liable for any loss or Liability for loss  
injury that any person may sustain by reason of any care- or injury.  
lessness, neglect or misconduct of its agents and servants,

in the management, construction or use of said tracks or roads; and in case any recovery shall be had against said city of Boston, by reason of such defect, want of repair or use, said corporation shall be liable to pay to said city any sums thus recovered against them, together with all costs and reasonable expenditures, incurred by said city in the defence of any such suit or suits in which such recovery shall be had. And such corporation shall not incumber any portion of the streets not occupied by the said road or tracks.

Penalty for obstructing road.

SECTION 4. If any person shall wilfully or maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such persons, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. If said corporation or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Penalty if corporation obstruct.

Capital.

SECTION 5. The capital stock of said corporation shall not exceed the sum of three hundred thousand dollars, to be divided into shares of one hundred dollars each; and no shares shall be issued for a less sum to be actually paid in on each, than the par value of the shares which shall first be issued.

Real estate.

SECTION 6. Said corporation shall have power to purchase and hold such real estate as may be necessary or convenient for the purposes and management of said road.

City of Boston may after ten years purchase franchise.

SECTION 7. The city of Boston may at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying them therefor such a sum as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of said stock to him, on the books of the corporation, deducting the dividends received by said stockholders thereon.

May determine grade and manner of construction.

SECTION 8. The said road shall be constructed and maintained in such form and manner and upon such grade, as the said mayor and aldermen may prescribe and direct; and whenever in the judgment of said railroad corporation, it shall be necessary to alter the grade of any street occupied

by it, such alteration may be made at the sole expense of said corporation: *provided*, the same shall be assented to by said mayor and aldermen. Proviso.

SECTION 9. Said corporation may make such connection with the tracks of any of the steam railroads having a terminus in Boston, with the consent of the respective companies owning the same, and may make or allow to be made, such extension or side tracks from their tracks to and upon any wharves, and to any warehouse, mill, foundry, machine-shop, manufactory, or other industrial establishment or estate, with the consent of the owners thereof, as may be necessary or convenient for the business of the corporation: *provided, however*, that neither such consent or connection, or any thing herein contained, shall authorize the corporation hereby created, to apply to the supreme judicial court, to appoint commissioners under the one hundred and seventeenth and one hundred and eighteenth sections of the sixty-third chapter of the General Statutes, or to use any steam railroad, under the provisions of said chapter; and *provided, also*, that if the owners of any wharf, shall, at their own expense, construct a track thereon, it shall be the duty of said corporation to connect the same with their road, by means of a switch, and to receive and deliver freight at said switch, and haul the same at their established rates of toll; and *provided, also*, that said corporation shall not lay down any tracks south of Kneeland Street, except for the purpose of making convenient connections north of Dover Street, with the track of any existing steam railroad; and for that purpose only. Company may connect with steam railroads having terminus in Boston. Provisos.

SECTION 10. Said corporation may enter upon, connect their tracks with, and use any part of any other horse railroad track, with the written assent of the owners thereof, but not otherwise, and upon such terms as they may mutually agree; and thereupon may strengthen or improve such track, so as to make it suitable for the transportation of freight; and they may suffer other parties to enter upon and use or operate their road, or any part thereof, for the transportation of freight only, upon such terms as they may mutually agree. Nothing in this act contained shall authorize said corporation to enter upon and use any portion of the tracks of any other horse railroad, without the written assent of the owners thereof, and of the mayor and aldermen of said city of Boston. May connect with other horse railroads upon consent of parties.

SECTION 11. Nothing in this act shall be construed to prevent the authorities of the city of Boston from taking up any of the public streets traversed by said railroads, for the Right of city to take up streets.

purposes for which they may now lawfully take up the same.

May discontinue tracks.

SECTION 12. At any time, after the expiration of one year from the opening for use of the tracks of said railroad in any street in which the same may be located, the said mayor and aldermen may determine that said track, or any part thereof, shall be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with such vote or order as said mayor and aldermen may pass thereon: *provided*, that such taking up and removal shall be at the expense of said railroad company.

Proviso.

Company, how far deemed a railroad corporation.

SECTION 13. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature, as are or may be prescribed by law; and to all general provisions of law that are or may be prescribed relative to horse or street railroads.

Conditions of validity of act.

SECTION 14. This act shall be void so far as relates to the right to construct said road, unless the same shall be accepted by the city council of the city of Boston, and by said corporation, and ten per cent. of the capital stock thereof be paid in, within one year from its passage.

SECTION 15. This act shall take effect upon its passage.

*Approved April 29, 1863.*

### Chap. 242

#### AN ACT CONCERNING USURY.

*Be it enacted, &c., as follows:*

Usury not a defence in action on certain promissory notes.

Usury between the payee and the maker of a promissory note, payable on time, shall not be a defence to an action thereon, brought by the indorsee to whom the same was indorsed before maturity, for value and without notice, express or implied, of the usury.

*Approved April 29, 1863.*

### Chap. 243

#### AN ACT IN ADDITION TO AN ACT CONCERNING THE MILITIA.

*Be it enacted, &c., as follows:*

Governor may organize, arm and equip.

SECTION 1. The governor, with the advice and consent of the council, is authorized to organize, arm and equip, under such regulations as he may prescribe, so many of the enrolled militia as may be necessary for the common defence.

Cavalry, infantry and artillery, organization prescribed.

SECTION 2. The militia so organized shall consist of at least one regiment of cavalry, to consist of twelve troops or companies; one regiment of artillery of not more than twelve batteries, and eight regiments of infantry of ten companies each, which shall be officered in the manner prescribed by the laws of the United States, and of this State, concerning



the militia. The governor shall divide the militia into divisions and brigades.

SECTION 3. The governor may appoint one major-general, to command the militia thus organized, who shall hold his office until the next session of the legislature, when a major-general shall be chosen in accordance with the provisions of the constitution.

Major-general, governor may appoint pro tem.

SECTION 4. The general, staff, field and company officers, and the non-commissioned officers of the militia thus organized, shall be chosen, appointed and commissioned agreeably to existing laws; but the habitual use of intoxicating liquors as a beverage shall disqualify any person from holding a commission under this act; and no commission shall issue to an officer elected or appointed, unless he is qualified by education and ability to discharge the duties of his office: and the commander-in-chief may appoint a military board to examine into the capacity, qualifications and efficiency of all persons claiming or holding a commission in the militia under the rank of a major-general, and if the report of the board is unfavorable to the officer, his commission shall be vacated or withheld, as the case may be.

Officers, how chosen, appointed and commissioned.

Qualifications.

Governor may appoint board of examiners.

SECTION 5. Uniforms, arms and equipments shall be provided for the militia thus organized, in general conformity with those furnished to similar troops in the service of the United States. And the governor may, in his discretion, arm a portion of the infantry with rifles.

Uniforms, arms and equipments.

SECTION 6. The pay of the militia so enrolled shall be the same as now provided by law, except that officers and non-commissioned officers serving on foot, and privates, shall be allowed for their personal service when called out for discipline, one dollar each per day, and one ration, valued at thirty cents.

Pay and allowances.

SECTION 7. The commander-in-chief may call out the militia mentioned in this act for discipline and military instruction, at such times and places as may be expedient and necessary; and may issue all such orders as are necessary to carry this act into effect.

Discipline and instruction, governor may direct.

SECTION 8. This act shall take effect upon its passage.

*Approved April 29, 1863.*

AN ACT IN RELATION TO BANKS SURRENDERING THEIR CHARTERS UPON BECOMING BANKING ASSOCIATIONS UNDER THE LAWS OF THE UNITED STATES.

Chap. 244

*Be it enacted, &c., as follows:*

SECTION 1. Any bank incorporated or organized by authority of this Commonwealth, which shall become an association for carrying on the business of banking under the

Action under U. S. law deemed surrender of charter.

laws of the United States, shall be deemed to have surrendered its charter, if it shall have complied with the requirements of this act: *provided*, that every such bank shall nevertheless be continued a body corporate for the term of three years after the time of such surrender, for the purpose of prosecuting and defending suits by and against it, and of enabling it to close its concerns, and to dispose of and convey its property, but not for the purpose of continuing under the laws of this Commonwealth the business for which it was established.

**SECTION 2.** When a bank, at a meeting of the stockholders, has voted to become such association, and its directors have procured the authority of the owners of two-thirds of the capital stock to make the certificate required therefor by the laws of the United States, the cashier shall publish notice thereof, for thirty days, in such newspapers as the bank commissioners may direct, and send like printed notice by mail to each stockholder.

**SECTION 3.** The bank commissioners shall determine and certify to the directors, what was the fair market value of the shares of such bank at the time of paying the last dividend; and if within said thirty-days, any stockholder who has not joined in giving such authority, notifies, in writing, the president or cashier, of his desire to surrender his stock upon receiving the value thereof as so determined, such bank shall, within thirty days thereafter, pay such stockholder for his shares, according to said valuation, with interest from the time of paying said dividend, upon his surrendering his shares.

**SECTION 4.** The capital stock of such bank shall be reduced to the extent of the par value of the shares so surrendered, and may be further reduced to any amount fixed by authority of the owners of two-thirds of the capital stock, by purchase and cancellation of shares, by reducing the par value of each share, or by both methods as the directors may determine.

**SECTION 5.** The plates and dies of such bank shall be disposed of according to the provisions of section one hundred and eight of chapter fifty-seven of the General Statutes, in like manner as those of banks whose charters expire or are forfeited; and all printed bills of the bank, not in actual circulation, whether signed or unsigned, shall be destroyed.

**SECTION 6.** Such bank shall give security for the full and prompt redemption, on demand, of all the bills of the bank issued before becoming such association, either by furnish-

Proviso.

Cashier shall publish notice, and notify stockholders.

Bank commissioners to determine value of shares.

Stockholders surrendering shares to receive value.

Capital to be reduced on surrender of share.

Plates, dies and notes, how disposed.

Bills in circulation, security for redemption required.

ing to the Commonwealth a sufficient bond, or by depositing stocks or other securities with the auditor, or by both, to the satisfaction and approval of the bank commissioners. The bond and securities, with the approval, and by permission of the bank commissioners, may be changed or reduced, from time to time, as the bills of the bank are redeemed and destroyed, and evidence thereof furnished to said commissioners.

SECTION 7. The bank tax imposed by the laws of this Commonwealth, shall be paid by such bank up to the date of its becoming such association, in proportion to the time since the next preceding payment thereof. State tax.

SECTION 8. When a bank furnishes to the bank commissioners satisfactory evidence, by the oath of its officers, by exhibition of its books, or otherwise, that all the requirements of this act have been complied with in relation to such bank, and that it has become a banking association under the laws of the United States, the commissioners shall certify the facts to the governor and council, who shall cause notice thereof to be published in some newspaper in Boston, and the charter of the bank shall thereupon be deemed to be surrendered, subject to the provisions of the first section of this act. Commissioners to certify that bank has complied with requirements of act.

SECTION 9. Nothing in this act shall be construed as releasing such association from its obligation to pay and discharge all the liabilities incurred by the bank before becoming such association. Governor to cause publication.

SECTION 10. This act shall take effect upon its passage.

*Approved April 29, 1863.*

AN ACT CONCERNING PROBATE COURTS IN THE COUNTY OF PLYMOUTH.

*Chap. 245*

*Be it enacted, &c., as follows:*

SECTION 1. Probate courts within and for the county of Plymouth shall be held in each year at the times, and within the towns hereinafter mentioned, viz.: at Plymouth on the second Monday of every month, except July and August; at Wareham on the fourth Monday of October; at East Bridgewater on the fourth Mondays of February and December; at Hingham on the fourth Monday of March; at Middleborough on the fourth Mondays of April and January and second Monday of July; at Abington on the fourth Mondays of May, August and November; at South Scituate on the fourth Monday of June; at Bridgewater on the fourth Monday of September. Time and places of holding.

SECTION 2. So much of the one hundred and seventeenth chapter of the General Statutes, as requires probate courts Repeal.

to be holden in the county of Plymouth otherwise than is provided in this act, is hereby repealed.

Act, when in force.

SECTION 3. This act shall take effect on the first day of July next; and all citations which have been ordered to be returned to any probate court in the county of Plymouth subsequent to said date, shall be returned to the probate court at Middleborough on the second Monday of said July, and the like proceedings may be had in respect to such citations as if they had been returned as originally ordered.

*Approved April 29, 1863.*

**Chap. 246** AN ACT IN ADDITION TO AN ACT TO DEFINE AND REGULATE THE ENFORCEMENT OF THE LIABILITIES OF OFFICERS AND STOCK-HOLDERS OF MANUFACTURING CORPORATIONS.

*Be it enacted, &c., as follows:*

Act of 1862, construction defined

SECTION 1. Chapter two hundred and eighteen of the acts of the year eighteen hundred and sixty-two, shall not be construed to release any manufacturing corporation organized under chapter sixty-one of the General Statutes, or the officers of any such corporation from their obligation to file the certificates and publish the notices required by said chapter sixty-one of the General Statutes.

Liability for neglect of duties.

SECTION 2. If the officers of any corporation organized under the provisions of chapter sixty-one of the General Statutes neglect or refuse to perform the duties required by chapter two hundred and ten of the acts of the year eighteen hundred and sixty-two, they shall be jointly and severally liable for all debts of the corporation contracted during the continuance of such violation, refusal or neglect.

*Approved April 29, 1863.*

**Chap. 247** AN ACT REQUIRING CORPORATIONS TO MAKE RETURNS TO THE ASSESSORS OF CITIES AND TOWNS.

*Be it enacted, &c., as follows:*

Corporations to furnish annually in May list of stockholders, with shares, capital and value.

SECTION 1. In addition to the returns required by sections twenty and twenty-one, chapter sixty-eight of the General Statutes, to be made to assessors of cities and towns, banks, insurance companies, corporations mentioned in chapters sixty and sixty-one of the General Statutes, railroad, bridge, turnpike, canal and aqueduct corporations shall annually, between the first and tenth days of May, return by mail or otherwise to the assessors of every city and town in the Commonwealth, a complete list of their shareholders, with their place of residence, the number of shares belonging to each on the first day of May, and the par and cash market value of such shares; and shall also state the whole amount of the capital stock of the corporation, and the amount at

the value at which it was last assessed, of its real estate subject to assessment on the first day of May, and of machinery as last assessed to it in the city or town where its place of business is situated. The returns for the present year may be made on or before the twentieth day of May.

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

*Approved April 29, 1863.*

AN ACT RELATING TO THE PUNISHMENT OF CERTAIN FRAUDS.

*Chap. 248*

*Be it enacted, &c., as follows :*

SECTION 1. The offence described in the fifty-fourth section of chapter one hundred and sixty-one of the General Statutes, may be alleged in the indictment, and may be prosecuted and punished, in any county in which the false pretence, or the privy or false token was made, written or used, or in or through which any of the property obtained is carried, sent, transported or received by the party charged.

Prosecution may be made in county of offence or transport.

SECTION 2. Whoever, under false color and pretence of carrying on business, and dealing in the ordinary course of trade, obtains from any person goods or chattels, with intent to defraud, shall be punished by imprisonment in the state prison, not exceeding five years, or by fine not exceeding five hundred dollars and imprisonment in the jail not more than two years.

Penalty for obtaining goods with intent to defraud.

SECTION 3. Whoever buys, receives or aids in the concealment of goods or chattels, knowing the same to have been obtained from any person under false color and pretence of carrying on business, and dealing in the ordinary course of trade, with intent to defraud, shall be punished by imprisonment in the state prison not exceeding five years, or by fine not exceeding five hundred dollars and imprisonment in the jail not exceeding two years. *Approved April 29, 1863.*

Penalty for knowingly receiving goods falsely obtained.

AN ACT CONCERNING FIRE INSURANCE COMPANIES.

*Chap. 249*

*Be it enacted, &c., as follows :*

SECTION 1. The charters of all fire insurance companies, which, either by the vote of their members, the neglect of their officers, or in obedience to injunctions from the supreme judicial court, have ceased, or shall hereafter cease, for the period of one year, to transact the business for which they were established, shall become extinct in all respects as if they had expired by their own limitation.

Suspension of business for one year to void charter.

SECTION 2. The supreme judicial court shall have authority, upon the application of the insurance commissioners, or any person interested, to fix, by decree, the time

S. J. C. may decree time for settlement of affairs.

within which such company shall settle and close their concerns.

Applications to S. J. C. under act of 1862 to be referred an auditor.

SECTION 3. When an application is made to the supreme judicial court, under the provisions of chapter one hundred and eighty-one, of the acts of the year eighteen hundred and sixty-two, the same shall be referred to an auditor, who shall appoint a time and place to hear all parties interested in the assessment or call, and shall give personal notice thereof, in writing, to the insurance commissioners, and through the post office, so far as he may be able, to all persons liable upon said assessment or call. And said auditor shall hear the parties, and report upon the correctness of said assessment or call, and all matters connected therewith. And if it shall appear to the presiding judge of the court before which such application is pending, that the net proceeds of any assessment or call will not be sufficient to furnish substantial relief to those having claims against the company, said judge may decree that no assessment shall be collected; and when, upon the application of the insurance commissioners, or any person interested, said judge shall be of opinion that further attempts to collect any assessment then partially collected will not benefit those having claims against the company, he may stay the further collection of said assessment.

Auditor to hear and report.

Judge may decree against assessment.

May stay collection.

Cash premiums on unexpired risks exceeding funds, directors may make certain assessments.

SECTION 4. Whenever the directors of any mutual fire insurance company find that its funds, other than premium notes, are not equal to the cash premium on the unexpired term of the existing risks, and that the company is in danger of becoming insolvent, instead of the assessment or call now provided by law, they may make two assessments, the first determining what each policy-holder must equitably pay or receive in case of withdrawal from the company and having his policy cancelled, the second what further sum each must pay in order to re-insure the unexpired term of his policy at the same rate as the whole was insured at first; and each policy-holder shall pay or receive according to the first assessment, and his policy shall then be cancelled unless he prefers to pay the further sum determined by the second assessment, in which case his policy shall continue in force: *provided*, that in neither case shall any policy-holder receive or have credited to him more than he would have received on having his policy cancelled by vote of the directors, under the by-laws of the company. If, within two months after the assessments have been collectable, the amount of the policies whose holders have settled for both assessments shall not equal the amount required by the charter of the company

Proviso

In case insufficient, company shall cease to issue policies.

for the commencement of business, and in no case less than two hundred and fifty thousand dollars, the company shall cease to issue policies; and all policies whose holders have not settled for both assessments shall then be void, and the company shall continue only for the purpose of adjusting the deficiency or excess of premiums among the members and settling outstanding claims.

SECTION 5. The provisions of chapter one hundred and eighty-one of the acts of the year eighteen hundred and sixty-two, and of the second and third sections of this act, shall apply to the assessments described in the preceding section; and the court may make such orders and decrees in the premises as under all the circumstances justice and equity may require.

Acts of 1862 and sections herein, how to apply.

SECTION 6. The term "liabilities" in the fifty-first section of the fifty-eighth chapter of the General Statutes shall include a sum sufficient to re-insure all outstanding risks.

"Liabilities," term defined.

SECTION 7. Whenever, after setting aside a sum equal to the premiums for the unexpired term on existing risks, the cash assets of any fire insurance company with a specific capital do not amount to more than three-fourths of its original capital, the company shall, by assessing the stock for the difference, repair its capital to the original amount.

Cash assets not exceeding three-fourths of capital, company to assess and repair.

SECTION 8. Shares on which such assessment is not paid within sixty days after demand upon the owner thereof shall be forfeitable and subject to be cancelled by a vote of the directors, and new shares may be issued to make up the deficiency.

Non-payment of assessment to forfeit shares.

SECTION 9. Any insurance company, with a specific capital, which does not, within three months after receiving notice from the insurance commissioners that its capital is legally subject to repair as aforesaid, satisfy them that it has been fully restored to its original amount, with the reserve of premium aforesaid against existing risks, shall be proceeded against according to section six of chapter fifty-eight of the General Statutes.

Proceedings in case of neglect to restore capital.

SECTION 10. No foreign fire insurance company with specific capital shall be permitted to do business in this Commonwealth unless it complies with the provisions of section seven of this act.

Foreign companies to comply under section seven.

*Approved April 29, 1863.*

AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

*Chap. 250*

*Be it enacted, &c., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, and shall be allowed and paid out of the treasury

Appropriations authorized.

of this Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, herein cited, and for other purposes, to wit:

Charlotte E. Myers.

In the resolve, chapter two, in favor of the guardian of the Punkapog tribe of Indians, for the benefit of Charlotte E. Meyers, the sum of fifty-two dollars.

District of Marshpee.

In the resolve, chapter three, in favor of the district of Marshpee, a sum not exceeding seventy-five dollars and thirty-one cents.

Clerk committee on finance.

In the resolve, chapter five, authorizing the committee on finance to employ a clerk, a sum not exceeding seventy-five dollars; bills to be approved by the chairman of the committee on finance.

Charles Ballard.]

In the resolve, chapter six, in favor of Charles Ballard, the sum of one hundred and forty-five dollars and fifty-six cents.

Committee on agricultural college

In the resolve, chapter seven, authorizing certain expenditures by the committee on agricultural college, a sum not exceeding three hundred dollars.

Eye and ear infirmary.

In the resolve, chapter nine, in favor of the Massachusetts charitable eye and ear infirmary, fifteen hundred dollars.

Marshpee schools

In the resolve, chapter ten, in favor of the Marshpee schools, the sum of seventy-five dollars, to be paid from the income of the school fund.

State library.

In the resolve, chapter twelve, to provide additional accommodations for the state library, a sum not exceeding four hundred dollars.

North Brookfield.

In the resolve, chapter fourteen, in favor of the town of North Brookfield, a sum not exceeding four hundred dollars.

Jemima Easton.

In the resolve, chapter sixteen, in favor of Jemima Easton, the sum of fifty dollars.

Augustine J. Drake.

In the resolve, chapter twenty-two, in favor of Augustine J. Drake, the sum of nine hundred and sixteen dollars and sixty-four cents.

Normal school, Westfield.

In the resolve, chapter twenty-three, in favor of the state normal school, at Westfield, the sum of five hundred dollars.

Suppression of counterfeiting.

In the resolve, chapter twenty-five, for the suppression of counterfeiting bank bills and coin, the sum of fifteen hundred dollars.

Bennett and Heard's Digest.

In the resolve, chapter twenty-eight, authorizing the purchase and distribution of Bennett and Heard's Massachusetts Digest, a sum not exceeding twenty-eight hundred dollars.



In the resolve, chapter thirty-four, in favor of the Chappaquiddic and Christiantown Indians, the sum of one hundred and four dollars.

Chappequiddic and Christiantown Indians.

In the resolve, chapter thirty-five, in favor of Nelly Joseph, the sum of fifty dollars, (or as much of the same as may be necessary.)

Nelly Joseph.

In the resolve, chapter thirty-six, in relation to the state prison, the sum of two thousand eight hundred sixty-six dollars and ninety-four cents.

State prison.

In the resolve, chapter thirty-eight, in favor of the state almshouse at Bridgewater, the sum of twenty-five hundred dollars.

Almshouse, Bridgewater.

In the resolve, chapter thirty-nine, in favor of John Hecktor, a sum not exceeding fifty dollars.

John Hecktor.

In the resolve, chapter forty-four, in favor of Rhoda M. Taylor, the sum of fifty dollars.

Rhoda M. Taylor

In the resolve, chapter forty-seven, in favor of Increase N. Emerton, the sum of fifty dollars.

Increase N. Emerton.

In the resolve, chapter forty-eight, in favor of Henry E. McCollum, the sum of two hundred dollars.

Henry E. McCollum.

In the resolve, chapter forty-nine, in favor of William H. Luce and Daniel A. Cleaveland, the sum of seventy-five dollars.

W. H. Luce, D.A. Cleaveland.

In the resolve, chapter fifty-three, to provide for repairs on the powder-house on Captain's Island, in Cambridge, a sum not exceeding three hundred and fifty dollars, in addition to the appropriation of last year, in resolve chapter forty-six.

Powder-house, Captain's Island.

In the resolve, chapter fifty-seven, in favor of the Washingtonian Home, the sum of four thousand dollars.

Washingtonian Home.

In the resolve, chapter sixty, in favor of the Troy, Dudley and Marshpee Indians, the sum of seventeen hundred and fifty dollars.

Troy, Dudley, & Marshpee Indians

In the resolve, chapter sixty-one, in favor of the town of Grafton, the sum of four hundred dollars.

Grafton.

In the resolve, chapter sixty-two, in favor of Caroline E. Hastings, the sum of fifty dollars.

Caroline E. Hastings.

In the resolve, chapter sixty-four, to provide for preparing and publishing catalogues of the museum of comparative zoölogy, the sum of ten thousand dollars.

Catalogues, museum zoölogy.

In the resolve, chapter sixty-five, in aid of the Perkins' institution and Massachusetts asylum for the blind, the sum of three thousand dollars, in addition to the sum heretofore appropriated.

Asylum for the blind.

In the resolve, chapter seventy-one, in favor of Amherst college, the sum of twenty-five hundred dollars.

Amherst college.

- Cattle commis-  
sioners, expenses. In the resolve, chapter eighty-four, for the payment of certain expenses incurred under the provisions of an act concerning cattle commissioners, a sum not exceeding one thousand dollars.
- Committee on  
charitable insti-  
tutions. In the resolve, chapter eighty-three, in relation to expenses of the committee on public charitable institutions, the sum of one hundred and sixty-five dollars and five cents.
- Reform school. In the resolve, chapter eighty-six, in favor of the state reform school at Westborough, the sum of twelve hundred and seventy-three dollars and eight cents, being balance of appropriation for the past year.
- Chaplains, door-  
keepers and mes-  
sengers. In the resolve, chapter eighty-seven, to provide additional compensation to the chaplains, door-keepers, messengers and pages of the legislature, a sum not exceeding eight hundred dollars.
- Census abstract. For completing and printing census abstract, under resolve of the year eighteen hundred and sixty, chapter thirteen, and for binding and indexing the original returns, a sum not exceeding fifteen hundred dollars.
- Assessors' books. For assessors' books, in addition, the sum of six hundred and fifty dollars.
- Insurance com-  
missioners, print-  
ing, &c. For printing and incidental expenses of the board of insurance commissioners, a sum not exceeding six hundred dollars.
- Militia rolls. For arranging and preserving the rolls of Massachusetts soldiers, a sum not exceeding one hundred and fifty dollars.
- Printing scrip for  
bounty fund. For plates, paper, printing, &c., in preparation of the scrip for the bounty fund, a sum not exceeding one thousand dollars.
- Stationery, house  
of representatives. For stationery for the house of representatives, purchased by the clerk of the house, two hundred dollars, in addition to a former appropriation.
- Reimbursement  
to cities & towns. For the reimbursement of money to cities and towns, agreeably to the provisions of chapter sixty-six and chapter one hundred sixty-six of the acts of the year eighteen hundred and sixty-two, and chapter seventy-nine, of the acts of the year eighteen hundred sixty-three, a sum not exceeding one million nine hundred thousand dollars; the same to be payable on the first day of December, eighteen hundred and sixty-three.
- Printing & bind-  
ing, legislature. For printing and binding for the senate and house of representatives, in addition to former appropriations, the sum of eight thousand dollars.
- Printing public  
documents. For printing public documents, for the year eighteen hundred and sixty-two, the sum of five thousand dollars.

For the arrest of fugitives from justice, in addition to former appropriation, the sum of five hundred dollars.

Arrest of fugitives.

For expenses incurred by authority of the cattle commissioners, during the year eighteen hundred and sixty-two, the sum of five hundred dollars, in addition to the sum heretofore appropriated.

Expenses cattle commissioners.

For the salary of the adjutant-general, in addition to former appropriations, the sum of two hundred dollars.

Adjutant-general, salary.

For expenses of the Charles River and Warren bridges, for the year one thousand eight hundred and sixty-two, to wit: for repairs, the sum of five hundred twenty-one dollars and ninety cents; and for gas, oil and fluid, the sum of one hundred fifty-five dollars and thirty-one cents; the same to be paid out of the income of the Charles River and Warren bridges fund.

Expenses Charles River & Warren bridges.

For clerical assistance employed by the board of insurance commissioners, agreeably to the provisions of chapter one hundred and seventy-eight of the acts of the year eighteen hundred and sixty, in the valuation of life insurance policies, a sum not exceeding one thousand nine hundred and ninety-two dollars and eighty-four cents.

Insurance commissioners, clerical assistance.

For the contingent expenses of the sergeant-at-arms, a sum not exceeding one hundred dollars, in addition.

Sergeant-at-arms expenses.

For the contingent expenses of the insurance commissioners, a sum not exceeding five hundred dollars.

Insurance commissioners, contingent.

In the resolve, chapter fifteen, for the relief of certain agricultural societies, the sum of thirty-six hundred dollars. The trustees of the state reform school at Westborough are hereby allowed to use any part of the unexpended balance of the appropriation for reconstruction, at the special session of the year eighteen hundred and fifty-nine, not exceeding one thousand dollars, for the purpose of building a hospital.

Agricultural societies.

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

*Approved April 29, 1863.*



# RESOLVES,

## GENERAL AND SPECIAL.

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RESOLVE PRESENTING THE THANKS OF THE LEGISLATURE TO MAJOR-GENERAL BUTLER. *Chap. 1.*

*Resolved,* That the thanks of the senate and house of representatives are hereby tendered to Major-General Benjamin F. Butler, for the energy, ability and success characterizing his late administration and command of the department of the Gulf.

*Approved January 20, 1863.*

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RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS, FOR THE BENEFIT OF CHARLOTTE E. MYERS. *Chap. 2.*

*Resolved,* For the reasons set forth in the petition of Charlotte E. Myers, a member of the Punkapog tribe of Indians, that there be allowed and paid out of the treasury of the Commonwealth, to the guardian of said tribe, the sum of fifty-two dollars, for the benefit of said Charlotte E. Myers.

*Charlotte E. Myers, \$52.*

*Approved February 5, 1863.*

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RESOLVE IN FAVOR OF THE DISTRICT OF MARSHPEE. *Chap. 3.*

*Resolved,* That there be allowed and paid from the treasury of the Commonwealth to the treasurer of the District of Marshpee, for the benefit of said district, the sum of seventy-five dollars and thirty-one cents, it being in full for money expended by said district for the support of certain paupers named in the petition of the selectmen and overseers of the poor of said district, for the year ending the thirty-first day of December, eighteen hundred and sixty-two, in addition to the sum appropriated for that purpose by the twentieth chapter of the resolves of the year eighteen hundred and sixty-two.

*Support of certain paupers, \$75.31.*

*Approved February 7, 1863.*

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RESOLVES IN RELATION TO THE BOUNDARY LINE BETWEEN THE TOWNS OF UXBRIDGE AND DOUGLAS. *Chap. 4.*

*Resolved,* That the governor, by and with the advice and consent of the council, be and he is hereby authorized to

*Governor to appoint commissioners.*

appoint three commissioners, whose duty it shall be, after due notice to all parties interested and hearing the same, to ascertain as nearly as may be the true boundary line between the towns of Uxbridge and Douglas, in the county of Worcester, and report the same to the next general court.

Report.

Expenses, how paid.

*Resolved*, That the necessary expenses incurred by said commissioners for personal service, or otherwise, shall be paid equally by said towns of Uxbridge and Douglas.

*Approved February 13, 1863.*

**Chap. 5.**

RESOLVE AUTHORIZING THE COMMITTEE ON FINANCE TO EMPLOY A CLERK FOR CERTAIN PURPOSES.

Clerical assistance to committees, \$75.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding seventy-five dollars, for such clerical assistance in copying the appropriation and tax bills, as the committee on finance may find necessary during the present session of the legislature; and that said committee be authorized to employ any clerk now in the service of the Commonwealth; provided he can do their work without encroaching upon his regular office hours.

*Approved February 13, 1863.*

**Chap. 6.**

RESOLVE IN FAVOR OF CHARLES BALLARD.

Services as quartermaster, \$145.56.

*Resolved*, That there be allowed and paid from the treasury of the Commonwealth, to Charles Ballard, for his services as quartermaster of the fifty-fourth regiment of Massachusetts Volunteers, the sum of one hundred and forty-five dollars and fifty-six cents.

*Approved February 14, 1863.*

**Chap. 7.**

RESOLVE AUTHORIZING CERTAIN EXPENDITURES BY THE COMMITTEE ON AN AGRICULTURAL COLLEGE.

Committee authorized to confer with certain parties and incur expenses not exceeding \$300.

*Resolved*, That the joint special committee to whom was referred so much of the governor's address as relates to an agricultural college, the society of natural history and the institute of technology, have authority to invite conference with parties interested, or who may impart valuable information, and also may visit any localities or institutions, and incur other needful expenditures to an amount not exceeding three hundred dollars.

*Approved February 17, 1863.*

**Chap. 8.**

RESOLVE IN RELATION TO THE STATE ALMSHOUSE AT MONSON.

Inspectors may use appropriation of 1862, for repairs.

*Resolved*, That the inspectors of the state almshouse at Monson, be authorized to use the unexpended appropriation of last year, amounting to six hundred and seventy-seven dollars and twenty-five cents, for the purpose of relaying the floors, and making other necessary repairs.

*Approved February 19, 1863.*

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY. *Chap. 9.*

*Resolved*, That the sum of fifteen hundred dollars be allowed and paid from the treasury of the Commonwealth to the Massachusetts Charitable Eye and Ear Infirmary, to be expended during the current year, under the direction of the trustees, for the charitable purposes of said infirmary; and the said trustees shall report to the legislature during the month of January next, a detailed account of the manner in which this appropriation has been expended.

Allowance of \$1,500.

Trustees to report expenditure.

*Approved February 19, 1863.*

RESOLVE IN FAVOR OF THE MARSHPEE SCHOOLS. *Chap. 10.*

*Resolved*, That the sum of seventy-five dollars be allowed and paid from the income of the school fund the present year, to the treasurer of the district of Marshpee, for the support of the schools in that district; the same being in addition to the sums now allowed for the support of said schools, and also on the condition that the inhabitants of that district shall also appropriate and expend for the use of said schools, during the present year, twenty-five dollars in addition to the sum now annually paid by them for that purpose.

Allowance for support, \$75.

Inhabitants to expend additional.

*Approved February 19, 1863.*

RESOLVES CONCERNING THE AMENDMENT TO THE CONSTITUTION. *Chap. 11.*

*Resolved*, That the following article of amendment of the constitution, having been agreed to by the last and present general courts, and published in the manner required by the constitution, be submitted to the people for their ratification and adoption:

Article to be submitted to the people.

## ARTICLE OF AMENDMENT.

The twenty-third article of the articles of amendment of the constitution of this Commonwealth which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third amendment, relating to suffrage, annulled.

Meetings of legal voters to approve or reject.

*Resolved*, That the people shall be assembled for the purpose aforesaid, in their respective cities and towns, in meetings to be legally warned, and held on Monday, the sixth day of April next, at which meetings all the inhabitants qualified to vote for senators and representatives in the general court, may give in their votes, by ballot, for or against said article of amendment; and the same officers shall preside in the said meetings as in the meetings for the choice of senators and representatives, and shall in open meeting receive, sort, count and declare the votes of the inhabitants, for and against the same; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out under the hands of the mayor and aldermen of the several cities, and of the selectmen, or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up and delivered to the sheriff of the county within three days after the said meetings, to be by him transmitted to the office of the secretary of the Commonwealth within seven days after receiving the same; or the said mayors and aldermen, and selectmen, respectively, shall themselves transmit the same to the said office within ten days after the said meetings: *provided*, that in the several cities, the meetings held under this resolve shall be conducted according to the provisions of the acts establishing the same, and of the several acts in addition thereto. The said meetings shall be deemed to be legally warned, if due notice thereof be given on or before the thirtieth day of March next previous thereto.

Proceedings.

Meetings, how legally warned.

Form of ballot.

*Resolved*, That every person qualified to vote as aforesaid, may express his opinion on said article of amendment, without expressing in his ballot the contents of said article; but the form of said ballot shall be as follows: "Amendment to the Constitution, Yes," or "No." And if said article shall appear to be approved by a majority of the persons voting thereon, it shall be deemed and taken to be ratified and adopted by the people.

Governor and council to examine votes.

Amendment when adopted to be enrolled and published.

*Resolved*, That his excellency the governor and the council shall forthwith open and examine the votes returned as aforesaid; and if it shall appear that said article of amendment has been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment, and deposited in the secretary's office, as a part of the constitution of this Commonwealth, and shall be published in immediate connection therewith, numbered according to its numerical position, with the articles of amendment of the



constitution heretofore adopted, in all future editions of the laws of this Commonwealth, printed by public authority.

*Resolved*, That his excellency the governor be, and he hereby is, authorized and requested to issue his proclamation forthwith, after the examination of the votes returned as aforesaid, reciting said article of amendment, and announcing that said article has been duly adopted and ratified by the people of this Commonwealth, and has become a part of the constitution thereof, and requiring all magistrates and officers, and all citizens of the said Commonwealth, to take notice thereof, and govern themselves accordingly; or that the said article of amendment has been rejected, as the case may be.

Governor to issue proclamation.

*Resolved*, That a printed copy of these resolves, including the said article of amendment, and blank forms of the returns of votes on said article, shall be transmitted, as soon as may be, by the secretary of the Commonwealth to the mayors and aldermen of the several cities, and the selectmen of the several towns of this Commonwealth.

Resolves, with blank returns, to be transmitted to towns.

*Approved February 20, 1863.*

RESOLVES TO PROVIDE ADDITIONAL ACCOMMODATIONS FOR THE STATE LIBRARY.

Chap. 12.

*Resolved*, That the librarian of the state library be authorized to use the room on the west end of the state library for the better accommodation of the books of said library: *provided*, said room be so used without interfering with its use as a committee room, and as a private room of the librarian.

Librarian may use adjoining rooms.

Proviso.

*Resolved*, That the librarian and trustees of the state library be authorized to cause suitable cases with shelves to be placed in the room adjoining the state library, and also to provide additional shelves in the second gallery of the library; and that a sum not exceeding four hundred dollars be appropriated to defray the expense thereof.

Additional cases and shelves authorized.

Appropriation.

*Approved February 21, 1863.*

RESOLVE AUTHORIZING THE FINISHING AND FURNISHING AN ADDITIONAL ROOM IN THE STATE HOUSE.

Chap. 13.

*Resolved*, That the sergeant-at-arms is hereby authorized to finish off and furnish a room for the attorney-general in the long room now occupied by the clerks of the secretary of the Commonwealth; and that a sum not exceeding three hundred dollars be, and the same is hereby appropriated therefor.

Room provided for the attorney-general.

Appropriation

*Approved February 21, 1863.*

**Chap. 14.** RESOLVE IN FAVOR OF THE TOWN OF NORTH BROOKFIELD.

Secretary to furnish towns with Reports, Revised and General Statutes, State Map, &c.

*Resolved*, For reasons set forth in the petition of the selectmen of the town of North Brookfield, that the secretary of the Commonwealth is hereby authorized and directed to furnish to the clerk of said town, complete sets of the Massachusetts Reports, Pickering's Reports, Metcalf's Reports, Cushing's Reports, Gray's Reports, and Allen's Reports; one copy each of the Revised Statutes and General Statutes, and a State Map; also copies of such general and special laws of the Commonwealth, and of all such books and documents in his office, as may heretofore have been furnished by the Commonwealth to clerks of towns: and the secretary is authorized to purchase such of the reports and statutes aforesaid as may be necessary to carry into effect this resolve: also, that the treasurer of the Commonwealth is hereby authorized and directed to furnish the treasurer of said town with a complete set of standard weights, measures and balances, such as the treasurer of each town is by law required to keep for the use of its inhabitants.

*Approved February 21, 1863.*

Treasurer to furnish standard weights and measures.

**Chap. 15.** RESOLVE FOR THE RELIEF OF CERTAIN AGRICULTURAL SOCIETIES.

Authorized to draw bounty.

*Resolved*, That the Berkshire, Hampshire, Worcester, Worcester South-East, Middlesex South, and Middlesex North Agricultural Societies be allowed to draw from the treasury of the Commonwealth the bounties due to them respectively, by the provisions of section first, chapter sixty-six, of the General Statutes, in the same manner as if they had complied with all the requirements of the said chapter.

*Approved February 21, 1863.*

**Chap. 16.** RESOLVE IN FAVOR OF JEMIMA EASTON.

Allowance \$52.

*Resolved*, For reasons set forth in the petition of Priscilla Freeman, that there be allowed and paid out of the treasury of the Commonwealth, to the overseers of the poor of the town of Tisbury, for the benefit of Jemima Easton, an Indian of the Deep Bottom tribe, residing in said town, the sum of fifty-two dollars.

*Approved February 21, 1863.*

**Chap. 17.** RESOLVE IN FAVOR OF WILLIAM N. BOURNE.

Military service, \$66.74.

*Resolved*, For reasons set forth in the petition of William N. Bourne, that there be allowed and paid and the same is hereby appropriated, out of the treasury of the Commonwealth, to said petitioner, the sum of sixty-six dollars and seventy-four cents, the same being in full for services as

fourth lieutenant in company A, third regiment, first division, Massachusetts volunteer militia. Said sum shall be paid out of the Union fund provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one, and in chapter one hundred and forty-seven of the acts of the year eighteen hundred and sixty-two.

*Approved February 21, 1863.*

RESOLVE IN FAVOR OF THE MESSENGER OF THE GOVERNOR AND COUNCIL.

*Chap. 18.*

*Resolved,* That there be allowed and paid to the messenger of the governor and council, the sum of two hundred dollars in addition to his salary for the current year.

Additional allowance, \$200.

*Approved February 27, 1863.*

RESOLVE PROVIDING FOR THE ERECTION OF MONUMENTS ON THE LINE BETWEEN MASSACHUSETTS AND RHODE ISLAND.

*Chap. 19.*

*Resolved,* That the sum of eight hundred dollars be and the same is hereby appropriated, and shall be allowed and paid out of any money in the treasury not otherwise appropriated, to be expended under the direction of the governor and council, in erecting permanent stone monuments at the termini of the line between this state and the state of Rhode Island, and at each angle in the same.

Appropriation of \$800, under direction of governor and council.

*Approved February 27, 1863.*

RESOLVE IN TESTIMONY OF THE SERVICES AND CHARACTER OF MAJOR-GENERAL WOOL.

*Chap. 20.*

*Resolved,* That the senate and house of representatives desire to express, to Major-General John E. Wool, now on a visit to the city of Boston and vicinity, in the discharge of his duties as commander of this military department, the high regard they entertain for him as a long tried, faithful and able soldier, and their appreciation of the valuable services he has rendered his country, and to this end that a committee, consisting of three on the part of the senate, with such as the house may join, be appointed to wait upon General Wool, and invite him to meet the members of the legislature, informally, either at the state house, or at such other place and at such time as may suit his convenience.

Committee to invite Gen. Wool to meet legislature.

*Approved February 28, 1863.*

RESOLVE IN FAVOR OF WILLIAM D. ATKINSON, JUNIOR.

*Chap. 21.*

*Resolved,* For reasons set forth in the petition of William D. Atkinson, junior, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of forty-nine dollars and twenty cents, the same being

Appropriation for military services, \$49.20.

in full for services rendered as paymaster of the fourth regiment, second brigade, first division Massachusetts volunteer militia. Said sum is hereby appropriated and shall be paid out of the Union fund, provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one, and chapter one hundred and forty-seven of the acts of the year eighteen hundred and sixty-two.

*Approved March 3, 1863.*

*Chap. 22.*

For services,  
\$916.54.

RESOLVE IN FAVOR OF AUGUSTIN J. DRAKE.

*Resolved,* For reasons set forth in the petition of Augustin J. Drake, that there be allowed and paid out of the treasury of the Commonwealth, to the said Augustin J. Drake, the sum of nine hundred and sixteen dollars and fifty-four cents, in full for services set forth in his said petition.

*Approved March 3, 1863.*

*Chap. 23.*

Appropriation  
for furnaces,  
\$500.

RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT WESTFIELD.

*Resolved,* That there be appropriated and paid out of the moiety of the income of the school fund applicable to educational purposes, the sum of five hundred dollars, to the state normal school at Westfield, to be expended for furnaces in said normal school building, under the direction of the board of education, and that the governor draw his warrant accordingly.

*Approved March 3, 1863.*

*Chap. 24.*

Allowance for use  
of tents, \$66.62.

RESOLVE IN FAVOR OF COMPANY C, SEVENTH REGIMENT MASSACHUSETTS VOLUNTEERS.

*Resolved,* For reasons set forth in the petition of company C, of the seventh regiment of infantry, Massachusetts volunteers, that there be allowed and paid out of the treasury of the Commonwealth to L. F. Lynch for the benefit of said company, the sum of sixty-six dollars and sixty-two cents, for the use by the Commonwealth of tents belonging to said company: said sum to be paid out of the Union fund provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one, and chapter one hundred and forty-seven of the acts of the year eighteen hundred and sixty-two.

*Approved March 3, 1863.*

*Chap. 25.*

Allowance to  
association of  
banks, \$1,500.

RESOLVE GRANTING AID FOR THE SUPPRESSION OF COUNTERFEITING BANK BILLS AND COIN.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, to the association of banks for the suppression of counterfeiting in this Commonwealth, a sum not exceeding one thousand five hundred dollars, for the

purpose of the prevention and detection of the crime of making, or tendering in payment as true, counterfeit bank bills, or counterfeit gold and silver coin: *provided*, that no sum be paid under or by authority of this resolve, which shall exceed one-third of the amounts which said association shall certify and prove to the governor, shall have been raised and judiciously expended by said association, for the purposes aforesaid.

*Approved March 3, 1863.*

RESOLVE TO PROVIDE FOR THE PROCURING OF FLAGS TO REPLACE THOSE LOST OR WORN OUT IN SERVICE.

*Chap. 26.*

*Resolved*, That a sum not exceeding three thousand dollars is hereby appropriated for the purpose of replacing the flags of Massachusetts regiments, worn out or lost in service; the same to be expended from time to time during the current year, by the governor, with the advice and consent of the council.

*Approved March 5, 1863.*

Proviso.  
Appropriation,  
\$3,000.

RESOLVE IN FAVOR OF THE HAMPDEN COUNTY AGRICULTURAL SOCIETY.

*Chap. 27.*

*Resolved*, That the Hampden County Agricultural Society be allowed to draw from the treasury of the Commonwealth, the bounty due by the provisions of section first, chapter sixty-six of the General Statutes, in the same manner as if all the requirements of said chapter had been complied with.

*Approved March 7, 1863.*

Society allowed  
to draw bounty.

RESOLVE AUTHORIZING THE PURCHASE AND DISTRIBUTION OF BENNETT AND HEARD'S MASSACHUSETTS DIGEST.

*Chap. 28.*

*Resolved*, That the secretary of the Commonwealth be, and is hereby authorized and directed to purchase a number, not exceeding three hundred and fifty copies, of Bennett and Heard's Massachusetts Digest: *provided*, the cost of the same shall not exceed four dollars per volume; and to distribute the same, one copy to each city and town in this Commonwealth.

*Approved March 7, 1863.*

Secretary to purchase and distribute to towns.

RESOLVE AUTHORIZING THE GOVERNOR TO PURCHASE ARMS AND EQUIPMENTS.

*Chap. 29.*

*Resolved*, That his excellency the governor, by and with the advice and consent of the council, be and is hereby authorized to enter into contracts on behalf of the Commonwealth, for the purchase or manufacture of fifteen thousand stand of arms, of such pattern as the governor and council shall deem best adapted for the service to which they are to be applied; also of arms and equipments for one regiment of cavalry; also of guns and equipments for five batteries

Governor to contract for 15,000 stand of arms.

Equipments for cavalry and artillery.

of light artillery, and such other arms and equipments as shall from time to time be found necessary for arming the militia in active service ; and the sum of four hundred and fifty thousand dollars is hereby appropriated for the foregoing purposes.

Appropriation,  
\$450,000.

*Approved March 10, 1863.*

**Chap. 30.** RESOLVE IN FAVOR OF SCHOOLS AMONG THE INDIANS OF GAY HEAD.

Appropriation  
for support, \$110.

*Resolved,* That there be allowed and paid out of the school fund of the Commonwealth, to John Mayhew, esquire, of Edgartown, the sum of one hundred and ten dollars, to be applied to the support of schools among the Indians of Gay Head during the year eighteen hundred and sixty-three ; and the same is hereby appropriated to be paid out of said school fund.

*Approved March 12, 1863.*

**Chap. 31.** RESOLVE IN FAVOR OF FRANCIS A. HOBART.

Appropriation,  
\$54.14.

*Resolved,* That for reasons set forth in the petition of Francis A. Hobart, there be allowed and paid out of the treasury of the Commonwealth, to said Hobart, the sum of fifty-four dollars and fourteen cents ; and the same is hereby appropriated to be paid out of the Union fund, provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one, and in chapter one hundred and forty-seven of the acts of the year eighteen hundred and sixty-two.

*Approved March 12, 1863.*

**Chap. 32.** RESOLVE ON THE PETITION OF INCREASE S. WITHINGTON, TRUSTEE.

Authorized to  
mortgage certain  
estate, as trustee  
under will of  
Isaac Chandler.

*Resolved,* For reasons set forth in said petition, that Increase S. Withington, of Newton, in the county of Middlesex, as trustee under the will of Isaac Chandler, late of Hopkinton, in the county of Merrimack, and state of New Hampshire, deceased, be, and he hereby is authorized and empowered to mortgage in such manner as he shall deem proper, except that he shall not give a power-of-sale mortgage, a certain parcel of land containing forty-one thousand seven hundred and seventy-eight feet, more or less, together with all the buildings erected, or to be erected thereon, being a portion of the trust property held by said Withington, as trustee under said will, situated in the town of Natick, in said county of Middlesex, known as the Long Pond Hotel estate, and being the same premises which Josiah F. Leach conveyed to said Isaac Chandler, by deed dated the twenty-ninth day of March, in the year eighteen hundred and forty-five, recorded with Middlesex deeds, book four hundred and sixty-two, page three hundred and six, for the purpose of raising money to pay for and complete the

buildings now erected and in process of erection, and nearly completed, on the land herein described. Said mortgage, or mortgages, are to be for a sum, or sums not exceeding six thousand dollars in the whole, for which sum the said Withington may give a note or notes, as trustee, as aforesaid, but he shall in no case be held liable to pay said note or notes, out of his own property, but only out of the above described real estate, or the income thereof. The said Withington is authorized to retain out of said income sufficient sums to pay the interest on said note or notes, from time to time, and the cost of repairs, taxes and insurance on the buildings erected on said described land, and also one hundred dollars in each year, after the said buildings shall have been occupied one year, to provide means for the payment of said note or notes; and said Withington and his successors in trust are authorized to renew said notes and mortgages, from time to time, until they are paid; and said mortgages shall be good and valid conveyances in mortgage of said estate, and be binding upon the said Withington, as trustee, as aforesaid, and upon his successors in said office, discharged from all trusts created by said will of Isaac Chandler, under which the said Withington holds the estate: *provided, however*, that the said Withington as trustee, as aforesaid, before executing the mortgage or mortgages herein authorized, shall give a bond to the judge of probate for the county of Suffolk, to be approved by said judge, conditioned for the faithful performance of his duties and the proper application of all sums of money received by him, under this resolve, and a like bond shall be required of each of his successors in trust.

Mortgage not to exceed \$6,000.

Liability of trustee.

Trustee to give bond.

And the said Withington, as trustee, as aforesaid, is also authorized and empowered to convey in fee simple to the Boston and Worcester Railroad Corporation, all said land north of a line drawn parallel with the south rail of the south track of the main road of said corporation, and thirty feet distant therefrom, in exchange for all land lying south of said line, and between it and the estate of said Chandler, and extending easterly to North Avenue, to be conveyed to said Withington, as trustee, as aforesaid, by said corporation, to hold on the same trusts as the land he conveys to said corporation.

Conveyance of land to B. & W. Railroad Corporation authorized.

*Approved March 12, 1863.*

RESOLVE ON THE PETITION OF JOHN RICHARDSON AND OTHERS.

*Chap. 33.*

*Resolved*, For the reasons set forth in the petition of John Richardson and others, that the partition made between John Richardson, Frank T. Richardson, and Rolfe Eldredge,

Partition between J. & F. T. Richardson and R. Eldredge, con-

firmed and made  
valid

by the decree of the probate court for the county of Middlesex, dated the ninth day of February, in the year eighteen hundred and fifty-eight, and recorded in the registry of probate for said county, and also with Middlesex South District deeds, in volume twenty-three of partitions, pages one hundred and forty-one, and following, and with Suffolk deeds, book seven hundred and eighty, page one hundred and four, and the titles of said John Richardson, Frank T. Richardson, and Rolfe Eldredge, and their respective heirs and assigns, in and to the several parcels of real estate thereby set off and assigned, or purported to be set off and assigned to them respectively, and of Edward H. Eldredge, as tenant by the curtesy, in the estate so set off and assigned to said Rolfe, so far as the same were or may be defective by reason of any irregularity in the proceedings before said court, or of any error of the commissioners who made said partition, be, and the same are hereby confirmed and made valid and effectual to all intents and purposes, as if all the estate of which partition was thereby made, had descended as implied in said decree, from John H. Richardson, deceased.

*Approved March 14, 1863.*

**Chap. 34.** RESOLVE IN FAVOR OF THE CHAPPEQUIDDIC AND CHRISTIANTOWN INDIANS.

Allowance for  
support of  
schools, \$104.

*Resolved,* That there be allowed and paid out of the school fund of this Commonwealth, to the guardian of the Chappequiddic and Christiantown Indians, the sum of one hundred and four dollars, to aid in the support of schools among the said Indians for the year eighteen hundred and sixty-three.

*Approved March 14, 1863.*

**Chap. 35.** RESOLVE IN FAVOR OF NELLY JOSEPH.

Allowance, \$50.

*Resolved,* For reasons set forth in the petition of Barnard C. Marchant, guardian of the Christiantown and Chappequiddic Indians, that there be allowed and paid out of the treasury of the Commonwealth to said guardian, the sum of fifty dollars (or as much of the same as may be necessary,) for the support of Nelly Joseph a member of the Chappequiddic tribe of Indians.

*Approved March 14, 1863.*

**Chap. 36.** RESOLVE IN RELATION TO THE STATE PRISON.

Allowances for  
gas-house, steam-  
engine, shingling  
shed, and for  
binding books,  
&c.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, to the warden and inspectors of the state prison, the following sums, to wit: eight hundred and ninety-eight dollars and thirty-nine cents, for expenses incurred on account of the erection of a gas-house



and enclosing the same; one thousand two hundred and twenty-nine dollars and ten cents, for expenses incurred for the introduction of a new steam-engine and fixtures; four hundred and thirty-nine dollars and forty-five cents, for expenses incurred in shingling the roof of the "stone shed;" and three hundred dollars, for the purpose of defraying the expense incurred for binding the books in the library, and to make additions thereto.

*Approved March 24, 1863.*

RESOLVE IN FAVOR OF JOHN T. FOLEY.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to John T. Foley, the sum of one hundred and ninety dollars and forty cents, in full for military services, and said sum is hereby appropriated, to be paid out of the Union fund.

*Approved March 26, 1863.*

*Chap. 37.*

Appropriation for military services, \$190.40.

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT BRIDGEWATER.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, to the inspectors of the state almshouse at Bridgewater, twenty-five hundred dollars, for the purpose of building a barn for that institution.

*Approved March 26, 1863.*

*Chap. 38.*

Allowance for building barn, \$2,500.

RESOLVE IN FAVOR OF JOHN HECKTOR, A MEMBER OF THE HASSANAMISCO TRIBE OF INDIANS.

*Resolved,* For the reasons set forth in the petition of John Hecktor, that Charles Brigham, of Grafton, trustee of the Hassanamisco tribe of Indians, be, and hereby is authorized to expend a sum of money not exceeding fifty dollars, in investigating the title of said Hecktor to certain lands situated in Hinsdale, in the state of New Hampshire, and in assisting said Hecktor in selling the same.

*Approved March 28, 1863.*

*Chap. 39.*

Guardian to investigate J. Hecktor's title to certain lands.

RESOLVE ON PETITION OF THE DARTMOUTH TRIBE OF INDIANS.

*Resolved,* That his excellency the governor, by and with the advice and consent of the council, be and he is hereby authorized to appoint two persons to be commissioners, whose duty it shall be to examine and ascertain the title of the Dartmouth tribe of Indians to certain lands claimed by them, situated in the towns of Dartmouth and Westport, in the county of Bristol, and also, as far as necessary, the titles and claims of any other persons to said lands; said commissioners to summon and examine witnesses, and hear all parties claiming any interest in said lands, and to cause this resolve, and a notice of the time and place of hearing the

*Chap. 40.*

Governor to appoint commissioners to examine titles to certain lands.

Duties and powers defined.

parties interested in said lands, to be published in the Republican Standard, a newspaper printed in New Bedford, fourteen days at least prior to the day appointed by them for such hearing. And said commissioners are authorized and empowered to compromise, adjust and fully and finally to settle, justly and equitably, and as the interests of the Commonwealth, the petitioners and all other parties, may require, all the matters, claims and controversies, now existing, growing out of or in connection with the possession of the aforesaid lands; and they may use such means as are necessary to collect the desired information upon the subject.

Report. The commissioners shall make a report of their doings to  
 Compensation. the governor and council, and receive such compensation  
 Proviso. for their services as the governor and council deem reasonable, and a warrant may be drawn accordingly: *provided, however,* that nothing herein contained shall be so construed as to subject the Commonwealth to any pecuniary liability or responsibility, beyond such reasonable sums as shall be allowed to the commissioners for their services by the governor and council.

*Approved March 28, 1863.*

**Chap. 41.** RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS.

Appropriation  
 for support of  
 certain Indians,  
 \$154.

*Resolved,* That there be allowed and paid to the guardian of the Punkapog tribe of Indians, the sum of one hundred and fifty-four dollars, to be by him expended towards the support of the following persons belonging to said tribe, to wit: fifty dollars thereof for the benefit of Rebecca Davis, the same being in addition to the annuity she now receives; fifty-two dollars thereof for the benefit of Sally Burr, of Cambridge, and fifty-two dollars thereof for the benefit of Sally Burr, of Boston, and her son James Burr; and said sum is hereby appropriated for said purpose.

*Approved March 28, 1863.*

**Chap. 42.** RESOLVE RELATING TO THE ESTABLISHMENT OF BOUNDARY LINES OF INDIAN LANDS AT GAY HEAD.

Treasurer of  
 Marshpee a  
 commissioner  
 to establish.

*Resolved,* That the treasurer of the district of Marshpee be, and he is hereby appointed and commissioned to examine, and fully and finally to determine, all boundary lines between the individual owners of land located in the Indian district of Gay Head, in the county of Dukes County, and also to determine the boundary line between the common lands of said district and the individual owners adjoining said common lands; and he, the said commissioner, is hereby authorized to adjust, and fully and finally to settle, equitably, and as the interest of the petitioners and all other parties may

Powers and  
 duties.

require, all the matters, claims and controversies, now existing and growing out of or in connection with the boundaries of the aforesaid lands; and he may use such means as may be necessary to collect all desired information in relation to the matter, and cause a record to be made of the same, and good and sufficient bounds to be established between the said owners, and recorded in a book for that purpose.

And said commissioner shall cause this resolve to be published in the "Vineyard Gazette," on two different days, and at least fourteen days prior to a day, duly specified and appointed, upon which all parties interested may have fair and impartial hearing; and with this resolve the said commissioner shall publish a notice of such hearing, designating the time and place appointed therefor. And said boundaries, made and established and recorded by said commissioner, shall ever after be and remain the true and lawful boundary lines between said parties forever.

Shall publish resolve and notice of hearing.

Award of commissioner to be final.

And said commissioner shall make a report of his doings to the governor and council, and receive such compensation for his services as they shall deem reasonable; and the governor is authorized to draw his warrant accordingly; and a sum not exceeding one hundred dollars is hereby appropriated for the same.

Shall report to governor and council.

Compensation.

*Approved March 30, 1863.*

RESOLVE MAKING AN APPROPRIATION FOR MAINTAINING AGENCIES OUT OF THIS COMMONWEALTH FOR THE CARE OF SICK AND WOUNDED SOLDIERS.

*Chap. 43.*

*Resolved,* That the sum of twenty thousand dollars be hereby appropriated for the payment of any expenses which may be incurred under the authority of the governor and approved by him, in the maintenance of agencies at such places out of this Commonwealth as he may find needful, for the oversight and aid of sick and wounded or distressed Massachusetts soldiers, and in the necessary and proper disbursements incident thereto.

Appropriation of \$20,000, payment to be approved by governor.

*Approved March 30, 1863.*

RESOLVE IN FAVOR OF RHODA M. TAYLOR.

*Chap. 44.*

*Resolved,* For reasons set forth in the petition of Andrew Davis and others, that there be allowed and paid out of the treasury of the Commonwealth to the selectmen of the town of Westport, the sum of fifty dollars, to be expended for the relief of Rhoda M. Taylor, a member of the Dartmouth tribe of Indians.

Allowance of \$50 for relief.

*Approved March 30, 1863.*

*Chap. 45.* RESOLVE ON THE PETITION OF CHARLES L. HANCOCK, ADMINISTRATOR, WITH THE WILL ANNEXED, OF THE ESTATE OF JOHN HANCOCK, LATE OF WEST ROXBURY, IN THE COUNTY OF NORFOLK, DECEASED.

Sale of "Hancock House" authorized.

Provisos.

*Resolved,* For the reasons set forth in said petition, that Charles L. Hancock, administrator, with the will annexed, of the estate of John Hancock, late of West Roxbury, in the county of Norfolk, deceased, be, and he hereby is authorized and empowered to sell in one lot or four, in accordance with the provisions of said will, either at public or private sale, and on such terms and conditions as he shall think proper, and to execute all necessary deeds and instruments to convey in fee simple to the purchaser or purchasers thereof, free and discharged from all trusts, claims, and annuities, arising under or by virtue of the will aforesaid, and from all liability for the application of the purchase-money, the real estate situated on Beacon Street, in the city of Boston, known as the Hancock mansion estate, containing about ten thousand square feet, and extending back to a twenty-foot passage-way leading into Joy Street, with the privileges and appurtenances belonging, and all the right, title, interest and estate, of which said John Hancock died seized and possessed therein, after advertising the same as for sale in the cities mentioned in said will: *provided*, that the said administrator shall first give bond to the judge of probate for the county of Norfolk (such as said judge shall approve,) to account for the proceeds of such sale, according to law and the will of said John Hancock, the testator; and *provided, also*, that the sum of not less than sixty-five thousand dollars shall be first set apart in trust for the annuitants in said will, namely, James Scott Hancock and his two daughters, and Thomas Hancock, and Mary Lydia Colyer; to which end the judge of probate court for said county of Norfolk is authorized to appoint a trustee for said annuitants; and the receipt of such trustee for said sum, after being duly qualified, shall be and constitute a full release and discharge of all claim, lien, or charge, on the part of said annuitants, and the parties claiming under them, to the real estate known as the Hancock mansion estate, on Beacon Street, in said Boston. *Approved March 31, 1863.*

*Chap. 46.*

RESOLVE IN FAVOR OF THE STATE REFORM SCHOOL.

Trustees authorized to expend \$1,273.08 for hospital accommodations.

*Resolved,* That the trustees of the State Reform School at Westborough, are hereby authorized to use the unexpended balance of cash now on hand, on account of "reconstruction account," together with the unexpended balance

of last year's appropriation, amounting to twelve hundred seventy-three dollars and eight cents, for the purpose of providing hospital accommodations for said institution.

*Approved April 4, 1863.*

RESOLVE IN FAVOR OF INCREASE N. EMERTON.

*Chap. 47.*

*Resolved,* For reasons set forth in the petition of Increase N. Emerton, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of fifty dollars.

Allowance of \$50

*Approved April 4, 1863.*

RESOLVE IN FAVOR OF HENRY E. MCCOLLUM.

*Chap. 48.*

*Resolved,* For reasons set forth in the petition of Henry E. McCollum, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of two hundred dollars, in full payment for all claims of said petitioner for medical aid furnished to Indians and people of color in the district of Marshpee.

Allowance of \$200 for medical aid furnished Marshpee Ind'ns.

*Approved April 4, 1863.*

RESOLVE IN FAVOR OF WILLIAM H. LUCE AND DANIEL A. CLEVELAND.

*Chap. 49.*

*Resolved,* For reasons set forth in the petition of William H. Luce and Daniel A. Cleaveland, of West Tisbury, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioners, the sum of seventy-five dollars, in full for medical attendance upon Gay Head and Christiantown Indians.

Allowance of \$75 for medical attendance upon Gay Head and Christiantown Indians.

*Approved April 4, 1863.*

RESOLVE ON THE PETITION OF JOSIAH G. LOVELL.

*Chap. 50.*

*Resolved,* For the reasons set forth in the petition of Josiah G. Lovell, that the settlement of the estate of Samuel Lovell, late of Boston, branch pilot, deceased, and the partition of his estate accepted by the probate court for the county of Suffolk, December sixteenth, in the year eighteen hundred and sixty-one, and recorded with Suffolk probate records, and all titles held under said partition, be, and the same hereby are fully confirmed in every respect and particular, so far as the same are defective in consequence of the supposed want of jurisdiction of the said court.

Settlement and partition of estate of Samuel Lovell confirmed.

*Approved April 6, 1863.*

RESOLVE IN FAVOR OF SAMUEL J. FLETCHER.

*Chap. 51.*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, to Samuel J. Fletcher, the sum of fifty-seven dollars and thirty-one cents, for services

Allowance of \$57.31 for military services.

rendered as first lieutenant of Company H, fifteenth regiment, Massachusetts volunteers; said sum shall be paid out of the Union fund provided in chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one, and chapter one hundred and forty-seven of the acts of the year eighteen hundred and sixty-two; and the same is hereby appropriated.

*Approved April 6, 1863.*

**Chap. 52.** RESOLVES CONCERNING MASSACHUSETTS REGIMENTS IN THE FEDERAL ARMY.

Expression of interest, satisfaction and encouragement.

*Resolved,* That Massachusetts bears in her heart those of her loyal citizens who have gone forth to defend the constitution and the laws, and to establish the integrity of our national government;

That she views with satisfaction and pride their steadfast loyalty and their gallant achievements;

That she will continue to encourage and sustain them to the full extent of her power, and will send such reinforcements to their aid as the national authorities shall, from time to time, demand;

That never has her determination to support the government, or her assurance of final success, been stronger than to-day;

That, as she was the first to enter, so will she be the last to leave the field, until every armed traitor has disappeared from the land.

Copies of resolves to be forwarded to commanders.

*Resolved,* That his excellency the governor be requested to forward copies of these resolves to the commanders of Massachusetts regiments in the field, with the request that they be communicated to their respective commands.

*Approved April 6, 1863.*

**Chap. 53.** RESOLVE TO PROVIDE FOR REPAIRS ON THE POWDER HOUSE ON CAPTAIN'S ISLAND IN CAMBRIDGE.

Governor and council authorized to expend \$350.

*Resolved,* That the governor, with the advice and consent of the council, is hereby authorized to cause suitable repairs to be made upon the powder house or magazine on Captain's Island in Cambridge, and the wall surrounding said magazine, to an amount not exceeding three hundred and fifty dollars; the same to be in addition to the appropriation made under chapter forty-six of the resolves of the year eighteen hundred and sixty-two.

*Approved April 8, 1863.*

**Chap. 54.** RESOLVE CONCERNING THE MAGAZINE ON CAPTAIN'S ISLAND.

Commonwealth's property only, to be stored.

*Resolved,* That on and after the first day of July next no powder or ammunition not the property of the Common-

wealth, shall be stored in the magazine on Captain's Island; and that his excellency the governor be requested to inquire and report to the next legislature for what sum the said magazine and the land of the Commonwealth appurtenant thereto can be sold; what site suitable for the erection of a new magazine can be obtained, and what sum in addition to that which can be obtained for the present magazine and land would be needed to purchase such site and erect a magazine for the Commonwealth thereon.

Governor to report upon sale of magazine and erection of new building.

*Approved April 8, 1863.*

RESOLVES PROVIDING FOR RETURNS OF CERTAIN EXPENDITURES MADE BY CITIES, TOWNS AND PERSONS, AND A REPORT FROM THE SAME TO THE GENERAL COURT.

*Chap. 55.*

*Resolved,* That any city, town or person claiming of the Commonwealth reimbursement of money paid for uniforms, clothing, rations or transportation actually furnished members of the volunteer militia, who as such volunteers have been mustered into or enlisted in the service of the United States, may, on or before the first day of October next, return to the auditor a particular statement of the money so paid; of the uniforms, clothing, rations and transportation so furnished; of the persons or companies to whom they were so furnished; of the items of expenditure, as far as may be practicable, and of such circumstances attending said transactions as may be deemed proper and important.

Statements of certain military expenditures may be returned to auditor.

*Resolved,* That the auditor is hereby authorized and directed to prepare from the returns thus made, a condensed report of the names of the claimants, amounts claimed and for what claimed, and such other facts as he may deem important, and cause his report to be printed, and transmit to the next general court his said report together with said returns.

Auditor to prepare report and submit to legislature.

*Approved April 10, 1863.*

RESOLVE IN RELATION TO THE INDUSTRIAL SCHOOL FOR GIRLS AT LANCASTER.

*Chap. 56.*

*Resolved,* That the trustees of the Industrial School at Lancaster be authorized to pay, out of the sum appropriated for the current expenses of said institution, a sum not exceeding two hundred dollars, annually, for the purpose of aiding deserving and destitute girls, who have left the institution and who are out of employment.

Trustees to pay \$200 annually to aid destitute girls

*Approved April 13, 1863.*

RESOLVE IN FAVOR OF THE WASHINGTONIAN HOME.

*Chap. 57.*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the

Allowance of \$4,000.

Directors to make report to legislature.

Washingtonian Home, to be expended by the directors for the charitable purposes of the institution, in providing a refuge for inebriates and means for reforming them, the sum of four thousand dollars. The said directors shall report to the legislature in the month of January next, a detailed account of the manner in which this appropriation has been expended; the amount contributed by individuals; the total income and expenses of the institution, and the number of persons admitted, with the result of their treatment, so far as can be ascertained.

*Approved April 13, 1863.*

*Chap. 58.*

Appropriation of \$10,000: provided like amount be raised by private subscription.

RESOLVE IN FAVOR OF THE DISCHARGED SOLDIERS' HOME.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the discharged soldiers' home, located in Springfield Street, Boston, to be expended by the directors of the institution, in temporarily caring for and aiding disabled and destitute soldiers that have been honorably discharged from the service of the United States, a sum not exceeding ten thousand dollars, on condition that an equal amount be raised by private subscription, and used for the same purpose. Said sum is hereby appropriated, and the governor, with the approval of the council, is authorized to draw his warrants for such parts thereof as may from time to time be applied for by the president and two vice-presidents of the institution. The officers of the institution shall report to the legislature, during the month of January next, a detailed account of the manner in which this appropriation has been expended, the amount contributed by individuals, the total expenses of the institution, and the number of persons admitted and relieved.

*Approved April 14, 1863.*

Report to the legislature required.

*Chap. 59.*

RESOLVE GRANTING TAXES FOR THE SEVERAL COUNTIES.

*Resolved,* That the sums placed against the names of the several counties in the following schedule, be and are hereby granted as a tax for each county, respectively, to be assessed, paid, collected and applied, according to law, viz. :—

Worcester, ninety thousand dollars; Plymouth, thirty thousand dollars; Middlesex, one hundred and fourteen thousand dollars; Norfolk, seventy-one thousand dollars; Hampshire, twenty thousand dollars; Hampden, twenty-seven thousand dollars; Franklin, sixteen thousand dollars; Essex, one hundred thousand dollars; Dukes, three thousand dollars; Bristol, sixty-five thousand dollars; Berkshire, twenty-six thousand dollars; Barnstable, twelve thousand dollars.

*Approved April 17, 1863.*



RESOLVE IN FAVOR OF THE TROY, DUDLEY AND MARSHPEE INDIANS. *Chap. 60.*

*Resolved*, That there be allowed and paid to the guardian of the Troy Indians, for their support, a sum not exceeding six hundred dollars, and for the salary of said guardian, the sum of one hundred dollars. To the guardian of the Dudley Indians, for their support, a sum not exceeding seven hundred and fifty dollars, and for the salary of said guardian, one hundred dollars; to the treasurer of the Marshpee Indians, for the support of certain old state paupers, a sum not exceeding two hundred dollars.

Troy Indians,  
\$600.

Dudley, \$750.

Marshpee, \$200.

*Approved April 17, 1863.*RESOLVE IN FAVOR OF THE TOWN OF GRAFTON. *Chap. 61.*

*Resolved*, For reasons set forth in the petition of the selectmen of the town of Grafton, that the secretary of the Commonwealth is hereby authorized and directed to furnish to the clerk of said town complete sets of the Massachusetts Reports, Pickering's Reports, Metcalf's Reports, Cushing's Reports, first and third volumes of Gray's Reports; also one copy of the State Map; also copies of all such books and documents in his office as may heretofore have been furnished by the Commonwealth to clerks of towns: and the secretary is authorized to purchase such of the reports aforesaid as may be necessary to carry into effect this resolve; and the governor is hereby authorized to draw his warrant for the necessary amount.

Secretary to furnish sets of Reports and other documents.

*Approved April 17, 1863.*RESOLVE IN FAVOR OF CAROLINE E. HASTINGS. *Chap. 62.*

*Resolved*, For seasons set forth in the petition of Caroline E. Hastings, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of fifty dollars, in full for claim set forth in said petition.

Allowance of \$50

*Approved April 17, 1863.*RESOLVE IN FAVOR OF THE SELECTMEN OF PLYMPTON. *Chap. 63.*

*Resolved*, For reasons set forth in the petition of Charles H. Perkins and George W. Sherman, selectmen of Plympton, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioners, the sum of thirty-four dollars and sixty-four cents, in full for armory rent; and the same is hereby appropriated.

Appropriation for armory rent, \$50

*Approved April 18, 1863.*

**Chap. 64.** RESOLVE TO PROVIDE FOR PREPARING AND PUBLISHING CATALOGUES OF THE MUSEUM OF COMPARATIVE ZOOLOGY.

Appropriation of \$10,000.

*Resolved*, That there be appropriated and paid out of the treasury of the Commonwealth, to the trustees of the Museum of Comparative Zoölogy, the sum of ten thousand dollars, to be applied to the preparation and publication of catalogues of said museum, under the direction of the trustees.

*Approved April 18, 1863.*

**Chap. 65.** RESOLVE IN AID OF THE PERKINS' INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND.

Additional allowance of \$3,000.

Proviso.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the Perkins' institution and Massachusetts asylum for the blind, in addition to the sum heretofore appropriated for current expenses, the sum of three thousand dollars: *provided*, that the trustees of said institution shall receive and gratuitously educate all such persons as the governor of the Commonwealth may designate.

*Approved April 18, 1863.*

**Chap. 66.** RESOLVES CONCERNING THE INTRODUCTION OF MILITARY DRILL AS AN EXERCISE IN THE PUBLIC SCHOOLS.

Board of education to consider subject.

*Resolved*, That the board of education be directed to take into consideration the subject of introducing an organization of the scholars in the public schools above the age of twelve years, for the purpose of military drill and discipline; and that in addition to such other inquiries and examinations as they deem necessary to a full understanding of the subject, they make an examination of the high school in Brookline, and of the military organization existing among its pupils; ascertain the manner of its organization; how long the same has existed; the nature and degree of control held over the same by the teachers and officers of the organization, respectively; the effect thereof upon the health and general deportment of its members and upon their capacity and inclination for literary pursuits and upon the general discipline of the whole school.

Report to next legislature required.

*Resolved*, That the board of education report to the next legislature, on the second Wednesday of January next, the result of their inquiry and investigation under the foregoing resolve.

*Approved April 21, 1863.*

**Chap. 67.** RESOLVE IN FAVOR OF J. HENRY JENNINGS.

Appropriation of \$11.

*Resolved*, For reasons set forth in the petition of J. Henry Jennings, that there be allowed and paid out of the treasury of the Commonwealth, the sum of eleven dollars to said

petitioner, in full compensation for claim set forth in said petition; and the same is hereby appropriated.

*Approved April 23, 1863.*

RESOLVE IN FAVOR OF WILLIAM DAILEY.

*Chap. 68.*

*Resolved,* That for reasons set forth in the petition of William Dailey, there be allowed and paid out of the treasury of the Commonwealth, the sum of twenty dollars, in full for claim set forth in said petition; and the same is hereby appropriated.

Appropriation of \$20.

*Approved April 23, 1863.*

RESOLVES ON THE DEATH OF MAJOR-GENERAL SUMNER.

*Chap. 69.*

*Resolved,* That it is with the most profound regret and heartfelt sorrow that Massachusetts receives the tidings of the demise of another of her brave and illustrious sons, Major-General EDWIN V. SUMNER, while in the midst of those active and patriotic duties, which it was his constant desire and highest aim, promptly to perform and faithfully to fulfil.

*Resolved,* That in the death of General Sumner we feel that the country has lost a noble and patriotic citizen, the government a firm and enthusiastic defender, the army a brave and accomplished officer, whose services and life were devotedly given to the Union, and whose character and deeds will be cherished in the hearts of his grateful countrymen, so long as they have a country to love, and the honor of its flag to cherish and defend.

*Resolved,* That we present to the family of the deceased our sympathetic condolence, remembering, that he for whom they and the country mourn as dead, will ever in memory live, and through the medium of noble example, will speak in deeds of heroic valor to the sons of America, to the latest generation, which is a more eloquent eulogy than language can frame, and a more enduring monument than the hand of man can raise.

*Resolved,* That his excellency the governor be requested to transmit a copy of these resolutions to the family of the late Major-General Sumner.

*Approved April 27, 1863.*

RESOLVE IN FAVOR OF JEROME WASHBURN AND JOSEPH W. CATON.

*Chap. 70.*

*Resolved,* For reasons set forth in the petition of Jerome Washburn and Joseph W. Caton, that there be allowed and paid out of the treasury of the Commonwealth to said petitioners, the sum of twenty-four dollars and sixty-two cents each, the same being in full for services rendered by them as third and fourth lieutenants in company E, fourth

Appropriation of \$24 62 each, for military services.

regiment, first division, Massachusetts volunteer militia. Said sums are hereby appropriated for that purpose, to be paid out of the Union fund provided in chapter two hundred and sixteen, of the acts of the year eighteen hundred and sixty-one, and the one hundred and forty-seventh chapter of the acts of the year eighteen hundred and sixty-two.

*Approved April 27, 1863.*

**Chap. 71.** RESOLVE IN FAVOR OF THE NATURAL HISTORY DEPARTMENT OF AMHERST COLLEGE.

Appropriation of \$2,500.

*Resolved,* That there be appropriated and paid out of the treasury of the Commonwealth, to the trustees of Amherst college, the sum of twenty-five hundred dollars, to be applied to the benefit of the natural history department of that institution.

*Approved April 27, 1863.*

**Chap. 72.** RESOLVE IN FAVOR OF THE OFFICERS AND SOLDIERS OF THE MASSACHUSETTS VOLUNTEER MILITIA.

Allowance for military services.

*Resolved,* That there be allowed to the officers and soldiers of the Massachusetts volunteer militia the sum of two dollars a day, without allowance for travel, for each day's service rendered under general order number fourteen, dated the twenty-sixth day of May, in the year eighteen hundred and sixty-two, in accordance with the returns now on file in the office of the adjutant-general. The adjutant-general shall present a roll of the persons entitled to compensation, with the amounts due to each, to the auditor for allowance, and upon such allowance, certified by him to the governor, the sums due to each, respectively, shall be paid to such persons, or to their order, at the treasury of the Commonwealth, out of the unexpended balances, for the year eighteen hundred and sixty-two, of appropriations for militia bounty, rent of armories, and military accounts.

*Approved April 28, 1863.*

**Chap. 73.** RESOLVES CONCERNING THE ESTABLISHMENT OF A MILITARY ACADEMY.

Governor may appoint commissioners to consider expediency.

*Resolved,* That his excellency the governor be, and with the advice and consent of the council is, authorized to appoint three persons to be commissioners to inquire into the expediency of establishing an academy for the instruction of young men in mathematics, civil, military and practical engineering, and other studies in connection with infantry, artillery and cavalry drill and tactics, and that said commissioners report a design for such an institution, the mode of establishing the same, the expense thereof, a plan for its support, the number of pupils to be accommo-

dated, their age at entering the institution, the amount of camp duty, and the length of the academic course, what provision should be made for the support of the pupils, the equivalent to be rendered therefor, and whether the Commonwealth has any, and what, property as resource available for the endowment of such an institution.

*Resolved*, That said commissioners make a report of their doings to the governor, on or before the first day of November next; and they shall receive such compensation for their expenses as the governor and council may direct.

Report and compensation.

*Approved April 28, 1863.*

RESOLVE IN FAVOR OF CERTAIN AGENTS OF FOREIGN INSURANCE COMPANIES.

*Chap. 74.*

*Resolved*, That the treasurer of the Commonwealth be and he hereby is authorized and empowered to refund and pay back to Samuel Willis, the sum of fourteen dollars and eighty-six cents; to William Lincoln, the sum of one hundred and sixteen dollars and three cents; to E. B. Gillett, the sum of thirty-one cents; to William Elliot, the sum of seventy-four dollars and thirty-seven cents; to James Cook, the sum of twenty-two dollars and seventy-two cents; to J. E. Carpenter, the sum of twenty-three dollars and forty-six cents; and to William S. Danforth, the sum of twenty-five dollars and sixty-four cents; said sums having been required of and paid by them severally into the treasury of the Commonwealth as agents of insurance companies incorporated by the laws of the state of Connecticut, under a misconstruction of the laws of said state; and the sum of two hundred and seventy-seven dollars and thirty-nine cents is appropriated for the purposes aforesaid.

Treasurer to refund amounts paid by certain agents.

Appropriation.

*Approved April 28, 1863.*

RESOLVE IN RELATION TO THE DISEASE CALLED PLEURO-PNEUMONIA.

*Chap. 75.*

*Resolved*, That Morrill Wyman, of Cambridge, is hereby authorized and allowed to make experiments on pleuro-pneumonia among cattle, so far as it relates to the laws of transmission, at his own expense, and may establish a receptacle on his own grounds, or on the grounds of others, by their consent, to carry out the above-named purpose, not endangering the cattle of others; and the cattle commissioners shall at his request place at his disposal cattle belonging to the Commonwealth, so far as he may think necessary for the purposes of this resolve.

Morrill Wyman, of Cambridge, authorized to experiment.

*Approved April 28, 1863.*

**Chap. 76.** RESOLVE IN FAVOR OF F. G. SANBORN, AND TO DEFRAY THE EXPENSES OF A COMMISSIONER TO THE INTERNATIONAL EXHIBITION AT HAMBURG.

Appropriation of \$100.

Allowance of \$1,000 to commissioner authorized.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, one hundred dollars, to pay F. G. Sanborn, for a valuable report on insects beneficial to agriculture; also that the sum of one thousand dollars be allowed and paid out of the treasury, to defray the expenses of the commissioner, appointed by the state board of agriculture, to the international exhibition at Hamburg.

*Approved April 28, 1863.*

**Chap. 77.**

RESOLVE IN FAVOR OF JAMES HAYES.

Appropriation, \$150, for military services.

*Resolved*, For reasons set forth in the petition of James Hayes, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of one hundred and fifty dollars, in full for his services as assistant provost-marshal; and the same is hereby appropriated.

*Approved April 28, 1863.*

**Chap. 78.**

RESOLVE IN FAVOR OF WINTHROP W. CHENERY.

Appropriation, \$3,328.67, for damages sustained.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Winthrop W. Chenery, the sum of thirty-three hundred and twenty-eight dollars and sixty-seven cents, in full of all claims against the Commonwealth for damages sustained by him by reason of the proceedings instituted under the one hundred and ninety-second and two hundred and twenty-first chapters of the acts of the year eighteen hundred and sixty; and the same is hereby appropriated.

*Approved April 29, 1863.*

**Chap. 79.**

RESOLVE IN FAVOR OF O. H. CLARKE.

Appropriation of \$50.

*Resolved*, That for reasons set forth in the petition of O. H. Clarke, there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of fifty dollars, in full for claim set forth in said petition; and the same is hereby appropriated.

*Approved April 29, 1863.*

**Chap. 80.**

RESOLVE IN FAVOR OF ANNA W. DRAPER.

Appropriation of \$50.

*Resolved*, That for reasons set forth in the petition of Anna W. Draper, there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of fifty dollars, in full for claim set forth in said petition; and the same is hereby appropriated.

*Approved April 29, 1863.*

## RESOLVE IN FAVOR OF WILLIAM F. SHAW.

Chap. 81.

*Resolved*, For reasons set forth in the petition of William F. Shaw, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of fifty dollars, in full for claim set forth in said petition; and the same is hereby appropriated.

Appropriation of \$50.

*Approved April 29, 1863.*

## RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT BRIDGEWATER.

Chap. 82.

*Resolved*, That the inspectors of the state almshouse at Bridgewater, be authorized to use any unexpended appropriation for current expenses, for the present year, for such improvements or repairs of said institution as they may deem necessary.

Current expenses provided for.

*Approved April 29, 1863.*

## RESOLVE IN RELATION TO EXPENSES OF THE COMMITTEE ON PUBLIC CHARITABLE INSTITUTIONS.

Chap. 83.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, the sum of one hundred and sixty-five dollars and five cents, for expenses incurred by the committee on public charitable institutions in visiting the several charitable institutions in this Commonwealth, under an order of the Senate of January fifteenth, in the year eighteen hundred and sixty-three.

Appropriation of \$165 authorized.

*Approved April 29, 1863.*

## RESOLVE FOR THE PAYMENT OF EXPENSES INCURRED UNDER THE PROVISIONS OF AN ACT CONCERNING CATTLE COMMISSIONERS.

Chap. 84.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, the sum of one thousand dollars, for the compensation and authorized expenses of the commissioners appointed under an act concerning cattle commissioners, being chapter twenty-eight of the acts of the year eighteen hundred and sixty-two.

Appropriation of \$1,000 authorized.

*Approved April 29, 1863.*

## RESOLVE IN REFERENCE TO CERTAIN CLAIMS OF THE STATE OF MAINE.

Chap. 85.

*Resolved*, That the governor and council are hereby authorized and requested, to hear and examine any claim, or claims, made by the state of Maine against the Commonwealth of Massachusetts, in reference to the recovery of certain moneys advanced by Massachusetts for the United States, in the war of eighteen hundred and twelve, with Great Britain; and to lay the result of such examination before the next legislature; and nothing in this resolve shall be held to be an admission of the validity of such claim or claims.

Governor and council to examine and report.

*Approved April 29, 1863.*

*Chap. 86.* RESOLVE TO PROVIDE ADDITIONAL COMPENSATION TO THE CHAPLAINS, DOOR-KEEPERS, MESSENGERS AND PAGES OF THE LEGISLATURE.

*Resolved,* That in addition to the sum now provided by law, there be allowed and paid out of the treasury of the Commonwealth, to each of the door-keepers and messengers in attendance on the legislature, three dollars per day for each and every day's attendance, during the present session, exceeding one hundred days, and to the chaplains of the senate and house of representatives, and to each of the pages, two dollars per day for each and every day's attendance on the legislature during the present session, exceeding one hundred days.

*Approved April 29, 1863.*

*Chap. 87* RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Loan from banks authorized.

*Resolved,* That the treasurer be and he hereby is authorized to require of the several banks of the Commonwealth, a loan of such sum or sums of money as may from time to time be necessary for the payment of the ordinary demands upon the treasury, within the current year; and he shall repay any sum which he may borrow, as soon as money sufficient for the purpose shall be received into the treasury: *provided,* that the whole amount of the temporary loan, authorized by this resolve, shall not at any time exceed five hundred thousand dollars.

Amount.

This resolve shall take effect upon its passage.

*Approved April 29, 1863.*

*Chap. 88.* RESOLVE FOR COMPENSATION OF WATCHMEN FOR SERVICES RENDERED AS MESSENGERS.

Appropriation, \$20 each.

*Resolved,* That there be appropriated and paid from the treasury of the Commonwealth, to each watchman of the state house, the sum of twenty dollars, in full compensation for services performed as assistant messengers during the present session, the same to be in addition to their annual salary.

*Approved April 29, 1863.*

*Chap. 89.* RESOLVE IN FAVOR OF SIMEON BORDEN.

Appropriation, \$30.

*Resolved,* That there be allowed and paid, and the same is hereby appropriated out of the treasury of the Commonwealth, to Simeon Borden, of Fall River, the sum of thirty-six dollars; expense incurred by him for medical attendance during the present session.

*Approved April 29, 1863.*



RESOLVE PROVIDING FOR THE EXPENSES OF THE MASSACHUSETTS ALLOTMENT COMMISSIONERS FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY-THREE.

Chap. 90.

*Resolved*, That there be appropriated and paid from the state treasury, a sum not exceeding three hundred dollars, for the expenses, during the present year, of three Massachusetts allotment commissioners, appointed by the president of the United States, in pursuance of the requirements of the act of congress, approved December twenty-fourth in the year eighteen hundred and sixty-one.

Appropriation of \$300.

*Approved April 29, 1863.*

RESOLVE CONCERNING THE PETITION OF S. E. SEWALL AND OTHERS.

Chap. 91.

*Resolved*, That the governor, with the advice and consent of the council, appoint three persons, one of whom shall be a doctor of medicine, commissioners to examine what changes if any are necessary in the laws regarding insane persons; who shall have power to visit all the lunatic hospitals and asylums, and private establishments for the reception of insane patients; to examine the cases of any patients confined in any such hospital, asylum, or other place; to summon before them, and examine under oath, or otherwise, any witnesses; and report at the next session of the legislature: *provided, however*, that no charge or expense is incurred by the Commonwealth under this resolve.

Commission on condition of insane, authorized.

Proviso.

*Approved April 29, 1863.*

RESOLVE IN FAVOR OF MARY W. RUSSELL.

Chap. 92.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, to Mary W. Russell, the sum of fifty dollars for services rendered and expenses incurred by her late husband William S. Russell, deceased, in connection with the copying of the Plymouth Colony Records; and the same is hereby appropriated.

Appropriation of \$50.

*Approved April 29, 1863.*

RESOLVE AUTHORIZING THE SALE OF CERTAIN REAL ESTATE BELONGING TO THE COMMONWEALTH, IN THE CITY OF BOSTON.

Chap. 93.

*Resolved*, That the treasurer and receiver-general, with the advice and consent of the governor and council, be and is hereby authorized to sell so much of the real estate, numbers one hundred and seventeen and one hundred and nineteen South Street, in the city of Boston, as will convey to the purchaser the fee in one-half of the partition walls between the said buildings and buildings about to be erected on the adjoining lots.

Sale of estate in South Street authorized.

*Approved April 29, 1863.*

**Chap. 94.** RESOLVE IN AID OF THE ERECTION OF A MONUMENT TO SUMNER H. NEEDHAM.

Appropriation of \$600.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth, to the city of Lawrence, the sum of six hundred dollars, to defray in part the expense incurred, in the erection of a monument over the remains of Sumner H. Needham, a member of company I, sixth regiment Massachusetts volunteers, who, on the nineteenth day of April, in the year eighteen hundred and sixty-one, fell a victim to the passions of a secession mob in the streets of Baltimore; and the governor is hereby authorized to draw his warrant accordingly, from any moneys not otherwise appropriated.

*Approved April 29, 1863.*

**Chap. 95.** RESOLVES CONCERNING CERTAIN ROADS BELONGING TO THE COMMONWEALTH.

Proceedings authorized against Boston and Roxbury Mill Corporation.

*Resolved,* That the attorney-general be and hereby is authorized, to commence proceedings against the Boston and Roxbury Mill Corporation, for any breach of its agreement to keep its roads, dams and bridges in good repair, until May first, in the year eighteen hundred and sixty-three.

Rights or easements, how confirmed.

*Resolved,* That any arrangement which may be made by the commissioners on public lands, in regard to any rights or easements in said dams, roads and bridges, under the two hundred and first chapter of the acts of the year one thousand eight hundred and sixty-one, shall be subject to approval and confirmation by the legislature.

*Approved April 29, 1863.*

**Chap. 96.** RESOLVE IN FAVOR OF WILLIAM WHITE, FOR STEREOTYPE PLATES FOR THE GENERAL STATUTES.

Appropriation of \$1,466.86.

*Resolved,* For the reasons set forth in the petition of William White, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of fourteen hundred and sixty-six dollars and eighty-six cents, in full payment for the stereotype plates used for printing the General Statutes, and the same is hereby appropriated.

*Approved April 29, 1863.*

**Chap. 97.** RESOLVE IN AID OF A MONUMENT TO LUTHER C. LADD AND ADDISON O. WHITNEY.

Appropriation of \$2,000.

*Resolved,* That the sum of two thousand dollars be and the same is hereby appropriated for a monument of marble or granite to Luther C. Ladd and Addison O. Whitney, (the first martyrs in our second struggle for national existence,) to be erected in some public place in the city of Lowell,

under the direction of his excellency the governor, in connection with the city council of said city; and the governor is hereby authorized to draw his warrant accordingly: *provided*, that said city shall raise a sum of not less than two thousand dollars for the same purpose.

Proviso.

*Approved April 29, 1863.*

RESOLVE MAKING AN APPROPRIATION FOR SURVEYS, PLANS AND EXPENSES INCURRED BY THE COMMISSIONERS ON HARBORS AND FLATS.

Chap. 98.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding five thousand dollars, for surveys, copying plans, and contingent expenses, under the direction of the commissioners on the harbors and flats of the Commonwealth; payments to be made, from time to time, as approved by the governor and council: and the same is hereby appropriated.

Appropriation of \$5,000.

*Approved April 29, 1863.*

RESOLVE AUTHORIZING THE ATTORNEY-GENERAL TO APPEAR BEFORE THE GENERAL ASSEMBLY OF CONNECTICUT, IN REGARD TO CERTAIN WATER RIGHTS.

Chap. 99.

*Resolved*, That the attorney-general be and is hereby authorized to appear before the general assembly of the state of Connecticut to oppose any action of said assembly, having for its object the diversion of the waters of "Southwick Ponds," and their tributaries, from their natural outlet in this Commonwealth, into the Farmington River, in the state of Connecticut; and to protect the interests of this Commonwealth and its inhabitants, in said waters.

Attorney-general to oppose diversion of waters of "Southwick Ponds."

*Approved April 29, 1863.*

RESOLVES CONCERNING THE PRESENT REBELLION.

Chap. 100

*Resolved*, That Massachusetts reaffirms her loyalty to the constitution and to the union of the United States of America, to the general government, its officers and magistrates, and to all the laws, acts and proclamations by which the government aims to preserve the national integrity, and to enforce the national authority; and pledges to the maintenance of the same all her moral, physical and material resources.

Loyalty of Massachusetts reaffirmed.

*Resolved*, That since it is the main and vital object of our national organization "to promote the general welfare and secure the blessings of liberty to ourselves and to our posterity," she cordially recognizes the policy, the justice and the necessity of the ultimate extinction of all those forms of tyranny and vassalage which have hitherto marred

Declaration for the extinction of all forms of tyranny and vassalage.

our national unity and power; and that she countenances, approves and will ever maintain all lawful acts of the constituted authorities which recognize and contemplate this end.


Thanks tendered  
the president and  
national forces.

*Resolved*, That she tenders to the president, and to the officers and men of our national forces her profound thanks for their untiring efforts in the cause of our country, which being one with the cause of universal freedom and humanity, is destined under God and through our unflinching loyalty, to be crowned with success.

Copy to be trans-  
mitted to presi-  
dent.

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

*Approved April 29, 1863.*

 The General Court of 1863, during its annual session, passed two hundred and fifty Acts and one hundred Resolves, all of which received the approval of the Governor.

The Acts may be classified as follows :

General Statutes, or Acts of a public character, . . .	132
Special Acts, relating to individuals and corporations, . . .	118—250

# INAUGURAL ADDRESS

OF

HIS EXCELLENCY JOHN A. ANDREW.

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At twelve o'clock on Friday, the ninth day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, 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*

*House of Representatives :*

Assembled in the Capitol of the Commonwealth to inaugurate the political year with becoming ceremonies, and to enter upon the honorable duties of your trust as law-givers of the People, I join you in humble thanksgiving to Almighty God for the merciful providences which have attended all the experiences of the year which has closed behind us ; and for the promises and signs of His continued favor to the obedient.

I invite your thoughtful consideration of the attitude, affairs, prospects and duties of the Commonwealth.

The permanent Public Debt, exclusive of the loans of the credit of the Commonwealth to various Railroad Corporations, is . . . . \$5,257,000 00

Provision has been made for this debt as follows:—

7,716 shares Western Railroad stock at \$140 per shares is,	\$1,080,240 00
Back Bay Lands Fund,	375,000 00
Almshouse Sinking Fund,	69,260 00
Union Loan Sinking Fund,	1,771,525 00
Claims of the State against the United States, say,	1,800,000 00
	<hr/>
	\$5,096,025 00

The receipts into the Treasury of the Commonwealth, from the ordinary revenue for the year 1862, were \$2,947,732.48, and were derived from the following sources, namely:—

Direct State Tax of 1862,	\$1,763,108 62	
Balance of direct State Tax for former years,	13,048 56	
	<hr/>	\$1,776,157 18
Bank Tax,		654,022 50
Savings Bank Tax,		228,683 21
Insurance Tax,		111,021 79
Insolvency Courts,		32,652 00
Income from Sinking Funds applicable to the extinguishment of public debt, and accrued interest on scrip sold,		112,022 91
Miscellaneous,		33,172 89
		<hr/>
		\$2,947,732 48

The disbursements for the year amounted to \$1,683,390.93, and were for the following purposes:—

Executive Department, including the Governor and Council, Secretary's, Treasurer's, Auditor's, and Attorney-General's Departments,	\$60,455 99
Judicial Department,	110,047 44
Legislative Department,	128,393 45
Agricultural Department,	30,881 67
State Library,	4,300 00
Sergeant-at-Arms, including State House accounts,	13,900 78
Bank Commissioners,	8,388 09
Insurance Commissioners,	5,502 53
Military Department,	37,330 20
Disbursements for Charitable Institutions, &c.,	320,323 50
State Aid to Families of Volunteers,	435,251 77
Miscellaneous,	61,415 99
Disbursements for Correctional Institutions and purposes,	142,512 64
Interest, including \$51,463.35 premium on coin,	324,686 88
	<hr/>
	\$1,683,390 93

The collections of the revenue have been promptly made ; and, although in the midst of war, and, notwithstanding the millions of dollars by voluntary contributions and public appropriation expended in various forms of succor to our brave defenders in the field, and of relief to their families at home, the Treasury of the Commonwealth presents a spectacle of strength and prosperity usual only in peace, and worthy the resources and patriotism of the people of Massachusetts.

The returns from the cities and towns on account of aid furnished to the families of volunteers during the year 1862, exhibit the amount of about two millions of dollars, for which the Municipalities have a claim to be reimbursed by the Commonwealth and for which provision will need to be made by the present General Court. This belongs to a class of public burdens which will be met by the people with cheerful alacrity.

Interest on the bonds of the Commonwealth lent to the Eastern Railroad Company for \$500,000, and to the Norwich and Worcester Railroad Company for \$400,000, became due at the State Treasury on the first days of July last and of January current.

The price of coin to pay this interest July 1, 1862, was 10 per cent. ; January 1, 1863, 33 per cent.

The amount of interest due July 1, 1862, was \$24,500, the premium on gold, 10 per cent., \$2,450 ; the amount of interest due January 1, 1863, was \$24,500, premium on gold 33 per cent., \$8,085. Total, \$49,000, at a premium of \$10,535.

The payments were made by the Treasurer in coin as required by law, but their reimbursement in coin, demanded by the Treasurer, was refused by the corporations for whose benefit the credit of the State was pledged, which repaid those sums only in United States currency, legally tendered to the Treasurer, at a loss to the treasury of \$10,535.

#### RAISING TROOPS IN 1862.

At the close of the year 1861, Massachusetts had sent to the field 3,736 militia for three months' service, and twenty-two regiments and eight companies of infantry, one regiment of cavalry, five batteries of light artillery, and two companies of sharpshooters, volunteers for three years. During the year 1862, 4,043 militia were assembled at Boston, (in the month of May,) on requisition from the Federal Government ; and thirty regiments and four companies of

infantry, three companies of cavalry, five batteries of light artillery, five companies of heavy artillery, and two companies of militia (Cadets,) were sent into Federal service. Since the new year another battery of light artillery has gone to the field. Of these, thirteen regiments and three companies of infantry, the three companies of cavalry, four batteries of light artillery, and the five companies of heavy artillery, were three years' volunteers; seventeen regiments of infantry and one battery of light artillery were mustered for nine months, and one battery of light artillery and one company of infantry for six months. Of the two Cadet companies, one remained in Federal service for two months and one for five months. There are now recruiting in the State an additional regiment of cavalry, three more light artillery batteries, and another company of sharpshooters. Including these, Massachusetts has at this time in the service of the United States fifty-two regiments of infantry, two regiments and three companies of cavalry, fourteen batteries of light artillery, one regiment and three companies of heavy artillery, and three companies of sharpshooters, which computed at their full strength would make an aggregate of 60,000 men. But many of these corps are now far from full. The rolls of some show less than a third of the full strength for duty, such has been the loss by battle and disease, without a corresponding accession of recruits. During the year 1862, however, nearly 7,000 recruits appear, by the statement of the Federal Superintendent of the Recruiting Service, to have been sent to the Massachusetts regiments in the field; and according to an estimate reported to me by the Adjutant-General, more than 1,200 were sent in 1861. This branch of the service has long been within exclusive control of Federal officers, having been organized in December, 1861, by an Order of the War Department. A General Superintendent of the Recruiting Service was designated by the Secretary of War, and stationed at Boston, under whose direction recruiting parties sent back to the State from the corps in the field, pursue their work, and from whom, together with the Federal staff officers on duty here, the funds are drawn for the Federal bounty and advance pay, the authorized expenses of recruiting, and the subsistence, equipment and transportation of recruits. The extent of the power of the State Government has been to encourage enlistments into old corps in preference to new organizations, whenever and however it has had opportunity, by popular appeals, and by personal and written advice to municipal magistrates. Its



exertions to this end would have been more effective, had the duties of this recruiting service also been imposed upon it, in like manner with the original raising of volunteer corps. The line of demarkation drawn by the Federal Government, is well defined, assigning to the State Governments the labor of raising new corps, the recruitment for which, after they have once been completed, and have passed into Federal service, it reserves to itself, and executes through the recruiting parties detailed by regimental commanders, and acting under the army officers detailed from the head-quarters of the army to superintend recruiting in the States. During the past year, it has reserved also the provision of all supplies, of whatever description, pertaining to the staff departments of the army, as well for the new troops raised by the States, as for recruits for old corps. The advantages to the Federal Government of this system, are obvious, in preventing inflation of the prices of goods by competition between the different States, and in securing uniformity of cost, color, shape and quality. But its inevitable circumlocution, in respect to the new corps, and the inability of the State Government always to control the provision and issue of supplies to the best advantage—in the absence of any depot of supply in New England—were clogs on our recruiting service which we did not encounter in 1861, when the State delivered its regiments to the Federal Government, fully armed and equipped at its own expense. Nevertheless, the number of troops sent from the State in 1862, largely exceeded that of the previous year, the period occupied being about the same in both, for during the spring of 1862 the Federal Government pursued the policy of refusing to accept new troops, and even discontinued for awhile the recruiting for corps already in the field. Early in June, however, it was resumed, and a call for 15,000 more volunteers for three years was made on Massachusetts, which in August was followed by the call for 19,000 militia for nine months. A comparison of the dates at which the various corps raised by the State during the two years, were sent into active service, shows that notwithstanding the change in the system of supplies, and the increased difficulty of recruiting, by reason of so large a portion of the population of military age having already been enlisted, the military movements of 1862 were as prompt and active as were those of 1861. [The table marked (A) attached to the printed copy of this Address, affords means for the comparison.] Whatever may have been the comparative disadvantages under which in 1862

we assumed the duty of raising anew the Massachusetts contingent for the Union army, the unfailing patriotism of the people and the powerful support of the municipal governments enabled us to overcome all difficulties.

The orders fixing the time for marching each corps from the State, are practically determined by the military authorities of the United States. I have always insisted, that, so far as possible, every corps should receive a full outfit and equipment before leaving the Commonwealth. Thus much I have felt was demanded by my duty to the soldiers and the people. And I deeply regretted the denial of our request that all of the troops of Massachusetts destined for expeditions by sea, should be permitted to remain in barracks and to embark from our own ports, where the Government of their own State could protect them from such needless hardships and perils as were encountered by some of them in their encampment and embarkation at New York.

The conduct of the troops of this Commonwealth, whether in camp, on the march, or under fire, has won the unqualified commendation of all the generals under whom they have served. They are universal favorites, sought for by commanders for their intelligence, obedience and valor. Interesting reports of their military history from the colonels of many of the corps, and letters from many general officers under whom they have acted, have been received, which afford evidence, besides that derived from other sources, of the brilliant heroism and patient endurance of these sons and brothers of our people. These documents are all in the hands of the adjutant-general, who will remember them in the preparation of his annual report.

#### THE DRAFT.

It is impossible to find space in this address to narrate all the proceedings under which our contingent of militia was raised. The requisitions from the national government, the regulations under which this department was conducted, the orders emanating from the military head-quarters of the Commonwealth, the rules there adopted and its methods of proceeding, will be recited in the report of the adjutant-general. And a full and carefully prepared narration and explanatory statement of all matters relating especially to the drafting of militia, will be found in that report.

The orders for nineteen thousand and eighty militia to be drafted for nine months' service came while we were yet raising a part of our contingent of the three years' volun-

teers, called for on the 2d of June. The duties thus imposed, in their manifold details relating to the new enrolment, exemption, computation of quotas, distribution of quotas, and the like, plainly demanded the undivided supervision of an officer to be specially detailed for that service. No officer then on duty could be spared for the employment. To this end, I appointed a gentleman, as an assistant adjutant-general, of rare adaptation to the precise labors these peculiar duties involved, who has performed his delicate and arduous task with success and intelligence which merits this acknowledgment.

Questions of grave practical importance, affecting the interests and feelings of large masses of the people, sometimes involving local and geographical considerations, points of honor on which whole communities were sensitive, points of right even, touching which all men are jealous, many of them difficult, all of them new and without a precedent, have crowded upon the executive for decision. For their correct decision he alone was responsible. The responsibility could not be shared. Grateful for the cordial, intelligent and constant assistance I have always received from all the other officers surrounding me, military and civil, as opportunity was afforded them, I owe to the people of Massachusetts and to the officers of their municipal governments, an inexpressible gratitude for the considerate forbearance, the manly zeal, the unfaltering patriotism with which the determinations of this department have been accepted and sustained.

#### BOUNTIES.

The payment of bounties by cities and towns to encourage enlistments in the military service, thus relieving their enrolled militia from being subjected to draft, will demand your attention, and legislation will be needed in order to legalize such action of the municipal authorities. I respectfully recommend that the Commonwealth assume all such bounties up to some reasonable and liberal amount, *per capita*. The call made upon a given locality for recruits, is a matter of convenience in the raising of troops. The duty of furnishing its contingent, in fact, resides in the Commonwealth itself; and since the policy was universal, and was adopted by common consent, of substituting the motive of bounties in the stead of conscription, I cannot doubt that true equity requires the burden of taxation for their payment to be ascertained and laid on the taxable property and polls of the whole people, in the proportion which the whole

burden bears to the valuation of the whole Commonwealth. Otherwise, we shall leave it to the towns to pay, not in proportion to their means of payment, but in proportion to the number of men they enlisted. This would seem to be unjust to the poorer towns, and the more so because such communities have already to endure the loss to their industry and prosperity occasioned by devoting their young and active men to the service of the country.

I would venture the suggestion that this is a kind of obligation which ought not to be unnecessarily thrown on the shoulders of another generation. The duty of bearing arms in the national defence rests on the generation of the time being. The expenses incident to the selection of the precise individuals who shall perform military duties for the community, should be paid by those who constitute that community; and I recommend that a system of State taxation be adopted for the extinguishment, within five years, of this class of obligations.

#### DESERTION.

Desertion, in the sense of wanton flight from duty, I am confident, is rare. But, owing to the unsystematized way in which sick and wounded men were, for many months, disposed of; the difficulties attendant on finding their regiments and reaching them; and their dread of the convalescent and stragglers' camps at Alexandria; many men not unwilling to do their duties, have been detained from their regiments, and not accounted for until at last they became marked on the rolls as absentees without leave. Certain conspicuous instances of such mistakes have occurred within my personal knowledge. Convalescent soldiers are detained as nurses in hospitals; others are sent on detached duty of every sort, detailed to assist quartermasters and commissaries; rolls, returns, books of whole regiments are utterly lost on retreats or hasty marches; and many missing men are, in consequence unjustly reported, for the time, as deserters. On lists of more than twelve hundred soldiers reported to these head-quarters as absent without leave, only some twenty had manifestly deserted, in the criminal sense, so as to justify their being publicly announced by name. Indeed, it was the somewhat rhetorical testimony of one of the most devoted of our regimental commanders that the bravest and most daring exhibitions he had witnessed during the war were the efforts of his men to escape to the front.

I, of course, do not include in these remarks those persons attracted by recent bounties, of whom there have been too many striving to enlist without the purpose of serving.

Acknowledgment is due to the municipal magistrates, of their cordial co-operation with the Provost-Marshal in his efforts to restore absentees to their regiments, undiscouraged by the difficulties in the Federal system of reimbursing the expenses of such service.

REGIMENTAL ROLLS, AND THE SOLDIERS' FAMILIES' RELIEF  
LAW.

The perfectness of our regimental rolls, (necessarily and constantly changing,) and the facility of access to the information they should supply, are in the immediate present, and will be for many years to come, objects of grave practical importance. The relief afforded by the towns to the families of volunteers, the reimbursement of the towns therefor, the adjustment of questions concerning national bounties, bounty lands and pensions, are among the more apparent reasons for solicitude in rendering these records full, authentic, and easy to be consulted and understood. Nor is it any more than just to our volunteers, their families and posterity, to say nothing of the claims of history upon the fidelity with which we record the great transactions of our time, that the name and fate of every actor in the War should be preserved in permanence and without error. I have therefore caused measures to be recently taken in the office of the Adjutant-General for the thorough revision of all the regimental rolls and for the preparation of an additional roll, with an alphabetical arrangement, containing in eleven columns, a consolidated outline of the particulars needing to be known and of possible attainment.

I respectfully call your attention to the condition of families dependent on volunteers who have fallen in the service by wounds resulting fatally or in permanent disability. The death or discharge of such, in many cases, puts their families in danger of pauperism, which the temporary continuance of the State relief might permanently avert. I am aware, there is a sense in which it seems true that you can scarcely do one more harm than to help him; and yet the duty of society imposes the utmost solicitude to assist those to help themselves who have lost their natural stay and staff in serving the common cause.

But no public benefaction can supply the deepest want of all. The gentle and sympathizing offices of neighborly

kindness and personal good will, alone can cheer the sorrowing heart of widowhood, encourage the sinking hopes and smooth the rugged way of orphanage.

The Act for the relief of the families of volunteers includes among its beneficiaries the brothers and sisters, standing in need of aid, dependent on the volunteer at the time of his enlistment. But by an omission, apparently inadvertent, it does not include them in the class of dependent relatives, the expense of whose relief shall be reimbursed to the towns by the Commonwealth. I recommend an amendment supplying this omission.

#### THE ORDNANCE BUREAU.

I have already alluded to the change in the method of equipping our troops which has occurred within the year, the State having provided their original supplies in 1861, the United States in 1862. This was the case also with their armament. During the past year, the State received from England nearly six thousand Enfield rifled arms, being the remainder of the purchases made there by its agent in 1861. All of these, together with such other effective arms as it already held, were issued to its troops, but for the remaining arms necessary, it was obliged to draw upon the Federal Ordnance Bureau, from which there were received during the year, 8,100 Springfield, 2,700 Enfield, and 3,600 Austrian muskets, all rifled. Of the thirteen volunteer three years' infantry regiments, which marched from the State in 1862, one, (the Twenty-eighth,) received its arms in 1861, and two, (the Thirtieth and Thirty-first,) were furnished independently of the State Government. The remaining ten were armed, five with Springfield and five with Enfield rifled muskets. Of the seventeen regiments of nine months' infantry, four received Springfield rifles, five Enfield rifles, two Windsor rifles, four Austrian rifles, and two Springfield smooth-bored muskets. So far as the State Government was able to discriminate, it issued the superior arms to the regiments having the longest term of service; but owing to the receipt of the arms from the United States by instalments proportioned to the progress of the recruitment, its discretion in this respect was inconsiderable.

The State Arsenal is now almost empty of arms belonging to the Commonwealth. Less than a hundred rifles remain there, and hardly enough smooth-bored muskets to arm a single regiment. Of the fragments of our Volunteer Militia,

the Cadets of the First and Second Divisions, four companies of cavalry, one section of artillery and a single company of infantry alone remain; and these are not all armed. In time of peace such destitution of military supplies would awake apprehension. In such a time as this, I can regard it only with the utmost anxiety. I have the honor, therefore, to repeat earnestly the recommendation which I addressed to the Legislature of the last year, that contracts be immediately authorized for the supply to the State of not less than fifteen thousand stand of first-class arms, and that domestic industry and skill be employed for their manufacture. Our Springfield rifles are unquestionably superior to any of foreign make which can be imported at equal cost.

In this connection I regret to be obliged again to allude to the abuse of arms issued to militia companies, and at the camps of rendezvous, more especially at those of the nine months' than of the three years' volunteers. The report of the Master of Ordnance will afford exact information concerning this grievance, which is important not only on account of its pecuniary consequence, but as indicating an inadequate standard of military discipline. And of even greater possible consequence is the fact that upon sudden emergency dependence must sometimes be placed upon the arms so abused.

A new National Militia Law may reasonably be expected. Congress cannot long defer this duty. Meanwhile, this Commonwealth can by certain modifications of its own legislation, and by furnishing the needed arms and equipments, create an active body of troops adapted to all the purposes of a State militia.

The reasonable security of the State demands a militia organization which shall include in addition to infantry, two regiments of cavalry and at least five batteries of light artillery, for whose arms and equipment I recommend that an appropriation be made. The park of field-pieces now owned by the State, would be inadequate for actual service, in view of the modern improvements in artillery. The larger part of this military material, when obtained, should remain on deposit in the arsenal; and for the ordinary use of the infantry regiments of militia, for drill and parade, a number of second-class arms should be provided, which can readily be purchased on reasonable terms, the importation of them into the country during the past year having exceeded the demand for them for active service.

Two unserviceable iron guns, six pounders, have been delivered by the Master of Ordnance, on consultation with

the Governor and Council, to Dr. Upham, the Massachusetts surgeon in charge of the hospital at Beaufort, North Carolina, to be used as gateposts of a fence which he was erecting at his own expense, around the hospital cemetery where repose the remains of many of the soldiers of our Commonwealth, heroes of Roanoke and of Newbern.

Since the summer of 1862, several of our volunteer corps, which reported that their colors had become unfit for use by being torn in battle and worn by the exposures of service, have been supplied by the Master of Ordnance with new flags, upon the return to his charge of those which they had borne so honorably through two campaigns. I respectfully ask an appropriation to cover the expense thus incurred, and of the replacement when needed, of the colors of all the Massachusetts troops. It is our proud satisfaction to know that never yet has the white standard of this Commonwealth been surrendered to the enemy.

#### FORTIFICATIONS AND COAST DEFENCE.

Under date of October 14th, 1861, a circular letter was addressed by the Federal Secretary of State to the Governors on the seaboard and the lakes, requesting them to submit to the Legislatures of their States the subject of coast defences, and urging that such defences should be perfected by a temporary use of the means of the States, on conference with the Federal Government and with the assurance of reimbursement from the Federal Treasury. These suggestions were immediately acted upon, especially by the Governments of Massachusetts and Maine, whose seaboard is more extensive and exposed than that of any others of the loyal States. Information was requested and partially obtained from the War Department to enable an estimate of the cost of completing and arming the fortifications projected for the Massachusetts coast; and the subject was presented to Congress in the belief that the system to be pursued by the States in respect to the advance and employment of their funds and the time and manner of reimbursement, should be defined by Federal legislation. No Federal legislation, however, was procured, although earnest appeals were made to the appropriate committees, the State of Maine being represented before them by commissioners deputed for the purpose, and Massachusetts by the Governor, the Master of Ordnance, and a number of the most prominent merchants of her capital. Notwithstanding this inaction, the Legislature of Massachusetts, in February, adopted a



Resolve authorizing the Governor, with the advice of the Council, to enter into contracts to the amount of five hundred thousand dollars, for the manufacture of ordnance suitable for the defence of its coast, but with the restricting provisions that advertisement should be made for proposals for these contracts, and that the work should be done under the supervision of officers to be appointed by the Government of the United States. By an estimate based on the data procured from the War Department, and revised by consultation with such Federal ordnance-officers as were accessible, the cost of completing the armament of the Massachusetts coast, according to the project of the Engineer Bureau, was calculated at about twelve hundred and twenty thousand dollars for guns of the calibre of eight inches and upwards, after making allowance for all such ordnance which could be expected to be received from the Federal Government during the years 1862 and 1863; and the cost of the lesser calibres would swell the amount to much more than fifteen hundred thousand dollars. The legislative Resolve, therefore, had it been susceptible of execution, would have made provision for about one-third of this amount. Directly upon its passage application was made to the War Department for the detail of an ordnance officer to superintend the work: but the request was declined from unwillingness to spare any such officer from strictly Federal service. While this application was yet undecided, the conflict occurred in Hampton Roads between the Merrimack and Monitor; the former theories of naval attack and coast defence were suddenly disturbed; and a serious doubt was cast upon the stability of any projects of fortification or armament of our harbors. At this time my presence at Washington was officially requested by the Department of War, and I was there urged to propose to the Legislature to concentrate its expenditure upon the immediate construction of iron-clad vessels for coast defence. The result was the passage of the Resolve of March 25th, authorizing the use of any portion of the sum provided for ordnance by the Resolve of February 14th, in building one or more iron-clad steamers for the protection of the coast of Massachusetts. A committee of two members of the Executive Council, to whom were added the President of the Boston Board of Trade, and an eminent civil engineer, was forthwith charged with the execution of this Resolve. The plans for such a vessel were in progress, and parties stood ready to contract for the construction, when a protest against the work was received from the Department of the Navy,

alleging that that Department was willing to put "under construction in every part of the country, all that the utmost resources of the people could accomplish," and that it was "sorry to find a State entering the market in competition with Government, the result of which could only injure both parties." To this the answer was returned that there were at least two mechanical establishments in Massachusetts capable of building such vessels immediately, but that it did not appear that Government had attempted to engage the services of either of them. The reply of the Navy Department was an offer to each of these establishments of a contract for building an iron-clad steamer; and on the same day the War Department advised me that as the Department of the Navy desired to have exclusive control of the building of such vessels, it was "glad to have it do so," and withdrew its own desire that Massachusetts should proceed further in the enterprise. Almost simultaneously the Ordnance Bureau of the War Department replied to my inquiries, that it had "engaged to the full extent of their capacity all the foundries which are known to be prepared to cast suitable and reliable heavy cannon" "for arming the fortifications on the coasts," and that it was "not thought that any aid from the State Legislature is necessary to expedite the work." A renewed application to the Department for the detail of an ordnance officer in accordance with the Resolve of February 14th, was now again refused; and by this refusal that Resolve seemed to be practically annulled, for the result of the conflict between the Merrimack and Monitor had rendered the advertisement for proposals for any armament, unless of very large calibre, of at least doubtful expediency, and the want of a proper officer to frame the proposals and superintend the work rendered it impossible to execute the provisions of the Resolve. Nevertheless, the fact remained that our harbors were comparatively defenceless; and yet so far as could be inferred from the letter of that Cabinet Minister who was the exponent of the foreign policy of the nation, there was need that they should be instantly armed, and by the States. But while the reports of the Engineer Bureau showed that it was of more importance to arm the land batteries which were ready to receive their cannon, than to throw up new works, those of the Ordnance Bureau further showed that all the foundries in the country which were capable of casting suitable ordnance, were engaged to the full extent of their capacity; and the protest of the Navy Department had prevented the construction by us of

floating batteries for harbor defence. It became evident, therefore, that the only mode for the State to supply its needs, would be by inducing established foundries to greatly enlarge their works, or new parties to build new foundries; for the proposition urged upon Congress for the establishment of a great National Foundry had failed, from causes to which it is needless to allude. In pursuing inquiries in this direction, it was believed that Professor Treadwell, and gentlemen with whom he was associated, could be induced to build immediately new and extensive works to make the ordnance which bears his name, provided that a contract could be entered into with the State, to an amount sufficient to justify the large investment of private capital which would be required. I at once submitted to an able commission, consisting of the Master of Ordnance, an officer of my personal staff, and two distinguished civil engineers, the question of the ascertained or probable merits of the Treadwell gun, especially with regard to the attack or defence of iron-clad batteries, and to its capacity to penetrate iron plates with solid shot, and also the question of the feasibility and advantages, or otherwise, of an attempt to supply in part by its manufacture, our deficiency of ordnance. Their report was unanimous in favor of the merits of the gun, and recommended that the State should enter into a contract for one hundred rifled hundred-pounders of that pattern, and make such an appropriation as would enable the construction of a greater number, if their early success should render such an increase desirable. On his part Professor Treadwell, with responsible associates, was ready to engage to establish a foundry which should deliver ten of these hundred guns within six months, and the remainder within eighteen months. The report of this committee, together with all the communications from the Bureaus of the War Department, and other documents illustrative of the subject and of the difficulties which hampered action under existing legislation, were laid by me before the Joint Committee of the General Court on Federal Relations. The committee, on April 24th, reported a Resolve free from the provisions which were impracticable of execution in that of February 14th. This Resolve was adopted by the House of Representatives without a division, and received its several readings in the Senate, where on its passage to be enacted, during the last night of the session, it was defeated by a single vote, the opposition to it proceeding in large part from senators representing seaboard counties; a result exhibiting a sense of security from danger.

Constantly mindful of the vast interest involved in the whole subject of coast defences, I have continued correspondence with the appropriate bureaus of the Departments of War and the Navy; and am prepared to exhibit to a committee of the General Court their latest conclusions, with the facts on which they rest, both as contained in unpublished documents and in private though official communications.

#### HARBORS AND FLATS.

By a Resolve of the last General Court a commission was established upon the Harbors and Flats of the Commonwealth, with directions to report to the Legislature by the fifteenth day of the present month. I am advised that probably no report embracing any system for the care and preservation of the harbors, and the use and disposal of flats, belonging to the Commonwealth, can be made during the current session. But it is believed that during the approaching spring, the Commissioners will be enabled to receive opinions and information from the officers of the United States Coast Survey, resulting from their recent and exhaustive examinations, without which it would be unsafe to venture to mature any of the plans contemplated in the constitution of the commission. I take the liberty to urge again the views I had the honor to suggest in this place a year ago, in reference to the proprietary and commercial rights and interests of the Commonwealth, involved in the intelligent, scientific and systematic care and disposition of our principal harbors and their flats.

Cared for by the State as a prudent owner would guard his own property, I believe the flats in Boston Harbor may be ultimately made the source of a vast fund in money, and of great benefits to the commercial prosperity of Massachusetts, and that shore owners holding water fronts now of little value, may, by uniting with the Commonwealth in a common purpose for the improvement of all, reap a common advantage, and the taxable wealth of the city and State derive a large addition. Harbors are, in a just sense, a property held in sacred trust for the commerce of all nations and to promote the civilization of mankind. They ought to be protected by the Government with sleepless and jealous vigilance.

#### THE TROY AND GREENFIELD RAILROAD.

The Act of the last General Court, (Acts of 1862, chapter 156,) "providing for the more speedy completion

of the Troy and Greenfield Railroad and Hoosac Tunnel," directed the appointment of "three able, impartial and skilful Commissioners to investigate the subject of finishing the Troy and Greenfield Railroad and of tunnelling the Hoosac Mountain, whose duty it shall be to report to the Governor and Council what, in their judgment, will be the most economical, practical and advantageous method of completing said tunnel and road, the estimated cost of fitting the same for use, the time within which the tunnel can be completed, and what contracts can be effected, and with what parties, for completing said tunnel and road, and the probable cost of the same, the probable pecuniary value of the road and tunnel when completed, the sources and amount of traffic and income, and all other facts in their opinion useful to assist the Governor and Council in determining the best method of securing a continuous railroad communication between Troy and Greenfield." Certain other powers and duties were conferred on the Commissioners, in part preliminary, and in part subsequent, in their operation, to the rendering of their report to the Governor and Council. Under this Act three gentlemen were appointed, each one of whom was carefully selected as being, in the words of the Act, at once "*able, impartial and skilful.*" They entered forthwith upon the performance of their task and have pursued it constantly with the aid of engineers of the first distinction, one of whom has visited and explored all the great railway tunnels of Europe and collected all the knowledge attainable there tending to illustrate the questions of science and experience submitted by the law to the Commission. An elaborate report has been prepared by this gentleman and is in the hands of the Commissioners, under whose direction the drawings connected with it are being reduced for convenience in printing. A similar report from another engineer of large experience in construction of tunnels in this country, has also been prepared for the board.

The report of the Commissioners to the Governor and Council is not yet made, but it is understood to be in rapid preparation. I am unable, therefore, to communicate to the Legislature, at the beginning of its present session, so fully as I had hoped, on the subject of this important and interesting enterprise of establishing a new avenue for our trade with the West, piercing the Green Mountain range, and opening up to greater activity the economical resources of our Northern tier of towns. I trust that the conclusions and reasoning of the Commissioners, when published, will

settle conflicting opinions in the minds of the people, and, if favorable to the active pursuit of the enterprise, that its prosecution will enjoy an unanimous support. The work can be pursued relieved from all factitious embarrassments, and contracts can be made by those in the sole interest of the Commonwealth, superintended by citizens of the highest experience and capacity.

#### BANKING AND CURRENCY.

The report of the Bank Commissioners will exhibit the condition of our banking institutions. I repeat my former suggestions that radical changes in our financial system should be adopted with great caution.

The Secretary of the Treasury in his recent able report on the financial affairs of the nation, recommends to Congress the creation of a national system of banking which, if carried out, may interfere with our own, and may deprive the Commonwealth of a large income now derived from the tax on banking capital. The Secretary's plan is to authorize free banking, to be based on a deposit of national bonds. This course, he suggests, will create a demand for government securities; will furnish a perfectly safe, convenient and uniform currency; will check the circulation of bills of unsafe banks; and greatly tend to strengthen the Union of the States. It is believed by some that if this system should be authorized, many of our banks would fall into it, while others equally well informed believe that most of them would continue to act under their present charters. The Secretary proposes no coercive measures except a slight tax on the circulation of the old banks. While this tax might be injurious to the country institutions which derive a large profit from their circulation, its effect on those in the large cities would be light, for there the circulation is unimportant.

Moneyed corporations are naturally cautious in their movements, and are inclined to hesitate and deliberate much before adopting new methods. But whatever may be the operation of the Secretary's system on the New England banks, there can be no doubt of its great usefulness to the West, where an abundant and safe currency has never existed, and thus indirectly the whole country will derive a benefit proportional to the advantages of a national currency, simple, uniform and of unquestionable value. Should Congress adopt the system proposed, securing to the United States some part of the profit derivable from the

issue of paper money, while it would probably compel Massachusetts to abandon the revenue received from its tax on the banking capital of the Commonwealth, it would at the same time relieve the people from their liability to other taxation for the support of the National Government and the payment of its debts, to an extent equivalent to the revenue realized to the Treasury of the United States from that source. And should the measure be adopted, it is questioned even by some of its supporters whether the prosperity of our country banks would, after all, be permanently injured. But, much as I should regret to see any proper investment in the Commonwealth rendered unproductive by legislation, that regret would be tempered by the consideration that the same capital would never need to be inactive, whenever and wheresoever safe business should present itself to the enterprise of industry and skill, while whenever or wherever such business opportunities do not present themselves, the loans of banks are of necessity less profitable and secure. Nor can it be doubtful that the substantial pecuniary advantage of New England business interests demands the nationalization of the currency, so that the paper representative of a dollar shall be alike valuable in Boston and in Chicago, and the indebtedness of the West to the East find at all times a medium of adjustment, and the trade between the two sections of the Northern States flow unimpeded by oppressive and ruinous rates of exchange.

#### PLEURO-PNEUMONIA.

Under the Act of February, 1862, three Commissioners were appointed on contagious diseases of cattle—one a veterinary surgeon, one a doctor of medicine, and the third a member of the executive council, all being of some agricultural experience. They were immediately called by the selectmen of Milton to investigate cases of disease among neat cattle which had broken out there and was creating alarm. The animals were carefully examined and found to be infected by pleuro-pneumonia. The Commissioners ordered the entire isolation of all herds of cattle in the counties of Norfolk, Suffolk, Plymouth, and Worcester, which could, by any possibility, have come into contact with any of the infected animals. One hundred and fifty-four animals have died or have been killed by order of the Commissioners, of which number seventy-seven, or just one-half, were found diseased, and in every case but one, *contact* has been proved.

The Commissioners are satisfied that the disease is never generated from local causes; that it is altogether an imported disease; that it is generally communicated by contact of breath; that it cannot be eradicated by treatment; that those cattle which have apparently recovered are really the most to be feared, from the danger of relapse; and that, by care, the disease may be prevented from extending from one herd to another. The expenses of the Commission, as nearly as can now be estimated, are about \$5,700. The appropriation being but \$5,000, there will be a deficiency to be supplied by legislation. The disease is apparently extinguished, and has now no visible foothold in the Commonwealth. The ease and celerity of its eradication by prompt treatment on its re-appearance last year, removes all apprehension that it may hereafter become unmanageable, unless precautionary measures, when needed, shall be too long delayed.

#### FARMING.

The cultivated crops of the farm, the last year, were usually quite up to the average production, while fruits of nearly every description were more than ever abundant.

The increasing attention paid to sheep husbandry promises to lead to important and satisfactory results. It is for the interest of the several towns to encourage the keeping of sheep by a more rigid enforcement of the law enacted for their protection. By the returns from two hundred and ninety-seven towns it appears that the number of dogs licensed in those towns in 1862 was twenty thousand nine hundred and fifty-two, for which the amount paid was \$22,630.20. The estimated number in those towns unlicensed, was twelve thousand five hundred and thirteen. I recommend the adoption of adequate penalties to enforce the law. Apart from the mere question of cheap production of wool, the experience of the most advanced agricultural nations, like England, Germany and France, goes to show that sheep are a necessity of a good general system of husbandry, on even the highest-priced lands, and amid the densest population. Yet the number of sheep has for many years constantly decreased in this Commonwealth, until within the last two years. Thus in 1840 there were three hundred seventy-eight thousand two hundred twenty-six, by the census of the United States; while in 1860 they had diminished to one hundred and fourteen thousand eight hundred twenty-nine, and the production of wool from one



million sixteen thousand two hundred thirty pounds in 1845, to three hundred seventy-three thousand seven hundred eighty-nine pounds in 1860, although meanwhile, the number of neat cattle and horses had largely increased, so that the gross value of live stock, which in 1850 was \$9,647,700, had, in 1860, become \$12,737,444, notwithstanding the constantly growing claims of manufactures and the mechanic arts upon the industry of our people.

The Secretary of the State Board of Agriculture spent several months of the summer and autumn in Europe, where he had unusual facilities for the study and observation of the agriculture of the old world. Some account of his observations will be presented in his Report to the Legislature.

#### PUBLIC SCHOOLS.

Of all our public institutions, those devoted to popular education are the source of the most unmingled satisfaction and pride. It swells one's heart to feel that, in the midst of a war, in which for very national existence this people is contending on land and sea, the humblest child in Massachusetts may daily find an open door and an outstretched hand of welcome to all the uses and the delights of learning. The rebellion itself would have been impossible had a system of Free Schools pervaded the Union; for they would have lifted the people of the rebel States above the chance of those delusions, fed by ambitious, jealous, and despotic men, to whose wiles popular ignorance left them victims.

The average attendance of the teachers of Massachusetts at their Institutes, is reported to be larger by twenty during the last twelve months than in any former one of the seventeen years they have been held. The interest exhibited by the people in educational meetings has never been greater. The number of students in our Normal Schools and Colleges is believed to be diminished only by enlistments in the army of the Union. And there they have lavished a contribution of devoted patriotism, not merely on field and line, but on rank and file, illumined by intellect, and graced by culture.\*

\* The alumni and undergraduates of our colleges occupy every rank in the service, from those of General and Admiral, through every grade, including Surgeons and Chaplains, down to those of privates and seamen.

Harvard College has sent into the field four hundred and thirty of her sons, more than seventeen per cent. of the whole number of her living alumni; Amherst, of her undergraduates and graduates of the last five years, has sent one hundred and fifty-nine, how many of earlier classes cannot now be ascertained; and Williams College, as nearly as can be

Our Common Schools are the distributors of those gifts of learning, of which the higher institutions of literature and science are the reservoirs. Every intelligent laborer helps to weave, with cunning hand, into the warp and woof of all the wealth and uses of mankind the sublimest thought and the marvellous divinations of thinkers, discoverers and inventors. For happiness, for honor, for wealth and strength, as well as for duty, let us invest a generous portion of the inheritance in the undecaying riches of the intellect.

The policy of emancipation is the discovery of a new world. It will open fields of effort for every variety of gift. The untutored labor, the wasteful husbandry, the unskilful mechanism, the mines unwrought, the waterfalls untamed, and all their boundless possibilities of development, invite your sons. A task is before them they cannot abandon, a destiny they cannot avert, a power no policy can dwarf, an achievement such as no history has ever written. Let narrow partisans contrive a Union from which New England is rejected, if they will;—the Free Schools of New England will span the moat and scale the wall. And whenever in peace or war, in arts or arms, is sought the help of men in whose hearts courage is made strong by faith, whose thinking, scheming and fruitful brains are guides to untiring hands instructed in every art of ingenious civilization,—the graduates of your nurseries of learning will answer to the call, freer and stronger than the wind that floats your flag, in that mysterious power, of which Minerva, leaping full armed from the brain of Jove, is the type to the reason of philosophers, as well as to the dream of poets.

#### SCHOOL OF AGRICULTURE AND THE ARTS.—UNIVERSITY SYSTEM.

At the last session of Congress an Act was passed (chapter 130 of Acts of the 37th Congress, 1st session,) granting to each of the several States a portion of the public domain “to the endowment, support and maintenance of at least one College, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts in such manner as the Legislatures of the States may respectively

learned, has given one hundred and eleven of her graduates and undergraduates to the army of the United States.

Thirty undergraduates of the Normal Schools are also in the service of the Union.

prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life." The apportionment to each State is "in quantity equal to 30,000 acres of land for each senator and representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860."

The Act provides that the land, aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State; and the Secretary of the Interior is directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre, to which said State may be entitled under the provisions of the Act, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said State and the proceeds thereof applied to the uses and purposes prescribed in the Act, and for no other uses and purposes whatsoever; and it further provides that in no case shall any State to which land scrip may be thus issued, be allowed to locate the same within the limits of any other State, or of any territory of the United States, but *its assignees* may locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents per acre.

By the provisions of the Act, it is made incumbent upon every State which desires to avail itself of its benefits, to express its acceptance of the conditions prescribed, within two years from the date of its passage; that is, prior to July 2, 1864. And it is also required that any State which may claim and take the benefit of the provisions of the Act shall establish at least one College within five years, "where the leading object shall be to teach such branches of learning as are related to agriculture and the mechanic arts." But "no portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretence whatever, to the purchase, erection, preservation or repair of any building or buildings."

The last will and testament of the late Benjamin Bussey devises a large property and estate in trust to the President and Fellows of Harvard College, "as a permanent, public,

corporate body, especially charged with the care and superintendence of the higher branches of education." It directs his homestead estate called "Woodland Hill," in Roxbury, consisting of over two hundred acres of land, to be retained by the trustees, and, "that they will establish there a course of instruction in practical agriculture, in useful and ornamental gardening, in botany, and in such other branches of natural science as may tend to promote a knowledge of practical agriculture, and the various arts subservient thereto, and connected therewith, and cause such courses of lectures to be delivered there, at such seasons of the year, and under such regulations as they may think best adapted to promote the ends designed; and also to furnish gratuitous aid if they shall think it expedient, to such meritorious persons as may resort there for instruction;" the institution so established to be called the "Bussey Institution."

The will appropriates one-half of the net income of the whole trust property other than Woodland Hill, "to the support of said institution, and of such branches of instruction in the physical sciences, there or at Harvard College, as are subservient thereto, and connected with the great objects of said institution."

Agricultural societies, professorships, and instruction in the schools of Europe, originated about one hundred years ago; but the first attempt to actualize the conception of scientific agriculture practically taught and illustrated in educational institutions, was made, in Germany, at the beginning of the present century by Thaer, a Doctor of Medicine, in his native town of Zell, in Hanover. His school was broken up by the French invasion in 1803. But in 1806, under the patronage of the King of Prussia, he founded an Agricultural School, with a model farm of four hundred acres, about twenty miles from Berlin, where he remained until his death in 1828. In his treatise on the principles of Agriculture (in 1809), he urges the necessity of a knowledge of botany, zoölogy and chemistry, and other sciences, in order to a complete comprehension and cultivation of practical farming; and concludes that "*it is then evident that Agriculture ought to borrow from every science the principles which she employs as the foundation of her own.*"

Pestalozzi originated in Switzerland contemporaneously with the labors of Thaer in Germany, his industrial or manual labor schools, near Berne.

Twenty-two years have elapsed since Liebig, combining the results of his own original researches and investigations

with the published knowledge of his time, printed his work upon "*Chemistry in relation to Agriculture and Physiology.*" which, immediately assuming a place in universal scientific literature, was soon read in all languages and excited a new spirit of inquiry and experiment among agriculturists and chemists in Europe and in America. The impulse given to agricultural education by the revelations of this master of science, was immediate. And there are now colleges, high schools, elementary agricultural schools for the peasantry, all over Europe, from Ireland to Russia, and a large number of professorships of agriculture in different universities.

Many States of the American Union, have already set on foot measures for the promotion of agricultural schools and colleges. Michigan provided for such a college in her State Constitution. One has been established in each of the States of New York, Iowa and Minnesota. But neither of these is now open. An Agricultural College has been established in Maryland, and is in operation. An embryo institution, under private enterprise, exists in Illinois; so also does another, in the State of Ohio. The course of instruction in the three last alluded to, does not essentially depart from that usual in ordinary colleges. The Agricultural College of Pennsylvania is the largest and most prosperous of this class of institutions of whose existence in this country I have any knowledge. Its course of study involves a period of four years, and includes mathematics, natural philosophy, chemistry, botany, geology, paleontology, mineralogy, chrysallography, and practical agriculture and horticulture. A "partial scientific and practical course" is established for the benefit of those students desiring to pursue the other studies of the full course, omitting the higher mathematics.

Evidence of the intelligent interest of our own Commonwealth in this direction is found in the Resolves of 1850, the reports of the commissioners the next year, (embodying that of Professor Hitchcock which is to be hereafter alluded to,) and the establishment of the State Board of Agriculture. It is also exhibited in the charter of the Massachusetts Institute of Technology, incorporated the 10th of April, 1861, "for the purpose of instituting and maintaining a society of arts, a museum of arts, and a school of industrial science, and aiding generally, by suitable means, the advancement, development and practical application of science, in connection with arts, agriculture, manufactures and commerce."

The conjunction of these dedications of public funds and private charity to scientific and practical education seems fortunate and auspicious. The main design of both is the same. There are suggestions in each which afford significant hints for our instruction. Combining all the opportunities they propose, an enterprise becomes possible in Massachusetts, grander than either.

This Congressional grant is exposed to the danger of being divided in each State among several unimportant seminaries, instead of being concentrated on one institution of commanding influence and efficiency. An institution requiring "military tactics," and "such branches of learning as are related to agriculture and the mechanic arts," to be taught "without excluding other scientific and classical studies," must of necessity, to be worthy of Massachusetts, involve large expenditures, and demand an assemblage of men of the highest talents as teachers. For although agriculture was the first art invented, it must be the last to be brought to perfection, since it requires contributions from every branch of natural science, and aid from every other art. We shall not use the grant of Congress wisely, if we make of it simply a means of giving farmers' sons such an education as they could obtain by living on a well-managed farm and attending an ordinary high school. It must be made the means of a positive increase of human knowledge in the departments bearing on agriculture and manufactures, and the medium of teaching not only farmers, but those who shall become teachers and improvers of the art of farming.

Such an institution should have ample lands for experimental purposes, and even on a moderate scale of completeness should embrace the following distinct professorships:

1. Mathematics pure, and applied to Surveying, Leveling, &c.
2. Drawing and Design.
3. General Physics and Meteorology.
4. Mechanics and Engineering, especially as applied to agricultural machinery and processes, to rural architecture, road making, &c.
5. General and Agricultural Chemistry.
6. Chemical Analysis, especially as applied to soils, manures and products.
7. Botany and Vegetable Physiology.
8. Zoölogy and Animal Physiology, including breeding of animals, their diseases and treatment.
9. Geology and Mineralogy.

10. Practical Husbandry, with superintendence of model farms.

In many of these departments one or more assistants, or sub-professors, would be necessary, and the whole corps of instructors could hardly fall short of twenty.

The "Central School of Arts and Manufactures," in France, counts forty professors and teachers. "The Conservatory of Arts and Trades" has a number not inferior, and has also three subordinate, or auxiliary, colleges in the Provinces. The "Polytechnic School of Vienna" has fifty-eight instructors.

The excellent and elaborate report of Professor Hitchcock, printed in 1851 with our legislative documents of that year [House Doc. No. 13,] comprising the results of his learned researches and survey of the agricultural institutions of Europe, assigns six professors, as "the smallest number of professors with which an institution could be respectable and useful, *even at its commencement*. The number is much less than it is at nearly all the higher agricultural seminaries in Europe. There it ranges from eight to twenty." The following pregnant suggestion, looking forward to an institution of wise and liberal breadth and of true public economy, like that which the language of our Act of Congress indicates, illustrates the comprehensiveness as well as the carefulness in observation, of this report: "By the addition of a single professorship of technology to such an institution as has been described, and extending the collection of instruments to those of every art, this school might become a school of sciences, as well as of commerce and manufactures, and thus afford an education to the son of the mechanic and merchant, as well as the farmer."

The time of each of these professors need not be exclusively devoted to the school, but a thorough exhibition of the sciences in their relations to mechanics and agriculture is impossible without the aid of men of the highest talents, each giving himself specially to one of the departments of science; besides the aid of men of high acquirements taking charge of the practical departments enumerated.

Such men, masters in these departments, are rare, or, if found, are already bound by various obligations to other objects or other institutions. If our Commonwealth is to retain her wonted place in noble works, we must seize, at the earliest opportunity, upon as many men of this character as may be found in the country, and at once organize our institution, to be a model for other States that may

avail themselves of the grant from Congress. Not only a laudable State pride demands this, but the highest considerations of patriotism and philanthropy demand it.

The Act of Congress does not make provision sufficient for an Agricultural School of the highest class in each State. Nor would it be possible now to find, disconnected from our colleges and universities, as many men of high talent, and otherwise competent, as would be required to fill the chairs of one such school. But Massachusetts already has, in the projected Bussey Institution, an agricultural school, founded, though not yet in operation, with a large endowment, connected also with Harvard College and the Lawrence Scientific School. She can therefore, by securing the grant from Congress, combining with the Institute of Technology and the Zoölogical Museum, and working in harmony with the College, secure also for the agricultural student for whom she thus provides, not only the benefits of the national appropriation, but of the Bussey Institution and the means and instrumentalities of the Institute of Technology, as well as those accumulated at Cambridge. The benefits to our State, and to our country, and to mankind, which can be obtained by this co-operation, are of the highest character, and can be obtained in no other way. The details of the connection of the Bussey Institution with the Scientific School and the College, are not yet fully wrought out; but I apprehend that little difficulty would be found in connecting it also with the grant from Congress, if the gentlemen who may be intrusted by the State with the work, will approach it with the perception of the absolute necessity for husbanding our materials, both men and money, and concentrating all our efforts upon making an institution worthy of our age and of our people. Its summit must reach the highest level of modern science, and its heads must be those whom men will recognize as capable of planning a great work, and of working out a great plan.

The fifth chapter of the Constitution of Massachusetts, celebrates the wisdom of our ancestors, who "so early as the year 1636, laid the foundation of Harvard College, in which University many persons of great eminence have, by the blessing of God, been initiated in those *Arts and Sciences* which qualify them for public employments both in Church and State," reciting that "the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this, and the other United States of



America." And it declares that it "shall be the duty of Legislatures and Magistrates, in all future periods of this Commonwealth, 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, sciences, commerce, trades, manufactures and a natural history of the country."

I venture the opinion that the advantages presented by the various institutions which now cluster around the College, may be so combined with other institutions as to realize more fully in actual experiment the true idea of a University. I cannot doubt that the people of the Commonwealth have a right to those benefits; the prevention of all the waste of means, the weakening of resources, the repetitions of professorships, libraries, apparatus and other material, consequent on scattering instead of concentration. Model farms, and experimental culture in all the varieties of soil our lands present, as the wise and expert may hereafter advise, and also branches or subordinate schools, are not to be discouraged. Neither are the schools and colleges for academic study already provided or contemplated, nor any gifts or grants thereto, to be less favored in the future. Nor does unity of plan and co-operation in method, of necessity imply confinement of all the departments of an institution to one place. The object should be to centralize and economize means and power, while distributing and popularizing education and its fruits.

But, in order to fulfil the highest functions of a University adapted to the wants and development of modern society, to an intellectual and free people, its professorships, libraries and apparatus should be so combined and distributed as to include the faculties of Divinity, of Law, of Medicine, of Military instruction, of Letters and Natural Science, all of them organized and represented in their highest perfection. The faculty of Divinity should have, as its basis, a strong corps of scholars versed in Hebrew literature and history, in ecclesiastic history, and in dogmatic theology, admitting as professors members of every church competent to teach. The teaching of the law school should include the civil law, comparative jurisprudence, political economy and diplomacy. The faculty of letters should combine the deepest scholars in ancient literature, including Sanscrit, and the other Oriental languages, as well as Greek and Latin; and in the antiquities proper, history in all its ramifications, the modern

languages and their literature, philosophy in all its branches with its history. For the faculties of medicine and of natural sciences, should be combined mathematicians, astronomers, physicists, chemists, mineralogists, botanists, zoölogists, geologists, devoting themselves chiefly to the scientific pursuit of their study; and also men distinguished for their eminence in the application of the sciences to the useful arts, civil engineers, architects, mining engineers, military engineers, and agriculturists.

That we should continue to build on the foundation our fathers laid, endeavoring to make actual in the life of our society their ideal, I religiously believe. Let us plan to concentrate here the "gladsome light" of universal science. Let learning be illustrated by her most brilliant luminaries, and let the claims of every science be vindicated by its bravest champion. Two-thirds of an amount equal to the sum we annually, and wisely, expend in public and private instruction, would found professorships and furnish the fund which would give to Massachusetts a University worthy the dream of the fathers, the history of the State, and the capacity of her people.

The territory of Massachusetts comprises you know an area of 7,800 square miles, with a population in 1860 of 1,231,065, or  $157\frac{82}{100}$  to the square mile. Massachusetts is the tenth in area of the old thirteen States. Of the thirty-three States considered in the census of 1860, she is in area the thirtieth. But notwithstanding the immense emigration from East to West, Massachusetts, which in 1790 was the fourth State in population, was still the seventh in 1860, her population being by the square mile the densest, and in absolute increase by the square mile the largest. The value of her products by the census of that year was \$283,000,000, or \$229.88 for each person in the Commonwealth, not including the product of navigation. By our last year returns, the capital invested in her one hundred and eighty-three banking companies was \$67,544,200; the deposits in her ninety-three institutions for savings amounted to \$50,403,674.23, and were made by 248,700 depositors. The tonnage of vessels entered and cleared at her ports the last year was 1,691,336 tons, and the total of her foreign imports and exports was \$61,972,580. The capital invested by Massachusetts in her railways whose motive power is steam, excluding many millions of her capital thus invested in other States, is \$63,272,801.71. The aggregate length of these roads is one thousand five hundred and thirty-one miles: of which three hundred and forty-three miles are

laid with double track. Their total income for the year 1861, was \$9,016,149.12. They divided  $6\frac{38}{100}$  per cent. to their stockholders; leaving on hand an aggregate surplus of \$3,562,290.48. The product of the capital and industry devoted to six branches of manufactures, namely, of agricultural implements, sawed and planed lumber, cotton and woollen goods, leather, and boots and shoes, which in 1850 amounted to \$66,323,242, in 1860 reached \$116,499,391; and the farms of Massachusetts, appreciated by the demand for agricultural products created to supply her army of artisans, rose in value during the same ten years from \$109,076,347 to \$122,645,221.

Side by side with this economical prosperity stands the diminution of pauperism and crime. The number of persons supported in the State Almshouses and Rainsford Island Hospital was less in 1862 than it was in any but one of the last five years, and was seventeen and one-half per cent. less than the number in 1861. The expense of these institutions was less in 1862 than in any year but one since they were opened (in 1854,) being \$122,783.53, which is \$12,220.86 less than their expense in 1861. The whole number of persons committed to our Jails and Houses of Correction in 1858 was fourteen thousand five hundred ninety-nine; the number in 1862 was but nine thousand seven hundred and five. The expense of the Jails and Houses of Correction in 1858 was \$222,721.77; but in 1862, it had fallen to \$182,006.63.

The entire value of the real and personal property of the State in 1860, as shown by the Report of the Valuation Committee of the Legislature, was \$897,795,326; and the profits of her industry, as shown by the products of the year, were thirty-three per cent. upon her valuation. She printed books to the value of \$397,500; her periodical literature and newspapers numbered two hundred and twenty-two different publications, disseminating more than one hundred million copies of their several issues. By the last returns we had four thousand six hundred and five public schools, attended in the winter of 1862, by two hundred and twenty-seven thousand three hundred and nineteen scholars, with a mean average attendance, during the school year, of one hundred and seventy-eight thousand eight hundred and ninety-two, taught by seven thousand two hundred and fifty-five instructors, on which schools were expended, exclusive of the expense of repairing and erecting school-houses, and the interest on money invested in such property, and of the cost of school books, nearly \$1,613,000. When

we add to this statement one hundred and eight high schools in which Latin and Greek are taught, sixty-three incorporated academies, with thirty-five hundred scholars, paying \$85,000 tuition, and six hundred and thirty-eight private schools, paying \$350,000 tuition; when we consider the expense of buildings, apparatus, libraries, school books, prizes, Teachers' Institutes and the like, not contained in those computations, we shall probably find an annual sum devoted to the education of the children of the people of the Commonwealth, besides the expenses of our colleges and schools of medicine, law and theology, amounting to more than three millions of dollars. It is estimated by the Board of Education that the sum annually expended to promote popular education in Massachusetts, including the annual expenditure for school-houses and the interest of money invested in them at their present cash valuation, the cost of school books in public and private schools, the expense of Normal Schools, Teachers' Institutes and Associations, the Board of Education, printing, and State scholarships, but not including the cost of instruction in colleges, professional schools and Reformatory Institutions, amounts to more than thirteen dollars to every person in the State between five and fifteen years of age, and more than two dollars and a half to each person of the entire population of the Commonwealth. Our public libraries in 1860 were 1,462. Their volumes numbered 604,015. The value of our churches in 1860 was computed to be ten and a quarter millions of dollars, and their pulpits are occupied by about two thousand preachers of the Gospel. Besides the instructions of our pulpits, and schools, and books, and periodicals, we have the benefit of countless lyceums and lectures, and of constant importations from every other State, and from every country where literature and printing are known.

Is Massachusetts unable, then, in view of her material resources, and the quality of her people, to adjust a plan contemplating the ultimate consecration to the purpose I have indicated, of a fund—to be secured by taxation, by donation, by the testamentary bequests of her citizens—adequate to the work? Regard, a moment, your positive wealth. Consult its wonderful growth. Remember that you owe all of it to *cultivated, instructed, intelligent industry*. You have conquered, by first understanding, nature. You have studied her mysteries, guessed her secrets, and thus unlocked her treasures. And doubt not that in the wonderful future about to dawn upon our country, the part you are to enact of beneficence and glory, under the inspiration

of your generous culture and expanding thought, will transcend all the former achievements of your industry, and will outshine the lustre of your arms.

I commend to the legislators and people of Massachusetts these considerations and opinions, which have earnestly impressed my own mind and are the results of patient study and reflection. They are inspired by the idea of realizing the highest culture, securing the amplest means and material, and husbanding them in the surest way to the good of all the people, and for the renown and influence among the States of the Union, of this venerable Commonwealth. Let no friend of any local institution, actual or proposed, avert his eyes. When we shall have obtained one central school, or a combination of schools interchangeably working each with and for the others, devoted to the grandest development of knowledge for agricultural, mechanical and military uses, and to the enlargement of the domain of science and art, to the discovery and encouragement of their true prophets and teachers, and to the widest diffusion of all their influences, then you will find the local seminaries springing up and distributing the results,—just as our town and district schools to-day disseminate the elementary lessons of science of which every boy and girl would be left in ignorance, were it not for the higher institutions, the original thinkers and the lifelong students.

I respectfully recommend that the Legislature take measures at its present session to secure to the Commonwealth the benefits of the grant from Congress, and that the funds of the Bussey Institution may not be allowed to slumber as they now do, but be rendered available for the use of the present generation, by purchasing, if possible for a reasonable price, the life estate which now encumbers Woodland Hill, and causing the funds to be rendered as productive as possible, with a single view to the objects contemplated by the donor.

THE BOSTON SOCIETY OF NATURAL HISTORY, AND THE INSTITUTE  
OF TECHNOLOGY.

I have pleasure in calling your attention to the earnestness with which the Boston Society of Natural History, and the Massachusetts Institute of Technology, have persevered in their respective plans.

The former of these societies, strengthened in its resources by the liberality already so largely exercised in behalf of the public needs, has nearly completed a stately and commo-

dious building on the land assigned to it by the Legislature, and will be in a condition to remove its collections and transfer its operations to the new edifice in the course of the coming spring.

The Institute of Technology, though not yet possessed of a sufficient fund available for building purposes, is making progress in that direction with prospect of a large measure of success. Should it fail, during the winter, to make up the entire amount required by the Act of the Legislature, it may, I think, reasonably plead the peculiar circumstances of the times, and the great practical importance of its objects, as a ground for your further indulgence. It has, meanwhile, begun its operations as a Society of Arts, where communications and reports are made and discussions held on industrial subjects, and where important inventions, models and specimens are exhibited, explained and criticised. It is preparing, also, to make a beginning in some branches of the School of Industrial Science and in the collection of machinery, materials, products, and other objects suitable for its intended Museum. In these several modes of activity it aims to contribute to the cause of practical improvement, even at the commencement and while it is awaiting the accumulated means necessary for the erection of the School of Industrial Science and the Museum of Practical Arts proposed to be established on the land assigned to the Institute for this purpose on the Back Bay.

#### AMENDMENT OF CONSTITUTION.

I have the honor to invite the favorable action of the Legislature upon the Resolve adopted by the last, and constitutionally referred to the present, General Court, "providing for an amendment to the Constitution relative to the qualification of voters," proposing the repeal of the twenty-third article of amendment which precludes adopted or naturalized citizens from voting and from eligibility to office, for two years subsequent to naturalization. I have no doubt that the people of the Commonwealth will cheerfully consummate the purpose of the Resolve so soon as you shall present it to their decision.

#### PUBLIC INSTITUTIONS—THEIR RETURNS.

It has been the aim of the Governor and Council to visit all the penal and charitable institutions of the State, and of the respective counties. This would have been fully accom-

plished had other commanding cares permitted it. Nearly all, however, have been visited during the year. And it is a grateful task to bear witness to the prevailing spirit of intelligent humanity with which they are conducted. I would respectfully urge a careful study of their Reports. The reduction of pauperism and crime is the sure consequence of increasing knowledge and thrift in any community. And the education into industry, good habits and intelligence of those unfortunately predisposed by early neglect, by actual lapse or inherited tendency, helps to counteract the fatal proclivity. I would, therefore, while there is so much to commend in these institutions, that some method were devised by which, through exact statistical returns, it should be possible to compare them each with all the others, to compare the business and experience of one year with another, to watch the symptoms of social disorder and disease in the body of the State, and to study the cure. But, after having earnestly endeavored to institute some such comparison, I have been compelled to abandon the task. The returns are incomplete, dissimilar in their arrangement, not ordered by a system common to them all; and, therefore, though separately interesting and instructive, are unadapted to the grand purpose of generalization. Partial efforts were made by the Legislature last year in the true direction. But they were partial only. Such a system as an able committee could devise, comprehending all our educational, reformatory, sanitary, penal, industrial and monetary institutions, explained by specific interrogatories and prepared forms of returns, would be universally recognized as a guide hereafter to practical legislation, as well as to philosophical inquiry.

#### HOSPITAL FOR INEBRIATES.

I most respectfully, but urgently advise that the Legislature initiate measures to establish an asylum for the treatment of Inebriates. Drunkenness is a disease as well as a sin. We have long since legislated for its punishment; let us no longer delay to legislate for its cure. By every motive of humanity and reason, by every law of duty, it challenges our consideration. I am led to believe that it is in our power so to economize the room in our sanitary and pauper institutions as to enable experiments to be made with one hundred and fifty patients, without any material increase of public expenditure.

## OUR HEROIC DEAD.

There is a history in almost every home of Massachusetts, which will never be written. But the memory of kindred has it embalmed forever. The representatives of the pride and hope of uncounted households, departing, will return no more. The shaft of the archer, attracted by the shining mark, numbers them among his fallen. In the battles of Big Bethel, of Bull Run, of Ball's Bluff, of Roanoke Island, of Newbern, of Winchester, of Yorktown, of Williamsburg, of West Point, of Fair Oaks, the battles before Richmond from Mechanicsville to Malvern Hill, of James's Island, of Baton Rouge, of Cedar Mountain, of Bull Run again, of Chantilly, of Washington in North Carolina, of South Mountain, of Antietam, of Fredericksburg and Goldsborough,—through all the capricious fortunes of the war the regiments of Massachusetts have borne her flag by the side of the banner of the Union. And, beyond the Atlantic slope, every battle-field has drunk the blood of her sons, nurtured among her hills and sands, from which in adventurous manhood they turned their footsteps to the West. Officers and enlisted men have vied with each other in deeds of valor. The flag, whose standard-bearer, shot down in battle, tossed it from his dying hand nerved by undying patriotism, has been caught by the comrade, who in his turn has closed his eyes for the last time upon its starry folds as another hero-martyr clasped the splintered staff and rescued the symbol at once of country and of their blood-bought fame.

How can fleeting words of human praise gild the record of their glory? Our eyes suffused with tears, and blood retreating to the heart, stirred with unwonted thrill, speak with the eloquence of nature, uttered, but unexpressed. From the din of the battle, they have passed to the peace of eternity. Farewell! warrior, citizen, patriot, lover, friend,—whether in the humbler ranks or bearing the sword of official power, whether private, captain, surgeon or chaplain, for all these in the heady fight have passed away,—Hail! and Farewell! Each hero must sleep serenely on the field where he fell in a cause “sacred to liberty and the rights of mankind.”

Worn by no wasting, lingering pain,  
 “No cold gradations of decay,  
 Death broke at once the vital chain,  
 And freed his soul the nearest way.”



## MASSACHUSETTS—UNION—LIBERTY.

Massachusetts, limited in territory, aiming to cultivate and develop the capacities of both man and nature, given to no one distinctive pursuit, but devoted to many, is at once an agricultural, commercial and manufacturing Commonwealth. The individual citizen, adapting himself to the seasons and the market, is not unfrequently an expert in divers callings. In the winter he cuts ice on Crystal Lake for Calcutta, and he goes fishing in the summer on the Banks of Newfoundland. He carries on his father's homestead in the growing season, and makes boots for Boston market in the intervals of farming. He scours the Pacific in a New Bedford whaler while he is young and fond of adventure, and settles down at last the keeper of a country store on Nantucket. He goes to college for his own education, and teaches school himself in the college vacation. He manufactures ploughs and reapers in Massachusetts, and puts his earnings into railroads in Michigan, Iowa, and Wisconsin. Massachusetts buys material from all who have it to sell, and vends her wares in every State. Her sons have been found pursuing their way in every opening of the West and South, while her own narrow but hospitable borders afford a prosperous home to tens of thousands honest sons and daughters of toil, from every nation in Europe.

Peaceful, rural, and simple in their tastes, her people, never forgetting the lessons learned by their fathers, not less of War than of Religion, are found in arms for their father's flag wherever it waves, from Boston to Galveston. The troops of Massachusetts in Maryland, in Virginia, in the Carolinas, in Louisiana, in Texas; the details from her regiments for gunboat service on the southern and western rivers; her seamen in the navy, assisting at the reduction of the forts from Hatteras Inlet to the city of New Orleans, or going down to that silence deeper than the sea, in the Monitor or the Cumberland,—all remember their native State as a single star of a brilliant constellation, the many in one, they call their country. By the facts of our history, the very character of our people, and the tendencies of their education, industry and training, Massachusetts is independent in her opinions, loyal to the Union, and the uncompromising foe of treason.

Geographically on one side of the continent, her soldiers come from the Golden Gate of California to encamp by Dorchester Heights, that they may serve under the white

flag of the Pilgrim Commonwealth. We proudly count our brethren in public station and in all the honored walks of private life, in Oregon as well as in Barnstable. Her sons have sent from around the world their benefactions for the relief of the families of her braves. Though no drop of the "Father of Waters" laves our shores, or descended on any hill top which sheds into our streams; yet, narrowed by no policy of sectional or territorial jealousy, we would gladly and proudly contribute through the National treasury, in the interest of our National defences, for the connection by Ship Canal of the Mississippi with Lake Michigan, and of Lake Erie with the Hudson.

Unionists in no double sense, we have held from the beginning that the Government, greater than any class of men or of interests, has an original and imprescriptible right to the devoted and hearty service of every subject of its protection and power. We deny the rightfulness of the rebellion, and we are in arms against it; and we have equally denied that the rebel States could rightfully be allowed to impose their treasonable will upon any human being whose interest or desires would make him loyal. While our wives surrender their husbands and our fathers their sons to all the perils of a dreadful war waged by rebellion, we have never discovered a reason why the rebels should retain their slaves, and compel them to be rebels too. Supporting always the government, without conditions as to its policy, we rejoice with unutterable joy that its policy is that of human nature, and not that of human sophistry; and we hail the returning day of the civic virtues, which our national departure from the practice of Justice and the principles of our fathers, had discouraged in the North and had overthrown in the South.

*Gentlemen of the Senate and  
House of Representatives :*

Practical questions of grave and important moment are before the government and the people of the United States. A large number of poor persons, without capital save their ability to labor, with new motives to industry, subordination and good conduct, will claim an interest in the thoughts of statesmen. Near Fortress Monroe, in the Sea Islands of South Carolina, in New Orleans, and in its neighboring parishes, they have already tried the new-born gift of liberty, with success and honor.

In a few brief years, we shall have paid the national debt incurred during the present war, by the enlarged value which freedom will have given to the property of the rebel States, the increased productive ability of freedmen over slaves, and their multiplied power to buy and consume the products of manufactures and the arts.

The people of America will have saved the Union, saved Democratic-Republican Liberty, both menaced by the same dangers, will have perpetuated the Government, magnified the Constitution and made it honorable, and will have crowned a great career of glory with an act of expedient Justice unequalled for its grandeur in all the history of mankind.

[ A. ]

*Troops sent into Federal Service since the outbreak of the Rebellion.*

1861.	1862.
<i>January.</i>	<i>January.</i>
	3d —Thirtieth Infantry. 3d —3 companies Cavalry. 7th—Twenty-Ninth Inf'y, 3 companies. 8th—Twenty-Eighth Infantry.
<i>February.</i>	<i>February.</i>
	7th—Sixth Battery. 21st —Thirty-First Infantry.
<i>March.</i>	<i>March.</i>
	2 companies Heavy Artillery, to be attached to Fourteenth Reg't, changed to Heavy Artillery from Infantry. 1 company Heavy Artillery, for garrison for Fort Warren.
<i>April.</i>	<i>April.</i>
3,736 Militia for three months' service.	
<i>May.</i>	<i>May.</i>
9th to 22d—8 companies of Infantry, 7 of which were subsequently joined to the Twenty-Ninth Regiment, and 1 enlarged and organized into the Seventh Battery.	26th—7 companies of Thirty-Second Infantry. 4,043 Militia assembled at Boston for service. 2 companies of Militia cadets of 1st and 2d Divisions, for service at Fort Warren.
<i>June.</i>	<i>June.</i>
15th—First Infantry. 24th—Ninth Infantry. 24th—Eleventh Infantry.	24th—Eighth Battery.
<i>July.</i>	<i>July.</i>
8th—Second Infantry. 11th—Seventh Infantry. 23d —Twelfth Infantry. 25th—Tenth Infantry. 30th—Thirteenth Infantry.	1 company Volunteers for 6 months, for garrison for Fort Warren.
<i>August.</i>	<i>August.</i>
7th—Fourteenth Infantry. 8th—Fifteenth Infantry. 8th—Second Battery. 17th—Sixteenth Infantry. 22d —Twenty-First Infantry. 23d —Seventeenth Infantry. 24th—Eighteenth Infantry. 28th—Nineteenth Infantry.	11th—Thirty-Third Infantry. 12th—Thirty-Fourth Infantry. 20th—Thirty-Second Inf'y, 3 companies. 21st —Ninth Battery. 22d —Thirty-Fifth Infantry. 24th—Thirty-Eighth Infantry. 31 st—Thirty-Sixth Infantry.

*Troops sent into Federal Service—Continued.***1861.***September.*

3d —First Company of Sharpshooters.  
4th—Twentieth Infantry.

*October.*

3d —First Battery.  
7th—Third Battery.  
8th—Twenty-Second Infantry.  
8th—Second Company Sharpshooters.  
31st—Twenty-Fifth Infantry.

*November.*

2d —Twenty-Seventh Infantry.  
11th—Twenty-Third Infantry.  
21st—Twenty-Sixth Infantry.  
21st—Fourth Battery.

*December.*

9th—Twenty-Fourth Infantry.  
25th—First Cavalry.  
25th—Fifth Battery.

**1862.***September.*

1st—Sixth Infantry.  
5th—Thirty-Seventh Infantry.  
6th—Thirty-Ninth Infantry.  
8th—Fortieth Infantry.  
15th—Eleventh Battery.

*October.*

2d —Forty-Fourth Infantry.  
3d —Fifth Infantry.  
6th—Tenth Battery.  
9th—Third Infantry.  
24th—Forty-Third Infantry.  
24th—Forty-Fifth Infantry.  
24th—Forty-Sixth Infantry.  
Second Company Heavy Artillery  
for garrison for Fort Warren.

*November.*

5th—Forty-First Infantry.  
7th—Eighth Infantry.  
11th—Fifty-First Infantry.  
19th—Forty-Second Infantry.  
19th—Fiftieth Infantry.  
19th—Fifty-Second Infantry.  
21st—Forty-Ninth Infantry.  
21st—Fifty-Third Infantry.  
29th—Forty-Seventh Infantry.

*December.*

21st—Fourth Infantry.  
21st—Forty-Eighth Infantry.  
Third Company Heavy Artillery  
for garrison for Fort Warren.

**1863.***January.*

3d —Twelfth Battery.

*Now raising in the State, January 9, 1863.*

2d Cavalry Regiment; 13th, 14th and 15th Batteries Light Artillery; 3d company Sharpshooters.

S U M M A R Y .

1861.		VOLUNTEERS.			1862.			VOLUNTEERS.						
Militia.		Infantry.		Light Artillery.	Cavalry.		Militia.		Infantry.		Light Artillery.	Heavy Artillery.	Cavalry.	Cadets.
January, . . .	-	-	-	-	-	-	-	January, . . .	2 reg'ts, 3 comp's,	-	-	-	3 co's.	-
February, . . .	-	-	-	-	-	-	-	February, . . .	1 regiment,	1 battery.	-	-	-	-
March, . . .	-	-	-	-	-	-	-	March, . . .	-	-	3 comp's.	-	-	-
April, . . .	3,736	-	-	-	-	-	April, . . .	-	-	-	-	-	-	-
May, . . .	-	8 companies,*	-	-	-	-	May, . . .	4,043	7 companies.	-	-	-	-	2 co's.
June, . . .	-	3 regiments.	-	-	-	-	June, . . .	-	-	1 battery.	-	-	-	-
July, . . .	-	5 regiments.	-	-	-	-	July, . . .	-	1 company.	-	-	-	-	-
August, . . .	-	7 regiments, †	-	-	-	-	August, . . .	-	5 reg'ts, 3 comp's,	1 battery.	-	-	-	-
September, . . .	-	1 reg't, 1 comp. s. s.	-	1 battery.	-	-	September, . . .	-	4 regiments,	1 battery.	-	-	-	-
October, . . .	-	2 reg'ts, 1 comp. s. s.	-	2 bat'ries.	-	-	October, . . .	-	6 regiments,	1 battery,	-	-	-	-
November, . . .	-	3 regiments,	-	1 battery.	-	-	November, . . .	-	9 regiments,	-	-	-	-	-
December, . . .	-	1 regiment,	-	1 battery,	-	1 regm't.	December, . . .	-	2 regiments,	-	1 comp'y.	-	-	-

Total Infantry, 22 regiments, 8 companies, 2 companies sharpshooters.  
 " Light Artillery, 5 batteries.  
 " Cavalry, 1 regiment.

\* One company changed from Infantry to the 7th Battery of Light Artillery.  
 † One regiment, the 14th, changed in 1862 from Inf'y to Heavy Art'y.

1863. January 3d, 12th Battery sent to the field; and 2d Regiment Cavalry, 13th, 14th, and 15th Batteries Light Artillery, and 3d Company Sharpshooters now raising in the State.

## SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE, DURING THE SESSION ENDING APRIL TWENTY-NINTH.

[To the House of Representatives, January 20.]

Many delays and difficulties have been experienced during the past year in the payment of our volunteers. A period of six months has elapsed without the payment of men in the military service of the United States, to whom by law pay is due once in every two months. Through a complication of causes attendant on these delays, and on the working of the army system of payments, which did not originally contemplate the introduction of allotments of soldiers' pay, but only direct payment to the soldiers, in hand,—certain irregularities have sometimes been encountered in securing the receipt of the allotments, not easily understood by the persons interested, and tending to prejudice them against the usefulness of the allotment system itself. The frequent occasion which this department of the State government has to know, and keenly to feel, the hardship of which these delays and irregularities are the cause, and the injustice of permitting their continuance or repetition, if it is possible to prevent them, has attracted to the whole subject much thoughtful and anxious consideration.

The result to which I have deliberately arrived is, that this Commonwealth can, with the consent of the Federal Government and without loss to herself, adopt and apply a method of sure relief. I do not hesitate, therefore, in the interest of the soldiers of Massachusetts and of their families, to commend the subject to the wise judgment of the legislature.

It is understood that arrangements are now in progress for the payment of the troops up to the first day of November last. The rolls must have been completed, or should have been so, before the middle of that month. The rolls

for the two months' payment due on the 1st day of January current ought now to be ready. I do not perceive that any method we might adopt could probably expedite the payment of the November dues, and the deferred payments for previous months which are to be made at the same time with the November payment proper. For this reason the plan I have the honor to suggest is limited to act from and after the first of November last.

I therefore respectfully recommend that the Commonwealth undertake to pay, in notes of Massachusetts banks, or in legal tender notes of the United States, to all her volunteers in the army of the Union, all their wages earned from and after that day, who shall accept the benefits of a plan of payment substantially the following:—

Let all Massachusetts volunteer soldiers who choose, assign all or any part of their accruing pay to the treasurer of the Commonwealth in the manner contemplated by the 62d chapter of the Acts of 1862, "concerning the custody and distribution of funds of the Massachusetts Volunteers." Let the Treasurer receive such funds to be distributed in the manner contemplated by the 1st and 2d sections of the Act, or to be held subject to the order of the soldier in the manner provided by the 4th section.

Let the Commonwealth agree with the United States to hold itself indebted (and so declare by law) to all those volunteers who may assign their pay to the Treasurer, to the amount of the pay so assigned, and appearing to be due from the United States to such volunteers respectively—by the pay-rolls made up for the guidance of the Federal disbursing officers, copies of these pay-rolls duly certified being transmitted to the Treasurer. Let the volunteer, who may assign his pay in whole or in part at his own election, as he now does, be credited by the Treasurer, on the date of receiving a proper copy of his pay-roll, with the amount of the assigned pay thus appearing to be due to him, which sum so standing to his credit the Treasurer then shall distribute through the town treasurers, or retain on interest, in the manner provided in the Act of 1862, according to the election of the volunteer.

The effect of this arrangement would be to make it the duty of the Treasurer to pay to the town treasurers for the benefit of the volunteers' families, or to hold subject to the orders of the volunteers themselves, their wages, either in whole or in part, as the case might be, without regard to receipts into the treasury of the Commonwealth from the treasury of the United States. Thus, the Commonwealth



would intervene to pay, for the account of the United States, to the soldier's family, all his wages so assigned and due, or hold the same to be paid to his order drawn in favor either of himself or of others in such portions as might please him.

It would, unless in rare cases of exception, become for the interest of every soldier to assign his whole pay to the treasurer of the Commonwealth, for then, without any risk to himself, it would be remitted to his own town, or remain on interest in the State treasury to be paid out to himself on his own order, on demand, as he might need the money—the treasury becoming, in one word, a savings-bank for all our soldiers, with this advantage, that the money would be ready for the soldier and his family on the day his rolls should arrive here, *at all events, and without any regard to delays in the payments due from the United States.*

The benefit of such a scheme to the soldier is manifest; and the ease with which funds can be remitted to the regiments from here, would render it much better for the soldier generally to assign his whole wages, and draw on them when wanted, whether in camp or hospital, whether with the regiment or on detached service, than to await the advent of the Federal paymasters.

But the question occurs, how shall the Commonwealth be repaid and protected? Let it be arranged with the Secretary of the Treasury that an amount of United States' currency, or a certificate of indebtedness bearing interest from the date when the payment was due from the United States, shall, in the lack of coin, be delivered to the Treasurer of the Commonwealth, corresponding to the amount on the pay-rolls appearing to be assigned to him by Massachusetts volunteers, as often and as soon as such pay-rolls are filed—such currency or certificate to be receipted for by the treasurer, as a reimbursement to the State for assuming the payments to the soldiers called for by the rolls and assignments.

Thus the troops would be promptly and wholly paid, at home, where the payment is the best for them, or in part at home and in part in the field, as each one might prefer.

Want, suffering, disappointment, anxiety, and distrust, would be averted by a beneficent, kindly, safe, and just intervention of the government nearest to the domestic scene, and best able to adjust with ease the arrangements needed for the greatest good of all.

It will be easy, I think, for the State to make a prospective bargain with the banks, to borrow at a very low rate of

interest, say one million of dollars on the fifteenth day of each alternate month, to be drawn for as it shall be needed to meet the necessities of the treasury, created by this plan.

I think it is clear that thus without loss, the government of this Commonwealth can, in the truest way, perform a parental duty. Every interest of society, public as well as private, is in some way involved in this being done. I cannot imagine any proper objection on the part of Congress to an immediate enactment to permit the Secretary of the Treasury to accede to such a plan; and I respectfully suggest to the General Court such an amendment of chapter 62 of our Acts of 1862 as shall substantially agree with the plan I have thus sketched for your consideration.

If it shall be the opinion of the Legislature that mature reflection encourages assuming the payment of our volunteers in advance of receiving from the United States the funds therefor, only so far as it may be needful in order to secure the prompt distribution of their allotments, I shall cheerfully concur in the endeavor to carry into effect its final decision.

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[To the House of Representatives, February 6.]

In reply to the Order of the honorable House, of January 21st, requesting a report of "the several amounts claimed or paid as commissions, compensation, expenses, or profits, by persons who went to foreign countries under authority of the Executive Department of this State during the years 1861 and 1862, for the purpose of purchasing arms and equipments for or on account of the State," I have the honor to submit the following statement:—

In April, 1861, Honorable Francis B. Crowninshield went to Europe as an agent for purchasing arms and military equipments for the State. A copy of the letter of instructions addressed to him on April 22d, 1861, was communicated to the Legislature of 1862, and is printed in House Document, No. 40, of last year.

The number of arms received through this agency has been 19,380, and of sets of equipments 10,000. The aggregate of the several amounts placed to the credit of the agent for these purchases, and the necessary expenses attendant thereon, is \$351,347.48.

Provision was also made for "a person experienced in the manufacture of arms" to accompany the agent, "to advise with and assist" him; and he was authorized, if contracts for the manufacture of arms should be made, "to detail this

person to remain and observe the process of manufacture, and inspect the arms when completed." Mr. C. McFarland was appointed for this purpose.

In August, 1861, Mr. Crowninshield returned to the United States, having made purchases outright of a number of arms, and having made contracts for the manufacture of more. Mr. McFarland was left in England to superintend the execution of these contracts, and to inspect the arms as manufactured. He remained on this business until the spring of 1862. As covering the cost of this inspection, and including pay for all the services, and reimbursement of all the expenses of Mr. McFarland, there is charged in the account of Mr. Crowninshield, and has been allowed, £728 5s., or \$3,527.96.

In the final settlement of accounts a claim of  $2\frac{1}{2}$  per cent. on all the disbursements was made by Mr. Crowninshield for compensation for himself. This claim was not approved by the Governor and Council, by whom the following Order was passed for adjusting the account:—

"COUNCIL CHAMBER, Sept. 17, 1862.

"*Ordered*, That Francis B. Crowninshield be allowed twenty-five hundred dollars for his expenses in purchasing arms in England for the Commonwealth, on condition that he settle the account, as rendered by him, of Cora McFarland as inspector of said arms, and return to the Treasurer and Receiver-General proper vouchers for the same, and that James M. Shute, James Ritchie, and Gerry W. Cochrane, as a committee of the Council, be authorized to settle with said Crowninshield upon the above conditions."

The proposition made by this Order being communicated by the committee to Mr. Crowninshield, was declined by him, in writing, on September 20th, and his account remains unadjusted. He retains in his hands a balance of £512 10s. 5d., or \$2,482.87, of funds belonging to the Commonwealth, and claims for his compensation an additional amount of £1,276 14s., or \$6,184.90,—or in all, £1,789 4s. 5d., or \$8,667.77.

The instructions addressed to Mr. Crowninshield are silent on the subject of compensation for his agency. At the time he sailed for Europe, in April, 1861, an advance of \$1,000 was made to him from the treasury of the Commonwealth, for his personal expenses, which amount is included in the \$2,500 allowed to him by the Order of the Governor and Council of September 17th, 1862; and it is not intended on the part of the Governor to admit, by any thing herein con-

tained, that any valid claim existed against the Commonwealth in favor of the agent for time and services. On that point, for the purposes of the inquiry of the honorable House, it is not necessary here to express an opinion.

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[To the House of Representatives, February 24.]

I have the honor to communicate to the General Court, for its information, the Annual Report of the Adjutant-General of this Commonwealth, to the Commander-in-Chief, attended by the Reports of the Quartermaster-General, the Master of Ordnance, and the Surgeon-General. It has been the aim of the Adjutant-General to present in full detail, not only the formal returns, but so far as possible the main features and prominent particulars of the military history of each of the Massachusetts Volunteer and Militia Corps organized or serving during the last year. The reports of regimental commanders and the communications of general officers of the army, received at these headquarters, relating to the character and conduct of Massachusetts soldiers, have found places in the narrative thus presented, and they form valuable and interesting portions of this honorable record.

I venture to mention as of special interest the wise and suggestive Report of the Surgeon-General, to whose intelligent and humane administration of his bureau, I confess a constant obligation.

Among the gentlemen who, as Agents of this Commonwealth, have rendered good service in the care of sick and wounded soldiers in hospitals, and of soldiers falling into distress or want, and in advising and assisting their friends when searching for them in hospitals and camps, or for the remains of the fallen, are Messrs. Robert R. Corson, of Philadelphia, and William Robinson, of Baltimore. Their names were inadvertently omitted in the proper connection by the Adjutant-General. The services of Mr. Robinson began with the 19th of April, 1861, and have never been discontinued.

I avail myself of this occasion to attract the attention of the General Court to these most humane and useful agencies, maintained in New York, Philadelphia, Baltimore and Washington, which, within distances more or less extended, have brought to the pillow of the dying, to the pallet of the wounded, to the battle-field as well as the hospital, the messages of home and the succor and comfort of much kindly help. Among their indispensable services rendered, one is that of advice and aid to relatives, especially wives

and mothers, who visiting strange and bewildering scenes, are consoled by a friendly hand ready to help them to reach the objects of their search and care. Another is their constant and careful returns—(which are to be found in the office of our Surgeon-General)—of all facts derivable from the hospital records and interesting to the families of Massachusetts soldiers. Another is their correspondence with this Department in respect to individual cases, without which the solicitude of friends in many instances would be unrelieved.

In the effort, so far as possible, to bring all her sons in the field under the care and watchfulness of the State, these agencies have proved indispensable. Co-operating with benevolent associations in their neighborhood, an amount of good has been accomplished, measurable by no sum, and achieved much less by money than by acts of attentive kindness personally bestowed.

I have advised recently with these agents, and with wise and charitable persons familiar with the spheres of their operation, and am induced to recommend as a measure of prudence that a sum of money, (besides the military contingent fund of the Governor and Council, which the exigencies of war may leave insufficient,) of perhaps ten thousand dollars, should be appropriated, either as an addition to that fund or otherwise, to enable the Executive to maintain these agencies on a firm footing, and to employ such other or like services as the shifting scenes of the war may be found to demand.

It will be remembered that the appropriation does not imply its expenditure, beyond the necessity of the case.

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[To the Senate, March 3.]

I received yesterday, from the Clerk of the Senate, a copy of an Order of the Legislature asking certain information concerning the Troy and Greenfield Railroad. I have to-day received a reply from Mr. J. W. Brooks, chairman of the Commissioners, (to a letter addressed to him by me) of which I enclose a copy. It will be seen by this that the Report of the Commissioners will be presented to the Governor and Council in print. Copies will be printed in sufficient numbers for all the members of the Legislature, as soon as it is issued.

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[To the Senate, March 12.]

I have the honor to communicate for the use of the Legislature, the Report of Messrs. John W. Brooks, Samuel M.

Felton, and Alexander Holmes, Commissioners appointed under chapter one hundred and fifty-six of the Acts of 1862, providing "for the more speedy completion of the Troy and Greenfield Railroad and Hoosac Tunnel."

By this Report, made to the Governor and Council, it is apparent that the Commissioners have discharged the duties of investigation and inquiry into the whole subject of finishing the Troy and Greenfield Railroad, and of tunnelling the Hoosac Mountain—including the most economical, practical, and advantageous methods for the completion of the work, the cost of fitting the railroad and tunnel for use, the time within which the tunnelling of the mountain can be completely effected, the probable cost of the enterprise, the probable pecuniary value of the road and tunnel, with the sources and probable amount of traffic and income—in a manner at once elaborate, comprehensive, instructive and convincing. Their Report is attended by several plates, carefully illustrating those features of the proposed work more easily presented or explained by the aid of maps or plans, and is accompanied also by a report of Mr. Charles S. Storrow on *European Tunnels*, who at the request of the Commissioners, with the approval of the Governor and Council, visited Europe for the purpose of examining the most important tunnels already constructed, and especially that now in progress under the Alps at Mont Cenis, between France and Italy, which in many respects is supposed to be a work more nearly analogous to that projected under the Hoosac Mountain, than any other in the world. It is accompanied also by the respective reports made to the Commissioners by Messrs. Benjamin H. Latrobe and James Laurie, on the Hoosac Tunnel and Troy and Greenfield Railroad. The first contains observations and opinions which were the result of Mr. Latrobe's personal examination of the Hoosac Mountain and Tunnel, seen in the light of a considerable professional experience in works of a similar character, though of proportions less gigantic; the second (namely, the report of Mr. Laurie,) exhibits a minute and scientific survey of the whole route of railroad and tunnel, with elaborate calculations. This mass of documentary matter, with the profiles, maps and plans contained therein, or prepared for ampler illustration and referred to in these reports, presents, as I believe, an exhaustive treatise upon the subject intrusted to the investigation of the Commissioners, in all its particulars and relations. It is, itself, a monument of industry and learning, and of practical as well as of professional judgment.

The Report of the Commissioners establishes *the feasibility of the grand enterprise of tunnelling the Hoosac Mountain*, and the necessity of ultimate and essential changes in the details of the railroad line, of essential and important changes in the character and quality of the work upon the road and bridges, and of the enlargement of the tunnel itself; and also the necessity on the part of the State, of taking into its own hands the enterprise of constructing the tunnel, undertaking the work on its own account, controlling its own agents and holding them directly responsible for the integrity of their management. This course is, in the judgment of the Commissioners, in a work so exceptional and peculiar, an essential condition of energy, economy and success.

The Commissioners find that the period of eight years will be necessarily employed in the accomplishment of this work. The advances already made by the Commonwealth to the Troy and Greenfield Railroad Company, with interest to January 1, 1863, including a special appropriation of \$175,000 made last year, amount to \$968,862. The additional interest at five per cent. for eight years, amounts to \$462,585. The cost, therefore, in which the State is already involved towards this enterprise, assuming its completion in eight years, is \$1,431,447. The cost of completing the tunnel is estimated by the Commissioners at an additional sum of \$2,696,229, to which should be added interest during construction, \$522,094, giving a result of \$3,218,323. The estimated expenditure immediately required to complete the road east of the tunnel, is \$447,060, the interest on which item it is assumed will be paid out of earnings to be received during the construction of the tunnel. The cost of permanent work from time to time, to replace the present temporary structures as they fail, is estimated at \$50,000. The cost of straightening and improving the line east of the tunnel, to be done as the last thing before the tunnel is completed, is placed at \$155,000. These three last enumerated items involve an expenditure of \$652,060, deemed necessary to establish the road from Greenfield to the mountain on such a footing as to enable it to meet reasonable expectations as a through route. The cost of constructing the two miles, from the western terminus of the tunnel to North Adams, is stated at \$67,500. The expense of the additional *dépôt* buildings, shops, &c., for the completed line, will be \$75,000, and the cost of the rolling stock \$275,000.

The total estimated cost of road and tunnel, including advances hitherto made by the Commonwealth, with interest

on past and future advances and expenditures, at five per cent., compounded until the expected completion of the tunnel, and including also the expense of altering and enlarging the work already bored, straightening and improving the road and bridges, amounts, therefore, in the whole, to the sum of \$5,719,330.

It will be remembered that the Act under which the Commissioners were appointed, and under which the prosecution of the work of constructing the road and tunnel was authorized, with the approval of the Governor and Council, to be continued, contemplated expenditures and advances, which, together with all sums hitherto advanced thereon by the Commonwealth, should not exceed \$2,000,000 in the aggregate. But the total amount of advances made by the Commonwealth prior to the date of suspension of work in the summer of 1861, was \$778,695, which with the additional payment of \$175,000 appropriated under the Act of 1862, will give a total advancement, excluding interest, of \$953,695 already absorbed out of the appropriation of only \$2,000,000, of which the statutes thus far contemplated the expenditure. The cost of completing the whole work is, therefore, so considerably beyond the unused portion of the \$2,000,000 appropriated, as imperatively to demand still further legislation to render the prosecution of the enterprise practicable by the Commissioners.

It will be observed that the Commissioners' Report, with the attendant documents, is communicated in print, the Commissioners having been directed, for the purpose of avoiding the delay consequent upon printing the documents after presentation, to make their Report originally in print. It is understood that copies are ready for immediate distribution to the members of the General Court.

Among the successful efforts of the commission; the Legislature will be gratified to notice that of securing an agreement in writing from the Fitchburg Railroad, the Vermont and Massachusetts Railroad and the Troy and Boston Railroad Companies, for the contribution by each of those companies, to the Commonwealth, in consideration that it shall construct and complete the Troy and Greenfield Railroad and Hoosac Tunnel, of twenty per cent., or one-fifth of their gross earnings, respectively, upon the passenger and freight business coming upon their roads from any part of the Troy and Greenfield Railroad. This agreement, however, provides for its own modification or annulment when the earnings of the Troy and Greenfield Railroad shall have reached a point indicative of established and perma-



ment success: the particular tests of that success being predetermined in the agreement. And in this connection I have also to invite the attention of the General Court to a letter from Mr. Brooks, the chairman of the commission, addressed to myself, bearing date of this day, communicating a correspondence between himself and the presidents of the Fitchburg Railroad Company and the Vermont and Massachusetts Railroad Company, concerning a proposed lease of that part of the Troy and Greenfield Railroad lying east of the tunnel, for a period of six years and pending the construction of the tunnel. This negotiation was initiated to enable the State to determine whether it would be wise to complete at once the railroad between the eastern terminus of the tunnel and the town of Greenfield, of which the proposal of the Fitchburg and the Vermont and Massachusetts Railroad Companies, dated yesterday, is a material encouragement.

I deem it my duty, also, to furnish for the information of the Legislature, a letter received this day from the chairman of the Commissioners, accompanied by a careful statement prepared by himself, exhibiting the whole amount heretofore expended upon the construction of that part of the Troy and Greenfield Railroad between Greenfield and the tunnel. This statement exhibits the quantity and kind of work done upon that piece of road before the suspension of its progress in the summer of 1861. The result shows that the Commonwealth had advanced at that time, out of the \$650,000, the sum of \$481,428, of which amount the company were only entitled to have received \$350,090, that being the proportion of the \$650,000 authorized by the Legislature, which the work done bears to the expense of the whole work. In other words, the Commonwealth had made over-advances equal to \$131,338, assuming \$650,000 as the sum which the Commonwealth should furnish in the whole under the Act of 1860. And it is further shown that this statement is based upon the supposition that the work performed had been paid for, and so far as it went was a clear and unembarrassed security to the State for its advances, which in fact was not the case, for of the \$175,000 appropriation of 1862, there is to be paid out towards these very expenditures the sum of \$140,226.95, according to the returns made by the Commissioners, acting as auditors under that appropriation. Thus the sum total of our excess of advances becomes \$271,564.95, on that piece of railroad, out of the \$650,000 granted by the Act of 1860.

The following figures taken from the same statement, present a view of the amount advanced by the State on the same piece of road in excess of the amount actually thus far expended by the contractors upon the work.

Amount actually expended, . . . . .	\$485,731 19
Amount of the above yet to be paid by the State out of the \$175,000 appropriation, . . . . .	140,226 95
<hr/>	
Amount expended by contractors, but not all paid for, as the \$175,000 appropriated did not cover all the liabilities, . . . . .	\$345,504 24
Amount paid by the State on the first appropriation in sterling at \$1.44 to the pound, . . . . .	\$50,172 00
Difference between \$1.44, and the real equivalent of the sterling in dollars, . . . . .	5,311 00
Amount paid under the \$650,000 appropriation, . . . . .	481,428 00
<hr/>	
	536,911 00
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Amount advanced by Commonwealth more than went into the work, . . . . .	\$191,406 76

I congratulate the General Court and the people, upon the rescue of the Commonwealth, and especially of this great experimental enterprise, from a position inconsistent with economical, safe or even possible success in piercing its mountain barrier.

I earnestly and respectfully invite your most candid and thoughtful consideration, not only of the specific facts and figures which elucidate or express the details of information bearing most immediately upon the work contemplated, but I also venture to commend to your deliberate judgment the arguments and reasoning drawn from liberal and enlightened views of public policy and of public economy, which finally lift this subject above all merely local interests or antagonisms, into the sphere of statesmanship. And having attentively watched the progress of the Report of the Commissioners and the documents by which it is accompanied, through the press, I am prepared to give my own assent to the opinions, with the expression of which the Commissioners conclude their discussion:—

“By the time the tunnel can be completed, the public interest requiring it will have grown large enough to pay for the outlay.

The impulse given to business by the new facility would soon fill up the new line, and make up the temporary loss felt by any other.

“Considering the large sum which the Commonwealth has already invested in this work, which must be sunk if it is not completed; the reasonable protection from loss which is offered by the other companies interested in the line; the more intimate relations it may promote between Massachusetts and the West; and the benefits which such an additional facility promises to the great interests of the city and State; we are of opinion that the work should be undertaken by the Commonwealth, and completed as early as it can be, with due regard to economy.”

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[To the Senate, March 16.]

I have the honor herewith to transmit for the information of the General Court, copies of correspondence which I have had with His Excellency, the Governor of Maryland, showing the disposition which has been made of the sum of seven thousand dollars placed at my disposal by an Act of the General Assembly of that State on March 5th, 1862, “for the relief of the families of those belonging to the Sixth Regiment of Massachusetts Volunteers who were killed or disabled by wounds received in the riot of the nineteenth of April, in Baltimore.” A copy of that Act was transmitted to the General Court of 1862, and is printed in House Document, No. 351, of the series of that year.

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[To the House of Representatives, March 21.]

I herewith transmit for the information of the General Court, the Report bearing date of March 17th, which I have received from Major Blake, the Provost-Marshal General designated for Massachusetts by the Secretary of War during the year 1862, and who was ordered to report to the Governor of this Commonwealth.

I respectfully invite attention to the interesting and well arranged statistics compiled from the returns made by the cities and towns to the office of the Provost-Marshal General. I also respectfully commend to the consideration of the General Court the suggestions of legislation which are submitted by Major Blake as a result of his experience in the performance of his duties.

Under the recent law of Congress known as the Conscription Act, a new system is provided for the discharge of the duties hitherto incumbent on the provost-marshal generals appointed for the various States, and those officers have been relieved from further service. In presenting this Report, which therefore covers the whole official term of the officer by whom it is made, acknowledgment is due for his intelli-

gent and valuable services, although restricted in his operations by the insufficient pecuniary means provided by the Federal Government for meeting expenses.

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[To the House of Representatives, March 31.]

In compliance with the request of the House of Representatives, received by me this morning, for a statement of the claims, if any, which have been audited and allowed under section three, chapter one hundred and fifty-six of the Acts of 1862, by the Commissioners on the Troy and Greenfield Railroad and Hoosac Tunnel, I have the honor to communicate herewith, for the information of the House, copies of three schedules, marked A, B and C, respectively, which contain statements of the several claims audited and allowed by the Commissioners, as set forth in their return thereof, to the Governor and Council.

It will be perceived that the aggregate of these schedules exhausts the whole appropriation applicable under the Act above mentioned to all the claims intended thereby to be provided for.

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[To the House of Representatives, April 10.]

I have the honor to transmit herewith to the General Court, a communication received at the Executive department from His Excellency the Governor of the State of Maine. I would respectfully suggest the propriety of causing inquiry to be made, through a committee of the Legislature, with the view of ascertaining whether any thing is due from this Commonwealth to the State of Maine, on account of the matters alluded to in this communication of the Governor; and for that purpose to hear any allegations, proofs and arguments which may be proposed on behalf of the State of Maine, by the gentleman who is accredited as her agent.

# CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Secretary's Department, as decreed by the several Judges of the Probate Courts, for their respective Counties.]

## SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1862.</b>			
January 13, . . .	Einor Hanson, . . .	George Einor Swasey, . . .	Boston.
February 10, . . .	Caroline Nichols Leach, . . .	Caroline Leach Smith, . . .	Boston.
April 7, . . .	Michael Crosby, . . .	Frank Michael Crosby, . . .	Boston.
" 14, . . .	Abby Amelia Wright, . . .	Nellie Gertrude Emery, . . .	Boston.
" 28, . . .	Mary Tweed, . . .	Mary Ahrend, . . .	Boston.
May 12, . . .	Jacob Corman, . . .	Jacob Corman Bopp, . . .	Boston.
June 16, . . .	Thomas Henry Woodell, . . .	Willie Chellis Rowe, . . .	Boston.
October 20, . . .	Paulina Roney, . . .	Sarah Lind Littlefield, . . .	Boston.
November 3, . . .	Edgar C. Wainwright, . . .	Edward Roberts, . . .	Boston.
December 15, . . .	Annie Murphy, . . .	Annie Maria Lincoln, . . .	Boston.

## ESSEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1862.			
April 1, . . .	Emma Dodge, (minor),	Emma Florence Adams,	Topsfield.
May 20, . . .	Mary E. Cross, (minor),	Mary Emma Delnow, .	Middleton.
July 1, . . .	Olive Durell Stickney, .	Olive Durell Little, .	Newbury.
October 7, . . .	William Webb, (minor),	William Webb Russell,	Marblehead.

## MIDDLESEX COUNTY.

February 11, . . .	Ida Peterson, . . .	Ida Augusta Kidder, .	Newton.
" 11, . . .	James Robbins, . . .	James Arthur Robbins,	Watertown.
" 25, . . .	Charles Edward Parker,	Charles Parker Spalding,	Lowell.
" 25, . . .	Frederick Augustus Parker,	Frederick Parker Spalding,	Lowell.
" 25, . . .	Walter Hillier, . . .	Frederick Arthur Wildes,	Charlestown.
March 11, . . .	Charles Gallagher,	Charles Henry Reed, .	Somerville.
" 25, . . .	Harriet Haynes, . . .	Hattie Lambert Osgood,	Hopkinton.
April 1, . . .	Francis Donovan,	George Francis Parsons,	Lowell.
May 6, . . .	Minnie E. Atchinson,	Minnie Evelyn Packard,	Lowell.
September 9, . . .	Adelia B. Black, . . .	Adelia Black Williams,	Reading.

October 11,	Josiah Gould,	Josiah Gould Chapman,	Woburn.
" 28,	Jenny Delocs,	Jenny Delves Gibby,	Lowell.
November 11,	Abbie Frances Ann Libbey,	Abbie Frances Ann Coburn,	Cambridge.
" 11,	Mary E. Bailey,	Mary Ellen Danforth,	Lowell.
" 11,	John Henry Sowersby,	John Henry Nichols,	Somerville.
December 23,	Emily Isabella De Blois,	Emma Bertha Wilson,	Frammingham.

## WORCESTER COUNTY.

January 1,	Louisa Adams,	Lillie Louise Page,	Southborough.
February 4,	Lizzie Adele Cowdrey,	Lizzie Adele Cowdrey Warren,	Lancaster.
March 4,	Alfred Augustus Hitchcock,	Alfred Orsen Hitchcock,	Fitchburg.
" 4,	Edward Wellman Hitchcock,	Edward Wyman Hitchcock,	Fitchburg.
" 4,	James Wellman Hitchcock,	James Ripley Wellman Hitchcock,	Fitchburg.
" 4,	Peter W. Chamberlain,	Frank Wheeler,	Petersham.
" 4,	Harriet W. Chamberlain,	Harriet M. Wheeler,	Petersham.
" 4,	Arthur Chamberlain,	Arthur Wheeler,	Petersham.
April 1,	Ellathyna P. Muzzey,	Ellathyna Lavinia Prouty,	Spencer.
" 1,	Frauces Helen Griggs Pond,	Frauces Helen Griggs,	Grafton.
May 6,	Jennie Elouise Stearns,	Jennie Hill Manrot,	Worcester.

## CHANGE OF NAMES.

## WORCESTER COUNTY—continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1862.			
June 3,	Albert Augustus Moore,	Albert Augustus Kidder,	Oxford.
" 3,	George D. Mason,	George William Cole,	Clinton.
July 1,	Laura Belle Bartlett,	Laura Belle Arnold,	Fitchburg.
" 1,	Clifford Holman Smith,	Clifford Holman Batchelor,	Worcester.
August 5,	Allen Richard Bennett,	George Channing Holt,	Royalston.
" 5,	Francis Littlefield,	Francis Roper,	Princeton.
September 2,	George Perry Phillips,	George Perry Clark,	Spencer.
" 2,	Mary Lizzie Byrnes,	Nellie Frances Ide,	Milford.
October 23,	Cora Adams,	Cora A. Crocker,	Templeton.
November 4,	Mary Ward,	Mary Ward Whitney,	Ashburnham.
" 4,	George Lampson Stone,	George Lampson Stone Knowlton,	Gardner.
December 2,	Annie Laura McNally,	Annie Laura Wood,	Leominster.
" 2,	Annie Harrigton,	Lizzie Alice Sanders,	Worcester.
" 2,	Lizzie Hubbard Ellis,	Lizzie Ellis Hubbard,	Milford.
" 2,	Alfred Merriam,	Charles Alfred Merriam,	Worcester.
" 2,	Abby Ann Stearns,	Abby Ann Waite,	Fitchburg.



## HAMPSHIRE COUNTY.

January 7, . . . . .	Isabella P. Webster, . . . . .	Isabella P. Clapp, . . . . .	Easthampton.
February 3, . . . . .	Martha E. Stebbins, . . . . .	Martha Antoinette Morton, . . . . .	Hatfield.
April 1, . . . . .	Cornelia Powers, . . . . .	Mary Elizabeth Powers, . . . . .	Westfield.

## HAMPDEN COUNTY.

February 4, . . . . .	Stickney, adopted, no christian name, . . . . .	Charles Stickney, . . . . .	Westfield.
March 4, . . . . .	Julena Powers, . . . . .	Julena Julian, . . . . .	Springfield.
June 17, . . . . .	Edward Adams Briggs, . . . . .	Edward Adams Bishop, . . . . .	Russell.
November 5, . . . . .	Adelbert Allyn, . . . . .	Albert Allyn, . . . . .	Holyoke.

## FRANKLIN COUNTY.

August 5, . . . . .	Catharina Pfwisrh (or Pthersy), . . . . .	Catharina Niter, . . . . .	Shelburne.
September 9, . . . . .	Mary Conners, . . . . .	Mary Rosella Lyman, . . . . .	Northfield.
September 9, . . . . .	Georgiana Ripley, . . . . .	Lessie Abigail Moore, . . . . .	Northfield.
October 7, . . . . .	Mary A. Pratt, . . . . .	Mary Nettie Alden, . . . . .	Montagne.
January 7, . . . . .	Harriet Severance, . . . . .	Pearl Maxwell, . . . . .	Charlemont.
February 11, . . . . .	Helen Nunny, . . . . .	Nellie Nunny Thompson, . . . . .	Buckland.

## BERKSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1862.			
March 4, . . . . .	Louisa Williams, . . . . .	Louisa Parker, . . . . .	Adams.
April 1, . . . . .	Gurdon Joyner, . . . . .	Gurdon Hollenbeck, . . . . .	Pittsfield.
May 6, . . . . .	Elizabeth Hamlin, . . . . .	Ida M. Rodgers, . . . . .	Becket.
December 2, . . . . .	Bird W. Powell, . . . . .	Bird W. Gorham, . . . . .	Sheffield.

## NORFOLK COUNTY.

May 10, . . . . .	Mary Elbridge Higgins, . . . . .	Mary Livermore Stanton, . . . . .	Roxbury.
August 16, . . . . .	George Sumner Joy, . . . . .	George Sumner Goldthwait, . . . . .	Weymouth.
September 20, . . . . .	Hannah Adelaide French, . . . . .	Annie Adelaide French, . . . . .	Quincy.

## BRISTOL COUNTY.

January 7, . . . . .	Lavinia Case, . . . . .	Lavinia Knapp, . . . . .	Taunton.
" 21, . . . . .	Rachel Wilson, . . . . .	Kate Mundell Jones, . . . . .	Taunton.
April 4, . . . . .	Unknown, . . . . .	Lizzie B. Eddy, . . . . .	Swansey.
August 1, . . . . .	Alfred H. Potter, . . . . .	Alfred H. Fisher, . . . . .	New Bedford.

CHANGE OF NAMES.

September 5,	George Clinton,	George Clinton Bliss,	New Bedford.
" 5,	Hattie Farrell,	Mary Elizabeth Newcomb,	Taunton.

PLYMOUTH COUNTY.

April 1,	Julia A. Moore,	Julia A. Sylvester,	Hanover.
August 11,	Mabel W. Leathers,	Mabel W. Lowell,	Abington.
October 28,	Hannah C. Sears,	Hannah Sears West,	Rochester.

BARNSTABLE COUNTY.

May 20,	Samuel Young,	Edward Francis Young,	Chatham.
" 20,	Samuel Young, junior,	Edward Francis Young, junior,	Chatham.
June 17,	Amanda M. Baker,	Amanda Maria Skinner,	Dennis.
" 17,	Ida Ann Smithurst,	Ida Mary Fuller,	Lynn.
" 17,	John Smith, 2d,	John Smith Kemp,	Wellfleet.
" 17,	John Vira Williams,	George Vira Williams,	Wellfleet.

No application for change of name has been made to the Judges of Probate and Insolvency, for the Counties of Dukes and Nantucket, during the year 1862.



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THE  
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,  
FOR THE POLITICAL YEAR

1863.

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# EXECUTIVE DEPARTMENT.

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HIS EXCELLENCY

JOHN A. ANDREW,  
GOVERNOR.

ALBERT G. BROWNE, Jr., *Private Secretary.*

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HIS HONOR

JOEL HAYDEN,  
LIEUTENANT-GOVERNOR.

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COUNCIL—(By Districts.)

I.—PETER T. HOMER.	V.—ZENAS M. CRANE.
II.—GERRY W. COCHRANE.	VI.—JONATHAN D. WHEELER.
III.—JAMES M. SHUTE.	VII.—FRANCIS W. BIRD.
IV.—ALFRED HITCHCOCK.	VIII.—SAMUEL OSBORNE, Jr.

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OLIVER WARNER,  
SECRETARY OF THE COMMONWEALTH.

CHARLES W. LOVETT, *1st Clerk.*      ALBERT L. FERNALD, *2d Clerk.*

HENRY K. OLIVER,  
TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.*      ARTEMAS HARMON, *2d Clerk.*

DWIGHT FOSTER,  
ATTORNEY-GENERAL.

DANIEL A. GLEASON, *Clerk.*

LEVI REED,  
AUDITOR OF ACCOUNTS.

JULIUS L. CLARKE, *Clerk.*

# GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT SYSTEM OF 1857.

## SENATE.

*President*—JONATHAN E. FIELD.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Mellen Chamberlain, . . .	Chelsea.
Second " . . .	John C. Tucker, . . .	Boston.
Third " . . .	Peter Harvey, . . .	"
Fourth " . . .	George A. Shaw, . . .	"
Fifth " . . .	Benjamin Dean, . . .	"
First Essex, . . .	William F. Johnson, . . .	Lynn.
Second " . . .	Israel W. Andrews, . . .	Danvers.
Third " . . .	Thomas Wright, . . .	Lawrence.
Fourth " . . .	Henry Carter, . . .	Bradford.
Fifth " . . .	John I. Baker, . . .	Beverly.
First Middlesex, . . .	Erastus O. Haven, . . .	Malden.
Second " . . .	Joseph Breck, . . .	Brighton.
Third " . . .	Thomas Rice, . . .	Newton.
Fourth " . . .	Francis Brinley, . . .	Tyngsborough.
Fifth " . . .	Horace P. Wakefield, . . .	Reading.
Sixth " . . .	Samuel A. Brown, . . .	Lowell.
Central Worcester, . . .	Hartley Williams, . . .	Worcester.

District.	Name of Senator.	Residence.
South-East Worcester,	William R. Hill, . . .	Sutton.
South-West " .	Asher Joslin, . . .	Webster.
West " .	George Whitney, . . .	Royalston.
North-East " .	Joel C. Allen, . . .	Leominster.
East " .	Hosea Crane, . . .	Millbury.
Hampshire, . . .	Albert Nichols, . . .	Chesterfield.
Franklin, . . .	Robert Crawford, . . .	Deerfield.
Hampshire & Franklin,	George H. Gilbert, . . .	Ware.
West Hampden, . . .	Milton B. Whitney, . . .	Westfield.
East " . . .	George Dwight, . . .	Springfield.
North Berkshire, . . .	Edwin F. Jenks, . . .	Adams.
South " . . .	Jonathan E. Field, . . .	Stockbridge.
North Norfolk, . . .	William D. Swan, . . .	Dorchester.
East " . . .	Francis M. Johnson, . . .	Quincy.
West " . . .	Otis Cary, . . .	Foxborough.
North Bristol, . . .	Harvey M. Richards, . . .	Attleborough.
South " . . .	Francis W. Mason, . . .	Dartmouth.
West " . . .	William L. Slade, . . .	Somerset.
North Plymouth, . . .	Solomon J. Beal, . . .	Cohasset.
South " . . .	Joshua E. Crane, . . .	Bridgewater.
Middle " . . .	James H. Mitchell, . . .	E. Bridgewater.
Cape, . . .	R. H. Libby, . . .	Wellfleet.
Island, . . .	Nathan Crocker, . . .	Barnstable.

STEPHEN N. GIFFORD, *Clerk.*      EDWARD W. CLARK, *Chaplain.*  
 JOHN MORISSEY, *Sergeant-at-Arms.*



# HOUSE OF REPRESENTATIVES.

*Speaker*—ALEXANDER H. BULLOCK.

## COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Ward 1, Boston,	{ John Dacey, . . . Eneas Smyth, . . .	Boston. “
2d,	Ward 2, Boston,	{ Josiah M. Read, . . . Hiram A. Stevens, . . . Austin Gove, . . .	Boston. “ “
3d,	Ward 3, Boston,	{ James L. Hanson, . . . John F. Flynn, . . .	Boston. “
4th,	Ward 4, Boston,	{ John A. Stevens, . . . Charles Merriam, . . .	Boston. “
5th,	Ward 5, Boston,	{ John Bigelow, . . . Augustine G. Stimson, . . .	Boston. “
6th,	Ward 6, Boston,	{ Peleg W. Chandler, . . . George P. Clapp, . . .	Boston. “
7th,	Ward 7, Boston,	{ James Riley, . . . Henry W. Foley, . . .	Boston. “
8th,	Ward 8, Boston,	{ Otis Rich, . . . James E. Farwell, . . .	Boston. “
9th,	Ward 9, Boston,	{ Daniel G. Grafton, . . . Charles Nowell, . . .	Boston. “
10th,	Ward 10, Boston,	{ Samuel H. Gibbens, . . . Cyrus Hicks, . . .	Boston. “
11th,	Ward 11, Boston,	{ Jonathan A. Lane, . . . Ambrose A. Ranney, . . .	Boston. “
12th,	Ward 12, Boston,	{ Samuel Leeds, . . . Thomas Leavitt, . . . Benjamin F. Bayley, . . .	Boston. “ “

## HOUSE OF REPRESENTATIVES.

## COUNTY OF SUFFOLK—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
13th,	{ Chelsea, . . . } { North Chelsea, . . . } { Winthrop, . . . }	Ira Cheever, . . . Noble M. Perkins, . . .	Chelsea. “

## COUNTY OF ESSEX.

1st,	{ Amesbury, . . . } { Salisbury, . . . } { Ward 6, Newbury- port, . . . }	John E. Cowden, . . . John D. Pike, . . .	Amesbury. Newburyport.
2d,	Andover, . . .	Peter Smith, . . .	Andover.
3d,	{ Beverly, . . . } { Wenham, . . . } { Topsfield, . . . }	Robert S. Foster, . . . Robert R. Endicot, . . .	Beverly. “
4th,	Danvers, . . .	James W. Putnam, . . .	Danvers.
5th,	{ Essex, . . . } { Manchester, . . . }	Daniel Leach, Jr., . . .	Manchester.
6th,	{ Georgetown, . . . } { Groveland, . . . }	Thos. M. Hopkinson,	Groveland.
7th,	Gloucester, . . .	Benjamin H. Smith, . . . James S. Jewett, . . .	Gloucester. “
8th,	Haverhill, . . .	Calvin Butrick, . . . Gilman Corning, . . .	Haverhill. “
9th,	{ Ipswich, . . . } { Hamilton, . . . }	Alfred Kimball,* . . .	Ipswich.
10th,	{ Wards 3 and 4, Law- rence, . . . }	John J. Doland, . . .	Lawrence.
11th,	{ Wards 1, 2, and 6, } { Lawrence, . . . }	Lemuel A. Bishop, . . .	Lawrence.
12th,	Wards 2 and 5, Lynn,	Oliver Ramsdell, . . .	Lynn.
13th,	{ Wards 1, 6, and 7, } { Lynn, . . . }	Aza A. Breed, . . .	Lynn.
14th,	{ Marblehead & Ward } { 5, Salem, . . . }	Darwin E. Ware, . . . Joseph H. Robinson, . . .	Marblehead. “

\* Elected January 26, vice George W. Heard, resigned, by reason of inability to attend and qualify.

HOUSE OF REPRESENTATIVES.

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COUNTY OF ESSEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	{ Methuen, and Ward } 5, Lawrence, . . }	Jacob Emerson, Jr., .	Methuen.
16th,	{ Nahant, and Ward 4, } Lynn, . . . . }	Zachariah Graves, .	Lynn.
17th,	{ Newbury, . . . . } West Newbury, . . } Rowley, . . . . }	Amos Bishop, . . .	Rowley.
18th,	{ Wards 1 and 2, New- } buryport, . . . . }	Caleb Cushing, . .	Newburyport.
19th	{ Wards 3, 4, and 5, } Newburyport, . . }	George J. George, .	Newburyport.
20th,	{ Bradford, . . . . } North Andover, . . } Boxford, . . . . }	John Perley, . . .	Bradford.
21st.	Rockport, . . .	David Bremner, . .	Rockport.
22d,	Wards 1 & 3, Salem,	Samuel R. Hathaway,	Salem.
23d,	{ Wards 2, 4, and 6, } Salem, . . . . }	John Bertram, . . . James A. Gillis, . .	Salem. “
24th,	{ Saugus, . . . . } Lynnfield, . . . . } Middleton, . . . . }	John Howlett, . . .	Saugus.
25th,	South Danvers, .	William H. Little, .	South Danvers.
26th,	{ Swampscott, & Ward } 3, Lynn, . . . . }	Henry W. Warren, .	Lynn.

COUNTY OF MIDDLESEX.

1st,	Ward 1, Charlestown,	Horatio Wellington, .	Charlestown.
2d,	{ Wards 2 & 3, Charles- } town, . . . . }	William B. Long, . . Abel E. Bridge, . . Phineas J. Stone, . .	Charlestown. “ “
3d,	Somerville, . . .	Chester Guild, . . .	Somerville.
4th,	Malden, . . . .	George W. Copeland,	Malden.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF MIDDLESEX—Continued.

District.	Town or City.	Name of Representative.	Residence.
5th,	Medford, . . .	John Stetson, . . .	Medford.
6th,*	{ West Cambridge, . . . Winchester, . . . }	Frederick O. Prince,	Winchester.
7th,	Cambridge, . . .	{ Charles F. Choate, . . . P. Francis Wells, . . . Knowlton S. Chaffee,	Cambridge. " "
8th,	{ Newton, . . . . Brighton, . . . . }	David H. Mason, . . . Isaac Hagar, . . .	Newton. "
9th,*	{ Watertown, . . . . Waltham, . . . . }	James G. Moore, . . . Winth'p W. Chenery,	Waltham. Belmont.
10th,	{ Concord, . . . . Lincoln, . . . . Weston, . . . . }	George Heywood, . . .	Concord.
11th,	Natick, . . . .	Nathaniel Clark, . . .	Natick.
12th,	{ Holliston, . . . . Sherborn, . . . . }	Abijah R. Leland, . . .	Sherborn.
13th,	{ Ashland, . . . . Hopkinton, . . . . }	Erastus Thompson, . . .	Hopkinton.
14th,	Framingham, . . .	James W. Clark, . . .	Framingham.
15th,	Marlborough, . . .	Francis Brigham, . . .	Marlborough.
16th,	{ Stow, . . . . Sudbury, . . . . Wayland, . . . . }	Harrison A. Shorey, . . .	Wayland.
17th,	{ Acton, . . . . Boxborough, . . . . Littleton, . . . . Carlisle, . . . . }	John R. Whitcomb, . . .	Littleton.
18th,	{ Burlington, . . . . Bedford, . . . . Lexington, . . . . }	William A. Tower, . . .	Lexington.
19th,	Woburn, . . . .	George H. Conn, . . .	Woburn.
20th,	{ South Reading, . . . . Melrose, . . . . Stoneham, . . . . }	Isaac Emerson, . . . Leander F. Lynde, . . .	Melrose. Stoneham.

\* Town of Belmont incorporated 1859, embracing portions of Districts 6 and 9.

HOUSE OF REPRESENTATIVES.

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COUNTY OF MIDDLESEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Reading, . . . } { North Reading, . . }	J. Brooks Leathe, .	Reading.
22d,	{ Wilmington, . . . } { Tewksbury, . . . } { Billerica, . . . }	Joshua Clark, . . .	Tewksbury.
23d,	{ Wards 1, 2, and 5, } { Lowell, . . . }	Paul Hill, . . . Lorenzo G. Howe, . Frederic Holton, .	Lowell. " "
24th,	{ Wards 3, 4, and 6, } { Lowell, . . . }	Tappan Wentworth, . John A. Buttrick, . Joshua N. Marshall, .	Lowell. " "
25th,	{ Chelmsford, . . . } { Dracut, . . . } { Tyngsborough, . . }	Atkinson C. Varnum,	Dracut.
26th,	{ Shirley, . . . } { Groton, . . . } { Dunstable, . . . } { Westford, . . . } { Pepperell, . . . }	Isaac O. Taylor, . Albert Leighton, .	Dunstable. Pepperell.
27th,	{ Townsend, . . . } { Ashby, . . . }	Abram S. French, .	Townsend.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } { Winchendon, . . . }	Thomas Boutelle, .	Ashburnham.
2d,	{ Athol, . . . } { Royalston, . . . }	Alpheus Harding, Jr.,	Athol.
3d,	{ Dana, . . . } { Petersham, . . . } { Phillipston, . . . }	Edward Powers, .	Phillipston.
4th,	{ Templeton, . . . } { Hubbardston, . . . }	Horace Underwood, .	Hubbardston.
5th,	{ Gardner, . . . } { Westminster, . . . }	Franklin Wyman, .	Westminster.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—Continued.

District.	Town.	Name of Representative.	Residence.
6th,	{ Fitchburg, . . . }	William H. Vose, . . .	Fitchburg.
	{ Leominster, . . . }	Hale W. Page, . . .	"
	{ Sterling, . . . }	Luke Sawyer, . . .	Sterling.
7th,	{ Harvard, . . . }	E. Hartshorn, . . .	Berlin.
	{ Bolton, . . . }		
	{ Berlin, . . . }		
8th,	{ Clinton, . . . }	John L. S. Thompson,	Lancaster.
	{ Lancaster, . . . }		
9th,	{ Princeton, . . . }	Joseph Davis, . . .	Rutland.
	{ Rutland, . . . }		
	{ Oakham, . . . }		
10th,	{ Barre, . . . }	J. Henry Goddard, . . .	Barre.
	{ Hardwick, . . . }		
11th,	{ Warren, . . . }	Saxton P. Martin, . . .	New Braintree.
	{ West Brookfield, . . . }		
	{ New Braintree, . . . }		
12th,	{ North Brookfield, . . . }	Thomas Bond, . . .	Brookfield.
	{ Brookfield, . . . }		
13th,	{ Leicester, . . . }	Luther Hill, . . .	Spencer.
	{ Spencer, . . . }		
14th,	{ West Boylston, . . . }	Linus M. Harris, . . .	West Boylston.
	{ Holden, . . . }		
	{ Paxton, . . . }		
15th,	{ Shrewsbury, . . . }	Horace Kendall, . . .	Boylston.
	{ Northborough, . . . }		
	{ Boylston, . . . }		
16th,	{ Westborough, . . . }	Samuel M. Griggs, . . .	Westborough.
	{ Southborough, . . . }		
17th,	Grafton, . . .	William G. Scandlin,	Grafton.
18th,	{ Northbridge, . . . }	William Kendall, . . .	Northbridge.
	{ Upton, . . . }		
19th,	Milford, . . .	Aaron C. Mayhew, . . .	Milford.
		H. O. Lothrop, . . .	"
20th,	{ Uxbridge, . . . }	William C. Capron, . . .	Uxbridge.
	{ Mendon, . . . }		

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	Blackstone, . . .	Channing Smith, . .	Blackstone.
22d,	{ Webster, . . . } { Douglas, . . . }	F. D. Brown, . . .	Webster.
23d,	{ Southbridge, . . . } { Dudley, . . . }	Calvin A. Paige, . .	Southbridge.
24th,	{ Charlton, . . . } { Sturbridge, . . . }	Elisha Southwick, . .	Sturbridge.
25th,	{ Oxford, . . . } { Sutton, . . . } { Millbury, . . . }	Moses S. Johnson, . . Jason Waters, . . .	Oxford. Sutton.
26th,	{ Auburn, and Ward } { 6, Worcester, . . }	Elbridge G. Warren,	Auburn.
27th,	{ Wards 1 and 2, Wor- } { cester, . . . }	Samuel Souther, . .	Worcester.
28th,	{ Wards 3 and 8, Wor- } { cester, . . . }	Warren Williams, . .	Worcester.
29th,	{ Wards 4 and 5, Wor- } { cester, . . . }	Vernon A. Ladd, . .	Worcester.
30th,	Ward 7, Worcester, .	Alex'r H. Bullock, . .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . } { Hatfield, . . . } { Northampton, . . . } { Southampton, . . . }	Erastus Hopkins, . . Eli A. Hubbard, . . .	Northampton. Easthampton.
2d,	{ Chesterfield, . . . } { Huntington, . . . } { Westhampton, . . . } { Williamsburg, . . . }	Daniel F. Morton, . .	Williamsburg.
3d,	{ Cummington, . . . } { Goshen, . . . } { Middlefield, . . . } { Plainfield, . . . } { Worthington, . . . }	Almon Mitchell, . .	Cummington.
4th,	{ Hadley, . . . } { South Hadley, . . . }	Stephen C. Weld, . .	South Hadley.

## HOUSE OF REPRESENTATIVES.

## COUNTY OF HAMPSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Amherst, . . . } { Granby, . . . } { Pelham, . . . }	Samuel Smith, Jr., .	Granby.
6th,	{ Belchertown, . . . } { Enfield, . . . } { Greenwich, . . . } { Prescott, . . . } { Ware, . . . }	Joseph Hartwell, . William N. Fay, .	Ware. Belchertown.

## COUNTY OF HAMPDEN.

1st,	{ Brimfield, . . . } { Monson, . . . } { Holland, . . . } { Wales, . . . }	Newton S. Hubbard, .	Brimfield.
2d,	Palmer, . . .	James S. Loomis, . .	Palmer.
3d,	{ Wilbraham, . . . } { Longmeadow, . . . }	Luther Markham, .	Longmeadow.
4th,	{ Wards 1 & 2, Spring- } { field, . . . }	Eliphalet Trask, .	Springfield.
5th,	{ Wards 3 & 4, Spring- } { field, . . . }	Daniel L. Harris, .	Springfield.
6th,	{ Wards 5, 6, 7 and 8, } { Springfield, . . . }	Harvey E. Moseley, .	Springfield.
7th,	{ Chicopee, . . . } { Ludlow, . . . }	James M. Smith, . William Thayer, .	Chicopee. “
8th,	{ Holyoke, . . . } { West Springfield, . . . }	Richard Pettee, .	Holyoke.
9th,	{ Agawam, . . . } { Southwick, . . . } { Granville, . . . }	Samuel Flower, .	Agawam.
10th,	Westfield, . . .	Henry J. Bush, .	Westfield.
11th,	{ Chester, . . . } { Blandford, . . . } { Tolland, . . . } { Montgomery, . . . } { Russell, . . . }	William M. Lewis, .	Blandford.



COUNTY OF FRANKLIN.

District.	Town.	Name of Representative.	Residence.
1st.	{ Bernardston, . . . }	Henry L. Pratt, Chenery Puffer,	Greenfield. Shelburne.
	{ Colrain, . . . }		
	{ Greenfield, . . . }		
	{ Gill, . . . }		
	{ Leyden, . . . }		
2d.	{ Shelburne, . . . }	Gilbert B. Hayes,	Buckland.
	{ Buckland, . . . }		
	{ Charlemont, . . . }		
	{ Heath, . . . }		
3d.	{ Monroe, . . . }	Franklin Pease,	Conway.
	{ Rowe, . . . }		
	{ Ashfield, . . . }		
4th.	{ Conway, . . . }	Cyrus A. Stowell,	Deerfield.
	{ Hawley, . . . }		
5th.	{ Deerfield, . . . }	Avery D. Hubbard,	Sunderland.
	{ Whately, . . . }		
	{ Leverett, . . . }		
	{ Shutesbury, . . . }		
6th.	{ Sunderland, . . . }	Samuel W. Dutton,	Northfield.
	{ Wendell, . . . }		
	{ Erving, . . . }		
7th.	{ Montague, . . . }	Increase S. Lincoln,	Warwick.
	{ Northfield, . . . }		
	{ New Salem, . . . }		
	{ Orange, . . . }		
	{ Warwick, . . . }		

COUNTY OF BERKSHIRE.

1st.	{ Hancock, . . . }	Daniel Day,	Lanesborough.
	{ Lanesborough, . . . }		
	{ New Ashford, . . . }		
	{ Williamstown, . . . }		
2d.	{ Adams, . . . }	George W. Adams, Sylvester A. Kemp,	Adams. Florida.
	{ Cheshire, . . . }		
	{ Clarksburg, . . . }		
	{ Florida, . . . }		
	{ Savoy, . . . }		

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BERKSHIRE—Concluded.

District.	Town or City.	Name of Representative.	Residence.
3d,	{ Pittsfield, . . . } { Dalton, . . . } { Richmond, . . . }	Burr Chamberlin, . John V. Barker, .	Dalton. Pittsfield.
4th,	{ Becket, . . . } { Hinsdale, . . . } { Peru, . . . } { Washington, . . . } { Windsor, . . . }	Jarvis Rockwell, .	Hinsdale.
5th,	{ Lenox, . . . } { Stockbridge, . . . } { West Stockbridge, . . . }	Thomas Post, . . .	Lenox.
6th,	{ Lee, . . . } { Tyringham, . . . }	William G. Merrill, .	Lee.
7th,	{ Great Barrington, . . . } { Alford, . . . } { Monterey, . . . }	Justin Dewey, Jr., .	Gt. Barrington.
8th,	{ New Marlborough, . . . } { Sandisfield, . . . } { Otis, . . . }	Isaac L. Bristol, .	Otis.
9th,	{ Sheffield, . . . } { Mount Washington, . . . } { Egremont, . . . }	Archibald Taft, . . .	Sheffield.

## COUNTY OF NORFOLK.

1st,	Dedham, . . .	William Bullard, .	Dedham.
2d,	West Roxbury, .	Benjamin F. Cutter, .	West Roxbury.
3d,	Brookline, . . .	Thomas Parsons, .	Brookline.
4th,	Roxbury, . . .	{ William J. Reynolds, Stephen H. Williams, George B. Nichols, .	Roxbury. " "
5th,	Dorchester, . . .	{ Henry A. Scudder, . Robert Johnson, .	Dorchester. "
6th,	Quincy, . . .	John Chamberlin, .	Quincy.
7th,	Braintree, . . .	Alva Morrison, . . .	Braintree.

HOUSE OF REPRESENTATIVES.

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COUNTY OF NORFOLK—Concluded.

District.	Town or City.	Name of Representative.	Residence.
8th,	Weymouth, . . . }	Oliver Loud, . . . Levi A. Abbott, . . . }	Weymouth. “
9th,	Randolph, . . .	Thomas White, . . .	Randolph.
10th,	Stoughton, . . .	Jesse Holmes, . . .	Stoughton.
11th,	{ Canton, . . . . } { Milton, . . . . } { Walpole, . . . . } { Sharon, . . . . }	Oliver S. Chapman, . . Elbridge G. Piper, . . }	Canton. Walpole.
12th,	{ Foxborough, . . . } { Wrentham, . . . } { Medway, . . . . }	Robert W. Kerr, . . . Caleb W. Sayles, . . . }	Foxborough. Wrentham.
13th,	{ Franklin, . . . . } { Bellingham, . . . }	William M. Thayer, . .	Franklin.
14th,	{ Needham, . . . . } { Medfield, . . . . } { Dover, . . . . }	Chas. C. Greenwood,	Needham.

COUNTY OF BRISTOL.

1st,	{ Pawtucket, . . . } { Attleborough, . . . }	Horatio N. Richardson, John Thompson, . . .	Attleborough. “
2d,	{ Mansfield, . . . . } { Norton, . . . . }	Horatio Bates, . . .	Norton.
3d,	{ Easton, . . . . } { Raynham, . . . . }	Alson A. Gilmore, . .	Easton.
4th,	Taunton, . . . . }	Zacheus Sherman, . . John E. Sanford, . . John W. D. Hall, . . }	Taunton. “ “
5th,	{ Rehoboth, . . . . } { Seekonk, . . . . }	Nathaniel B. Horton,	Rehoboth.
6th,	{ Dighton, . . . . } { Somerset, . . . . } { Swanzey, . . . . }	William H. Pearse, . .	Swanzey.
7th,	Fall River, . . . }	Simeon Borden, . . . Henry Pratt, . . . }	Fall River. “

## HOUSE OF REPRESENTATIVES.

## COUNTY OF BRISTOL—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	Westport, . . .	Ezra P. Brownell, .	Westport.
9th,	Dartmouth, . . .	Calvin K. Turner, 2d,	Dartmouth.
10th,	{ Wards 1 and 2, New Bedford, . . . }	Charles Almy, . . . Horatio A. Kempton,	New Bedford. “
11th,	{ Wards 3, 4, 5 and 6, New Bedford, . }	Nathaniel Gilbert, . Wright Brownell, . Charles T. Bonney, .	New Bedford. “ “
12th,	{ Acushnet, . . . Berkley, . . . Freetown, . . . Fairhaven, . . . }	Ezekiel Sawin, . . . Wm. H. Washburn, .	Fairhaven. Acushnet.

## COUNTY OF PLYMOUTH.

1st,	{ Hull, . . . Cohasset, . . . Scituate, . . . }	Joseph Osgood, . .	Cohasset.
2d,	Hingham, . . .	Crocker Wilder, .	Hingham.
3d,	{ South Scituate, . . . Hanover, . . . }	Isaac M. Wilder, .	Hanover.
4th,	{ Marshfield, . . . Pembroke, . . . }	Wm. H. H. Bryant, .	Pembroke.
5th,	{ Duxbury, . . . Kingston, . . . }	Alden S. Bradford, .	Kingston.
6th,	{ Plymouth, . . . Carver, . . . }	Jacob H. Loud, . . Thomas Pierce, . .	Plymouth. “
7th,	{ Wareham, . . . Marion, . . . }	Benjamin F. Gibbs, .	Wareham.
8th,	{ Mattapoisett, . . . Rochester, . . . Lakeville, . . . }	David Lewis, . . .	Rochester.
9th,	Middleborough, .	Everett Robinson, .	Middleborough.
10th,	{ Bridgewater, . . . West Bridgewater, . }	Joseph E. Carver, .	Bridgewater.
11th,	{ East Bridgewater, . . . North Bridgewater, . }	Ezra Kingman, . . . George B. Dunbar, .	E. Bridgewater. N. Bridgewater.

HOUSE OF REPRESENTATIVES.

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COUNTY OF PLYMOUTH—Concluded.

District.	Town.	Name of Representative.	Residence.
12th,	Abington, . . . }	Jacob B. Harris, . . . Horace Reed, . . .	Abington. “
13th,	{ Hanson, . . . . Halifax, . . . . Plympton, . . . }	Charles H. Perkins, . . .	Plympton.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . . Sandwich, . . . . Falmouth, . . . . }	Charles Marston, . . . Zebedee Greene, . . . Elisha G. Burgess, . . .	Barnstable. Sandwich. Falmouth.
2d,	{ Yarmouth, . . . . Dennis, . . . . Harwich, . . . . Chatham, . . . . }	Isaac B. Young, . . . M. S. Underwood, . . . Danforth S. Steel, . . .	Chatham. Dennis. Harwich.
3d,	{ Brewster, . . . . Orleans, . . . . Eastham, . . . . }	Truman Doane, . . .	Orleans.
4th,	{ Wellfleet, . . . . Truro, . . . . Provincetown, . . . }	Smith K. Hopkins, . . . Benjamin Oliver, . . .	Truro. Wellfleet.

DUKES COUNTY.

One.	{ Edgartown, . . . . Tisbury, . . . . Chilmark, . . . . }	W. H. Sturtevant, . . .	Tisbury.
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COUNTY OF NANTUCKET.

One.	Nantucket, . . . }	Andrew J. Morton, . . . Charles F. Brown, . . .	Nantucket. “
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WILLIAM S. ROBINSON, *Clerk.*  
GEORGE S. BALL, *Chaplain.*

JOHN MORISSEY, *Sergeant-at-Arms.*  
JAMES H. ALLEN, *Door-keeper.*

# JUDICIAL DEPARTMENT.

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## SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

GEORGE T. BIGELOW, *of Boston.*

ASSOCIATE JUSTICES.

CHARLES A. DEWEY, *of Northampton.*

THERON METCALF, *of Boston.*

PLINY MERRICK, *of Boston.*

EBENEZER R. HOAR, *of Concord.*

REUBEN A. CHAPMAN, *of Springfield.*

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## SUPERIOR COURT.

CHIEF JUSTICE.

CHARLES ALLEN, *of Worcester.*

ASSOCIATE JUSTICES.

JULIUS ROCKWELL, *of Pittsfield.*

OTIS P. LORD, *of Salem.*

MARCUS MORTON, JR., *of Andover.*

EZRA WILKINSON, *of Dedham.*

HENRY VOSE, *of Springfield.*

SETH AMES, *of Cambridge.*

THOMAS RUSSELL, *of Boston.*

JOHN P. PUTNAM, *of Boston.*

LINCOLN F. BRIGHAM, *of New Bedford.*

## JUDICIAL DEPARTMENT.

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### JUDGES OF PROBATE AND INSOLVENCY.

ISAAC AMES, Boston, . . . . .	SUFFOLK.
GEORGE F. CHOATE, Salem, . . . . .	ESSEX.
WILLIAM A. RICHARDSON, Lowell, . . . . .	MIDDLESEX.
HENRY CHAPIN, Worcester, . . . . .	WORCESTER.
SAMUEL F. LYMAN, Northampton, . . . . .	HAMPSHIRE.
JOHN WELLS, Chicopee, . . . . .	HAMPDEN.
CHARLES MATTOON, Greenfield, . . . . .	FRANKLIN.
JAMES T. ROBINSON, North Adams, . . . . .	BERKSHIRE.
GEORGE WHITE, Quincy, . . . . .	NORFOLK.
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JOSEPH M. DAY, Barnstable, . . . . .	BARNSTABLE.
THEODORE G. MAYHEW, Edgartown, . . . . .	DUKES.
EDWARD M. GARDNER, Nantucket, . . . . .	NANTUCKET.

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FREDERICK BUSII, Springfield, . . . . .	HAMPDEN.
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\* Deceased: vacancy not filled.

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VIII.—JOHN D. BALDWIN, *of Worcester.*

IX.—WILLIAM B. WASHBURN, *of Greenfield.*

X.—HENRY L. DAWES, *of Adams.*



# Commonwealth of Massachusetts.

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SECRETARY'S DEPARTMENT, BOSTON, }  
July 1, 1863. }

I hereby certify the printed Acts and Resolves, contained in this volume, to be true copies of the originals, and that the accompanying papers and other matters therewith are transcripts of official records and returns in this Department.

OLIVER WARNER,  
*Secretary of the Commonwealth.*



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