



ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1867,

TOGETHER WITH

THE MESSAGES OF THE GOVERNOR, A LIST OF
THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS,
ETC., ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



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1867.

☞ The General Court of 1867 assembled on Wednesday, the third day of January, and was prorogued on Saturday, the first day of June.

The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency ALEXANDER H. BULLOCK and His Honor WILLIAM CLAFLIN, on Friday, the fourth day of January, in presence of the two Houses assembled in convention.

ACTS,

GENERAL AND SPECIAL.

AN ACT IN RELATION TO BANKS.

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 operation of the fifty-ninth section of the fifty-seventh chapter of the General Statutes, is hereby suspended until the first day of February, in the year eighteen hundred and sixty-eight.

Suspension of penalty for failure of specie redemption of notes extended.

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

Approved January 25, 1867.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-SIX, CONCERNING THE CARE AND EDUCATION OF NEGLECTED CHILDREN.

Chap. 2.

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-six, is hereby so amended, that the approval therein required to be made by the supreme judicial court or any two justices thereof, shall be made by the superior court, or, in vacation, by a justice thereof.

By-laws of towns concerning, to be approved by justice superior court.

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

Approved January 30, 1867.

AN ACT TO AMEND SECTION FORTY-FOUR OF CHAPTER FORTY-NINE OF THE GENERAL STATUTES, CONCERNING THE PACKING OF PICKLED FISH.

Chap. 3.

Be it enacted, &c., as follows:

SECTION 1. Section forty-four of chapter forty-nine of the General Statutes, is hereby amended by striking out the words, "of rift timber."

Words "of rift timber," repealed.

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

Approved January 30, 1867.

Chap. 4. AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Be it enacted, &c., as follows :

Appropriations authorized.

SECTION 1. The sums hereinafter mentioned are appropriated, to be 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, in the year eighteen hundred and sixty-seven, to wit :

LEGISLATIVE DEPARTMENT.

Senators, mileage.

For the mileage of senators, a sum not exceeding four hundred dollars, which shall be allowed and paid.

Compensation.

For the compensation of senators, a sum not exceeding twelve thousand three hundred dollars, which shall be allowed and paid.

Representatives, mileage.

For the mileage of representatives, a sum not exceeding two thousand three hundred dollars, which shall be allowed and paid.

Compensation.

For the compensation of representatives, a sum not exceeding seventy-two thousand three hundred dollars, which shall be allowed and paid.

Clerks, Senate and House.

For the salaries of the clerks of the senate and house of representatives, including the compensation of such assistants as they may appoint, four thousand dollars.

Chaplains.

For the salaries of the chaplains of the senate and house of representatives, a sum not exceeding four hundred dollars, which shall be allowed and paid.

Preacher of election sermon.

For the compensation of the preacher of the election sermon, one hundred dollars, which shall be allowed and paid.

Sergeant-at-arms.
G. S. 14, § 50.

For the salary of the sergeant-at-arms, two thousand dollars.

Door-keepers, messengers and pages.

For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, a sum not exceeding nine thousand five hundred dollars, which shall be allowed and paid.

Watchmen and firemen.
G. S. 14, §§ 59, 60.

For the compensation of such watchmen and firemen as may be employed in the state house, a sum not exceeding three thousand eight hundred dollars.

Witnesses' fees.
G. S. 15, Acts '60, 41.

For fees of witnesses summoned before committees, a sum not exceeding eight hundred dollars.

EXECUTIVE DEPARTMENT.

Lieut. governor and council.
G. S. 14, § 2.

For the mileage and compensation of the lieutenant-governor and council, a sum not exceeding ten thousand dollars.

For the compensation of the private secretary of the governor, two thousand dollars.	Governor's secretary. Acts 1866, 298.
For the compensation of the messenger of the governor and council, one thousand two hundred dollars.	Messenger. 1866, 298.
For the compensation of the assistant-messenger of the governor and council, three hundred sixty-five dollars.	Assistant-messenger. G. S. 14, § 63.

SECRETARY'S DEPARTMENT.

For the salary of the secretary of the Commonwealth, two thousand five hundred dollars.	Secretary of Commonwealth. Acts 1866, 298.
For the salary of the first clerk in the secretary's department, two thousand dollars.	First clerk. Acts 1866, 298.
For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars.	Second clerk. Acts 1866, 298.
For the salary of the messenger in the secretary's department, one thousand dollars.	Messenger. Acts 1866, 298.
For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the department, a sum not exceeding fourteen thousand dollars.	Assistant-clerks. G. S. 14, § 4.
For such clerical assistance as the secretary may find necessary for the preparation of the census statistics of the year eighteen hundred and sixty-five, a sum not exceeding two thousand five hundred dollars.	Extra-assistant clerks. Res. 1865, 58.

TREASURER'S DEPARTMENT.

For the salary of the treasurer and receiver-general, three thousand five hundred dollars.	Treasurer and receiver-general. Acts 1866, 298.
For the salary of the first clerk in the treasurer's department, two thousand dollars.	First clerk. Acts 1866, 298.
For the salary of the first and second assistant-clerks in the treasurer's department, three thousand four hundred dollars.	First and second assistant-clerks. Acts 1866, 298.
For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding two thousand five hundred dollars.	Additional assistance. G. S. 15, § 12.

TAX COMMISSIONER.

For the salary of the deputy tax commissioner, two thousand dollars.	Deputy tax commissioner. Acts 1866, 298.
For the salary of the first clerk of the tax commissioner, one thousand five hundred dollars.	First clerk. Acts 1866, 298.
For such additional clerical assistance as the commissioner may find necessary, a sum not exceeding nine thousand dollars.	Assistant-clerks Acts 1865, 283.

AUDITOR'S DEPARTMENT.

- Auditor of accounts. Acts 1866, 298. For the salary of the auditor of accounts, two thousand five hundred dollars.
- First clerk. Acts 1866, 298. For the salary of the first clerk in the auditor's department, two thousand dollars.
- Second clerk. Acts 1866, 298. For the salary of the second clerk in the auditor's department, one thousand seven hundred dollars.
- Assistant-clerks. G. S. 15, § 2. For such additional clerical assistance as the auditor may find necessary, a sum not exceeding four thousand four hundred dollars.

ATTORNEY-GENERAL'S DEPARTMENT.

- Attorney-general. Acts 1866, 298. For the salary of the attorney-general, three thousand five hundred dollars.
- Clerk. G. S. 14, 16. For the salary of the clerk of the attorney-general, one thousand dollars.

COMMISSIONERS, ET AL.

- Commissioner savings banks. Acts 1866, 192. For the salary of the commissioner of savings banks, three thousand dollars.
- Insurance commissioner. Acts 1866, 255. For the salary of the insurance commissioner, two thousand dollars.
- Clerk. Acts 1866, 255. For the salary of the clerk of the insurance commissioner, one thousand dollars.
- Assistant-clerks for 1866 and to April 1, 1867. For such additional clerical assistance as the insurance commissioner may find necessary, a sum not exceeding one thousand dollars to the first of April of the present year; and for the year eighteen hundred and sixty-six, a sum not exceeding five hundred and thirteen dollars and sixteen cents, which shall be allowed and paid.
- Constable of Commonwealth. Acts 1865, 282. For the salary of the constable of the Commonwealth, two thousand five hundred dollars.

AGRICULTURAL DEPARTMENT.

- Secretary board agriculture. G. S. 16, § 4. For the salary of the secretary of the board of agriculture, two thousand dollars.
- Clerks. Acts 1865, 243. For the salaries of the clerks to the secretary of the board of agriculture, two thousand dollars.

BOARD OF STATE CHARITIES.

- Secretary board charities. Acts 1863, 240. For the salary of the secretary of the board of state charities, two thousand dollars.
- Clerks. Acts 1863, 240. For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding four thousand five hundred dollars.

For the salary of the agent of the board of state charities, three thousand dollars.

Agent board charities.
Acts 1866, 298.

For such clerical and other assistance as the agent of the board of state charities may find necessary, a sum not exceeding eighteen thousand dollars.

Clerks and assistance.
Acts 1863, 240.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, two thousand nine hundred dollars, to be paid from the income of the Massachusetts school fund.

Secretary board education.
Acts 1865, 246.

For the salary of the assistant-librarian and clerk of the board of education, two thousand dollars.

Clerk and assistant librarian.
Acts 1866, 298.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding one thousand one hundred dollars.

Clerical assistance in library.
G. S. 5, § 5; Res. 1861, 33; 1866, 28.

MILITARY DEPARTMENTS.

For the salary of the adjutant-general, two thousand five hundred dollars.

Adjutant-general.
Acts 1866, 298.

For the salary of the first clerk of the adjutant-general, two thousand dollars.

First clerk.
Acts 1866, 298.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding fourteen thousand eight hundred dollars.

Assistant-clerks.
Acts 1866, 298, 299.

For the salary of the surgeon-general, a sum not exceeding two thousand five hundred dollars.

Surgeon-general.
Acts 1863, 298, 299.

For such clerical assistance as the surgeon-general may find necessary, a sum not exceeding four thousand three hundred dollars; and for the compensation of a messenger, a sum not exceeding eight hundred dollars.

Clerks and messenger.
Acts 1866, 298, 299.

For the salary of the paymaster, a sum not exceeding one thousand eight hundred dollars.

Paymaster.
Acts 1863, 254; 1866, 298, 299.

For such clerical assistance as the paymaster may find necessary, one thousand one hundred dollars.

Clerk.
Acts 1863, 254; 1866, 298, 299.

For contingent expenses of the executive department, to include such extra clerical service and other expenses as the governor may deem necessary, a sum not exceeding five thousand dollars, which shall be allowed and paid.

Executive department, clerical service and expenses.

For contingent fund of the governor and council, for military purposes, a sum not exceeding eight thousand dollars, which shall be allowed and paid.

Governor and council, military contingent.

For any expenses which may be incurred under authority of the governor and approved by him, in the maintenance of such agency out of the Commonwealth as he may find needful, for the adjustment and collection of bounties and

Agency out of State for Mass. soldiers' claims and bounties, authorized by governor.

claims due Massachusetts soldiers, and for necessary and proper disbursements in their behalf, a sum not exceeding eight thousand dollars, which shall be allowed and paid.

Transportation of paupers from hospitals and almshouses.

For the transportation of state paupers, to be expended by the agent of the board of state charities, a sum not exceeding nine thousand dollars: *provided*, 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; also, for the removal of persons becoming a public charge, not authorized to be removed by existing laws, a sum not exceeding one thousand dollars.

Report of expense to auditor.

Removal of certain other persons.

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

Approved January 30, 1867.

Chap. 5. AN ACT CONCERNING THE MARINE SOCIETY AT NEWBURYPORT.
Be enacted, &c., as follows :

May hold \$100,000 in estate.

SECTION 1. The Marine Society at Newburyport is hereby authorized to hold real and personal estate to an amount not exceeding one hundred thousand dollars.

Limitation of Act of 1777 repealed.

SECTION 2. So much of the act incorporating said society, being chapter eight of the acts of the year seventeen hundred and seventy-seven, as authorized said society to hold real and personal estate, the rents and interest of which shall not exceed eight hundred pounds per annum, is hereby repealed.

Approved February 1, 1867.

Chap. 6. AN ACT IN RELATION TO THE SALEM AND SOUTH DANVERS RAILROAD COMPANY.

Be it enacted, &c., as follows :

Time to, under Act of 1864, extended to May 1, 1869.

SECTION 1. The time allowed to the Salem and South Danvers Railroad Company for extending its railway into the towns of Marblehead, Swampscott, Danvers and Lynn, and for the further laying of its tracks in Salem and South Danvers, under the provisions of chapter two hundred and eighty-four of the acts of the year eighteen hundred and sixty-four, and for exercising all other powers granted by said act, the exercise whereof is limited by said act, is hereby extended to the first day of May, in the year eighteen hundred and sixty-nine.

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

Approved February 1, 1867.

AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE MUTUAL FIRE ASSURANCE COMPANY OF SPRINGFIELD AND THE VICINITY, AND FOR OTHER PURPOSES.

Chap. 7.

Be it enacted, &c., as follows:

SECTION 1. The act of the year one thousand eight hundred and twenty-seven, chapter eighty-three, entitled "an act to incorporate the Mutual Fire Assurance Company of Springfield and the vicinity," and all acts in amendment thereof, or in addition thereto, shall be continued and remain in force from and after the twenty-third day of February, in the year one thousand eight hundred and sixty-seven; and said company shall continue to have and enjoy all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the general laws relating to such corporations, which are or may be in force, in like manner and to the same effect, as if said act incorporating said company, and the several acts in amendment thereof or in addition thereto, had contained no limitation of time.

Act incorporating and Acts in addition continued in force from Feb., 1867, without limitation of time.

SECTION 2. Said corporation shall hereafter be known as the Mutual Fire Assurance Company of Springfield.

Corporate name changed.

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

Approved February 1, 1867.

AN ACT TO AUTHORIZE THE PRESCOTT FIRE AND MARINE INSURANCE COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 8.

Be it enacted, &c., as follows:

The Prescott Fire and Marine Insurance Company is hereby authorized to increase its capital stock to a sum not exceeding three hundred thousand dollars; to be divided into shares of one hundred dollars each, to be paid in within three years from the passage of this act, in such instalments as the corporation shall from time to time determine, and to be invested according to law. *Approved February 6, 1867.*

Increase of \$300,000 authorized.

Conditions.

AN ACT TO INCORPORATE THE TREMONT INSURANCE COMPANY.

Chap. 9.

Be it enacted, &c., as follows:

SECTION 1. Henry Upham, Ignatius Sargent, James S. Amory, their associates and successors, are hereby made a corporation in the city of Boston, by the name of the Tremont Insurance Company, 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 all general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Title.

Purpose.

Privileges and restrictions.

SECTION 2. Said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each, and shall have liberty to increase the

Capital and shares.

said capital stock to five hundred thousand dollars, provided the same is paid in within three years from the passage of this act.

Conditions.

SECTION 3. Said corporation may commence business when two hundred thousand dollars shall have been subscribed and paid in, in cash.

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

Approved February 6, 1867.

Chap. 10. AN ACT CONCERNING THE SOMERVILLE HORSE RAILROAD COMPANY.
Be it enacted, &c., as follows :

May straighten track in Somerville.

The Somerville Horse Railroad Company is hereby authorized and empowered to straighten its railway track in Milk Street, in the town of Somerville, at and near the crossing of the Fitchburg Railroad, so as to pass over the tracks of the said Fitchburg Railroad in a line with said Milk Street.

Approved February 6, 1867.

Chap. 11. AN ACT TO AUTHORIZE THE BOSTON AND HINGHAM STEAM-BOAT COMPANY TO BUILD A WHARF IN HULL.

Be it enacted, &c., as follows :

May extend to depth of nine feet water at low tide.

SECTION 1. The Boston and Hingham Steam-boat Company is hereby authorized to build and maintain a wharf in the westerly part of the town of Hull, adjacent to land leased of John G. Loring, and to extend the same four hundred and eighty feet, or not beyond a depth of nine feet of water at low tide, with a right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor : *provided, however,* that said wharf shall be built under the direction of the harbor commissioners ; and that if a commissioners' line shall be hereafter established by law in the harbor of Hull, no part of said wharf shall be maintained beyond said line, but shall be reduced within the same at the expense of the proprietors thereof, and with no claim upon the Commonwealth for loss or damage sustained thereby ; and *provided, also,* that this license shall in no wise affect the legal rights of any persons.

Harbor commissioners to direct.

Vested rights to be unaffected.

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

Approved February 6, 1867.

Chap. 12. AN ACT IN FURTHER ADDITION TO "AN ACT TO INCORPORATE THE PROPRIETORS OF THE CATHOLIC CEMETERY IN DORCHESTER."

Be it enacted, &c., as follows :

May increase estate.

SECTION 1. The Catholic Cemetery Association in Dorchester is hereby authorized to hold real and personal estate, necessary and convenient for the purposes mentioned in said act of incorporation, passed on the twenty-fourth day of May,

in the year eighteen hundred and fifty-one, of the value of twenty thousand dollars in addition to the amount which said corporation is now entitled to hold.

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

Approved February 6, 1867.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Chap. 13.

Be it enacted, &c., as follows:

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

Appropriations authorized.

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars.

Clerk S. J. Court.
G. S. 121.

For the salary of the assistant-clerk of said court, one thousand five hundred dollars.

Assistant-clerk.
G. S. 121.

For the salary of the reporter of the decisions of the supreme judicial court, three hundred dollars.

Reporter of decisions.
G. S. 121.

For expenses of said court, a sum not exceeding one thousand five hundred dollars.

Expenses of court
G. S. 121.

SUPERIOR COURT.

For the salary of the chief justice of the superior court, three thousand seven hundred dollars.

Chief justice superior court.
G. S. 114.

For the salaries of nine associate justices of said court, thirty-one thousand five hundred dollars.

Associate justices.
G. S. 114.

COURTS OF PROBATE AND INSOLVENCY.

For the salary of the judge of probate and insolvency for the county of Suffolk, three thousand dollars.

Judges probate and insolvency:
Suffol.
G. S. 119.
Middlesex.
G. S. 119.

For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand dollars.

For the salary of the judge of probate and insolvency for the county of Worcester, two thousand dollars.

Worcester.
Acts 1864, 298.

For the salary of the judge of probate and insolvency for the county of Essex, one thousand eight hundred dollars.

Essex.
Acts 1864, 298.

For the salary of the judge of probate and insolvency for the county of Norfolk, one thousand four hundred dollars.

Norfolk.
G. S. 119.

For the salary of the judge of probate and insolvency for the county of Bristol, one thousand two hundred dollars.

Bristol.
Acts 1864, 298

- Plymouth.
G. S. 119. For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand dollars.
- Berkshire.
Acts 1864, 298. For the salary of the judge of probate and insolvency for the county of Berkshire, nine hundred dollars.
- Hampden.
Acts 1864, 298. For the salary of the judge of probate and insolvency for the county of Hampden, one thousand dollars.
- Hampshire.
Acts 1864, 298. For the salary of the judge of probate and insolvency for the county of Hampshire, seven hundred dollars.
- Franklin.
Acts 1864, 298. For the salary of the judge of probate and insolvency for the county of Franklin, seven hundred dollars.
- Barnstable.
G. S. 119. For the salary of the judge of probate and insolvency for the county of Barnstable, seven hundred dollars.
- Nantucket.
Acts 1864, 298. For the salary of the judge of probate and insolvency for the county of Nantucket, four hundred dollars.
- Dukes.
Acts 1864, 298. For the salary of the judge of probate and insolvency for the county of Dukes county, four hundred dollars.
- Registers:
Suffolk.
G. S. 119. For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars.
- Assistant.
G. S. 119. For the salary of the assistant-register of probate and insolvency for the county of Suffolk, one thousand five hundred dollars.
- Middlesex.
Acts 1864, 298. For the salary of the register of probate and insolvency for the county of Middlesex, one thousand eight hundred dollars.
- Assistant.
G. S. 119. For the salary of the assistant-register of probate and insolvency for the county of Middlesex, one thousand dollars.
- Worcester.
Acts 1864, 298. For the salary of the register of probate and insolvency for the county of Worcester, one thousand seven hundred dollars.
- Assistant.
G. S. 119. For the salary of the assistant-register of probate and insolvency for the county of Worcester, one thousand dollars.
- Essex.
Acts 1864, 298. For the salary of the register of probate and insolvency for the county of Essex, one thousand seven hundred dollars.
- Assistant.
Acts 1864, 298. For the salary of the assistant-register of probate and insolvency for the county of Essex, one thousand dollars.
- Norfolk.
Acts 1864, 298. For the salary of the register of probate and insolvency for the county of Norfolk, one thousand two hundred dollars.
- Assistant.
Acts 1864, 298. For the salary of the assistant-register of probate and insolvency for the county of Norfolk, eight hundred dollars.
- Bristol.
G. S. 119. For the salary of the register of probate and insolvency for the county of Bristol, one thousand three hundred dollars.
- Plymouth.
G. S. 119. For the salary of the register of probate and insolvency for the county of Plymouth, one thousand dollars.

For the salary of the register of probate and insolvency for the county of Hampden, one thousand dollars. Hampden. Acts 1864, 298.

For the salary of the register of probate and insolvency for the county of Berkshire, nine hundred dollars. Berkshire. Acts 1864, 298.

For the salary of the register of probate and insolvency for the county of Hampshire, seven hundred and fifty dollars. Hampshire. G. S. 119.

For the salary of the register of probate and insolvency for the county of Franklin, seven hundred and fifty dollars. Franklin. Acts 1864, 298.

For the salary of the register of probate and insolvency for the county of Barnstable, seven hundred dollars. Barnstable. G. S. 119.

For the salary of the register of probate and insolvency for the county of Nantucket, five hundred dollars. Nantucket. Acts 1864, 298.

For the salary of the register of probate and insolvency for the county of Dukes county, five hundred dollars. Dukes. Acts 1864, 298.

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 two thousand five hundred dollars. Expenses courts of probate and insolvency. G. S. 118.

DISTRICT-ATTORNEYS.

For the salary of the attorney for the county of Suffolk, three thousand dollars. District-attorneys; Suffolk. G. S. 14.

For the salary of the assistant-attorney for the county of Suffolk, one thousand eight hundred dollars. Assistant. G. S. 14.

For the salary of the attorney for the eastern district, one thousand two hundred dollars. Eastern. G. S. 14.

For the salary of the attorney for the northern district, one thousand two hundred dollars. Northern. G. S. 14.

For the salary of the attorney for the southern district, one thousand two hundred dollars. Southern. G. S. 14.

For the salary of the attorney for the middle district, one thousand two hundred dollars. Middle. G. S. 14.

For the salary of the attorney for the south-eastern district, one thousand two hundred dollars. South-eastern. G. S. 14.

For the salary of the attorney for the western district, one thousand two hundred dollars. Western. G. S. 14.

For the salary of the attorney for the north-western district, eight hundred dollars. North-western. G. S. 14.

POLICE COURTS.

For the salary of the justice of the police court in Adams, eight hundred dollars. Police courts; Justices. Adams. G. S. 116.

For the salary of the justice of the police court in Cambridge, one thousand five hundred dollars. Cambridge. G. S. 116.

- Charlestown.
Acts 1862, 107. For the salary of the justice of the police court in Charlestown, one thousand two hundred dollars.
- Chelsea.
Acts 1864, 256. For the salary of the justice of the police court in Chelsea, one thousand three hundred dollars.
- Chicopee.
G. S. 116. For the salary of the justice of the police court in Chicopee, nine hundred dollars.
- Fall River.
Acts 1862, 92. For the salary of the justice of the police court in Fall River, one thousand two hundred dollars.
- Gloucester.
Acts 1864, 127. For the salary of the justice of the police court in Gloucester, eight hundred dollars.
- Lawrence.
G. S. 116. For the salary of the justice of the police court in Lawrence, one thousand five hundred dollars.
- Lee.
Acts 1861, 141. For the salary of the justice of the police court in Lee, five hundred dollars.
- Lowell.
G. S. 116. For the salary of the justice of the police court in Lowell, two thousand two hundred dollars.
- Lynn.
G. S. 116. For the salary of the justice of the police court in Lynn, one thousand dollars.
- Milford.
Acts 1866, 298. For the salary of the justice of the police court in Milford, one thousand dollars.
- New Bedford.
G. S. 116. For the salary of the justice of the police in New Bedford, one thousand five hundred dollars.
- Newburyport.
G. S. 116. For the salary of the justice of the police court in Newburyport, nine hundred dollars.
- Pittsfield.
G. S. 116. For the salary of the justice of the police court in Pittsfield, eight hundred dollars.
- Roxbury.
G. S. 116. For the salary of the justice of the police court in Roxbury, one thousand five hundred dollars.
- Salem.
G. S. 116. For the salary of the justice of the police court in Salem, one thousand five hundred dollars.
- Springfield.
G. S. 116. For the salary of the justice of the police court in Springfield, one thousand five hundred dollars.
- Williamstown.
G. S. 116. For the salary of the justice of the police court in Williamstown, three hundred dollars.
- Worcester.
G. S. 116. For the salary of the justice of the police court in Worcester, one thousand five hundred dollars.
- Clerks of police courts, certain. 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, to wit:
- Cambridge.
Acts 1866, 298. For the salary of the clerk of the police court in Cambridge, eight hundred dollars.
- Charlestown.
Acts 1862, 107. For the salary of the clerk of the police court in Charlestown, five hundred dollars.
- Fall River.
Acts 1862, 92. For the salary of the clerk of the police court in Fall River, six hundred dollars.

For the salary of the clerk of the police court in Lawrence, eight hundred dollars.	Lawrence. G. S. 116.
For the salary of the clerk of the police court in Lowell, one thousand dollars.	Lowell. G. S. 116.
For the salary of the clerk of the police court in Lynn, six hundred dollars.	Lynn. Acts 1866, 298.
For the salary of the clerk of the police court in New Bedford, eight hundred dollars.	New Bedford. G. S. 116.
For the salary of the clerk of the police court in Newburyport, five hundred dollars.	Newburyport. G. S. 116.
For the salary of the clerk of the police court in Roxbury, five hundred dollars.	Roxbury. G. S. 116.
For the salary of the clerk of the police court in Salem, nine hundred dollars.	Salem. G. S. 116.
For the salary of the clerk of the police court in Worcester, nine hundred dollars.	Worcester. Acts 1864, 231.

MUNICIPAL COURTS.

For the salaries of the justices of the municipal court in Boston, nine thousand dollars.	Municipal courts Boston. Acts 1866, 279.
For the salary of the clerk of the municipal court in Boston, for criminal business, two thousand five hundred dollars.	Clerk; criminal business. Acts 1866, 279.
For the salary of the clerk of the municipal court in Boston, for civil business, two thousand dollars.	Clerk; civil busi- ness. Acts 1866, 279.
For the salaries of the three assistant-clerks of the municipal court in Boston, three thousand four hundred dollars.	Assistant-clerks. G. S. 116; Acts 1860, 100; 1866, 279.
For the salary of the justice of the municipal court in Taunton, one thousand dollars.	Taunton. Justice. Acts 1864, 209.
For the salary of the clerk of the municipal court in Taunton, six hundred dollars.	Clerk. Acts 1864, 209.

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

Approved February, 6, 1867.

AN ACT TO EXTEND THE TIME FOR THE COMPLETION OF THE
HANOVER BRANCH RAILROAD.

Chap. 14.

Be it enacted, &c., as follows :

SECTION 1. The time allowed to the "Hanover Branch Railroad Company," under the provisions of chapter one hundred and fifty-five of the acts of the year eighteen hundred and sixty-four, for the completion of said railroad, is hereby extended to the first day of May in the year eighteen hundred and sixty-nine.

*Extension to first
May, 1869.*

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

Approved February 8, 1867.

Chap. 15. AN ACT TO INCORPORATE THE BOSTON AND SAVANNAH STEAM-SHIP COMPANY.

Be it enacted, &c., as follows:

Corporators.	SECTION 1. B. Heber Richardson, Luther Upton, Theodore C. Otis, their associates and successors, are hereby
Title.	made a corporation, by the name of the Boston and Savannah Steam-ship Company; with all the powers and privileges, and
Privileges and restrictions.	subject to all the duties, liabilities and restrictions set forth in all general laws, which now are or may hereafter be in force and applicable to such corporations.
May have ships and navigate or charter same.	SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steam-ships or steam-propellers, and to navigate the ocean therewith, and employ the same in transporting freight and passengers between the city of Boston and Savannah, Georgia. And said company may let, by charter, one or more of their steam-ships, or propellers, to any person or persons: <i>provided</i> , such charter does not prevent said company from complying with the terms of this act.
Proviso.	
Capital.	SECTION 3. The capital stock of said corporation shall be one hundred thousand dollars, with liberty to pay in and increase the same, by adding thereto from time to time, an amount not exceeding four hundred thousand dollars, divided into shares of the par value of one hundred dollars each.
Shares.	Said corporation shall have power to assess, from time to time, upon said shares, such sums as may be deemed necessary to accomplish its object, not exceeding the par value of said shares. No certificates of stock shall be issued until the par value thereof shall have been actually paid in; and no steam-ship or propeller shall be run until at least fifty thousand dollars of its capital shall have been subscribed and paid in.
May assess not exceeding par value.	
Issue of stock and condition of working.	
Real estate.	SECTION 4. Said corporation may hold real estate to an amount not exceeding fifty thousand dollars.
Conditions of validity of Act.	SECTION 5. If said corporation shall not within one year from the passage hereof, have been organized, and have collected by assessments an amount equal to fifty thousand dollars of its capital stock, subscribed, and shall not within two years from the passage of this act, have one or more steam-ships or propellers employed between said city of Boston and said port, or if said corporation shall thereafter fail for the period of one year so to employ one or more steam-ships or propellers in said business, then this act shall be null and void.

Approved February 9, 1867.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR. *Chap. 16.*

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be 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, in the year eighteen hundred and sixty-seven, to wit :

LEGISLATURE.

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 twenty-five thousand dollars. Printing and binding; senate and house. Res. 1856, 74.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand dollars: *provided*, that no part of said sum shall be expended for cutlery. Stationery, senate. Res. 1856, 74. Proviso.

For printing blanks and circulars, and the calendar of orders of the day, for the use of the senate, a sum not exceeding seven hundred dollars. Printing, senate. Res. 1856, 74.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding two thousand four hundred dollars: *provided*, that no part of said sum shall be expended for cutlery. Stationery, house. Res. 1856, 74. Proviso.

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. Printing, house. Res. 1856, 74.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding six hundred dollars: *provided*, that no part of said sum shall be expended for cutlery. Sundries for legislature, by sergeant-at-arms. Proviso. G. S. 14.

For the authorized expenses of committees of the legislature, a sum not exceeding eight hundred dollars. Committees' expenses. G. S. 14.

For clerical assistance to committees authorized to employ the same, a sum not exceeding six 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. G. S. 15.

EXECUTIVE DEPARTMENT.

For postage, printing and stationery, for the governor and council, a sum not exceeding eight hundred dollars: *provided*, that no part of said sum shall be expended for cutlery. Postage, printing, stationery; governor and council. Proviso. Res. 1856, 74.

Contingent expenses. G. S. 14. For the contingent expenses of the governor and council, a sum not exceeding one thousand dollars.

STATE HOUSE.

Fuel and lights for state house. G. S. 14. For fuel and lights for the state house, a sum not exceeding four thousand dollars.

Furniture, repairs, etc. G. S. 14. For repairs, improvements and furniture of the state house, a sum not exceeding three thousand dollars.

Contingent of senate and house, and for capitol. G. S. 14. Provide. For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding two thousand 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.

STATE PRINTING.

General laws, printing. G. S. 3; Acts 1856, 65. For printing such number, not exceeding thirty-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 six thousand dollars.

Blue book edition of Acts and Resolves, printing. G. S. 3. For printing and binding three thousand 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, a sum not exceeding five thousand five hundred dollars.

Official newspaper publication. Acts 1865, 193. For the publication of the general laws, and all other information intended for the public, a sum not exceeding five hundred dollars.

Blanks for town records of births, marriages and deaths. G. S. 21. 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 five hundred dollars.

Public documents, printing and binding. G. S. 4. For printing the public series of documents in the last quarter of the year one thousand eight hundred and sixty-seven, under the direction of the secretary of the Commonwealth, and for binding the copies to be distributed to the towns and cities, a sum not exceeding thirty thousand dollars.

S. J. Court reports. Acts 1859, 290. For term reports, a sum not exceeding six thousand five hundred dollars.

Bank returns, publishing. G. S. 57. For the publication of bank returns, a sum not exceeding two hundred dollars.

Assessors' books. Acts 1861, 167. For assessors' books, a sum not exceeding two thousand dollars.

Census, printing abstract. Res. 1865, 58. For the publication of the census abstract, in accordance with the provisions of chapter fifty-eight of the resolves of

the year eighteen hundred and sixty-five, a sum not exceeding six thousand dollars.

For printing and binding the annual railroad reports, a sum not exceeding two thousand five hundred dollars.

For engraving and printing state scrip, a sum not exceeding one thousand dollars, which shall be allowed and paid.

Railroad reports, printing and binding. Acts 1862, 135; 1864, 167. State scrip, preparing.

INCIDENTAL EXPENSES.

For incidental expenses of the secretary's office, a sum not exceeding four thousand dollars.

Secretary, incidentals. G. S. 14.

For incidental expenses of the treasurer's office, a sum not exceeding one thousand two hundred and fifty dollars.

Treasurer, incidentals. G. S. 11, 15.

For the expenses of the tax commissioner, a sum not exceeding one thousand eight hundred dollars.

Tax commissioner, expenses. Acts 1864, 208; 1865, 283.

For incidental expenses of the auditor's office, a sum not exceeding four hundred dollars.

Auditor, incidentals. G. S. 15, 57.

For the purchase of books for the library in the office of the attorney-general, a sum not exceeding two hundred dollars, which shall be allowed and paid.

Attorney-general, books for office library.

For fees, costs and court expenses of the attorney-general, and for incidental and contingent expenses of the office of the attorney-general, a sum not exceeding one thousand one hundred and fifty dollars.

Fees, costs, court expenses and incidentals. G. S. 14.

For the incidental expenses of the insurance commissioner, a sum not exceeding five hundred dollars, and for express charges and insurance publications, a sum not exceeding one hundred dollars, which shall be allowed and paid.

Insurance commissioner, incidentals and expressage.

MILITARY.

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

Adjutant-general, incidentals. Acts 1866, 219.

For militia bounty, a sum not exceeding one hundred and seventeen thousand dollars.

Militia bounty. Acts 1866, 219.

For military accounts, a sum not exceeding ten thousand dollars.

Military accounts. Acts 1866, 219.

For the rent of armories, a sum not exceeding twenty-six thousand dollars.

Armories, rent. Acts 1866, 219.

For expenses of the bureau of the surgeon-general, a sum not exceeding two thousand dollars.

Surgeon-general, expenses. Acts 1866, 219.

For incidental expenses of the bureau of the paymaster, a sum not exceeding five hundred dollars.

Paymaster, incidentals. Acts 1863, 254.

For medical, surgical and hospital supplies, and contingent expenses connected therewith, the same being for the use of the state militia, a sum not exceeding five hundred dollars.

Military supplies, medical, surgical and hospital. Acts 1866, 219.

Non-resident
Mass. volunteers.
Acts 1866, 172.

For the payment from the state treasury of aid to Massachusetts volunteers resident out of the Commonwealth, a sum not exceeding thirty thousand dollars.

Aid to soldiers
and families, ex-
penses under law
for.
Acts 1866, 172.

For expenses attending the administration of the law providing state aid for Massachusetts volunteers and their families, a sum not exceeding one thousand three hundred dollars.

Military books.
Acts 1866, 219
and 299.

The unexpended balance of the appropriation made in chapter two hundred and ninety-nine of the acts of the year eighteen hundred and sixty-six for books of instruction and for orderly and roll books, is hereby made applicable to the same purpose for the present year.

Aid by towns to
soldiers and fam-
ilies, re-imburse-
ment.
Acts 1861, '62,
'63, '64 and '66,
222, 66, 151, 79,
176, 47, 143, 172.

For the re-imbusement of cities and towns for money paid on account of aid to Massachusetts volunteers and their families, a sum not exceeding one million five hundred thousand dollars; the same to be payable on the first day of December, in the year eighteen hundred and sixty-seven.

AGRICULTURAL.

Agricultural:
Bounties, soci-
ety.
G. S. 66.
Expenses, mem-
bers of board.
G. S. 16.

For bounties to agricultural societies, a sum not exceeding fifteen thousand dollars.

For the personal expenses of members of the board of agriculture, a sum not exceeding one thousand two hundred dollars.

Travel, postage,
etc., secretary.
Res. 1853, 67.

For the travelling expenses of the secretary of said board, all postages and necessary expenses, a sum not exceeding two hundred and fifty dollars.

Incidentals,
board.
G. S. 16.

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

Printing report.
Res. 1856, 74.

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

MISCELLANEOUS.

Commissioners
on public lands,
pay, assistance
and expenses.

For the compensation of the commissioners on public lands, and for such clerical assistance as they may find necessary, a sum not exceeding four thousand dollars; for contingent and incidental expenses of said commissioners, a sum not exceeding five hundred dollars; said sums to be paid from the moiety of the proceeds of sales applicable to improvements. And the residue of said moiety is hereby appropriated to be applied and used in accordance with the statutes.

How paid.

Residue of cer-
tain moiety.
Res. 1857, 70;
Acts 1860, 200;
1864, 313.

Sheriffs, for dis-
tributing blanks.
G. S. 157.

To the sheriffs of the several counties, for distributing proclamations, blanks, and making returns of votes, a sum not exceeding seven hundred dollars.

For the purchase of books for the state library, two thousand three hundred dollars, to be expended under the direction of the trustees and librarian.

Books for state library. G. S. 5.

For salary and expenses of the inspector of gasmeters, a sum not exceeding three thousand dollars.

Inspector gasmeters, salary. Acts 1861, 165.

For the emergency fund, ten thousand dollars, which is hereby made applicable to, and may be used during the present political year, for the purposes and under the provisions and limitations mentioned in chapter twenty-two of the acts of the year eighteen hundred and fifty-eight.

Emergency fund. Acts 1858, 22.

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

Union loan sinking fund. Acts 1861, 209, § 2; 1862, 187.

To the bounty loan sinking fund, established under chapter ninety-one of the acts of the year eighteen hundred and sixty-three, to be invested in accordance with the provisions of section five of said chapter, the sum of twenty thousand dollars.

Bounty loan sinking funds. Acts 1863, 91, § 5.

To the bounty loan sinking fund, established under chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-four, to be invested in accordance with the provisions of section three of said chapter, the sum of one hundred and eleven thousand three hundred and eighty dollars.

Acts 1864, 313, § 3.

For the Massachusetts institute of technology, the balance of income of the agricultural fund, amounting to one thousand and fifty-seven dollars and ninety-six cents, due said institution for the year eighteen hundred and sixty-six; and also one-third of said income for the present year.

Institute of technology. Acts 1863, 186.

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

Approved February 12, 1867.

AN ACT TO AUTHORIZE THE TRUSTEES OF PHILLIPS ACADEMY IN ANDOVER TO HOLD ADDITIONAL PERSONAL ESTATE.

Chap. 17.

Be it enacted, &c., as follows:

SECTION 1. The trustees of Phillips Academy are hereby empowered to receive, purchase and hold, by gift, grant, devise or otherwise, for the further endowment of the theological institution, or department, and in furtherance of the design of the founders and benefactors of said academy, personal estate, the annual income whereof shall not exceed twenty thousand dollars, in addition to what they are now allowed by law to hold: *provided*, the income of said estate

Income of added estate may be \$20,000.

Proviso.

shall be always applied to objects agreeably to the will of the donors.

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

Approved February 12, 1867.

Chap. 18. AN ACT TO INCORPORATE THE SALEM MUSIC HALL ASSOCIATION.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. James O. Safford, Charles A. Ropes, Joseph H. Leavitt, their associates and successors, are hereby made a corporation by the name of the Salem Music Hall Association, for the purpose of erecting a building in Salem and maintaining the same for the accommodation and purpose of a music hall, lectures and other lawful purposes; with all the powers and privileges and subject to all the restrictions, duties and liabilities set forth in all general laws which now are or may be in force, so far as applicable to such corporations.

Title and purpose.

Privileges and restrictions.

Capital stock and shares.

May hold estate.

SECTION 2. Said corporation shall have a capital stock not exceeding one hundred thousand dollars, divided into shares of fifty dollars each, and may hold for the purposes aforesaid real and personal estate not exceeding the amount of the capital stock.

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

Approved February 12, 1867.

Chap. 19. AN ACT TO CHANGE THE NAME OF THE INSTITUTION FOR SAVINGS IN THE TOWN OF BARNSTABLE.

Be it enacted, &c., as follows :

Shall be known as Barnstable Savings Bank.

The Institution for Savings in the town of Barnstable, a corporation organized under a law passed on the twenty-ninth day of January, in the year eighteen hundred and thirty-one, shall, from and after the passage of this act, be called and known as the Barnstable Savings Bank.

Approved February 12, 1867.

Chap. 20. AN ACT TO INCORPORATE THE ATHOL SAVINGS BANK.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. Charles C. Bassett, John C. Hill, John H. Williams, their associates and successors, are hereby made a corporation by the name of the Athol Savings Bank, to be established in the town of Athol, at Athol Depot Village; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or may hereafter be in force, applicable to savings banks and institutions for savings.

Title.

Privileges and restrictions.

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

Approved February 12, 1867.

AN ACT TO INCORPORATE THE WEST BOSTON SAVINGS BANK.

Chap. 21.

Be it enacted, &c., as follows :

SECTION 1. John A. Andrew, Franklin Haven and James H. Wilder, their associates and successors, are hereby made a corporation by the name of the West Boston Savings Bank, to be established in the city of Boston ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which now are or may hereafter be in force, applicable to savings banks and institutions of saving.

Corporators.

Title.

Privileges and restrictions.

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

Approved February 12, 1867.

AN ACT TO AUTHORIZE THE ELIOT FIRE INSURANCE COMPANY TO INCREASE ITS CAPITAL STOCK, AND FOR OTHER PURPOSES.

Chap. 22.

Be it enacted, &c., as follows :

SECTION 1. The Eliot Fire Insurance Company is hereby authorized to increase its capital stock to an amount not exceeding four hundred thousand dollars, the same to be paid in within three years from the passage of this act, in such instalments as the corporation shall from time to time determine, and to be invested according to law.

May increase to \$400,000 within three years.

SECTION 2. Said corporation is hereby authorized to change the par value of its shares from fifty dollars to one hundred dollars ; and if said corporation shall so change the same, all stock thereafter issued under this act shall be in shares of one hundred dollars each.

May change par value of shares.

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

Approved February 12, 1867.

AN ACT TO INCORPORATE THE WEST NEWTON HOTEL COMPANY.

Chap. 23.

Be it enacted, &c., as follows :

SECTION 1. John C. Stanton, John D. Towle, Chester Judson, their associates and successors, are hereby made a corporation by the name of the West Newton Hotel Company, for the purpose of erecting and maintaining a hotel in the town of Newton, with the buildings, appurtenances and improvements connected therewith ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes: *provided, however,* that said corporation shall not carry on the business of hotel keeping, nor in any way be interested in such business.

Corporators.

Title and purpose.

Privileges and restrictions.

Proviso.

SECTION 2. Said corporation shall have a capital stock not exceeding one hundred thousand dollars divided into shares of one hundred dollars each ; and may hold real and

Capital stock and shares.

Estate.

personal estate to the value of one hundred thousand dollars, for the purposes mentioned in the first section of this act.

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

Approved February 12, 1867.

Chap. 24. AN ACT TO AUTHORIZE JOHN PEW TO EXTEND HIS WHARF IN GLOUCESTER.

Be it enacted, &c., as follows :

May extend south-easterly to commissioners' line and lay vessels at.

SECTION 1. John Pew, proprietor of a wharf in Gloucester, is hereby authorized to extend and maintain said wharf in a south-easterly direction to the commissioners' line, established by authority of law in the harbor of Gloucester, with the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however*, that the limit and direction of said extension between the end of the present wharf and the commissioners' line shall be determined by and located under the direction of the harbor commissioners; and *provided, further*, that this grant shall in nowise impair the legal rights of any person.

Provisos.

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

Approved February 12, 1867.

Chap. 25. AN ACT MAKING APPROPRIATIONS FROM THE FUNDS AND THE INCOME OF THE FUNDS HEREIN MENTIONED, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations authorized.

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

Rogers book fund; income. Acts 1857, 215.

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.

Todd normal school fund; income. G. S. 36.

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.

Indian school fund; income. G. S. 36.

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

Charles river and Warren bridge fund.

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

Charles river bridge. Acts 1864, 257.

On account of the Charles River Bridge.

For repairs on said bridge and buildings belonging thereto, Repairs.
a sum not exceeding three thousand five hundred dollars.

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

For gas, oil, fluid and fuel, a sum not exceeding seven Fuel and lights.
hundred dollars.

For incidental and contingent expenses, a sum not Incidental.
exceeding one hundred and fifty dollars.

For the compensation of the draw-tender on said bridge, Draw-tender.
the sum of one thousand two hundred dollars. Acts 1861, 96.

On account of Warren Bridge.

For repairs on said bridge and buildings belonging thereto, Warren bridge.
a sum not exceeding three thousand dollars. Acts 1864, 257.
Repairs.

For horse-keeping, a sum not exceeding two hundred dol- Horse-keeping.
lars.

For gas, oil, fluid and fuel, a sum not exceeding six hun- Fuel and lights.
dred and fifty dollars.

For incidental and contingent expenses, a sum not exceed- Incidental.
ing one hundred and fifty dollars.

For the compensation of the draw-tender on said bridge, Draw-tender.
the sum of one thousand one hundred dollars. Acts 1861, 96.

SECTION 3. The sums mentioned in this section are appro- Essex bridge
priated to be paid out of the moneys arising from the tolls tolls, how used.
collected on the Essex bridge, for the year eighteen hundred Acts 1859, 122.
and sixty-seven, to wit:

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

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

For the repair and maintenance of said bridge, a sum not Repair and main-
exceeding two thousand five hundred dollars. tenance.

For oak piles for repair of Essex bridge, a sum not exceed- Piles for repairs.
ing six hundred dollars.

For gas, oil and fluid, a sum not exceeding three hundred Lights and fuel.
dollars.

For incidental and contingent expenses, a sum not exceed- Incidental.
ing thirty dollars.

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

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

Approved February 14, 1867.

AN ACT IN ADDITION TO AN ACT INCORPORATING AMHERST COLLEGE.
Be it enacted, &c., as follows:

Chap. 26.

SECTION 1. The trustees of Amherst College are hereby Trustees may
authorized to receive and hold in fee simple, or any less hold estate.

Proviso. estate, by gift, grant, bequest, devise or otherwise, any lands, tenements or other estate, real or personal: *provided*, that the net annual income of the entire property of said college shall not exceed the sum of one hundred thousand dollars.

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

Approved February 14, 1867.

Chap. 27. AN ACT TO INCORPORATE THE NEW ENGLAND HOMŒOPATHIC MEDICAL COLLEGE.

Be it enacted, &c., as follows:

Corporators. SECTION 1. Daniel B. Stedman, Otis Clapp, David Thayer, their associates and successors, are hereby incorporated by the name of the New England Homœopathic Medical College; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes.

Privileges and restrictions. May hold estate. SECTION 2. Said corporation may hold real and personal estate to the amount of two hundred thousand dollars.

Trustees and officers may confer degree of doctor. SECTION 3. The trustees, together with the regularly constituted officers of the New England Homœopathic Medical College, shall have power to confer the degree of doctor in medicine, subject to the restrictions and regulations which are adopted and required in conferring the same degree by Harvard College and the Berkshire Medical Institution.

Approved February 14, 1867.

Chap. 28. AN ACT TO CONTINUE IN FORCE AN ACT INCORPORATING THE NATIONAL INSURANCE COMPANY, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Charter continued without limitation of time. SECTION 1. The act of the year one thousand eight hundred and twenty-five, entitled "An Act to incorporate the Ætna Insurance Company in Boston," and the act of the year one thousand eight hundred and thirty-two, entitled "An Act to change the name of the Ætna Insurance Company in Boston, and for other purposes," and all acts and parts of acts in addition thereto, or in amendment thereof, which are now in force, shall be continued and remain in force from and after the eighteenth day of February, in the year one thousand eight hundred and seventy-two; and the said corporation shall continue to have and enjoy all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the general laws relating to such corporations, which are or may be in force, in like manner and to the same effect as if said act incorporating said company, and the several acts in amendment thereof, or in addition thereto, had contained no limitation of time.

SECTION 2. Said corporation is hereby authorized to increase its capital stock to a sum not exceeding one million dollars, the same to be paid in within three years from the passage of this act, in such instalments as the corporation shall from time to time determine, and to be invested according to law.

Corporation may increase capital stock within three years.

SECTION 3. Said corporation is hereby authorized to change the par value of its shares from thirty dollars to one hundred dollars; and if said corporation shall so change the same, all stock thereafter issued under this act shall be in shares of one hundred dollars each.

May change par value of shares.

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

Approved February 14, 1867.

AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE GLOUCESTER MARINE INSURANCE COMPANY.

Chap. 29.

Be it enacted, &c., as follows:

The act of the year one thousand eight hundred and forty-seven, chapter forty-five, entitled "An Act to incorporate the Gloucester Marine Insurance Company," shall be continued and remain in force from and after the fifth day of March, in the year one thousand eight hundred and sixty-seven; and said company shall continue to have and enjoy all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the general laws relating to such corporations, which are or may be in force, in like manner and to the same effect as if said act incorporating said company had contained no limitation of time.

Charter continued without limitation of time.

Approved February 14, 1867.

AN ACT TO AUTHORIZE THE AMERICAN UNITARIAN ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 30.

Be it enacted, &c., as follows:

SECTION 1. The American Unitarian Association is hereby authorized to hold real and personal estate in addition to what is now authorized by law, to an amount not exceeding one hundred and fifty thousand dollars.

May add \$150,000 to present capital.

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

Approved February 14, 1867.

AN ACT TO AUTHORIZE THE FITCHBURG RAILROAD COMPANY TO EXTEND THE LOCATION OF ITS ROAD.

Chap. 31.

Be it enacted, &c., as follows:

SECTION 1. The Fitchburg Railroad Company is hereby authorized to extend the location of its road in the city of Boston, so far as said company may desire for the construction of a single or double track, beginning at a point upon its road not farther north than the northerly end of its car house, as it now stands; thence extending in a southerly

May extend in Boston and connect with Commercial Freight Railway, on Causeway Street.

direction to Causeway Street in the city of Boston, and there connecting with the track of the Commercial Freight Railway Company: *provided, however*, that between the point of beginning above named and Haverhill Street, the location hereby authorized, and the track or tracks thereon to be constructed, shall lie within and on the easterly side of a line drawn parallel with, and twenty-nine feet distant at right angles from the westerly wall of the passenger station of said Fitchburg Railroad Company, as it now stands; and *provided, further*, that the mayor and aldermen of the city of Boston shall have power to determine the location, and the manner of conducting and operating that portion of said railroad which shall lie within the limits of Haverhill and Causeway Streets.

Provisos.

Act of 1866, ch. 267, to apply.

SECTION 2. Said Fitchburg Railroad Company shall be entitled to all the privileges and benefits, and be subject to all the duties and restrictions of steam railroad corporations under the provisions of chapter two hundred and sixty-seven of the acts of the year eighteen hundred and sixty-six, not inconsistent herewith.

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

Approved February 14, 1867.

Chap. 32. AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE CANTON AND HYDE PARK RAILROAD.

Be it enacted, &c., as follows:

Time for construction extended to Mar. 1, '70.

SECTION 1. The time for the location of the Canton and Hyde Park Railroad, is hereby extended to the first day of March, in the year eighteen hundred and sixty-nine, and for the construction of the same, to the first day of March, in the year eighteen hundred and seventy.

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

Approved February 14, 1867.

Chap. 33. AN ACT TO INCORPORATE THE BOSTON AND CHARLESTON STEAM-SHIP COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. George B. Upton, Isaac Rich, Donald McKay, their associates and successors, are hereby made a corporation, by the name of the Boston and Charleston Steam-ship Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws of this Commonwealth, which now are or may hereafter be in force and applicable to such corporations.

Title.

Privileges and restrictions.

May have ships and navigate or charter same.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steam-ships or steam-propellers, and to navigate the ocean therewith, and employ the same in transporting freight

and passengers between the city of Boston and Charleston, South Carolina. And said company may let by charter, one or more of their steam-ships, or propellers, to any persons: *provided*, such charter does not prevent said company from complying with the terms of this act. Proviso.

SECTION 3. The capital stock of said corporation shall be three hundred thousand dollars, with liberty to pay in and increase the same, by adding thereto from time to time an amount not exceeding four hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to assess from time to time upon said shares, such sums as may be deemed necessary to accomplish its object, not exceeding the par value of said shares. No certificates of stock shall be issued until the par value thereof shall have been actually paid in, and no steam-ship or propeller shall be run until at least one hundred thousand dollars of its capital shall have been subscribed and paid in. Capital stock.

SECTION 4. Said corporation may hold real estate to an amount not exceeding fifty thousand dollars. Shares.

SECTION 5. If said corporation shall not within one year from the passage hereof have been organized, and have collected by assessments an amount equal to one hundred thousand dollars of its capital stock subscribed, and shall not within two years from the passage of this act, have one or more steam-ships or propellers employed between said city of Boston and said port, or if said corporation shall thereafter fail for the period of one year so to employ one or more steam-ships or propellers in said business, then this act shall be null and void. May assess not exceeding par value.

Approved February 14, 1867.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE ALMSHOUSES; THE HOSPITAL AT RAINSFORD ISLAND; THE SUPPORT AND RELIEF OF STATE LUNATIC PAUPERS; THE STATE PRISON; THE REFORM SCHOOL AT WESTBOROUGH AND THE NAUTICAL BRANCH THEREOF; AND FOR OTHER PURPOSES. Issue of stock and condition of working.

Chap. 34.

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year ending December thirty-first, in the year eighteen hundred and sixty-seven, to wit: Real estate.

CHARITABLE.

For the state almshouse at Tewksbury, a sum not exceeding seventy-seven thousand seven hundred and fifty dollars. Conditions of validity of Act.

Appropriations authorized.
Almshouses:
Tewksbury.
G. S. 71.

- Monson. For the state almshouse and state primary school at Monson, a sum not exceeding sixty thousand dollars.
G. S. 71.
- Bridgewater. For the state almshouse and state work-house at Bridgewater, a sum not exceeding fifty-six thousand dollars.
G. S. 71.
- Rainsford Island hospital. For the hospital at Rainsford Island, a sum not exceeding ten thousand dollars, the same to include expenses of transportation.
G. S. 71.
- Board charities, agent's expenses. For expenses of the general agent of the board of state charities, a sum not exceeding two thousand two hundred dollars.
Acts 1863, 240.
- Expenses secretary. For expenses of the secretary of the board of state charities, a sum not exceeding one thousand dollars.
Acts 1863, 240.
- Travel and expenses, members. For travelling and other expenses of the board of state charities, a sum not exceeding three thousand six hundred dollars; and the appropriations for said board may be drawn and disbursed by the general agent.
- Money, how drawn and disbursed.
- Lunatic paupers, support. For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding ninety thousand dollars.
G. S. 73; Acts 1863, 240.
- Transport of paupers. For the transportation of state paupers to almshouses, a sum not exceeding five hundred dollars.
G. S. 71.
- Burials. For the burial of state paupers, a sum not exceeding thirty-five hundred dollars.
G. S. 70.
- Support of by municipalities. For the support of state paupers by the cities and towns, a sum not exceeding fifteen thousand dollars.
G. S. 71, §§ 43, 44.
- Coroners' inquests, expenses. For the expenses of coroners' inquests, a sum not exceeding one thousand dollars.
G. S. 157, 175.
- Indians, for support. For the expenses incurred on account of Indians, a sum not exceeding three thousand dollars, viz.: to the guardian of the Troy Indians, for their support, a sum not exceeding eight 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 one thousand dollars, and for the salary of said guardian, one hundred dollars; for the salary of the guardian of the Christiantown and Chapequiddie Indians, one hundred and fifty dollars; for the salary of the guardian of the Punkapog Indians, forty dollars; to the treasurer of the Marshpee Indians, for the support of certain old state paupers, a sum not exceeding two hundred dollars, and the balance to be applicable to the payment of such other expenses on account of Indians as are authorized by statute.
G. S. 14.
- Troy.
- Dudley.
- Christiantown and Chapequiddie.
- Punkapog.
- Marshpee.
- Sundry authorized expenses.
- Pensions. For pensions, a sum not exceeding five hundred dollars.
- Sinking fund, almshouse loan. To the state almshouse loan sinking fund for the redemption of scrip, the sum of six thousand dollars.
Acts 1852, 275; 1854, 355.
- Asylum for blind. For the Perkins' institution and Massachusetts asylum for the blind, the sum of sixteen thousand dollars.
Res. 1864, 50.

For the Massachusetts school for idiotic and feeble-minded youth, the sum of nine thousand dollars.

School for idiots.
Res. 1862, 26.

For the support of Massachusetts beneficiaries in the asylum for deaf and dumb at Hartford, the sum of eighteen thousand five hundred dollars.

Deaf mutes.
Res. 1847, 94;
'64, 38; '65, 50.

For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johannot, a sum not exceeding one thousand four hundred dollars.

Martha Johannot annuities.
Res. 1841, 65.

For expenses attending the management of cases of settlement and bastardy, in the year eighteen hundred and sixty-seven and previous years, a sum not exceeding three thousand dollars.

Cases settlement and bastardy, expenses.
Acts 1863, 240.

REFORMATORY AND CORRECTIONAL.

For expenses of the state prison, a sum not exceeding one hundred thousand dollars.

State prison, expenses.
Acts 1864, 303.

For expenses of the state reform school for boys at Westborough, a sum not exceeding sixty-five thousand dollars, said sum to be expended solely for the current expenses of said institution; and no money appropriated by this act shall be expended by the trustees of said school for the erection of new buildings.

Reform school, current expenses.
G. S. 76.

For the current expenses of the nautical branch of the state reform school, a sum not exceeding fifty-two thousand dollars.

Nautical school.
G. S. 76.

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

Industrial sch'l.
G. S. 75.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding two thousand dollars.

Arrest of fugitives.
G. S. 177.

For the salary of an agent for the relief of discharged convicts, a sum not exceeding eight hundred dollars; and for the expenditures of said agent, a sum not exceeding one thousand dollars.

Agent discharged convicts, salary, etc.
Acts 1861, 78.

For the compensation of the state police, a sum not exceeding seventy-eight thousand two hundred dollars.

State police, pay.
Acts 1865, 249.

For travelling expenses of the state police, a sum not exceeding twenty-nine thousand five hundred dollars.

Expenses for travel.
1865, 249.

For clerical, incidental and contingent expenses of the constable of the Commonwealth, a sum not exceeding seven thousand six hundred dollars, which shall be allowed and paid.

Constable of State, expenses

From the appropriations for expenses of the state prison, of the state almshouses at Tewksbury, Monson and Bridgewater, and of the reform school for boys at Westborough, the

State prison, almshouses, and reform, nautical and industrial schools, advance

payment for expenses authorized.

Moneys received by institutions from towns and persons, except for shoes at Tewksbury, to be paid State treasury.

nautical branch thereof, and of the industrial school for girls, there may be paid to each, in advance, a sum not exceeding one thousand dollars, to be accounted for to the state auditor in the monthly settlements of said institutions ; and all sums received by said institutions from cities, towns or individuals, for the support of the inmates, or for articles sold, shall be paid into the treasury of the Commonwealth, except that so much as shall be received from the manufacture of shoes at the Tewksbury almshouse, may be reinvested for that purpose.

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

Approved February 18, 1867.

Chap. 35.

AN ACT RELATING TO THE CESSION OF THE JURISDICTION OF THE COMMONWEALTH OVER CERTAIN LANDS IN CHARLESTOWN.

Be it enacted, &c., as follows :

Jurisdiction ceded to United States.

SECTION 1. Jurisdiction is hereby granted and ceded to the United States over all that certain lot or tract of land, with the buildings thereon, situate in the city of Charlestown, purchased by the United States as an addition to the navy yard, and described as follows : commencing at the south-west corner of the present guard-house, thence running north-westerly along the boundary line of the navy yard twenty-four and twenty one-hundredths feet to the intersection of the continuation of the western line of the avenue ; thence south-westerly along said western line and making an angle of eighty-three degrees and nineteen minutes with the boundary line of the navy yard forty-four and fifty one-hundredths feet to the north side of Wapping street ; thence along Wapping street, at an angle of forty degrees and fifty-seven minutes with the last line, twenty and forty-two one-hundredths feet ; thence along Water street at an angle with the last line of one hundred sixty-one degrees and eight minutes, twenty-eight and thirty-three one-hundredths feet to the beginning ; this last line making an angle of seventy-four degrees and thirty-six minutes with the first or boundary wall of the yard.

Bounds described.

Act void unless plan be deposited with secretary of State within year.

SECTION 2. This act shall be void unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, be deposited in the office of the secretary of this Commonwealth, within one year from the passage of this act : *provided, always,* that this Commonwealth shall retain and does retain concurrent jurisdiction with the United States in and over the tract of land aforesaid, so far, as that all civil and all criminal processes issuing under the authority of this Commonwealth, may be executed

Concurrent jurisdiction for service of legal process retained.

on said land, and in any buildings thereon, or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and *provided, also*, that the exclusive jurisdiction shall revert to and revest in the Commonwealth of Massachusetts, whenever the said land shall cease to be used for the sole purpose herein before declared.

Exclusive jurisdiction, when to revert to State.

Approved February 19, 1867.

AN ACT CONCERNING SUITS AGAINST CORPORATIONS.

Be it enacted, &c., as follows:

SECTION 1. In all suits against corporations established by the laws of this Commonwealth, when it shall appear to the court that one of the objects of the suit is to obtain a judgment against said corporation in order to enforce an alleged liability of any person who has been, or is, a stockholder or officer of said corporation, any such stockholder or officer may be permitted, on petition, to defend said suit.

Suit to enforce liability of stockholder may be defended in person.

SECTION 2. The court in such case may require of the person so taking upon himself the defence of said suit, or of some person in his behalf, a bond with sufficient surety, or sureties, conditioned to pay to the plaintiff all costs which may accrue and be taxed to him after the filing of said petition.

Court may require bond of defendant.

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

Approved February 19, 1867.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE NEW ENGLAND EMIGRANT AID COMPANY.

Be it enacted, &c., as follows:

SECTION 1. The corporation called the New England Emigrant Aid Company is hereby empowered to issue additional stock to the amount of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be called "preferred stock," for the purpose of directing emigration southward, and aiding in providing accommodations for the emigrants after arriving at their places of destination.

May increase capital in "preferred stock," to aid emigration southward.

SECTION 2. The holders of stock not so preferred, shall not be entitled to any dividend, until dividends of eight per centum yearly shall have been made to the holders of such preferred stock: and any excess of dividends over and above eight per centum yearly, shall be shared pro rata by the holders of such preferred stock and those holders of stock not preferred who shall present their certificates of stock to the treasurer of the company for registration within thirty days after public notice shall have been given by him, at least three times in the Boston Daily Advertiser, the Bos-

Holders of such stock to have preference of dividend.

Sum in excess of 8 per cent. to be shared by other stockholders responding to published notice.

Chap. 36.

Chap. 37.

ton Daily Journal, and the Boston Post, and Boston Transcript newspapers, calling for such return of certificates.

Limitation of
charter.

SECTION 3. The charter is hereby so amended that it shall expire in thirty years from the passage of this act.

Approved February 19, 1867.

Chap. 38.

AN ACT TO INCORPORATE THE BEVERLY SAVINGS BANK.

Be it enacted, &c., as follows :

Corporators.

Title.

Privileges and re-
strictions.

SECTION 1. John I. Baker, Robert G. Bennett, George Roundy, their associates and successors, are hereby made a corporation by the name of the Beverly Savings Bank, to be established in the town of Beverly ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which now are or may hereafter be in force, applicable to savings banks and institutions for savings.

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

Approved February 19, 1867.

Chap. 39.

AN ACT TO AUTHORIZE THE OLD COLONY IRON COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows :

May increase
250,000 dollars.

Shares.

May hold real
estate.

SECTION 1. The Old Colony Iron Company, a corporation established in the towns of Taunton and Raynham, is hereby authorized to increase its capital stock two hundred and fifty thousand dollars, divided into shares of one thousand dollars each ; and to hold real estate necessary and convenient for its business, to an amount not exceeding two hundred thousand dollars.

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

Approved February 19, 1867.

Chap. 40.

AN ACT TO AUTHORIZE THE SPY POND WATER COMPANY TO COMPLETE ITS ORGANIZATION.

Be it enacted, &c., as follows :

May complete
organization.

SECTION 1. The Spy Pond Water Company is hereby authorized to complete the organization of said corporation, wherein the same may now be defective ; and said corporation shall thereafter continue to exercise its powers and privileges, and be subject to all liabilities, according to its charter and all laws now or hereafter in force relating to such corporations.

Meeting for,
when to be held.

How called.

SECTION 2. A meeting of said corporation shall be held within three months from the passage of this act, for the purpose of completing its organization as aforesaid. Such meeting shall be called by Edward Chapman, the person elected clerk of said corporation at its first meeting, by a

notice signed by him setting forth the time, place and purpose of the meeting, and such notice shall, seven days at least before the meeting, be delivered to each member of said company, and be published in some newspaper printed in the county of Middlesex.

SECTION 3. The town of West Cambridge may, at any time, purchase the franchise of said corporation, and all its corporate property, at such price as may be agreed upon between the parties; and in case the parties cannot agree upon the price, the supreme judicial court, or any justice thereof, upon application of either party, shall appoint three commissioners to award what sum said town shall pay to said company for such franchise and its corporate property, which award shall be final.

Town of West Cambridge may purchase franchise and property.

SECTION 4. Said company shall not at any time draw the waters of Spy Pond below low-water mark of said pond, nor raise them above high-water mark.

Water marks of pond to be observed.

SECTION 5. A commissioner shall be appointed by the supreme judicial court or any justice thereof, on application of said Spy Pond Water Company, or of any party in interest, who shall at the cost and expense of said company, after notice to all parties in interest, ascertain the points between which the waters of said pond and its outlet rise and fall, and shall erect permanent monuments showing the same, and shall make a full report of all his doings to the supreme judicial court.

S. J. court, upon petition, to appoint person to erect monuments at points of rise and fall of waters.

SECTION 6. This act shall take effect upon its passage.

Approved February 19, 1867.

AN ACT TO INCORPORATE THE MARSHPEE MANUFACTURING COMPANY.

Chap. 41.

Be it enacted, &c., as follows:

SECTION 1. Solomon Attaquin, Matthias Amos, Oaks A. Coombs, their associates and successors, are hereby made a corporation by the name of the Marshpee Manufacturing Company, for the purpose of manufacturing baskets, brooms, wooden ware and other like articles in the district of Marshpee; and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or hereafter may be in force, relating to such corporations.

Corporators.

Title and purpose.

Privileges and restrictions.

SECTION 2. The said corporation may purchase and hold, in said district, for the purposes aforesaid, real estate not exceeding fifteen thousand dollars in value, and the capital stock of said corporation shall not exceed fifty thousand dollars. All buildings and machinery which may be erected or

Real estate.

Capital stock.

Buildings and machinery to be

deemed personal estate. placed by said corporation on said real estate, shall be regarded as the personal estate of said corporation, and be liable for the debts of the corporation.

Non-residents of district may hold stock. SECTION 3. The capital stock of said corporation may be taken and held by persons not proprietors or inhabitants of said district: but no real estate which may be owned or held by said corporation in said district, shall be sold or assigned to any person except such as may now legally hold land as proprietors of said district.

Real estate may be held only by resident.

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

Approved February 19, 1867.

Chap. 42. AN ACT TO PROVIDE FOR REFUNDING CERTAIN TAXES ILLEGALLY ASSESSED.

Be it enacted, &c., as follows:

Treasurer to repay moneys received under ch. 236, Acts 1863.

SECTION 1. The treasurer and receiver-general is hereby authorized to repay all sums of money received by him, from any corporation, under the provisions of chapter two hundred and thirty-six of the acts of the year eighteen hundred and sixty-three.

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

Approved February 19, 1867.

Chap. 43. AN ACT IN RELATION TO THE BOSTON MARINE SOCIETY.

Be it enacted, &c., as follows:

May purchase and receive donations of additional estate.

SECTION 1. The Boston Marine Society is hereby authorized to make purchases and receive donations of real and personal estate for the purposes expressed in their act of incorporation, the clear income of which shall not, at any time, exceed the sum of twenty thousand dollars per annum, in addition to the real and personal estate which they may now hold; and may manage and dispose of said estate as the said society shall see fit.

Provisions in former Acts relating to annual meeting repealed.

SECTION 2. So much of the act passed the twenty-fifth day of January, one thousand seven hundred and fifty-four, entitled "An Act to incorporate William Starkey and others, by the name of the Marine Society," and so much of the act passed February twenty-third, eighteen hundred and nine, entitled "An Act in addition to an act entitled an act to incorporate William Starkey and others, by the name of the Marine Society," as relates to the time of the annual meeting of said society, is hereby repealed: and the said society is hereby empowered to hold its annual meeting at such time as it shall in future establish and appoint, by by-laws duly made.

Society may establish time of holding in by-laws.

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

Approved February 19, 1867.

AN ACT TO AUTHORIZE THE INCREASE OF THE CAPITAL STOCK OF THE OCEAN STEAM MILLS. *Chap. 44.*

Be it enacted, &c., as follows:

SECTION 1. The Ocean Steam Mills, a corporation established in Newburyport, is hereby authorized to increase its capital stock by an amount not exceeding three hundred thousand dollars, divided into shares of one hundred dollars each; and to hold additional real estate, not exceeding one hundred thousand dollars in value.

May increase
500,000 dollars.

Shares.

May increase real
estate.

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

Approved February 23, 1867.

AN ACT MAKING APPROPRIATIONS FROM THE MOIETY OF THE INCOME OF THE SCHOOL FUND APPLICABLE TO EDUCATIONAL PURPOSES. *Chap. 45.*

Be it enacted, &c., as follows:

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 eighteen hundred and sixty-seven, to wit:

Appropriations
authorized.

For the support of the four state normal schools for the present year, the sum of thirty-two thousand five hundred dollars.

Normal schools.

For the salary and travelling expenses of such agent or agents as the board of education may appoint, a sum not exceeding three thousand dollars.

Agents board of
education.

For teachers' institutes, the sum of two thousand eight hundred dollars.

Teachers' institutes.
G. S. 35.

For aid to pupils in the state normal schools, a sum not exceeding four thousand dollars.

Normal pupils.

For the support of state scholarships, a sum not exceeding two thousand four hundred dollars; said sum and the sums above named to be expended under the direction of the board of education.

State scholar-
ships.

For postage, printing, advertising, stationery, the transportation of documents for the board of education, and for the secretary thereof, and also for any contingent expenses of the normal schools, not otherwise provided for, the sum of eleven thousand dollars.

Board of educa-
tion, secretary,
and normal
schools, expenses.
G. S. 34.

For the expenses of the members of the board of education and the treasurer thereof, a sum not exceeding five hundred dollars.

Members of
board, expenses.

For the Massachusetts teachers' association, the sum of eight 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 in the

Teachers' asso-
ciation, pro-
visional.

Commonwealth, during the year eighteen hundred and sixty-seven, and furnish satisfactory evidence thereof to the auditor.

American institute of instruction.

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

Teachers' county associations. Acts 1864, 58.

For county teachers' associations, the sum of three hundred and twenty-five dollars.

Indian schools. G. S. 36.

For the support of certain Indian schools, the sum of four hundred and five dollars.

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

Approved February 23, 1867.

Chap. 46. AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE MILITARY DEPARTMENT OF THE COMMONWEALTH.

Be it enacted, &c., as follows:

Quartermaster's and ordnance bureau.

SECTION 1. The sum of sixteen thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth, for the purpose of meeting the current expenses of the bureau of the quartermaster-general and ordnance, during the year ending December thirty-first, in the year eighteen hundred and sixty-seven, to wit:

Arsenal, Cambridge, salaries at.

For salaries of superintendent of the arsenal at Cambridge, and clerk, including extra clerk hire, three thousand dollars.

Service and labor.

For compensation of mechanics and laborers employed in and about the arsenal, six thousand dollars.

Transport of materiel.

For transportation of materiel from the arsenal to the various companies in the Commonwealth, and to and from the several camps, twenty-five hundred dollars.

Materials for repairs of arms and arsenal.

For cost of materials used for repairing arms, tents, and so forth, and for general repairs in and about the arsenal buildings, two thousand dollars.

Contingent expenses and care arsenal grounds.

For contingent expenses, including salutes upon national and state occasions, printing, stationery, blank books, and so forth, and for keeping the arsenal grounds in order, twenty-five hundred dollars.

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

Approved February 23, 1867.

Chap. 47. AN ACT IN RELATION TO THE INSPECTION OF POT AND PEARL ASHES.

Be it enacted, &c., as follows:

Fee of inspector-general and deputy defined.

SECTION 1. The inspector-general of pot and pearl ashes, or his deputy, shall receive for inspecting, weighing and delivering to the owner an invoice or weight note under his hand, of the weight of each cask of pot or pearl ashes, and

for coopering, nailing and putting the same in shipping order, twenty cents for every hundred weight so inspected, one-half to be paid by the maker or owner, and one-half by the purchaser.

How to be paid.

SECTION 2. The one hundred and seventy-third section of the forty-ninth chapter of the General Statutes is hereby repealed.

G. S. 49, § 173, repealed.

Approved February 23, 1867.

AN ACT TO AUTHORIZE THE HOLYOKE MUTUAL FIRE INSURANCE COMPANY OF SALEM, TO PURCHASE AND HOLD ADDITIONAL REAL ESTATE.

Chap. 48.

Be it enacted, &c., as follows :

The Holyoke Mutual Fire Insurance Company in the city of Salem, is hereby authorized to purchase and hold real estate in said city, to an amount not exceeding thirty thousand dollars, in addition to the amount which the company is now authorized to hold by chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty-five, and subject to the proviso contained in said chapter.

May hold \$30,000 in addition to sum in ch. 174, 1865, under same proviso.

Approved February 23, 1867.

AN ACT TO AUTHORIZE THE PLIMPTON IRON AND STEEL MANUFACTURING COMPANY TO CHANGE ITS NAME.

Chap. 49.

Be it enacted, &c., as follows :

SECTION 1. The Plimpton Iron and Steel Manufacturing Company, a corporation organized in the city of Boston, under the general laws, in the year one thousand eight hundred and sixty-five, is hereby authorized, upon a vote of three-fourths of its stock-holders, to take the name of the Linden Iron and Steel Manufacturing Company; and no liabilities of said corporation shall be affected thereby.

May take name of Linden Iron and Steel Manufacturing Company.

Liabilities to be unaffected.

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

Approved February 23, 1867.

AN ACT IN RELATION TO THE TIME OF HOLDING MEETINGS FOR THE ELECTION OF CERTAIN OFFICERS.

Chap. 50.

Be it enacted, &c., as follows :

Section two of chapter seven of the General Statutes is so far amended, that the meetings in said section mentioned, may be opened as early as eight o'clock in the forenoon.

Election polls may be opened at 8 a. m. for choice of national, state and county officers.

Approved February 25, 1867.

AN ACT TO INCORPORATE THE MANAGERS OF THE BOSTON PORT AND SEAMEN'S AID SOCIETY, AND TO UNITE THE CORPORATIONS CALLED THE MANAGERS OF THE PORT SOCIETY OF THE CITY OF BOSTON AND ITS VICINITY, AND THE SEAMEN'S AID SOCIETY.

Chap. 51.

Be it enacted, &c., as follows :

SECTION 1. Albert Fearing, John A. Andrew, Charles Henry Parker, Benjamin Thaxter, Nathaniel A. Barrett,

Corporators.

William Perkins, James M. Barnard, William G. Weld, Henry Pigeon, William Rogers, Edward T. Taylor, Catherine C. Fearing, Deborah Taylor, Abby Rhoades, Ann E. Coffin, Nancy Fairbanks, Helen E. Tracy, Deborah Brigham and Margaret Fiske, their associates and successors, are hereby made a corporation, by the name of the Managers of the Boston Port and Seamen's Aid Society, with power to hold real and personal estate to the amount of two hundred thousand dollars, for the purposes of improving the moral, religious and general condition of seamen and their families in Boston and its vicinity; of relieving sick and disabled seamen and their families; of affording aid and encouragement to poor and industrious seamen, and promoting the education of seamen's children; and the said corporation may appoint all such officers as may be convenient for the management of their affairs, and may fix their compensation and define their duties and obligations, and may make and adopt such by-laws and regulations as may be necessary for the government of the said corporation, not repugnant to the laws and constitution of this Commonwealth.

Title.

May hold estate for service to sick, disabled or needy seamen and families, and education of children.

May appoint officers and make by-laws for corporate government.

Managers may be twenty-five, seven to be women, and nine a quorum.

Vacancies.

May, on petition of majority, be removed by S. J. Court for cause.

Shall keep record; also statements of funds, income, receipts and expenditures.

Managers to receive no pay. Secretary and treasurer may be paid.

Port Society and Seamen's Aid Society united.

New corporation to hold franchises and property of said two corporations.

SECTION 2. The number of managers shall never be more than twenty-five, of whom at least seven shall be women, and of whom nine shall constitute a quorum for the transaction of business; and all vacancies in said board shall be filled by election by the remaining members of said board. And the supreme judicial court, on petition of a majority of the board, shall have jurisdiction in equity to remove from office any manager, when, from any cause, he shall have become unable or unfit, in their judgment, to discharge the duties of his office.

SECTION 3. Said managers shall keep a fair record of all their proceedings, and a correct statement of funds in their possession, and of their income, receipts and expenditures. They shall receive no compensation for their services as such managers; but the corporation may make reasonable compensation for services rendered by the secretary and treasurer in the performance of the duties of their offices.

SECTION 4. The two corporations now known by the names of "The Managers of the Port Society of the City of Boston and its Vicinity," and "The Seamen's Aid Society," are hereby united and merged in the corporation established by this act.

SECTION 5. The corporation established by this act shall have, hold, possess and enjoy all the franchises, property and estates which now are or may be held and enjoyed by either or both of the said former corporations, and all gifts,

legacies and devises which have been made or shall be hereafter made to either or both of the said former corporations; and it shall be subject to all the duties, restrictions, obligations and liabilities to which the said corporations severally are subject, so far as the same may be consistent with this act; and all suits at law or in equity, and all proceedings before any tribunal, which may be pending, to which either of said former corporations is a party, may be prosecuted and defended by the corporation established by this act, in like manner, and with the same effect, as might have been done by the said former corporations, or either of them, if this act had not been passed.

Shall be party in any pending suit of either.

SECTION 6. The corporation established by this act shall never be perverted to sectarian purposes; and in case of such abuse of the corporate property of the said society, the supreme judicial court, upon information filed by the attorney-general, may inquire into such abuse, and may make all proper decrees needful to correct the same.

Sectarian purpose by corporation prohibited.

SECTION 7. Said John A. Andrew is hereby authorized to call the first meeting of the said managers, by giving notice of the time, place and purpose of such meeting at least seven days before the time of holding the same, by publication thereof in the Boston Daily Advertiser, and by a copy thereof in hand, or through the mail, to each manager.

First meeting of managers, by whom called and how notified.

Approved March 1, 1867.

AN ACT CONCERNING THE COLLECTION OF STATE TAXES UPON CORPORATIONS.

Chap. 52.

Be it enacted, &c., as follows:

SECTION 1. When any tax remains due from any corporation, except municipal corporations, to the Commonwealth, for the term of ten days after notice given through the mail, by the treasurer of the Commonwealth to the treasurer or other financial agent of such corporation that such tax is due and unpaid, the treasurer of the Commonwealth may issue his warrant, directed to the sheriff, or his deputies, of the county in which such corporation has its place of business, commanding the collection of such tax. Such warrant may be substantially in the form of those now issued by the assessors of towns, except as is hereinafter provided; and the officer to whom the same may be delivered for service, shall proceed in the manner in which collectors and others serving such warrants are authorized to proceed. Such warrants shall not run against the body of any person, nor shall any property of such delinquent corporation be exempt from seizure and sale thereon. The officer having such

Tax due ten days after notice by state treasurer he may issue warrant for collection.

Form and service of warrant.

Not to run against person; no corporate property exempt.

- Interest upon tax. warrant shall collect such tax, and interest upon the same, at the rate of twelve per centum per annum, from the time when such tax became due, and shall be entitled to collect and receive for his fees the sum which an officer would be entitled by law to receive upon an execution for a like amount. He shall also collect one dollar for the warrant, which shall be paid over to the treasurer of the Commonwealth.
- Fees of officer collecting.
- Fee for warrant to be paid treasurer.
- Corporation aggrieved may, upon petition, be heard in S. J. Court in Suffolk.
- Attorney-general and treasurer to have service of petition.
- Proceedings.
- Condition precedent to petition.
- Court upon adjudging illegal exaction to certify governor, who shall draw warrant covering sum, with interest and costs.
- Treasurer to pay.
- Sum paid town or city to be deducted from any after payment.
- Construction of act defined.
- SECTION 2. Any corporation feeling aggrieved by the exaction of the said tax or of any portion thereof, may, within six months from the date of the payment of the same, whether such payment be after or before the issue of the warrant herein provided for, file a petition to the supreme judicial court, in the nature of a petition of right, setting forth the amount of the tax, and costs thereon so paid, the general legal grounds, if any, upon which it is claimed such tax should not have been exacted, and specifically the grounds in fact, if any, upon which it is so claimed. Said petition shall be entered and heard in said court in the county of Suffolk. Service of the same shall be made upon the treasurer and the attorney-general of the Commonwealth, in the same manner as a writ of original summons is now served upon an individual. The proceedings upon such petition shall conform, as near as may be, to the proceedings in equity causes in said court. No such petition shall be brought in order to procure the abatement of any tax, except where it is claimed that such tax is in part assessed upon property not legally subject to taxation.
- SECTION 3. If the court, upon a hearing or trial, shall adjudge that said tax, and the costs thereon, have been illegally exacted, a copy of the judgment or decree in the cause shall be transmitted by the clerk of the court to the governor of the Commonwealth, and the governor shall thereupon draw his warrant upon the treasurer of the Commonwealth for the amount adjudged to have been unjustly exacted, with interest, and costs to be taxed by the clerk of the court, as in equity causes; and the treasurer shall pay the same, without any further act or resolve making appropriation therefor. And so much thereof as may have been paid out of the treasury of the Commonwealth to any city or town may be deducted and set off from and against any sum afterwards due and payable to such city or town.
- SECTION 4. The manner of collection herein provided for, shall be in addition to those now provided by law. The remedy herein provided, by petition, shall take the place of any and all actions which might otherwise be maintained by

such corporation on account of the assessment and collection of such tax, and shall be the exclusive remedy. This act shall apply to all taxes now due, as well as to those which may hereafter become due. Shall apply to taxes now due.

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

Approved March 2, 1867.

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE SPRINGFIELD AND FARMINGTON VALLEY RAILROAD.

Chap. 53.

Be it enacted, &c., as follows :

SECTION 1. The time for the location and construction of the Springfield and Farmington Valley Railroad, is hereby extended to the first day of May, in the year eighteen hundred and seventy. Extended to May, 1870.

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

Approved March 2, 1867.

AN ACT IN ADDITION TO AN ACT IN AID OF THE NORTH ADAMS WATER COMPANY.

Chap. 54.

Be it enacted, &c., as follows :

SECTION 1. The town of Adams is hereby authorized to issue from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "North Adams Water Scrip," in addition to the amount now authorized by said act, an amount not exceeding twenty thousand dollars, and bearing interest not exceeding the legal rate of interest in this Commonwealth. Said interest shall be payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of said notes, scrip or certificates respectively. All notes, scrip and certificates of debt issued as aforesaid, shall be signed by the treasurer of said town, and countersigned by the chairman of the selectmen, and a record of all such notes, scrip and certificates shall be made and kept by the said treasurer. The town of Adams may loan said notes, scrip or certificates to the North Adams Water Company, upon such terms and conditions as may be by said town prescribed ; and the said water company may sell the same or any part thereof from time to time, or pledge the same for money borrowed for the purpose aforesaid at such rates and upon such terms as said company shall deem proper. Town of Adams may issue \$20,000 of additional "water scrip."

Interest, rate and payment of and of principal.

Issue and record of scrip.

Town may loan to water company.

Company may sell, or pledge for loan.

SECTION 2. The town of Adams is hereby authorized to assess and collect upon the polls and estates in the fire district of North Adams, all taxes necessary to pay the principal and interest of the notes, scrip and certificates issued and loaned as aforesaid. Town may tax fire district of North Adams, to pay.

Voters of district to accept this act.

SECTION 3. A legal meeting of the voters of said fire district shall be called within six months after the passage of this act, for the purpose of having said voters give in their written votes on the question whether they will accept this act; and if two-thirds of said votes shall be in the affirmative, then the selectmen of the town of Adams, shall warn a meeting of the voters of said town, within three months therefrom, for the purpose of having said voters give in their written votes upon the question, whether they will accept this act; and if two-thirds of said votes given upon said question, shall be in the affirmative, then this act shall be in force; otherwise it shall be void. *Approved March 2, 1867.*

If by two-thirds, same ratio of voters of town to accept; else void.

Chap. 55. AN ACT TO INCORPORATE THE MANUFACTURERS' EXCHANGE COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Samuel Batchelder, Nathaniel Harris, James C. Converse their associates and successors, are hereby made a corporation under the name of the Manufacturers' Exchange Company, for the purpose of erecting a building in the city of Boston for the exposition and sale of goods and merchandise, chiefly of New England manufacture; with all the powers and privileges, and subject to all the restrictions and liabilities set forth in all the general laws which are or may be hereafter in force applicable to such corporations: *provided*, that nothing in this act shall be construed to authorize the said company to buy and sell merchandise in their corporate capacity.

Location and purpose.

Privileges and restrictions.

Not to trade in corporate capacity.

May hold estate.

SECTION 2. Said corporation for the purposes aforesaid, may hold real and personal estate necessary and convenient for its business, to an amount not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall incur no liability until one hundred thousand dollars of its capital stock is paid in, in cash.

Shares.

Proviso: payment of capital.

May occupy certain lands in Boston with consent of mayor and council.

SECTION 3. Said corporation may use and occupy any part of the open territory on Fort Hill, so called, known as Washington Square, for said purposes, on such terms and conditions as said city of Boston may prescribe by a vote of the city council with the consent of the mayor of said city.

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

Approved March 2, 1867.

Chap. 56. AN ACT CONCERNING THE RATE OF INTEREST.

Be it enacted, &c., as follows:

In absence of agreement, to be six per cent.

SECTION 1. When there is no agreement for a different rate of interest of money, the same shall continue to be at

the rate of six dollars upon one hundred dollars for a year, and at the same rate for a greater or less sum, and for a longer or shorter time.

SECTION 2. It shall be lawful to contract to pay or reserve discount at any rate, and to contract for payment and receipt of any rate of interest: *provided, however*, that no greater rate of interest than six per centum per annum shall be recovered in any action, except when the agreement to pay such greater rate of interest is in writing.

Any rate of interest or discount may be made: if greater than six per cent. to be in writing for recovery.

SECTION 3. Sections three, four and five of chapter fifty-three of the General Statutes, and all acts and parts of acts inconsistent herewith are hereby repealed.

G. S. 53. §§ 3, 4, 5, and all inconsistent, repealed.

SECTION 4. This act shall not affect any existing contract or action pending, or existing right of action, and shall take effect on the first day of July next. *Approved March 6, 1867.*

Act not to affect rights existing: to be in force July 1, 1867.

AN ACT TO INCORPORATE THE INDEPENDENT INSURANCE COMPANY.

Be it enacted, &c., as follows:

Chap. 57.

SECTION 1. George O. Hovey, Charles W. Freeland, Edward Atkinson, their associates and successors, are hereby made a corporation by the name of the Independent Insurance Company, in the city of Boston, for the purpose of making insurance against losses by fire, and with authority to insure against the perils of the sea and other perils usually insured against by marine insurance companies, and to make all and every insurance appertaining to or connected with fire and marine risks and risks of inland navigation and transportation; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Chap. 57.

Corporators.

Location and purpose.

Privileges and restrictions.

SECTION 2. Said corporation shall have a capital stock of three hundred thousand dollars, divided into shares of one hundred dollars each. It shall have liberty to pay in and increase the said capital stock to an amount not exceeding one million dollars; *provided*, that any increase of capital is paid within three years from the passage of this act; and with liberty to hold real estate for its own use to an amount not exceeding ten per cent. of the paid up capital stock of said company.

Capital and shares.

May increase capital.

Proviso.

May hold real estate.

SECTION 3. A majority of the board of the directors of the company may, at their discretion, at any time, give the holders of the policies of the company the right to participate in the net profits of the company, to such an extent, and in such manner, and upon such terms and conditions as they shall prescribe in their by-laws.

Directors may give holders of policies right in net profits.

Condition precedent to business.

SECTION 4. Said corporation may commence business when three hundred thousand dollars shall have been subscribed and paid in, in cash.

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

Approved March 9, 1867.

Chap. 58.

AN ACT RELATING TO THE MARRIAGE OF NON-RESIDENT PARTIES.

Be it enacted, &c., as follows :

Shall enter notice of intention in town registry.

SECTION 1. Persons living without the Commonwealth, and intending to be joined in marriage within the Commonwealth, shall, before their marriage, cause notice of their intention to be entered in the office of the clerk or registrar of the city or town in which they propose to have the marriage solemnized; and no marriage between such parties shall be solemnized until they shall have delivered to the justice of the peace, or minister in whose presence the marriage is to be contracted, a certificate from such clerk or registrar, specifying the time when notice of the intention of marriage was entered with him, together with all the facts in relation to the marriage required by law to be ascertained and recorded, except those respecting the person by whom the marriage is to be solemnized.

Certificate of same and facts to be with magistrate or minister solemnizing.

SECTION 2. Marriages may be solemnized by a justice of the peace in the county for which he is appointed.

Justice of peace may act in county.

SECTION 3. A justice of the peace or minister who joins persons in marriage contrary to the provisions of this act shall forfeit not less than fifty nor more than one hundred dollars.

Penalty for violating this act.

Approved March 11, 1867.

Chap. 59.

AN ACT FOR THE PROTECTION OF CAMP MEETINGS.

Be it enacted, &c., as follows :

Penalty for hawking, or vending without permission, or engaging in game, horse-race or show within one mile.

SECTION 1. Whoever, during the time of holding any camp or field meeting, for religious purposes, and within one mile of the place of holding such meeting, hawks or peddles goods, wares or merchandise, or establishes or maintains any tent, booth or building for vending provisions or refreshments, without permission from the authorities or officers having the charge or direction of such meeting, or engages in gaming or horse-racing, or exhibits or offers to exhibit any show or play, shall forfeit for each offence, a sum not exceeding twenty dollars: *provided*, that the powers and privileges herein granted shall be exercised only for a term of not exceeding twelve consecutive days, in any one year; and also *provided*, that a person having a regular, usual and established place of business within such limits is not hereby required to suspend his business.

Limitation to twelve days.

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Usual business excepted.

SECTION 2. The twenty-second section of the one hundred and sixty-fifth chapter of the General Statutes is hereby repealed: *provided*, this repeal shall in no wise affect the prosecution of any offence heretofore committed.

G. S. 165, § 22 repealed.

Approved March 11, 1867.

AN ACT TO AUTHORIZE THE TOWN OF MEDFORD TO PROCURE A SUPPLY OF WATER.

Chap. 60.

Be it enacted, &c., as follows :

SECTION 1. The city of Charlestown is hereby authorized to supply the town of Medford with water for the extinguishment of fires and for other uses ; and for this purpose may erect and maintain such structures as may be requisite and necessary therefor, and may extend their aqueduct into and through said town of Medford, upon such terms and conditions as may be agreed upon between said city and said town.

City of Charlestown may supply as shall be agreed with said town.

SECTION 2. The town of Medford is hereby authorized to purchase a supply of water from said city of Charlestown, upon such terms as may be agreed upon between said city and said town ; and may erect and maintain such works and structures as may be requisite and necessary for the introduction of water from the works of said city of Charlestown to the said town of Medford, and the distribution thereof in said town of Medford.

Town of Medford may purchase.

May erect structures for supply and distribution.

SECTION 3. Said city and town may either of them take by purchase or otherwise and hold any land or real estate necessary for said purposes. Said city of Charlestown 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 aqueducts, reservoirs or other works, by said city under authority of this act ; and said town of Medford 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 aqueducts, reservoirs or other works by said town under authority 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 damages 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 the 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 fourth section of this act. Such petition may be filed in the clerk's office of said court, in vacation or

City or town may take estate ; shall be liable for damages.

Person sustaining damage may apply to superior court for assessment.

Petition for ; summons and return upon.

in term time, and the clerk shall thereupon issue a summons to the city of Charlestown, or town of Medford, as the case may be, returnable, if issued in vacation, to the then next term of the said court, and if in term time, returnable on such a day as the said 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, or chairman of the selectmen or clerk of said town; and the said court may, upon default or hearing of the said city or town, 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 prevailing party, with costs, unless one of the said parties shall claim a trial by jury, as hereinafter provided.

Service of summons.

Court may appoint commission whose award if court accept, shall be final, unless jury be claimed.

Party sustaining damage and failing to claim for twelve months, city or town may enter suit.

Party notified and failing to appear to be barred recovery.

Party dissatisfied may have jury to determine.

Verdict being of record to be final.

Costs, how recovered.

SECTION 4. Whenever any damages shall have been sustained by any persons as set forth in the third section of this act, and such persons shall neglect to institute proceedings against said city or town, as the case may be, according to the provisions of this act, for the space of twelve months, it shall be lawful for said city or town, as the case may be, 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, and they shall be forever barred from recovering any damages under this act.

SECTION 5. If either of the parties mentioned in the third 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 regard to proceedings relating to the laying out of highways.

SECTION 6. For the purpose of defraying the costs and expenses of such introduction and distribution under the second section, the town of Medford from time to time, may authorize the issue of scrip, notes or certificates of debt, to be denominated Water Bonds of the Town of Medford, to an amount not exceeding one hundred thousand dollars, bearing interest not exceeding six per centum per annum, which shall be redeemable at a period of time not less than one nor more than fifty years from and after the issue of said scrip, notes or certificates respectively, and may authorize the selectmen to sell the same, or any part thereof, from time to time at public or private sale, for the purpose aforesaid, on such terms and conditions as the said town shall prescribe.

Town of Medford may issue water bonds.

Interest and redemption.

May sell on terms to be prescribed.

SECTION 7. In case the said town and city shall agree upon the payment of a specific sum in gross as a charge or rental for the use of said water, within the limits of the town of Medford, said town shall then and so long as such agreement shall continue in force be authorized from time to time to 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 introduction and distribution in said town of 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. The selectmen of said town shall in such case have full powers for the management of such works and the distribution of said water, and 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 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 be also 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, within the town without the consent of the town, an action of tort may be maintained against him or them for the recovery of damages therefor.

Municipalities agreeing upon gross rental for use of water in Medford, town may pass by-laws to preserve works.

Proviso: must be under law and subject to legislature.

Selectmen may manage works and fix rent for use of water.

Occupant and owner of tenement, how liable.

Remedy for use of water without consent of town.

SECTION 8. The work of laying pipes and any other structures necessary to carry water from the works of said city of Charlestown across the Mystic River, shall be under the direction of the harbor commissioners.

Pipes across Mystic River, harbor commissioners to direct laying

Voters of Medford to approve provisions of act.

SECTION 9. The provisions of this act shall be void unless submitted to and approved by the voters of the town of Medford, at a legal town meeting held within two years from the passage of this act.

Approved March 11, 1867.

Chap. 61. AN ACT AUTHORIZING AN INCREASE OF THE CAPITAL STOCK OF THE LAWRENCE GAS COMPANY.

Be it enacted, &c., as follows :

May add \$100,000 and invest in estate.

SECTION 1. The Lawrence Gas Company is hereby authorized to increase its capital stock, by adding thereto one hundred thousand dollars, and to invest such portion thereof in real and personal estate as may be necessary and convenient for carrying on the business for which said company was incorporated.

Par value of shares.

SECTION 2. No stock issued under this act shall be issued for a less sum than the par value of the original shares.

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

Approved March 11, 1867.

Chap. 62. AN ACT TO INCORPORATE THE MANUFACTURERS' GAS COMPANY OF FALL RIVER.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. John S. Brayton, Charles P. Stickney, Jesse Eddy, their associates and successors, are hereby made a corporation, by the name of the Manufacturers' Gas Company, for the purpose of manufacturing and selling gas in the city of Fall River; with all the powers and powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Title.

General privileges and restrictions.

May open ground in streets on leave of mayor and aldermen, for corporate purpose.

SECTION 2. Said corporation, with the consent of the mayor and aldermen of said city, shall have power and authority to dig up and open the grounds in any of the streets, lanes and highways in said city, for the purpose of sinking and repairing such pipes and conductors as may be necessary to accomplish the object of the corporation, and for the purpose aforesaid; but such consent shall not affect the right or remedy to recover damages for any injury which shall be caused to persons or property by the doings of such corporation. They shall put all such streets, lanes and highways which are opened, into as good repair as they were in when they were opened, and upon failure so to do within a reasonable time, shall be deemed guilty of a nuisance. The mayor and aldermen of said city shall at all times have power to regulate, restrain and control all acts and doings of the said corporation, which may in any manner affect the health,

May be held for damages.

Shall restore streets and ways opened.

Mayor and aldermen may control all acts affecting persons or property.

safety, convenience or property of the inhabitants of said city.

SECTION 3. Said corporation may hold such real estate as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of thirty-five thousand dollars; and the whole capital stock shall not exceed the sum of fifty thousand dollars.

Corporation may hold estate.

Capital stock.

SECTION 4. The manufacturing corporations in Fall River may severally hold not exceeding twenty-five per cent. of the stock in said gas company.

Other corporations in F. R. may hold 25 per cent. of stock.

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

Approved March 11, 1867.

AN ACT TO INCORPORATE THE EVERETT INSURANCE COMPANY.

Be it enacted, &c., as follows :

Chap. 63.

SECTION 1. Lewis Rice, Harvey D. Parker, Daniel Chamberlin, their associates and successors, are hereby made a corporation by the name of the Everett Insurance Company, in the city of Boston, 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 all general laws which now are, or hereafter may be in force relating to such corporations.

Corporators.

Location.
Privileges and restrictions.

SECTION 2. Said corporation shall have a capital stock of two hundred and fifty thousand dollars, divided into shares of one hundred dollars each. It shall have liberty to pay in and increase the said capital stock to five hundred thousand dollars: *provided*, the same is paid in within three years from the passage of this act.

Capital stock and shares.

SECTION 3. Said corporation may commence business when two hundred and fifty thousand dollars shall have been subscribed and paid in, in cash.

Issue of policies, condition precedent.

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

Approved March 11, 1867.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE AMERICAN STEAM-SHIP COMPANY.

Be it enacted, &c., as follows :

Chap. 64.

The periods of time allowed to the American Steam-ship Company, for the performance of the acts required of said company by the fourth section of the one hundred and twelfth chapter of the acts of the year eighteen hundred and sixty-three, are hereby severally extended one year beyond the time now allowed by law.

Time under ch. 112 § 4 of 1863, extended one year.

Approved March 11, 1867.

Chap. 65. AN ACT TO INCORPORATE THE DUXBURY AND COHASSET RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Amherst A. Frazar, Samuel Hall, Joseph O. Cole, Bailey Loring, Nathaniel H. Whiting, Stephen N. Gifford, their associates and successors, are hereby made a corporation by the name of the Duxbury and Cohasset Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to railroad corporations.

Privileges and restrictions.

May construct and operate road from Cohasset to Duxbury.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad commencing at or near the terminus of the South Shore Railroad in the town of Cohasset, thence running in a south-easterly direction, through the towns of Cohasset, Scituate, Marshfield and Duxbury.

May unite with South Shore Railroad: each to use other, subject to law.

SECTION 3. Said corporation may enter with its road upon, unite the same with, and use the South Shore Railroad; and the South Shore Railroad Company may enter with its road upon, unite the same with, and use the railroad of the Duxbury and Cohasset Railroad Company, both of said corporations being subject to the general laws relating to railroad corporations.

Capital stock and shares.

SECTION 4. The capital stock of said corporation shall be three hundred and fifty thousand dollars, divided into shares of one hundred dollars each. Said corporation may hold such real estate and personal property as may be necessary and convenient for the purposes for which it is incorporated.

Estate.

Towns of Duxbury, Marshfield and Scituate may hold stock.

SECTION 5. The towns of Duxbury, Marshfield and Scituate, are severally hereby authorized to subscribe for and hold shares in the capital stock of said corporation to an amount not exceeding seventy-five thousand dollars each: *provided*, that two-thirds of the legal voters of said towns, respectively, present and voting at legal meetings called for that purpose, vote to subscribe for such shares in accordance with the terms of this act. Said towns, respectively, may pay for such shares so voted to be taken out of their respective treasuries, and are hereby authorized to raise by loan or tax, any and all sums of money which may be necessary to pay for the same, and may hold or dispose of the same like other town property.

Proviso: two-thirds voters to approve.

May pay for same by loan or tax.

Selectmen may represent towns at company meetings.

May vote on sum of stock held.

SECTION 6. The selectmen of the towns of Duxbury, Marshfield and Scituate, respectively, shall have authority to represent said towns respectively at any and all meetings of the Duxbury and Cohasset Railroad Company, and said towns, so represented, are hereby authorized to vote on the whole

amount of stock held by said towns respectively, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

SECTION 7. This act shall be void unless the location of said railroad shall be made within two years, and the construction thereof be completed within four years from the passage hereof.

Conditions of validity of act after two years.

SECTION 8. This act shall take effect upon its passage.

Approved March 13, 1867.

AN ACT IN RELATION TO THE SUPERINTENDENCE OF CHARLES RIVER BRIDGE AND WARREN BRIDGE.

Chap. 66.

Be it enacted, &c., as follows :

SECTION 1. The city of Charlestown is hereby intrusted with the superintendence of Charles River bridge and Warren bridge.

City of Charlestown intrusted with.

SECTION 2. The management and control of said bridges shall be exercised by the city council of said city, which may make such rules and regulations, not repugnant to law, relating thereto, and such provisions for the appointment, and removal for neglect of duty, and for fixing the compensation of the draw-tenders required by the two hundred and eighty-second chapter of the acts of the year eighteen hundred and fifty-six, and of such other agents and employees, as it may deem expedient. Any of said rules and regulations shall be void whenever disapproved by the governor and council.

City council shall control; may make rules and appoint draw-tenders.

SECTION 3. A written or printed copy of the rules and regulations made as aforesaid, which relate to the draws in said bridges and the passing of vessels through them, shall be posted in some conspicuous place on each of said bridges near the draw therein. The said draw-tenders shall have the authority, and under the rules and direction of said city, shall perform the duties which are prescribed in the aforesaid chapter, and shall be obeyed and respected in the exercise of their functions as therein required.

Governor and council to approve rules.

Regulations to be posted near draws.

Draw-tenders, functions and duties defined.

SECTION 4. Said city is hereby authorized to let or lease any building or privilege, or other property appertaining to said bridges or either of them, subject to the approval of the governor and council.

City may lease bridge appurtenances; executive to approve.

SECTION 5. Said city shall take care that said bridges be kept in good order for the public travel; and shall cause said bridges and all buildings and structures appertaining to them, or either of them, to be kept in good repair; and shall collect any sum due for rent of any building, privilege or other property appertaining to said bridges, or either of them; and shall promptly demand payment for any damage to said

Shall have bridges and all structures in repair.

Shall collect rent for lease or use of property and claims for damage.

Shall require good faith in agreements.

If party refuse or fail, city to report to attorney of Commonwealth.

Money received to be paid State and added to "bridges fund."

Penalty for mooring raft or lumber more than ten hours without permit of mayor.

Liability for damage caused thereby.

Compensation of draw-tenders and assistants, and expenses of maintenance, to be paid from fund.

City not to have pay for superintendence nor be liable for damage.

Shall report to governor quarterly, and to legislature annually.

bridges, or either of them, or to any structure appertaining thereto, from any party lawfully liable therefor; and shall require all persons and corporations to faithfully fulfil and perform all obligations or agreements they are or may be under in relation to said bridges, or either of them, or in relation to any structure, privilege or property thereto appertaining; and in case of refusal of any payment as aforesaid, or neglect or refusal to comply with or fulfil any such agreement or obligation, it shall be the duty of said city to report the same to the prosecuting officer of the Commonwealth, that legal proceedings may be instituted to enforce such payment or compliance with such agreement or obligation; and all sums of money collected as aforesaid or otherwise, on account of or appertaining to said bridges, shall, upon its receipt by said city, be paid over to the treasurer and receiver-general, to be added by him to the Charles River and Warren bridges fund.

SECTION 6. Every person who shall attach or moor any raft or collection of spars, logs, piles, timber or lumber to either of said bridges, or to any pier or other structure appertaining thereto, for more than ten hours without permission in writing from the mayor of Charlestown, shall for every such offence forfeit and pay to the city of Charlestown, to be added to said fund, as before provided, a sum not less than twenty-five dollars, and five dollars for every successive day during which such attachment or mooring shall be continued; and shall be further liable for all damages to such bridge, pier or other structure, caused by such attachment or mooring, or any continuance thereof, to be recovered by an action of tort.

SECTION 7. The compensation of said draw-tenders and other employes, and all expenditures required for maintaining said bridges and other structures and property appertaining thereto, shall be paid from the Charles River and Warren bridges fund and the income thereof; but no payment or allowance shall be made to the city of Charlestown, or to any agent appointed by said city in pursuance of this act for superintendence of said bridges; nor shall said city, or the city council thereof, be liable for any damages which may be sustained by any party, by reason of any defect or want of repair of said bridges, or either of them, or by reason of any negligence of any draw-tender or other employe, or otherwise.

SECTION 8. Said city shall make quarterly reports to the governor and council of the receipts and expenditures on account of said bridges; and shall, on or before the fifteenth day of January in each year, make a report to the legislature

containing a specific statement of the receipts and expenditures for the year ending on the thirty-first day of the preceding December; and shall also submit such estimates and make such reports as are required of public officers by the twenty-eighth and twenty-ninth sections of the fifteenth chapter of the General Statutes.

G. S. 15, §§ 28, 29, to apply.

SECTION 9. After the first day of April, in the year one thousand eight hundred and sixty-eight, the city of Charlestown, upon giving three months' notice to the governor, pursuant to a vote of the city council of said city, may surrender the superintendence of said bridges hereby intrusted to it; and the governor and council may at any time, after thirty days' notice to said city, resume the care and superintendence of said bridges hereby intrusted to said city: and upon the surrender by said city or the resumption by the governor and council of the superintendence as aforesaid, the governor and council shall appoint draw-tenders, pursuant to the provisions of the one hundred and eighty-sixth chapter of the acts of the year one thousand eight hundred and fifty-nine.

City, after April 1, 1868, upon notice three months may surrender bridge.

Governor and council, after thirty days' notice may resume care.

SECTION 10. The operation of the one hundred and eighty-sixth chapter of the acts of the year one thousand eight hundred and fifty-nine, and of all provisions of all laws relating to Charles River bridge and Warren bridge inconsistent with this act, are hereby suspended until the city of Charlestown shall surrender or the governor and council shall resume the superintendence of said bridges, as provided in the ninth section of this act.

Acts of 1859, ch. 186, and all laws relating to said bridges suspended.

SECTION 11. This act shall take effect when it shall have been accepted by vote of the city council of Charlestown, and the mayor of said city shall have filed with the secretary of the Commonwealth a notice of such acceptance.

This act in force upon acceptance by city council and filing of notice.

Approved March 16, 1867.

AN ACT IN RELATION TO THE COMPENSATION OF AUDITORS.

Be it enacted, &c., as follows:

Section fifty of chapter one hundred and twenty-one of the General Statutes is hereby amended, so that the compensation awarded by the court to auditors may be paid by either party to the suit in which such auditors or auditor may be appointed, and taxed in his bill of cost if he prevails.

G. S. 121, § 50, amended: either party may pay, and prevailing be taxed in cost.

Approved March 16, 1867.

AN ACT IN RELATION TO THE ELECTION OF SCHOOL COMMITTEE IN THE CITY OF CAMBRIDGE.

Be it enacted, &c., as follows:

SECTION 1. The qualified voters of the city of Cambridge, at their annual meeting for the election of municipal officers,

Voters in wards shall elect three; for one, two and

Chap. 67.

Chap. 68.

three years, respectively. first to be held after the passage of this act, shall elect a school committee consisting of three persons from each ward, one of whom from each ward shall hold office for the term of one year, one for the term of two years, and one for the term of three years.

Ballots to declare terms. SECTION 2. The ballots for said school committee shall designate the term of years during which each person voted for shall serve.

Annually after, one to be chosen for three years. SECTION 3. After such election shall have been held, there shall be elected annually one person from each ward, to serve as a member of the school committee for the term of three years.

Act to be accepted, else void. SECTION 4. This act shall not take effect until accepted by the voters of said city, at a meeting duly held for said purpose.

Approved March 16, 1867.

Chap. 69. AN ACT FOR THE PRESERVATION OF BOOKS AND OTHER PROPERTY BELONGING TO PUBLIC LIBRARIES.

Be it enacted, &c., as follows:

Penalty for wilful injury or defacement. Whoever wilfully and maliciously writes upon, injures, defaces, tears or destroys any book, plate, picture, engraving or statue belonging to any law, town, city or other public library, shall be punished by a fine of not less than five dollars nor more than one thousand dollars for every such offence.

Approved March 16, 1867.

Chap. 70. AN ACT TO AMEND SECTION FIFTEEN OF CHAPTER EIGHTY-THREE OF THE GENERAL STATUTES, IN RELATION TO THE FISHERIES.

Be it enacted, &c., as follows:

Shell-fish for bait may be taken only by inhabitant of State. SECTION 1. Section fifteen of chapter eighty-three of the General Statutes, is hereby amended by inserting the words, "an inhabitant of this state," after the word fisherman in the third line.

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

Approved March 16, 1867.

Chap. 71. AN ACT CONCERNING DRAINS AND SEWERS IN THE TOWN OF BROOKLINE.

Be it enacted, &c., as follows:

Selectmen may lay and maintain. SECTION 1. The selectmen of the town of Brookline may lay, make and maintain, in the said town, all such main drains or common sewers, through the lands of any persons or corporations, as they shall adjudge to be necessary for the public convenience or the public health: and may repair all such main drains or common sewers, from time to time, whenever repairs thereof may be necessary. The said town and the inhabitants thereof shall have the same rights, and be subject to the same liabilities, as if the same had been laid, made or

Town and private rights and liabilities as under G. S.

maintained, under the provisions of the forty-eighth chapter of the General Statutes, except as hereinafter provided.

SECTION 2. The said selectmen, for the purpose of sewerage, may divert the water of either of the brooks having an outlet in Muddy River, within said town, or any portion thereof, from their present course, at any convenient point within said town, and conduct the same into any main drain or common sewer of said town, as now existing, or hereafter to be constructed, or may provide a new channel, culvert or outlet therefor to tide-water.

Selectmen may divert water of certain brooks, or construct other channel to tide-water.

SECTION 3. When any lands or real estate shall be taken, or water diverted, by virtue of this act, the proceedings shall be the same in all respects, as in the laying out of town ways: and all persons or corporations, suffering damage in their property by reason of the laying, making or maintaining of any main drain or common sewer, or by the diverting of any water, as aforesaid, shall have the same rights and remedies for the ascertainment and recovery of the amount of such damages, as in the case of the laying out of town ways.

Proceedings in case of land taken or diversion of water.

Rights for damages same as for town ways.

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

Approved March 16, 1867.

AN ACT TO AMEND "AN ACT TO INCORPORATE THE TRUSTEES OF THE TUFTS COLLEGE."

Chap. 72.

Be it enacted, &c., as follows:

SECTION 1. The trustees of the Tufts College, incorporated April twenty-first, in the year one thousand eight hundred and fifty-two, shall be hereafter known and called by the name of the Trustees of Tufts College.

Title of corporation amended.

SECTION 2. The act to incorporate the Trustees of the Tufts College, is hereby amended by striking out of the second section thereof the words "except medical degrees."

May confer medical degrees.

SECTION 3. Said corporation shall be capable of taking and holding in fee simple, or any less estate, by gift, grant, bequest, devise or otherwise, for the further endowment of said college, any lands, tenements, or other estate, real or personal: *provided*, that the entire clear annual income of all the property of said corporation shall not exceed one hundred thousand dollars.

May hold property for further endowment.

Proviso: limitation of income.

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

Approved March 16, 1867.

AN ACT GRANTING ADDITIONAL POWERS TO THE HAVERHILL AQUEDUCT COMPANY.

Chap. 73.

Be it enacted, &c., as follows:

SECTION 1. The Haverhill Aqueduct Company is hereby authorized to take and use the waters of Round Pond and

May use waters of Round and Plug Ponds and Ken-

oza Lake, to supply town.

Plug Pond, so called, and Kenoza Lake in the town of Haverhill, to supply the inhabitants of said town with water by an aqueduct, and to enter upon, take and dig up any and all lands necessary for laying and maintaining aqueduct pipes, reservoirs, gates, dams or other works, necessary for that purpose.

Shall, upon disagreement, have damages settled as for highway.

SECTION 2. All damages sustained by entering upon and taking land, water or water rights for either or any of the above purposes, shall, in case of disagreement with the parties injured, be ascertained, determined and recovered in the same manner as is now provided in cases where land is taken for highways.

May hold estate.

SECTION 3. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

Town may purchase franchise and property of company.

SECTION 4. The town of Haverhill may at any time hereafter purchase or otherwise take all the franchise, rights and property of said Haverhill Aqueduct Company, at such price as may be agreed on by the parties; and in case the parties cannot agree upon the price, the supreme judicial court may, upon application of either party, and notice to the other, appoint three commissioners, who shall determine the price, and whose award, when accepted by the court, shall be final.

Water not to be used for machinery, except as steam; water-marks to be observed.

SECTION 5. Nothing in this act contained shall be so construed as to authorize the Haverhill Aqueduct Company to use, or authorize any other person or corporation to use, any of the water conducted through its pipes to drive machinery otherwise than by creating steam, nor to raise the water of any of said ponds above high-water mark, nor to drain any of them below low-water mark.

Approved March 16, 1867.

Chap. 74.

AN ACT TO INCORPORATE THE BRIDGEWATER AND TAUNTON RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Nahum Stetson, Isaac Pratt, junior, Joseph A. Hyde, Caleb Hobart, George W. Bassett, Joshua E. Crane, their associates and successors, are hereby made a corporation by the name of the Bridgewater and Taunton Railroad Company; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws, which now are or hereafter may be in force relating to railroad corporations.

Privileges and restrictions.

May construct road from point in Bridgewater via Raynham, across Taunton River to point on

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad commencing at such convenient point as it may select, in the town of Bridgewater, thence to the town of Raynham, and through said last named town,

passing north of Titicut Pond to the Taunton River, and across the said river by a bridge; thence to such convenient point as it may select on the New Bedford and Taunton Railroad on the north or south side of said river, crossing the same again by a bridge, if and as said corporation shall deem expedient; or, passing south of Titicut Pond aforesaid to the Taunton River at or near Squawbetty, so called; thence, across said river by a bridge to such convenient point as it shall select on the Middleborough and Taunton Railroad.

New Bedford and Taunton road.

Or, to point on Middleborough and Taunton road.

SECTION 3. Said corporation may enter with its road upon, unite the same with, and use the road of the Old Colony and Newport Railway Company, of the New Bedford and Taunton Railroad Corporation, and of the Middleborough and Taunton Railroad Corporation; and either of the said three last named corporations, respectively, may enter with its road upon, unite the same with, and use the road of the Bridgewater and Taunton Railroad Company, subject to the general laws relating to railroad corporations: *provided, however*, that said Bridgewater and Taunton Railroad shall not cross the Old Colony and Newport Railroad at a level therewith, nor enter with its road upon and unite the same with or use the road, nor take any of the depot lands of the Old Colony and Newport Railway Company, without the consent of said last named corporation; nor shall said last named corporation enter with its road upon, and unite the same with, or use the road of the Bridgewater and Taunton Railroad Company, without the consent of said Bridgewater and Taunton Railroad Company.

May unite with O. C. and N., N. B. and T., and M. and T. roads for mutual use.

Shall not cross O. C. and N. road at level or use same except by consent.

Said O. C. and N. Co. to only so use B. and T. road.

SECTION 4. The capital stock of said corporation shall be fixed by the directors thereof, at an amount not less than two hundred thousand dollars, nor more than three hundred and fifty thousand dollars; and said stock shall be divided into shares of one hundred dollars each. Said corporation may hold such real estate and personal property as may be necessary or convenient for the purposes for which it is incorporated.

Capital stock.

Shares.

Real and personal estate.

SECTION 5. The Bridgewater Iron Manufacturing Company is hereby authorized, with the consent of a majority in interest of the stockholders thereof, expressed by vote at a legal meeting of said company called for that purpose, to subscribe for, take and purchase, and hold, or dispose of, as it may see fit, such amount of the stock of said Bridgewater and Taunton Railroad Company, not exceeding one thousand shares, as said manufacturing company shall deem expedient.

Bridgewater Iron Manufacturing Co., may hold 1,000 shares of said railroad stock.

Conditions of validity of act.

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

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

Approved March 16, 1867.

Chap. 75. AN ACT TO INCORPORATE THE ROXBURY BRANCH RAILROAD COMPANY.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. Samuel C. Cobb, William S. Leland, Samuel Atherton, their associates and successors, are hereby made a corporation by the name of the Roxbury Branch Railroad Company; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws, which now are or hereafter may be in force, relating to railroad corporations.

Privileges and restrictions.

May construct road from point on Shawmut Av. in Roxbury to point on Boston, Hartford and Erie road, in Dorchester.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad commencing at some point on or near Shawmut Avenue, between Dale Street and Saint James Street, in the city of Roxbury, thence running up the valley of Smelt Brook, so-called, and up its eastern branch, crossing Walnut Street south of the homestead estate of James Sturgis, and south of the intersection of said Walnut Street and Dale Street; thence easterly, crossing Warren Street a little southerly of Bowers Street, and crossing Grove Hall Avenue a little northerly of Quincy Street, and into the town of Dorchester, to some convenient point on the Boston, Hartford and Erie Railroad near the Bird Street station.

May unite with and use B. H. and E. Railroad.

SECTION 3. Said corporation may enter with its road upon, unite the same with, and use the road of the Boston, Hartford and Erie Railroad Company, subject to the provisions of the general laws relating to railroads.

Capital stock and shares.

SECTION 4. The capital stock of said corporation shall not exceed three hundred thousand dollars, which shall be divided into shares of one hundred dollars each. Said corporation may hold such real estate and personal property as may be necessary or convenient for the purposes for which it is incorporated.

Real and personal estate.

May sell franchise or lease road to B. H. and E. Company.

SECTION 5. Said corporation is hereby authorized to sell and transfer its franchise, property and all its rights under this act, or to lease its road and other property to said Boston, Hartford and Erie Railroad Company, on such terms as may be mutually agreed upon by the directors of the said respective corporations, and ratified and accepted by a majority of the stockholders of each, at meetings called for that purpose.

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

Conditions of validity of act.

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

Approved March 16, 1867.

AN ACT TO INCORPORATE THE WARE RIVER RAILROAD COMPANY.
Be it enacted, &c., as follows :

Chap. 76.

SECTION 1. George H. Gilbert, William Mixter, Orrin Sage, Charles A Stevens, George S. Hill, their associates and successors, are hereby made a corporation by the name of the Ware River Railroad Company; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws, which now are or hereafter may be in force, relating to railroad corporations.

Corporators.

Privileges and restrictions.

SECTION 2. Said corporation is hereby authorized to locate, construct, maintain and operate a railroad commencing at some convenient point on the New London Northern Railroad in the town of Palmer; thence up the valley of Ware River through or near the towns of Palmer, Ware, Hardwick, New Braintree, West Brookfield, Barre and Oakham, to the valley of Burnshirt stream; thence by said last named valley through or near the towns of Hubbardston, Phillipston and Templeton to Otter River, near the village of Baldwinville, in the town of Templeton, crossing the Vermont and Massachusetts Railroad near that place; thence through the town of Winchendon, crossing the Cheshire Railroad in said town, to some point in the line of the state of New Hampshire.

May construct road from point in town of Palmer to line of New Hampshire, via Winchendon.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with, and use said New London Northern Railroad, said Vermont and Massachusetts Railroad and said Cheshire Railroad; and either of the corporations owning said three last named railroads, respectively, may enter with its road upon, unite the same with, and use the road of said Ware River Railroad Company, subject to the general laws relating to railroad corporations.

May unite with New London Northern, Vermont and Mass. and Cheshire roads.

SECTION 4. Said corporation may enter with its road upon, unite the same with, and use the road of the Western Railroad Corporation: *provided*, the directors of the last named corporation shall consent thereto.

May, with consent, enter upon and use Western road.

SECTION 5. The capital stock of said corporation shall be one million dollars, which shall be divided into shares of one hundred dollars each. Said corporation may hold such real estate and personal property as may be necessary or convenient for the purposes for which it is incorporated.

Capital stock and shares.

Real and personal estate.

May divide road into sections for construction.

SECTION 6. For the purpose of construction, said corporation is hereby authorized to divide its road into four sections, to wit: the first section to embrace that portion thereof from its connection with the New London Northern Railroad to the village of Gilbertville, in the town of Hardwick; the second section to extend from Gilbertville to the town of Barre; the third section to extend from the town of Barre to the Vermont and Massachusetts Railroad in the town of Templeton; and the fourth section to extend from Templeton to the line of the state of New Hampshire. Said corporation is further authorized hereby to receive subscriptions for the building of each of said sections separately; and when the sum of two hundred and fifty thousand dollars shall have been subscribed for the building of either of said sections specifically, said corporation may proceed to build the same: but before either of said sections shall be commenced, a certificate shall be filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president of said corporation and a majority of the directors thereof, stating that all the stock named above for the section they propose to build, has been subscribed by responsible parties, and that twenty per cent. of the par value of each and every share of such portion of the capital stock has been actually paid into the treasury of the corporation.

May receive means for sections separately.

Shall certify subscription and payment of 20 per cent. before work to secretary of Com'lth.

May lease to N.L. N. or Western companies.

SECTION 7. Said corporation is hereby authorized to lease its road, or such portions thereof as may from time to time be completed, to the New London Northern Railroad Company or to the Western Railroad Corporation, upon such terms and conditions as the directors of the contracting corporations may determine, subject to the approval of a majority of the stockholders of said corporations respectively present and voting at legal meetings called for that purpose.

Stockholders of contracting Co.'s to approve.

Conditions of validity of act.

SECTION 8. If the location of said Ware River Railroad shall not be made within two years, and the first section thereof be not constructed within three years from the passage of this act, then this act shall be void.

SECTION 9. This act shall take effect upon its passage.

Approved March 16, 1867.

Chap. 77.

AN ACT TO AUTHORIZE AN INCREASE OF THE CAPITAL STOCK OF THE NASHUA AND LOWELL RAILROAD CORPORATION.

Be it enacted, &c., as follows:

May have \$150,000 additional.

SECTION 1. The Nashua and Lowell Railroad Corporation is hereby authorized to increase its capital stock, not exceeding one hundred and fifty thousand dollars.

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

Approved March 16, 1867.

AN ACT TO AUTHORIZE THE CHURCH HOME FOR ORPHAN AND DESTITUTE CHILDREN TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 78.

Be it enacted, &c., as follows:

SECTION 1. "The Church Home for Orphan and Destitute Children," incorporated under chapter thirty-six of the acts of the year eighteen hundred and fifty-eight, is hereby authorized to hold real and personal estate to the amount of one hundred thousand dollars, in addition to the amount now authorized, for the purposes set forth in their act of incorporation.

May have \$100,000 additional.

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

Approved March 16, 1867.

AN ACT TO AUTHORIZE THE BOSTON PENNY SAVINGS BANK TO HOLD REAL ESTATE.

Chap. 79.

Be enacted, &c., as follows:

SECTION 1. The Boston Penny Savings Bank is hereby authorized to hold real estate to the amount of one hundred 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, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

May hold \$100,000 in estate.

Proviso.

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

Approved March 16, 1867.

AN ACT TO AUTHORIZE THE BAPTIST SOCIETY IN GEORGETOWN TO SELL REAL ESTATE.

Chap. 80.

Be it enacted, &c., as follows:

SECTION 1. The Baptist Society in Georgetown is hereby authorized to sell, either at public or private sale, and to make, execute and deliver a deed or deeds, to convey the whole, or any part of the real estate held by said society, under deed from Samuel and Benjamin Plumer, dated the second day of January, in the year one thousand eight hundred and twenty-three, and recorded in the Essex registry of deeds: *provided*, the proceeds of such sale, or sales, shall be properly and safely invested, and the income therefrom shall be forever used and appropriated for the benefit of said Baptist Society, and for the support of a Calvinistic Baptist gospel minister for the same, and for no other use or purpose whatever; and *provided, also*, that all the right of reversion now owned by the heirs of the grantors above named, shall continue to them and their heirs forever, in the fund resulting from the sale or sales hereby authorized to be made.

May convey estate held under certain deed.

Provisos.

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

Approved March 16, 1867.

Chap. 81. AN ACT TO INCORPORATE THE MERCHANTS' MANUFACTURING COMPANY, OF FALL RIVER.

Be it enacted, &c., as follows :

- Corporators.** SECTION 1. James Henry, Robert S. Gibbs, Augustus Chace, their associates and successors, are hereby made a corporation by the name of the Merchants' Manufacturing Company, for the purpose of manufacturing cotton and woollen cloths, or any fabric wholly or in part of cotton, wool, silk, flax, hemp or jute, in the city of Fall River; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, relating to manufacturing corporations.
- Purpose.**
- Privileges and restrictions.**
- May hold estate.** SECTION 2. Said corporation may hold for the purpose aforesaid, real estate necessary and convenient for its business, to an amount not exceeding five hundred thousand dollars, and the whole capital stock shall not exceed one million five hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until five hundred thousand dollars of its capital stock is paid in, in cash.
- Capital stock and shares.**
- Proviso.**

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

Approved March 16, 1867.

Chap. 82. AN ACT TO INCORPORATE THE MOUNT MINERAL SPRINGS COMPANY, IN THE TOWN OF SHUTESBURY.

Be it enacted, &c., as follows :

- Corporators.** SECTION 1. Charles A. Perry, John C. Perry, Stephen N. Gifford, their associates and successors, are hereby made a corporation by the name of the Mount Mineral Springs Company, for the purpose of purchasing the mineral springs property and erecting the necessary buildings and appurtenances for a public house and for the use of waters of said springs in the town of Shutesbury; subject to the duties, liabilities and restrictions applicable thereto in the statutes of the Commonwealth.
- Purpose.**
- Duties and liabilities.**
- Capital stock and shares.** SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, in shares of one hundred dollars each; and said corporation may hold real and personal estate not exceeding that amount: *provided,* that said corporation shall incur no liabilities until twenty-five thousand dollars shall have been unconditionally subscribed for, and forty per cent. thereof paid into its treasury in cash.
- Estate.**
- Proviso.**

Approved March 16, 1867.

AN ACT TO CHANGE THE NAME OF THE FOXBOROUGH BRANCH RAILROAD COMPANY, AND FOR OTHER PURPOSES.

Chap. 83.

Be it enacted, &c., as follows :

SECTION 1. The Foxborough Branch Railroad Company shall hereafter be known and called by the name of the Mansfield and Framingham Railroad Company.

Shall take name here designated.

SECTION 2. Said corporation is hereby authorized to change the location of its railroad in the town of Walpole, and to extend the same from a point near its present terminus in Walpole, through the towns of Walpole, Medfield and Sherborn, to some convenient point on the Agricultural Branch Railroad in the town of Framingham, and shall be entitled to all the rights, privileges and benefits, and be subject to all the duties and liabilities set forth in the general laws relating to railroad corporations.

May change location in Walpole and extend to point on Agricultural Branch road in Framingham.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with, and use the Boston and Providence, both branches of the Boston, Hartford and Erie, the Boston and Worcester and the Agricultural Branch Railroads; and either of the corporations, owning the above-named railroads, respectively, may enter with its road upon, unite the same with, and use the road of the Mansfield and Framingham Railroad Company, with the rights and under the provisions and restrictions set forth in the general laws relating to railroad corporations.

May unite with and use certain other roads.

Said roads may connect with and use its road.

SECTION 4. Said corporation may cross the Boston and Providence, both branches of the Boston, Hartford and Erie, and the Boston and Worcester Railroads at even grade therewith respectively: *provided*, that nothing in this act contained shall authorize said Mansfield and Framingham Railroad Corporation to use or interfere with the use of the station buildings of the Boston and Worcester Railroad Corporation or to use any more of its location or grounds than is necessary for a proper and convenient crossing.

May cross certain roads at even grade.

Proviso.

SECTION 5. Said corporation is hereby authorized to increase its capital stock by an amount not exceeding four hundred thousand dollars, which shall be divided into shares of one hundred dollars each. Said corporation may hold such real estate and personal property as may be necessary or convenient for the purposes for which it is incorporated.

May increase capital stock.

May hold necessary estate.

SECTION 6. The time for the construction of that portion of the Foxborough Branch Railroad authorized by previous acts, is hereby extended to the twenty-sixth day of April, in the year eighteen hundred and seventy.

Time for construction extended.

SECTION 7. If said corporation shall not locate the said extension on or before the twenty-sixth day of April, in the

Shall locate and construct extension in certain

time, or authority to be void.

year eighteen hundred and sixty-nine, and construct the same on or before the twenty-sixth day of April, in the year eighteen hundred and seventy, so much of this act as relates to said extension shall be void.

SECTION 8. This act shall take effect upon its passage.

Approved March 18, 1867.

Chap. 84. AN ACT TO SUPPLY THE TOWN OF EASTHAMPTON WITH PURE WATER.

Be it enacted, &c., as follows:

Certain persons made corporation.

Title and purpose.

Corporate privileges and restrictions.

May convey into said town waters of certain brooks.

May take and hold marginal lands of five rods width.

Also other lands necessary for works.

Shall file description of land in registry of deeds.

May have aqueducts, dams, reservoirs and hydrants, and supply water to town.

SECTION 1. Horatio G. Knight, Joel L. Bassett, Seth Warner, their associates and successors, are hereby made a corporation under the name of the Easthampton Aqueduct Company, for the purpose of furnishing the inhabitants of the town of Easthampton with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

SECTION 2. Said corporation, for the purpose aforesaid, may take, hold and convey to, into and through said town the waters of Rum Brook and Brandy Brook, so called, rising from springs near the foot of Mount Tom, in said town, and the waters which flow into and from the same, and may take and hold, by purchase or otherwise, such land on and around the margin of said brooks, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold in like manner such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through said town. Said corporation shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the county of Hampshire, a description of the land so taken sufficiently accurate for identification, and state the purpose for which it is taken.

SECTION 3. Said corporation may build aqueducts and maintain the same by any works suitable therefor, may erect and maintain dams, may make reservoirs and hydrants, and may distribute the water throughout said town by laying down pipes, and may establish the rent therefor. Said corporation may also, for the purpose aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same, and for like purpose may enter upon and dig up any road, under the direction of the selectmen of the town of Easthampton, in such manner as to cause the least hindrance to the travel thereon.

SECTION 4. Said corporation shall be liable to pay all damages that shall be sustained by the taking of any land, water or water rights, or by the constructing of any aqueducts, reservoirs or other works for the purposes aforesaid. If any party who shall sustain damage as aforesaid cannot agree with said corporation upon the amount of said damages, he may have the same assessed in the same manner as is provided by law with respect to land taken for highways; and all damages for the taking of lands for the purposes aforesaid shall be paid by said corporation before entering upon such lands.

Shall be liable for damages sustained by persons.

Party failing to agree with corporation upon damages may apply law respecting highways.

SECTION 5. No application shall be made to the county commissioners for the assessment of damages for the taking of any water rights, until the water is actually withdrawn or diverted by said corporation. Any person whose water rights are thus taken or affected, may apply as aforesaid, at any time within one year from the time when the water is actually withdrawn or diverted.

Water rights, damages for may not be asked before using water.

Person may apply within year.

SECTION 6. The capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each; and no pecuniary liability shall be assumed by said corporation until one-quarter part of its capital stock has actually been paid in, in cash.

Capital stock and shares.

Proviso.

SECTION 7. Any person who shall maliciously divert the water, or any part thereof, of the sources of supply which shall be taken by the said corporation pursuant to the provisions of this act, or who shall maliciously corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct, pipe or hydrant, or other property held, owned or used by the said corporation for the purposes of this act, shall pay three times the amount of the actual damages to the said company, to be recovered in an action of tort; and every such person, on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months.

Penalty if person divert or corrupt water or injure property of corporation.

SECTION 8. The town of Easthampton may, at any time, purchase or otherwise take the franchise of said corporation, and all its corporate property, at such price as may be agreed upon between the parties; and in case the parties cannot agree upon the price, the supreme judicial court, or any justice thereof, upon application of either party, shall appoint three commissioners to award what sum said town shall pay to said company for such franchise and its corporate property, which award shall be final.

Town may purchase franchise and property.

For cost of property purchased, town may issue "water scrip."⁷⁷

Amount, interest and payment.

Town may sell scrip.

May assess annually \$5,000 for payment of principal and interest.

Town purchasing franchise may appoint officers.

Shall be liable for damages not paid by corporation.

SECTION 9. For the purpose of defraying the cost of such property, lands, water and water rights, as shall be purchased for the purpose aforesaid, the town of Easthampton shall have authority to issue from time to time notes, scrip or certificates of debt, to be denominated on the face thereof "Easthampton Water Scrip," to an amount not exceeding fifty thousand dollars, bearing interest payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of the said scrip, notes or certificates respectively; and the said town may sell the same or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as the said town shall judge proper. Said town is further authorized to make appropriations, and assess from time to time such amounts, not exceeding in one year the sum of five thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

SECTION 10. In case the town of Easthampton shall purchase the property, rights and privileges of the corporation established by this act, said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner and by such officers, servants and agents as the town shall, from time to time ordain, appoint and direct. And said town shall be liable to pay all damages occasioned by the diversion of any water, or the obstruction of any stream, or the flowing of any lands for the purposes of said aqueduct, which shall not have been previously paid by said corporation.

SECTION 11. This act shall take effect upon its passage.

Approved March 18, 1867.

Chap. 85. AN ACT TO ESTABLISH A DIVIDING LINE BETWEEN THE TOWNS OF EASTHAM AND ORLEANS.

Be it enacted, &c., as follows:

Boundary defined.

SECTION 1. The dividing line between the towns of Eastham and Orleans is established as follows: Commencing at the middle of the mouth of Rock Harbor River, thence up the middle of said river to a point opposite a stake standing on the northerly side of said river; thence north sixty degrees east, twenty-six rods and eighteen links to a stone monument marked E. O., standing in the north-east side of the road leading to the mouth of Boat Meadow River; thence same course, fifty-five rods twenty links to a stone monument marked E. O.; thence same course forty-five rods seven and

one-half links to a stake on Boat Meadow near the west side of the canal; thence south nineteen degrees east one hundred twenty-six rods fifteen links to a stone monument marked E. O., standing on the south side of the road at Rock Harbor Gap; thence same course fifty-one rods five links to a stone monument on the south side of the county road near the town cove marked E. O.; thence same course into the middle of said cove; thence down the middle of said cove, to a large stone on the middle of Stony Island, marked E. O.; thence south sixty-seven and one-half degrees east to a stone monument standing on Nausett Beach, marked E. O.; thence same course into the ocean; from thence returning to the first point, to wit, the middle of the mouth of Rock Harbor River, thence north forty-five degrees west into Barnstable Bay; and the said line as above described shall hereafter be the dividing line between said towns.

SECTION 2. All portions of the town of Orleans lying north and east of the aforesaid line are hereby set off from the town of Orleans and annexed to the town of Eastham; and all portions of the town of Eastham lying south and west of said line are hereby set off from the town of Eastham and annexed to the town of Orleans.

Parts of Orleans and Eastham annexed each to other town.

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

Approved March 23, 1867.

AN ACT FOR THE PROTECTION OF TROUT IN EAST HEAD IN THE TOWNS OF CARVER AND PLYMOUTH.

Chap. 86.

Be it enacted, &c., as follows:

SECTION 1. No person shall take any trout in the waters of the stream known as East Head, in the towns of Carver and Plymouth, from the source thereof to the dam recently erected thereon by George P. Bowers, without the written permission of the proprietor or proprietors of the land bordering upon that portion of said stream: *provided*, such proprietors shall at all times keep an open and sufficient fish-way for the passage of trout at said dam.

Written permit required for taking trout.

Proviso.

SECTION 2. Any person offending against the provisions of this act shall forfeit and pay a fine of one dollar for each trout taken, to be recovered by prosecution before any trial justice in the county of Plymouth.

Penalty for violation of first section.

Approved March 23, 1867.

AN ACT TO INCORPORATE THE GRAND HOTEL COMPANY.

Chap. 87.

Be it enacted, &c., as follows:

SECTION 1. Paul Sears, J. B. Taft and William Washburn, their associates and successors, are hereby made a corporation by the name of the Grand Hotel Company, for

Corporators.

Purpose. the purpose of erecting a public house, to be located in Boston, in the county of Suffolk, or in Roxbury, or in Dorchester, in the county of Norfolk, and maintaining such public house with the buildings and improvements connected therewith ;

Privileges and restrictions. with all the powers and privileges and subject to all the duties, liabilities and restrictions contained in all general laws which now are or may hereafter be in force and applicable to such corporations : *provided, however*, that said corporation shall not carry on the business of keeping a hotel or boarding-house, or be in any way interested in such business ; *provided, further*, that if said hotel is not completed ready for use within five years from the passage of this act, then this act shall be void.

Provisos.

Capital stock and shares. SECTION 2. The capital stock of said corporation shall not exceed two million dollars, and shall be divided into shares of one hundred dollars each ; and said corporation may hold real and personal estate to the value of two million dollars, for the purposes mentioned in the first section : *provided, however*, that said corporation shall not incur any liability until five hundred thousand dollars of the capital stock shall have been unconditionally subscribed, and the sum of two hundred thousand dollars has been paid in, in cash.

Estate.

Proviso.

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

Approved March 23, 1867.

Chap. 88. AN ACT TO LEGALIZE THE DOINGS OF THE TRUSTEES OF SANDWICH ACADEMY, AND TO CONFIRM THE PRESENT ACTING TRUSTEES.

Be it enacted, &c., as follows :

Acts, since Aug. 24, 1826, made valid.

SECTION 1. All acts done by the trustees of Sandwich Academy, in the town of Sandwich, between the twenty-fourth day of August in the year one thousand eight hundred and twenty-six, and the passage of this act, are hereby made valid and confirmed to the same extent as they would have been valid, had they acted in accordance with the provisions of the act of incorporation.

Acting trustees confirmed.

SECTION 2. Thomas A. Tobey, Jonathan Leonard, William Fessenden, Charles Dillingham, Thomas W. Brown, George L. Fessenden, Frederick S. Pope, H. G. O. Ellis and Isaac K. Chipman, the present acting trustees are hereby confirmed as trustees of said academy.

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

Approved March 23, 1867.

Chap. 89. AN ACT TO INCORPORATE THE HOPKINTON SAVINGS BANK.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Lee Claflin, Lovett H. Bowker, Edwin S. Thayer, their associates and successors, are hereby made a

corporation, by the name of the Hopkinton Savings Bank, to be established and located in the town of Hopkinton ; 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 23, 1867.

AN ACT TO INCORPORATE THE NORTHAMPTON, HADLEY AND AMHERST STREET RAILWAY COMPANY.

Chap. 90.

Be it enacted, &c., as follows :

SECTION 1. Thomas E. Hastings, Eleazer Porter, Levi Stockbridge, their associates and successors, are hereby made a corporation by the name of the Northampton, Hadley and Amherst Street Railway Company, for the purpose of constructing and using a street railroad from the town of Northampton to the town of Amherst ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or may hereafter be in force relating to street railroad corporations.

SECTION 2. The capital stock of said corporation shall not exceed the sum of two hundred thousand dollars.

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

Approved March 23, 1867.

AN ACT CONCERNING THE NEW BEDFORD AND FALL RIVER RAILWAY COMPANY.

Chap. 91.

Be it enacted, &c., as follows :

SECTION 1. The time allowed the New Bedford and Fall River Railway company to organize said company, is hereby extended to the thirtieth day of April, in the year eighteen hundred and sixty-eight, and the time for the locating and constructing its railroad is hereby extended to the thirtieth day of April, in the year eighteen hundred and seventy.

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

Approved March 23, 1867.

AN ACT IN RELATION TO THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY.

Chap. 92.

Be it enacted, &c., as follows :

SECTION 1. The act to incorporate the Newburyport and Amesbury Horse Railroad Company, being the fifty-third chapter of the acts of the year eighteen hundred and sixty-four, is hereby renewed ; and the time limited in the fourteenth section of said act, for its acceptance by the city of Newburyport, and by the towns of Amesbury and Salisbury,

and for the acceptance of said act, and the construction of said railroad by the corporation, is hereby extended for two years from the passage hereof.

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

Approved March 23, 1867.

Chap. 93. AN ACT TO INCORPORATE THE UNION BUILDING COMPANY IN THE TOWN OF SOUTHBRIDGE.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Chester A. Dresser, Holmes Ammidown, Samuel Foster, their associates and successors, are hereby made a corporation by the name of the Union Building Company, for the purpose of purchasing a lot of land at the intersection of Main and Central streets in the centre village of the town of Southbridge, and of erecting and maintaining thereon a building necessary and convenient for a public hall and a library, and for other business purposes ; and shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities contained in all general laws which now are or may hereafter be in force and applicable to such corporations.

Purpose.

Privileges and restrictions.

Capital stock and shares. SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, the same to be divided into shares of one hundred dollars each : *provided, however,* said corporation shall not assume any liability until twenty-five thousand dollars of its capital is paid in, in cash.

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

Approved March 23, 1867.

Chap. 94. AN ACT CONCERNING THE LAYING OUT, ALTERING, WIDENING AND IMPROVING THE STREETS OF SPRINGFIELD.

Be it enacted, &c., as follows :

Act of 1866, concerning streets in Boston, extended to Springfield. SECTION 1. The provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty-six, entitled " An Act concerning the laying out, altering, widening and improving the streets of Boston," are hereby extended and made applicable to the city of Springfield.

Shall apply when accepted by two-thirds of city council. SECTION 2. This act shall take effect whenever the same is accepted by the city council of said city of Springfield, by a two-thirds vote of each branch thereof.

Approved March 23, 1867.

Chap. 95. AN ACT TO AUTHORIZE THE CITY OF LYNN TO PROVIDE FOR A SINKING FUND.

Be it enacted, &c., as follows :

May raise annually by taxation money for redemption fund of bonds of city SECTION 1. The city of Lynn is hereby authorized to raise by taxation, upon the polls and estates, in said city, a sum not less than six thousand dollars, nor more than ten thou-

said dollars, annually, until the maturity of the bonds hereafter mentioned, which said sum with the interest and accumulations thereon shall constitute a sinking fund for the redemption at maturity of the bonds of said city which have been, or hereafter may be, issued to raise funds to pay for the city hall now building in said city: and said sinking fund shall be appropriated and pledged to the payment and redemption of said bonds, and for no other purpose, until the same shall have been fully redeemed.

issued to pay for city hall.

Fund to be only so applied.

SECTION 2. The city council of said city by the concurrent vote of the two branches thereof is authorized to appoint three commissioners of said sinking fund who shall have the care and management of all the moneys, funds and securities at any time belonging to said sinking fund, and who also shall from time to time invest the same in the bonds of said city, the public securities of the United States, either of the New England states and of the state of New York, and of the counties, cities and towns of this Commonwealth, in any railroad stocks in which savings banks may invest their funds, in the stock of any bank located in this Commonwealth, and in loans secured by mortgage of real estate; and they may sell, transfer and re-invest from time to time, the stock and securities belonging to said fund.

City council may appoint commissioners of sinking fund to manage and invest.

SECTION 3. Said commissioners shall keep a true record of all their proceedings, and annually in the month of January make a report in writing to the city council of said city, of the amount and condition of said fund and the income thereof for the year, which record and all the securities belonging to said fund shall at all times be open to the inspection of the mayor, or any committee of either branch of the city council of said city appointed for that purpose.

Commissioners to keep record of doings and report annually.

Record to be open to mayor and council.

SECTION 4. At the first election of commissioners, one shall be chosen to hold office for the term of three years, one for the term of two years, and one for the term of one year, and in each year thereafter one commissioner shall be chosen to hold office for three years; and in case of a vacancy by death, resignation or otherwise, such vacancy shall be filled by the choice of some person to hold office during the unexpired term. The necessary expenses of said commissioners shall be paid by said city, but they shall receive no compensation for their services.

Election and tenure of commissioners.

Vacancy in office, how filled.

Expense of commission.

SECTION 5. The balance of said sinking fund, if any there be, after the payment of said bonds, shall be paid into the treasury of said city.

Balance of fund, if any, how disposed.

Approved March 23, 1867.

Chap. 96. AN ACT CONCERNING THE TAKING OF KELP AND SEAWEED UPON LANDS OF THE HERRING POND PLANTATION.

Be it enacted, &c., as follows :

Treasurer of plantation may sell right for term of three years.

SECTION 1. The treasurer of the Herring Pond Plantation is hereby authorized to sell, from time to time, at public or private sale, as he shall judge to be most for the interest of said plantation, the right to take and remove kelp and seaweed upon the beaches and shores of the common and undivided lands of said plantation, and of the lands reserved for the use and occupation of the Herring Pond Indians, for such time, not exceeding three years, at any one sale, as he shall see fit; and the purchaser at such sale shall have, during the time covered by such sale, all the rights and privileges to take and remove kelp and seaweed on said beaches and shores which the said plantation or said Indians might have; and may bring any suit in his own name which may be necessary to enforce such rights: and in any such suit the presumption of title shall be the same as is provided in the following section.

Purchaser to have same rights on shores as resident, and of suit to enforce.

Person trespassing, treasurer may bring action for value and damage.

SECTION 2. If any person shall take any kelp or seaweed from the beaches or shores aforesaid, without right, the treasurer of the Herring Pond Plantation may bring an action of tort, in his own name, as such treasurer, to recover for the value thereof and for the damage done thereby to said lands; and if it shall appear on the trial of such action, that such kelp or seaweed was taken from any of the beaches, shores or lands aforesaid, the presumption shall be in favor of the right of said treasurer to recover therefor; but the defendant may plead and show a right to take such kelp or seaweed, in defence of such action.

Evidence of so taking, how construed.

Defendant may plead right to take.

Approved March 23, 1867.

Chap. 97. AN ACT CONCERNING THE BURIAL OF STATE PAUPERS.

Be it enacted, &c., as follows :

Allowance for funeral expenses; G. S. ch. 70, § 15, amended.

Section fifteen of chapter seventy of the General Statutes is hereby amended, so that ten dollars for the funeral expenses of each pauper over twelve years of age, and five dollars for the funeral expenses of each pauper under that age, shall be paid from the treasury of the Commonwealth.

Approved March 23, 1867.

Chap. 98. AN ACT TO CHANGE THE TIME FOR THE APPORTIONMENT OF THE INCOME OF THE SCHOOL FUND.

Be it enacted, &c., as follows :

Shall be paid to treasurers of cities and towns on twenty-fifth January.

The third section of the thirty-sixth chapter of the General Statutes is hereby amended, so that the income of the Massachusetts school fund, appropriated to the support of public

schools, which shall have accrued on the thirty-first day of December in each year, shall be apportioned by the secretary and treasurer in the manner provided in said section, and paid over by the treasurer to the treasurers of the several cities and towns, on the twenty-fifth day of January thereafter, instead of the times named in said section; and so much of said section as is inconsistent with the provisions of this act is hereby repealed.

Approved March 23, 1867.

G. S. ch. 36, § 3,
amended.

AN ACT TO INCORPORATE THE HINGHAM AGRICULTURAL AND HORTICULTURAL SOCIETY.

Chap. 99.

Be it enacted, &c., as follows :

SECTION 1. Albert Fearing, DeWitt C. Bates, Joseph H. French, their associates and successors are hereby made a corporation by the name of the Hingham Agricultural and Horticultural Society, and established in the town of Hingham, for the encouragement of agriculture, horticulture and the mechanic arts, by premiums and other means, in the county of Plymouth; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in relation to such corporations.

Corporators.

Purpose.

Privileges and restrictions.

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

Approved March 27, 1867.

AN ACT CONCERNING THE STATE GUARD OF WORCESTER.

Chap. 100

Be it enacted, &c., as follows :

SECTION 1. Nothing contained in chapter two hundred and nineteen of the acts of the year eighteen hundred and sixty-six, shall affect the right of the company known as the State Guard of Worcester, to maintain its organization as a volunteer military association, and to perform such military duty as may be prescribed by its by-laws: *provided*, the officers and members of said company shall not be entitled to any pay or emolument unless called upon to do military duty by the commander-in-chief; and provided also, that said company shall furnish its own uniforms, arms, equipments and armory free of any cost or charge whatever to the Commonwealth.

Act of 1866, ch. 219, not to affect organization or by-laws of company.

May be paid only when called to duty by governor.

Shall furnish own outfit and armory.

SECTION 2. Said company may parade in public with arms, and adopt such by-laws only, for its organization and government, as shall be approved by the commander-in-chief: and the commander-in-chief may at any time disband the said company.

Company may parade; governor to approve by-laws of, and may disband.

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

Approved March 27, 1867.

Chap. 101 AN ACT IN RELATION TO THE TAXATION OF LANDS SOLD BY THE COMMONWEALTH.

Be it enacted, &c., as follows:

Shall be free of tax for three years, under agreement for deed, unless built upon or improved.

SECTION 1. In all cases where lands belonging to the Commonwealth are or have been sold by the commissioners of public lands, and agreements for deeds are or have been given by said commissioners, the land shall be free from taxation for the space of three years, unless previously built upon or otherwise improved by the purchasers or their assigns; and upon the expiration of three years from the date of such sale, such land shall be taxable to the purchasers thereof or their assigns, in the same manner and to the same extent as if deeds of the same had been executed and delivered.

Shall then be taxed as if under deed.

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

Approved March 28, 1867.

Chap. 102 AN ACT CONCERNING THE VINEYARD SOUND RAILROAD COMPANY.

Be it enacted, &c., as follows:

Time to, under ch. 101, Acts of 1865, extended.

SECTION 1. The time allowed the Vineyard Sound Railroad Company for filing its location and completing the construction of its railroad, by chapter one hundred and four of the acts of the year eighteen hundred and sixty-five, is hereby extended so as to allow three years from the passage of said act for filing the location, and five years from that time for completing the construction of the road.

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

Approved March 28, 1867.

Chap. 103 AN ACT TO INCORPORATE THE WORCESTER FRUIT-PRESERVING COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Timothy W. Wellington, Benjamin Walker, Harrison Bliss, their associates and successors, are hereby made a corporation by the name of the Worcester Fruit-Preserving Company, for the purpose of carrying on the business of preserving fruits, foreign and domestic, in the city of Worcester; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which now are or hereafter may be in force relative to corporations.

Purpose.

Privileges and restrictions.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, which shall be divided into shares of one hundred dollars each; and said corporation may hold, for the purposes aforesaid, real estate to an amount not exceeding twenty-five thousand dollars, and shall not

May hold real estate.

commence business until twenty-five thousand dollars of its capital stock shall have been paid in. Condition for business.

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

Approved March 28, 1867.

AN ACT TO APPORTION AND ASSESS A TAX OF FIVE MILLION DOLLARS.
Be it enacted, &c., as follows :

Chap. 104

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 : Assessment of cities and towns.

Suffolk County.—Boston, one million six hundred and ninety-four thousand one hundred and fifty dollars ; Chelsea, forty thousand two hundred and fifty dollars ; North Chelsea, four thousand two hundred dollars ; Winthrop, two thousand two hundred and fifty dollars. Counties :
Suffolk.

Essex County.—Amesbury, nine thousand seven hundred dollars ; Andover, fourteen thousand two hundred and fifty dollars ; Beverly, eighteen thousand three hundred and fifty dollars ; Boxford, three thousand two hundred and fifty dollars ; Bradford, four thousand five hundred and fifty dollars ; Danvers, twelve thousand one hundred and fifty dollars ; Essex, five thousand dollars ; Georgetown, four thousand four hundred and fifty dollars ; Gloucester, twenty-five thousand four hundred and fifty dollars ; Groveland, three thousand eight hundred and fifty dollars ; Hamilton, two thousand five hundred dollars ; Haverhill, twenty-five thousand six hundred and fifty dollars ; Ipswich, eight thousand three hundred and fifty dollars ; Lawrence, fifty-seven thousand one hundred dollars ; Lynn, fifty-two thousand one hundred dollars ; Lynnfield, three thousand one hundred dollars ; Manchester, four thousand two hundred and fifty dollars ; Marblehead, thirteen thousand nine hundred dollars ; Methuen, seven thousand one hundred dollars ; Middleton, two thousand one hundred dollars ; Nahant, two thousand four hundred dollars ; Newbury, four thousand dollars ; Newburyport, thirty-nine thousand dollars ; North Andover, nine thousand four hundred dollars ; Rockport, seven thousand four hundred dollars ; Rowley, two thousand nine hundred dollars ; Salem, seventy-nine thousand eight hundred and fifty dollars ; Salisbury, nine thousand one hundred and fifty dollars ; Saugus, six thousand six hundred and fifty dollars ; South Danvers, nineteen thousand eight hundred and fifty dollars ; Swampscott, seven thousand one hundred dollars ; Topsfield, three thousand six hundred and

fifty dollars; Wenham, two thousand five hundred dollars; West Newbury, five thousand two hundred and fifty dollars.

Middlesex.

Middlesex County.—Aeton, four thousand six hundred dollars; Ashby, two thousand nine hundred dollars; Ashland, three thousand eight hundred dollars; Bedford, two thousand six hundred dollars; Belmont, fifteen thousand eight hundred and fifty dollars; Billerica, five thousand six hundred and fifty dollars; Boxborough, one thousand three hundred dollars; Brighton, eighteen thousand five hundred dollars; Burlington, two thousand one hundred and fifty dollars; Cambridge, one hundred and twenty-six thousand and fifty dollars; Carlisle, one thousand nine hundred dollars; Charlestown, ninety-two thousand four hundred dollars; Chelmsford, seven thousand nine hundred dollars; Concord, eight thousand three hundred and fifty dollars; Dracut, six thousand dollars; Dunstable, two thousand dollars; Framingham, fourteen thousand five hundred dollars; Groton, eight thousand five hundred dollars; Holliston, eight thousand four hundred and fifty dollars; Hopkinton, nine thousand one hundred and fifty dollars; Lexington, eight thousand eight hundred and fifty dollars; Lincoln, three thousand one hundred dollars; Littleton, three thousand three hundred dollars; Lowell, one hundred and three thousand seven hundred dollars; Malden, twenty-one thousand three hundred dollars; Marlborough, fifteen thousand three hundred dollars; Medford, twenty-six thousand five hundred and fifty dollars; Melrose, eight thousand nine hundred and fifty dollars; Natick, ten thousand seven hundred and fifty dollars; Newton, forty-six thousand eight hundred and fifty dollars; North Reading, three thousand two hundred dollars; Pepperell, five thousand and fifty dollars; Reading, seven thousand dollars; Sherborn, four thousand four hundred dollars; Shirley, three thousand six hundred and fifty dollars; Somerville, twenty-eight thousand eight hundred dollars; South Reading, nine thousand four hundred dollars; Stoneham, seven thousand eight hundred and fifty dollars; Stow, four thousand two hundred dollars; Sudbury, five thousand five hundred dollars; Tewksbury, three thousand nine hundred dollars; Townsend, four thousand four hundred and fifty dollars; Tyngsborough, one thousand eight hundred and fifty dollars; Waltham, twenty-seven thousand one hundred and fifty dollars; Watertown, thirteen thousand nine hundred and fifty dollars; Wayland, three thousand five hundred dollars; West Cambridge, thirteen thousand eight hundred and fifty dollars; Westford, five thousand two hundred dollars; Weston, five thousand

four hundred and fifty dollars; Wilmington, two thousand nine hundred and fifty dollars; Winchester, seven thousand three hundred dollars; Woburn, twenty-six thousand two hundred and fifty dollars.

Worcester County.—Asburnham, four thousand seven hundred dollars; Athol, six thousand five hundred and fifty dollars; Auburn, two thousand seven hundred dollars; Barre, nine thousand four hundred and fifty dollars; Berlin, two thousand three hundred and fifty dollars; Blackstone, eleven thousand five hundred and fifty dollars; Bolton, three thousand six hundred and fifty dollars; Boylston, two thousand five hundred dollars; Brookfield, five thousand six hundred dollars; Charlton, five thousand and fifty dollars; Clinton, ten thousand five hundred dollars; Dana, one thousand five hundred dollars; Douglas, five thousand and fifty dollars; Dudley, three thousand nine hundred dollars; Fitchburg, twenty-two thousand nine hundred dollars; Gardner, five thousand four hundred and fifty dollars; Grafton, nine thousand nine hundred and fifty dollars; Hardwick, five thousand seven hundred and fifty dollars; Harvard, four thousand nine hundred and fifty dollars; Holden, four thousand seven hundred dollars; Hubbardston, four thousand and fifty dollars; Lancaster, five thousand two hundred and fifty dollars; Leicester, eight thousand five hundred dollars; Leominster, ten thousand three hundred and fifty dollars; Lunenburg, three thousand eight hundred and fifty dollars; Mendon, three thousand six hundred dollars; Milford, twenty thousand three hundred dollars; Millbury, seven thousand nine hundred and fifty dollars; New Braintree, two thousand eight hundred and fifty dollars; North Brookfield, five thousand nine hundred dollars; Northborough, four thousand six hundred and fifty dollars; Northbridge, six thousand two hundred and fifty dollars; Oakham, one thousand nine hundred dollars; Oxford, six thousand four hundred and fifty dollars; Paxton, one thousand seven hundred dollars; Petersham, three thousand seven hundred and fifty dollars; Phillipston, one thousand eight hundred dollars; Princeton, four thousand one hundred dollars; Royalston, three thousand nine hundred dollars; Rutland, two thousand nine hundred dollars; Shrewsbury, five thousand four hundred dollars; Southborough, five thousand one hundred and fifty dollars; Southbridge, nine thousand four hundred and fifty dollars; Spencer, seven thousand eight hundred and fifty dollars; Sterling, five thousand six hundred and fifty dollars; Sturbridge, four thousand nine hundred dollars; Sutton, six

thousand two hundred dollars; Templeton, five thousand eight hundred dollars; Upton, four thousand three hundred and fifty dollars; Uxbridge, eight thousand six hundred dollars; Warren, five thousand six hundred and fifty dollars; Webster, six thousand three hundred dollars; West Boylston, four thousand nine hundred dollars; West Brookfield, three thousand eight hundred and fifty dollars; Westborough, seven thousand five hundred and fifty dollars; Westminster, four thousand and fifty dollars; Winchendon, six thousand nine hundred and fifty dollars; Worcester, one hundred and two thousand one hundred and fifty dollars.

Hampshire.

Hampshire County.—Amherst, nine thousand seven hundred and fifty dollars; Belchertown, six thousand three hundred and fifty dollars; Chesterfield, two thousand one hundred and fifty dollars; Cummington, two thousand and fifty dollars; Easthampton, eight thousand five hundred dollars; Enfield, three thousand two hundred dollars; Goshen, nine hundred dollars; Granby two thousand six hundred dollars; Greenwich, one thousand five hundred dollars; Hadley, six thousand eight hundred dollars; Hatfield, seven thousand one hundred dollars; Huntington, two thousand four hundred dollars; Middlefield, one thousand nine hundred and fifty dollars; Northampton, twenty-four thousand six hundred dollars; Pelham, one thousand two hundred and fifty dollars; Plainfield, one thousand four hundred and fifty dollars; Prescott, one thousand three hundred dollars; South Hadley, five thousand nine hundred and fifty dollars; Southampton, two thousand eight hundred dollars; Ware, seven thousand four hundred dollars; Westhampton, one thousand five hundred and fifty dollars; Williamsburg, five thousand eight hundred and fifty dollars; Worthington, two thousand three hundred dollars.

Hampden.

Hampden County.—Agawam, four thousand five hundred dollars; Blandford, three thousand dollars; Brimfield, three thousand eight hundred and fifty dollars; Chester, two thousand seven hundred dollars; Chicopee, seventeen thousand eight hundred dollars; Granville, three thousand and fifty dollars; Holland, seven hundred and fifty dollars; Holyoke, thirteen thousand eight hundred and fifty dollars; Longmeadow, five thousand two hundred and fifty dollars; Ludlow, two thousand and six hundred dollars; Monson, seven thousand one hundred and fifty dollars; Montgomery, nine hundred dollars; Palmer, seven thousand one hundred and fifty dollars; Russell, one thousand two hundred and fifty dollars; Southwick, three thousand three hundred

dollars ; Springfield, seventy-one thousand two hundred and fifty dollars ; Tolland, one thousand six hundred dollars ; Wales, one thousand four hundred and fifty dollars ; Westfield, seventeen thousand six hundred dollars ; West Springfield, six thousand nine hundred dollars ; Wilbraham, four thousand nine hundred dollars.

Franklin County.—Ashfield, three thousand four hundred dollars ; Bernardston, two thousand six hundred dollars ; Buckland, three thousand three hundred and fifty dollars ; Charlemont, two thousand one hundred and fifty dollars ; Colrain, three thousand six hundred dollars ; Conway, four thousand dollars ; Deerfield, six thousand nine hundred dollars ; Erving, one thousand and fifty dollars ; Gill, two thousand one hundred dollars ; Greenfield, ten thousand dollars ; Hawley, one thousand five hundred dollars ; Heath, one thousand three hundred and fifty dollars ; Leverett, one thousand seven hundred dollars ; Leyden, one thousand five hundred dollars ; Monroe, five hundred dollars ; Montague, three thousand five hundred dollars ; New Salem, two thousand one hundred dollars ; Northfield, four thousand and fifty dollars ; Orange, three thousand eight hundred and fifty dollars ; Rowe, one thousand and fifty dollars ; Shelburne, four thousand four hundred and fifty dollars ; Shutesbury, one thousand three hundred and fifty dollars ; Sunderland, two thousand three hundred dollars ; Warwick, one thousand six hundred dollars ; Wendell, one thousand two hundred dollars ; Whately, three thousand six hundred dollars.

Berkshire County.—Adams, eighteen thousand three hundred dollars ; Alford, one thousand seven hundred and fifty dollars ; Becket, two thousand eight hundred and fifty dollars ; Cheshire, three thousand nine hundred dollars ; Clarksburg, eight hundred dollars ; Dalton, four thousand eight hundred dollars ; Egremont, three thousand and fifty dollars ; Florida, one thousand four hundred dollars ; Great Barrington, eleven thousand five hundred and fifty dollars ; Hancock, two thousand five hundred dollars ; Hinsdale, four thousand three hundred dollars ; Lanesborough, three thousand five hundred and fifty dollars ; Lee, nine thousand two hundred dollars ; Lenox, four thousand five hundred dollars ; Monterey, one thousand seven hundred dollars ; Mount Washington, five hundred dollars ; New Ashford, five hundred and fifty dollars ; New Marlborough, three thousand five hundred and fifty dollars ; Otis, two thousand dollars ; Peru, one thousand two hundred dollars ; Pittsfield, thirty-two thousand four hundred dollars ; Richmond, two

thousand seven hundred and fifty dollars; Sandisfield, three thousand four hundred and fifty dollars; Savoy, one thousand seven hundred dollars; Sheffield, six thousand five hundred and fifty dollars; Stockbridge, six thousand six hundred and fifty dollars; Tyringham, one thousand six hundred and fifty dollars; Washington, one thousand six hundred and fifty dollars; West Stockbridge, three thousand six hundred dollars; Williamstown, six thousand three hundred dollars; Windsor, one thousand seven hundred and fifty dollars.

Norfolk.

Norfolk County.—Bellingham, two thousand seven hundred dollars; Braintree, eight thousand nine hundred and fifty dollars; Brookline, fifty-four thousand two hundred and fifty dollars; Canton, eleven thousand four hundred dollars; Cohasset, six thousand two hundred and fifty dollars; Dedham, twenty-four thousand eight hundred dollars; Dorchester, fifty-nine thousand seven hundred dollars; Dover, one thousand nine hundred dollars; Foxborough, seven thousand one hundred dollars; Franklin, five thousand eight hundred dollars; Medfield, three thousand three hundred dollars; Medway, seven thousand one hundred and fifty dollars; Milton, nineteen thousand eight hundred dollars; Needham, nine thousand three hundred dollars; Quincy, nineteen thousand eight hundred and fifty dollars; Randolph, fifteen thousand eight hundred dollars; Roxbury, one hundred and thirteen thousand seven hundred dollars; Sharon, three thousand nine hundred and fifty dollars; Stoughton, ten thousand one hundred dollars; Walpole, six thousand one hundred dollars; West Roxbury, forty-eight thousand nine hundred and fifty dollars; Weymouth, nineteen thousand seven hundred and fifty dollars; Wrentham, seven thousand seven hundred dollars.

Bristol.

Bristol County.—Acushnet, three thousand five hundred dollars; Attleborough, twelve thousand seven hundred dollars; Berkley, one thousand eight hundred and fifty dollars; Dartmouth, twelve thousand four hundred dollars; Dighton, four thousand five hundred dollars; Easton, ten thousand two hundred dollars; Fairhaven, nine thousand two hundred dollars; Fall River, sixty-four thousand six hundred dollars; Freetown, three thousand eight hundred and fifty dollars; Mansfield four thousand five hundred dollars; New Bedford, ninety-eight thousand eight hundred and fifty dollars; Norton, four thousand seven hundred dollars; Raynham, five thousand seven hundred and fifty dollars; Rehoboth, four thousand three hundred dollars; Seekonk, two thousand seven hundred dollars; Somerset,

four thousand eight hundred and fifty dollars; Swanzey, four thousand one hundred dollars; Taunton, forty-four thousand two hundred and fifty dollars; Westport, seven thousand nine hundred and fifty dollars.

Plymouth County.—Abington, eighteen thousand five hundred and fifty dollars; Bridgewater, ten thousand nine hundred dollars; Carver, two thousand six hundred and fifty dollars; Duxbury, five thousand nine hundred dollars; East Bridgewater, seven thousand one hundred dollars; Halifax, two thousand dollars; Hanover, four thousand one hundred and fifty dollars; Hanson, two thousand seven hundred dollars; Hingham, twelve thousand six hundred and fifty dollars; Hull, eight hundred dollars; Kingston, six thousand seven hundred dollars; Lakeville, three thousand two hundred dollars; Marion, two thousand five hundred and fifty dollars; Marshfield, four thousand seven hundred dollars; Mattapoisett, three thousand two hundred and fifty dollars; Middleborough, twelve thousand two hundred dollars; North Bridgewater, thirteen thousand five hundred and fifty dollars; Pembroke, three thousand four hundred dollars; Plymouth, seventeen thousand and fifty dollars; Plympton, one thousand eight hundred dollars; Rochester, three thousand one hundred and fifty dollars; Scituate, five thousand one hundred and fifty dollars; South Scituate, four thousand five hundred and fifty dollars; Wareham, five thousand four hundred and fifty dollars; West Bridgewater, five thousand one hundred dollars.

Barnstable County.—Barnstable, twelve thousand four hundred dollars; Brewster, four thousand two hundred dollars; Chatham, six thousand three hundred and fifty dollars; Dennis, six thousand nine hundred dollars; Eastham, one thousand four hundred and fifty dollars; Falmouth, seven thousand five hundred dollars; Harwich, six thousand four hundred dollars; Orleans, three thousand five hundred dollars; Provincetown, eight thousand seven hundred dollars; Sandwich, nine thousand two hundred and fifty dollars; Truro, two thousand six hundred dollars; Wellfleet, four thousand four hundred dollars; Yarmouth, seven thousand six hundred dollars.

Dukes County.—Chilmark, one thousand nine hundred dollars; Edgartown, five thousand six hundred and fifty dollars; Gosnold, five hundred and fifty dollars; Tisbury, three thousand nine hundred and fifty dollars.

Nantucket County.—Nantucket, twelve thousand one hundred and fifty dollars.

RECAPITULATION.

Recapitulation of counties.

Suffolk County, one million seven hundred forty thousand eight hundred and fifty dollars; Essex County, four hundred seventy-six thousand two hundred and fifty dollars; Middlesex County, seven hundred eighty-six thousand and fifty dollars; Worcester County, four hundred forty-three thousand and five hundred dollars; Hampshire County, one hundred nine thousand and seven hundred dollars; Hampden County, one hundred eighty thousand and eight hundred dollars; Franklin County, seventy-four thousand seven hundred and fifty dollars; Berkshire County, one hundred fifty thousand and four hundred dollars; Norfolk County, four hundred sixty-eight thousand and three hundred dollars; Bristol County, three hundred four thousand seven hundred and fifty dollars; Plymouth County, one hundred fifty-nine thousand and two hundred dollars; Barnstable County, eighty-one thousand two hundred and fifty dollars; Dukes County, twelve thousand and fifty dollars; Nantucket County, twelve thousand one hundred and fifty dollars.

Treasurer to issue warrant.

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.

Warrant to require issue of warrants by selectmen or assessors for payments to state treasurer.

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 the said treasurer of the Commonwealth, on or before the first day of December in the year one thousand eight hundred and sixty-seven, 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.

Names of treasurers, with sums required, to be returned.

Treasurer of Commonwealth to notify in case of 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 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 March 29, 1867.

AN ACT TO ESTABLISH ADDITIONAL TERMS OF THE SUPERIOR COURT
FOR THE COUNTY OF NORFOLK.

Chap. 105

Be it enacted, &c., as follows:

SECTION 1. Terms of the superior court shall be held at Dedham, within and for the county of Norfolk, on the first Mondays of April, September and December respectively in each year, for the transaction of the criminal business of said county exclusively, except as is provided in section three of this act.

First Mondays of April, Sept. and Dec. for criminal business, except, etc.

SECTION 2. The terms of the superior court for said county now required by law to be held on the third Mondays of September and December respectively in each year, shall be held on the fourth Mondays of September and December respectively in each year; and said terms, and the term of said court now required by law to be held on the fourth Monday of April in each year, shall be holden for the transaction of the civil business of said county exclusively, except as is provided in section three of this act.

Fourth Mondays of Sept. and Dec., instead of third Mondays.

Certain terms to be for civil business, except, etc.

SECTION 3. The term of said court now required by law to be held for civil and criminal business on the fourth Monday of April in the current year shall be held as heretofore, anything in this act to the contrary notwithstanding.

Term for civil and criminal business to be on fourth Monday of April.

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

Approved March 29, 1867.

AN ACT CONCERNING SEWERS AND DRAINS IN THE CITY OF WORCESTER.

Chap. 106

Be it enacted, &c., as follows:

SECTION 1. The city council of the city of Worcester may lay, make and maintain in said city all such drains and common sewers as they shall adjudge to be for the public health or convenience, and may repair the same, from time to time, whenever necessary; and the said city and the citizens thereof, shall have the same rights, and be subject to the

City council may lay and repair.

Rights and liabilities to be same as if under G. S., except, etc.

same liabilities, as if the same had been laid, made or maintained under the provisions of chapter forty-eight of the General Statutes, except as hereinafter provided.

Council may fix boundaries of certain brooks.

SECTION 2. The city council of said city may fix the boundaries of Mill Brook, Lincoln Brook, Austin Street Brook, Hermitage Brook, Piedmont Brook and Pine Meadow Brook, with their tributaries; said brooks being so named as aforesaid and described in a report to the city council of said city by the committee on sewerage, on the second day of October, in the year eighteen hundred and sixty-six, and also in a plan prepared by A. C. Buttrick, copies of which report and plan are herewith presented to be filed with this act in the office of the secretary of the Commonwealth; and said city council may alter, change, widen, straighten and deepen the channels of said brooks and remove obstructions therefrom, and may use and appropriate said brooks, cover them, pave and enclose them in retaining walls, so far as they shall adjudge necessary for purposes of sewerage, drainage and the public health.

May change channels and use brooks.

May take, hold and use or remove certain other property.

SECTION 3. The city council of said city may take and hold by purchase or otherwise, such land, water rights, dams, or other real estate, and so use, alter or remove the same as they shall adjudge necessary for the purposes aforesaid. And if any person shall sustain damages to his property, by reason thereof, and shall fail to agree upon a settlement of the same with said city council, the same shall be assessed in the same manner, and upon the same principles as damages are assessed in the laying out of highways.

Damages sustained, how assessed in case of failure to agree upon.

Estates benefited to be assessed proportionately.

SECTION 4. Every person owning real estate upon any street in which any drain or sewer may be laid under or by virtue of this act, and upon the line thereof, or whose real estate may be benefited thereby, shall pay to said city such sum as the mayor and aldermen shall assess upon him as his proportionate share of the expenditure of the city for drains and sewers; and the sum so assessed upon him shall constitute a lien upon said real estate for two years after it is assessed; and if not paid within ninety days after notice of said assessment served upon the owner of said land, or his agent, may be levied by a sale of said real estate to be conducted in the same manner as a sale of real estate for the non-payment of taxes. And any person aggrieved by the doings of the mayor and aldermen under this section, may at any time within three months from receiving notice of any assessment, apply for a jury in the manner provided in the sixth section of the forty-eighth chapter of the General Statutes.

How collected if not paid upon due notice.

Party aggrieved may have jury.

SECTION 5. For the purpose of defraying the expenses and outlays incurred for the purposes aforesaid, or so much thereof as they shall see fit, the city council of the city of Worcester are hereby authorized to issue, from time to time scrip, notes, bonds or certificates of debt, to be denominated on the face thereof "Sewer Scrip of the City of Worcester," to an amount not exceeding two hundred thousand dollars, and redeemable in not less than ten years from and after the date thereof.

City council may issue "sewer scrip" for \$200,000, redeemable after ten years.

SECTION 6. This act shall be void unless submitted to the voters of said city of Worcester, and approved by a majority of those voting at ward meetings held simultaneously, in said city in the several wards, within one year from the passage of this act, which meetings shall be called in the same manner as other legal meetings of said wards, and for the purpose of voting upon the approval of this act, either solely or with other legal purposes.

Act void unless approved by majority of voters of city within year.

Approved March 29, 1867.

AN ACT TO INCORPORATE THE SPRINGFIELD CITY HOSPITAL.

Chap. 107

Be it enacted, &c., as follows:

SECTION 1. Albert D. Briggs, Orric H. Greenleaf, Samuel G. Buckingham, their associates and successors, are hereby made a corporation by the name of the Springfield City Hospital, for the purpose of establishing and maintaining in the city of Springfield, a hospital for the care of the sick and disabled; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws that now are or hereafter may be in force and applicable to such corporations.

Corporators.

Privileges and restrictions.

SECTION 2. Said corporation may make such by-laws, rules and regulations as it may deem expedient for fixing the conditions of membership, for the election or appointment of trustees, and in general for the management of its affairs and for carrying out the objects of the corporation.

Corporation may make by-laws and rules for its government.

SECTION 3. Said corporation may receive and hold personal and real estate to an amount not exceeding one hundred and fifty thousand dollars, the use and income of which shall be devoted to the purposes of the organization.

May hold estate and use income.

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

Approved March 29, 1867.

AN ACT TO AUTHORIZE THE SEAMEN'S FRIEND SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 108

Be it enacted, &c., as follows:

SECTION 1. The Seamen's Friend Society is hereby authorized to hold real and personal property, in addition to what

May have \$110,000 additional.

is now authorized by law, to an amount not exceeding one hundred and ten thousand dollars.

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

Approved March 29, 1867.

Chap. 109 AN ACT TO INCORPORATE THE SAINT JOHN'S HOSPITAL, IN THE CITY OF LOWELL.

Be it enacted, &c., as follows :

Corporators.

Ann Alexis Shorb, Ann Aloysia Reed, Emerentiana Bowden, Ann Vincent McClosky, Blandina Davaux, Mary Frances Quirk, Mary Oswald Spalding, their associates and successors, are hereby made a corporation by the name of Saint John's Hospital, for the purpose of maintaining a hospital in the city of Lowell for the sick and disabled; 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 :

Privileges and restrictions.

May hold estate.

and for the purpose aforesaid said corporation may hold real and personal property to an amount not exceeding one hundred and fifty thousand dollars.

Approved March 29, 1867.

Chap. 110 AN ACT TO INCORPORATE THE UNION AGRICULTURAL AND HORTICULTURAL SOCIETY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Enos W. Boise, Howard P. Robinson, Henry A. Blair, their associates and successors are hereby made a corporation by the name of the Union Agricultural and Horticultural Society, and established in the town of Blandford, for the encouragement of agriculture, horticulture and the mechanic arts by premiums and other means, in the county of Hampden; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in relation to such corporations.

Location.

Privileges and restrictions.

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

Approved March 29, 1867.

Chap. 111 AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO GRANT ITS CREDIT TO THE MARBLEHEAD AND LYNN RAILROAD COMPANY.

Be it enacted, &c., as follows :

May grant credit to or hold shares in stock of company, in sum of \$50,000.

Proviso: voters shall authorize.

SECTION 1. The town of Marblehead is hereby authorized to grant its credit in aid of the Marblehead and Lynn Railroad Company, or to subscribe for and hold shares in the capital stock of said railroad company to an amount not exceeding fifty thousand dollars: *provided*, the inhabitants of said town at a legal meeting duly called for that purpose, shall, by a vote of two-thirds of the legal voters present and

voting thereon, vote to grant its credit in aid of said railroad, or to subscribe for such shares of said capital stock, and pay for the same out of the town treasury, 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.

SECTION 2. Said town of Marblehead is hereby authorized to raise by loan or tax, any sums of money, which shall be required, to pay its instalments on its subscriptions to said stock and interest thereon, or in payment of any bonds of said town issued in aid of said railroad company.

Town may raise money for by loan or tax.

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

Approved March 29, 1867.

AN ACT REQUIRING THE EASTERN RAILROAD COMPANY TO ERECT A STATION-HOUSE IN CHELSEA, AND FOR OTHER PURPOSES.

Chap. 112

Be it enacted, &c., as follows :

SECTION 1. The Eastern Railroad Company is hereby authorized and required to abandon its present station-house at Malden street crossing in the city of Chelsea, and shall, before the first day of January eighteen hundred and sixty-eight, erect and maintain a new station-house between Cedar street crossing and Washington Avenue bridge, in said Chelsea, reasonably commodious, for the use of passengers, together with sufficient platforms, and containing a ticket office and separate apartments for ladies and gentlemen; and the said Eastern Railroad Company is hereby authorized to take such land as may be necessary for the erection of said station-house with proper approaches thereto, and to connect with their railroad in both directions, under the provisions of the statutes authorizing railroad corporations to take land for the construction of railroads: *provided*, that no part of said extension shall reach within twenty feet of Union Park, so-called, in said Chelsea.

Shall abandon station at Malden St. and erect new house as defined, before first Jan., '68.

May take land for such purpose.

Proviso.

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

Approved March 29, 1867.

AN ACT TO INCORPORATE THE INDIA MUTUAL INSURANCE COMPANY.

Chap. 113

Be it enacted, &c., as follows :

SECTION 1. Charles J. Morrill, Benjamin K. Hough, Charles O. Whitmore, their associates and successors, are hereby made a corporation by the name of the India Mutual Insurance Company, in the city of Boston, for the purpose of making insurance against maritime and fire losses, on the mutual principle; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth

Corporators.

Location.

Privileges and restrictions.

in all general laws which now are or hereafter may be in force relating to such corporations.

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

Approved March 29, 1867.

Chap. 114 AN ACT TO AUTHORIZE THE EAST BOSTON GAS COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows :

May add \$100,000 to present capital.

SECTION 1. The East Boston Gas Company is hereby authorized to increase its capital stock by an amount not exceeding one hundred thousand dollars, in shares at twenty-five dollars each.

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

Approved March 29, 1867.

Chap. 115 AN ACT TO INCORPORATE THE PENTUCKET NAVIGATION COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Benjamin F. Butler, John Nesmith and Dewitt C. Farrington, their associates and successors, are hereby made a corporation by the name of the Pentucket Navigation Company, for the purpose of improving the navigation of Merrimac River between its mouth and the line of the state, and freighting merchandise and other freight ; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Purpose.

Privileges and restrictions.

May deepen channel of Merrimac river and construct works, with tracks on shores to connect with other railroads.

SECTION 2. Said corporation, for the purpose aforesaid, is hereby authorized to deepen the channel of said river by cutting down and removing any gravel, ledges, bars, rocks or other like obstructions in the bed thereof, and to erect in said river, and upon the shores and banks thereof, suitable booms, piers, abutments and breakwaters, and to make locks and canals, and if need be railway portages around the falls and rapids, and thereby to make connections with other railroads for the distribution of freight, thus to afford facilities to promote navigation, and to make suitable approaches to said river : *provided*, that in laying out and constructing such railway portages, and making connections with other railroads, said corporation shall have all the powers, rights and privileges, and be subject to all the restrictions, liabilities and duties set forth in the general laws which now are, or may hereafter be, in force relating to railroad corporations, so far as the same may be applicable.

Shall have powers and be under duties of railroad corporations, so far as may apply.

Corporation having made certain navigation safe, shall have right

SECTION 3. When the said corporation shall have so improved the navigation of said river, that loaded boats of twenty-five tons burden, in ordinary stages of the water,

can pass and repass with safety between the city of Newburyport and any part of the city of Lowell above Hunt's Falls, then this corporation, in consideration of the improvements so made, and to indemnify it for its expenses in this behalf, shall have the exclusive right of navigating said river with boats, propelled by machinery, for transportation, by towage or otherwise, of coal, merchandise and other articles of freight or passengers, from Mitchell's Falls, which is the head of tide-water, to the cities of Lawrence and Lowell, for the term of twenty-five years from the passage of this act. But this right of exclusive navigation shall be limited from the head of tide-water to the city of Lawrence until this corporation shall have made the river navigable as aforesaid to any points within the city of Lowell above Hunt's Falls: *provided*, that nothing in this act contained shall be construed to authorize said corporation to obstruct the floating of logs, rafts or lumber in said river, or the navigation thereof by small boats and scows, or any vessel not propelled, towed or drawn by a vessel propelled by machinery; *provided, also*, that no property or legal right of any person shall be taken or impaired by said corporation without compensation, to be recovered in the manner provided for recovering damages for land or other property taken or used for the construction of railroads.

SECTION 4. Nothing in this act contained shall enlarge or restrict the rights of any person claiming under it, to navigate the canals around Bodwell's Falls or Pawtucket Falls, or shall authorize the raising of the water upon Hunt's Falls, or the making of a canal around Bodwell's or Pawtucket Falls, or the interference in any manner, than what is now authorized by law, with the dams, or locks, or water-power of the Essex Company, or of the Proprietors of the Locks and Canals in Merrimac River, or of their respective grantees, for the purpose of navigating said river and canals. If any change authorized by law in any bridge shall be required to enable the corporation hereby created to carry out the powers herein conferred, the same shall be made under the direction of three commissioners appointed by the supreme judicial court. And the supreme judicial court, sitting in equity, upon the application of any party interested, may prescribe such regulations as to the changes, kind, heights and construction of the bridges and navigation of the canals, as they shall deem proper, and the expenses thereof shall be assessed by the court upon the parties liable therefor; and for this purpose, the court may appoint three commissioners,

of same for twenty-five years.

Right limited until river is navigable above Hunt's Falls, in Lowell.

Provisos.

Act not to affect rights in canals around Bodwell's or Pawtucket Falls, water upon Hunt's Falls, or works of the Essex Co., or in Locks and Canals.

Change in bridge, if required, how made.

S. J. Court may, upon request, prescribe regulations as to bridges and canals.

May appoint commissioners.

who shall examine and report to the court upon the whole matter.

Motive power in streets of Lowell, and speed, city may direct.

Corporation liable for loss caused to city.

City council, powers of.

Corporation may fix tolls for boats, subject to legislature.

In case shall not use river, other party may, upon payment of toll.

Corporation may dispose of wood and coal conveyed in own transports.

Proviso: shall carry all freight offered.

Capital stock.

Shares. Conditions of corporate action.

Act to be void unless boats of 25 tons may pass certain points within three years.

SECTION 5. The motive power used by said corporation upon all tracks laid by them within the streets of the city of Lowell, and the location thereof, and the rate of speed thereon, may be determined and controlled by any ordinance of said city. Said corporation shall be liable to the said city for all loss or damage thereto, caused by the construction and use of any railroad tracks over and along the streets of said city, which may be laid by such corporation, or by the negligence of their agents and workmen. And the city council of Lowell may have and exercise, in respect to said tracks, all the powers given by law to county commissioners in relation to railroad corporations.

SECTION 6. Said corporation may charge reasonable tolls for the use of boats propelled by machinery in such parts of said river as they may have the exclusive right to navigate; but the rate of tolls shall always be within the control of the legislature: and in the event that this corporation shall not exercise the right of navigating this river by its own transports, it shall allow the boats or transports of any other party to use and enjoy this right, upon the payment of the required toll. And to give effect to the rights herein conferred, and to promote the purpose of this act, said corporation is hereby authorized to deal with and dispose of such wood and coal as may have been conveyed by them in their own transports, from the head of tide-water to different points above on the river: *provided*, that this privilege shall not impair the obligation of said corporation to receive and carry, for a reasonable compensation, all the freight and merchandise which may be offered to them for transportation, so long as they run boats of their own.

SECTION 7. The capital stock of said corporation, to be invested in such real and personal estate as may be necessary and convenient for the purposes aforesaid, shall not exceed the sum of three hundred thousand dollars, to be divided into shares of one hundred dollars each; and said corporation shall neither commence business nor incur liability till fifty thousand dollars, or, in case its capital shall be fixed at more than two hundred thousand dollars, one-quarter part of such capital has actually been paid in, in cash.

SECTION 8. This act shall be void, unless within three years from the passage thereof the said corporation shall have so improved the navigation of said river that it shall be navigable, at the ordinary stages of the water, for loaded

boats of at least twenty-five tons burden between the foot of Hunt's Falls and Newburyport.

SECTION 9. Said corporation is prohibited from transferring its charter and franchise, and from assigning the rights and privileges hereby granted. Transfer of charter prohibited.

SECTION 10. This act shall take effect upon its passage.

Approved April 1, 1867.

AN ACT TO INCORPORATE THE MARSHFIELD AGRICULTURAL AND HORTICULTURAL SOCIETY. Chap. 116

Be it enacted, &c., as follows :

SECTION 1. George M. Baker, Robert H. Moorehead, John Baker, their associates and successors, are hereby made a corporation by the name of the Marshfield Agricultural and Horticultural Society, and established in the town of Marshfield, for the encouragement of agriculture, horticulture and the mechanic arts, by premiums and other means, in the county of Plymouth ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in relation to such corporations. Corporators.
Privileges and restrictions.

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

Approved April 2, 1867.

AN ACT TO INCORPORATE THE WORCESTER NORTH-WEST AGRICULTURAL AND MECHANICAL SOCIETY. Chap. 117

Be it enacted, &c., as follows :

SECTION 1. Joseph Cobb, John Kendall, Calvin Kelton, their associates and successors, are hereby made a corporation by the name of the Worcester North-West Agricultural and Mechanical Society, and established in the town of Athol, for the encouragement of agriculture, horticulture and the mechanic arts, by premiums and other means, in the county of Worcester ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or may hereafter be in force in relation to such corporations. Corporators.
Location.
Privileges and restrictions.

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

Approved April 2, 1867.

AN ACT TO INCORPORATE THE LENOX WATER COMPANY. Chap. 118

Be it enacted, &c., as follows :

SECTION 1. Henry W. Taft, Andrew J. Waterman, William O. Curtis, their associates and successors, are hereby made a corporation by the name of the Lenox Water Company, for the purpose of supplying the inhabitants of Lenox with pure water ; with all the powers and privileges, and Corporators.
Privileges and restrictions.

subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

May hold real and personal estate.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real and personal estate, not exceeding in amount forty thousand dollars; and the whole capital stock shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock and shares.

Corporation may hold and convey into village of town certain waters, and hold land upon margins.

SECTION 3. Said corporation may purchase, hold and convey to, into and through the village of said town of Lenox, the water of any spring or springs or of any natural pond or ponds within said town of Lenox, and may take and hold real estate necessary for laying and maintaining aqueducts and reservoirs, and may purchase and hold land around the margin of any such spring or pond to an extent not exceeding one acre to each spring or pond so taken. Said company shall, within sixty days from the time of taking any lands, ponds or springs, as before provided, file in the office of the registry of deeds in the middle district of the county of Berkshire, a description of the lands, springs or ponds so taken, as certain as is required in a common conveyance of land, and a statement of the purpose for which taken, signed by the president of said company.

Shall file description in registry of deeds.

May make aqueducts, reservoirs and hydrants, and distribute water thro' town.

SECTION 4. Said corporation may make aqueducts from any sources above mentioned through any part of the town of Lenox, and may maintain the same by suitable works, may make reservoirs and hydrants, and may distribute the water throughout said town and village by laying down pipes, and may establish the rents therefor. And said corporation, for the purposes aforesaid, may enter upon and dig up any road, under the direction of the selectmen of the town of Lenox, in such manner as to cause the least hindrance to the travel thereon.

May open highways under direction of selectmen.

Damages sustained, how determined and recovered.

SECTION 5. All damages sustained by taking land, water or water-rights, or by making aqueducts, reservoirs or other works, shall be ascertained, determined and recovered, in the manner now provided by law in case of land taken for highways.

Penalty for malicious diversion or corrupting of water, or injury to works or property.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be taken by said corporation pursuant to the provisions of this act, or who shall corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam, reservoir, aqueduct, pipe or hydrant, or other property held, owned or used by said corporation for the purposes of this act, shall pay three times the amount of actual damage to the said

corporation, to be recovered by any proper action ; and every such person, on conviction of either of the malicious acts aforesaid, may be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

SECTION 7. The town of Lenox may at any time purchase or otherwise take the franchise of said corporation, and all its corporate property, at such price as may be agreed upon between the parties ; and in case the parties cannot agree upon the price, the supreme judicial court, or any justice thereof, upon application of either party, shall appoint three commissioners to award what sum said town shall pay for such franchise and its corporate property, which award shall be final.

Town may take franchise as may be agreed ; or as commissioners shall award.

SECTION 8. For the purpose of defraying the cost of such franchise and corporate property as shall be purchased for the purposes aforesaid, the town of Lenox shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Lenox Water Scrip," to an amount not exceeding fifty thousand dollars, bearing interest payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of the said scrip, notes or certificates respectively ; and said town may sell the same, or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as the said town shall deem proper. Said town is further authorized to make appropriations and assess from time to time such amounts not exceeding in any one year the sum of five thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

May issue "water scrip," not exceeding \$50,000, payable in not more than twenty years.

May sell same.

May annually assess certain sum to pay principal and interest.

SECTION 9. In case the town of Lenox shall purchase the property, rights and privileges of the corporation hereby established, said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants and agents as the town shall from time to time ordain, appoint and direct. And said town shall be liable to pay all damages occasioned by the diversion of any water, or the obstruction of any stream, or the flowing of any lands for the purposes of said aqueduct, which shall not have been previously paid by said corporation.

Town purchasing franchise and property, may appoint officers to manage.

Shall be liable for damages not paid by corporation.

SECTION 10. This act shall take effect upon its passage.

Approved April 2, 1867.

Chap. 119

AN ACT TO INCORPORATE THE WYOMING HOTEL COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Charles Copcland, George W. Heath, Daniel Russell, their associates and successors, are hereby made a corporation, by the name of the Wyoming Hotel Company, for the purpose of erecting a public house to be located in Melrose, and maintaining such public house, with the buildings and improvements connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws, which now are or may hereafter be in force and applicable to such corporations: *provided, however*, that said corporation shall not carry on the business of keeping a hotel or boarding-house, or be in any way interested in such business.

Purpose.

Privileges and restrictions.

Proviso.

Capital stock and shares.

May hold estate.

Proviso.

SECTION 2. The capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold real and personal estate to the value of two hundred thousand dollars, for the purpose mentioned in the first section: *provided, however*, that said corporation shall not incur any liability until the sum of fifty thousand dollars has been paid in, in cash.

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

*Approved April 2, 1867.***Chap. 120**

AN ACT IN RELATION TO THE WINTHROP RAILROAD COMPANY.

Be it enacted, &c., as follows:

Corporate functions under act of 1861, revived.

SECTION 1. All the rights, privileges, liabilities, duties and restrictions granted to or imposed upon the Winthrop Railroad Company, by chapter eighty-nine of the acts of the year eighteen hundred and sixty-one, and all subsequent acts in relation thereto, subject to any modifications made by any general law relating to horse railways, are hereby revived; and the time for accepting, locating and constructing said railroad is hereby extended to the first day of June, in the year eighteen hundred and sixty-nine.

Time for action extended to first June, 1869.

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

*Approved April 2, 1867.***Chap. 121**

AN ACT CONCERNING CERTAIN MANUFACTURING CORPORATIONS IN THE CITY OF FALL RIVER.

Be it enacted, &c., as follows:

Any ten named, upon accepting this act, may unite for mutual insurance against loss by fire.

SECTION 1. The Fall River Iron Works Company, the American Print Works, the Granite Mills, the Troy Cotton and Woolen Manufacturing Company, the Fall River Manufactory, the Union Mill Company, the Pocasset Manufacturing Company, the Annawan Manufactory, the Massasoit

Steam Mill, the Watuppa Manufacturing Company, the Fall River Print Works, the Robeson Mills, the American Linen Company, the Durfee Mills and Tecumsch Mills, or so many of the same as shall accept the provisions of this act as provided in section three, the same being manufacturing corporations, engaged in business in the city of Fall River, are hereby authorized and empowered to enter into contract with each other respecting mutual insurance against loss or damage by fire, of the property of each and all of said corporations situated in the city of Fall River; and to adopt such rules and regulations as they may deem just and expedient for this purpose.

SECTION 2. Said corporation shall annually, on or before the second Monday of November, make to the treasurer of the Commonwealth a return, signed and sworn to by the president and secretary of each of said corporations, of all assessments made by them under the provisions of this act, and shall pay to the treasurer aforesaid a tax of one per cent. per annum on all said assessments. Any one of said corporations neglecting to make the returns and pay the taxes provided for in this section, shall be liable to the penalties provided in the ninth and eleventh sections of the two hundred and twenty-fourth chapter of the acts of the year eight hundred and sixty-two.

Corporation so formed to report assessments to treasurer of state and pay tax of one per cent. per annum.

Penalty if company fail to comply.

SECTION 3. This act shall take effect when ten of the corporations named in the first section shall have accepted the same by a vote of three-fourths of the stockholders in each, at meetings called for that purpose; and any other corporation engaged in manufacturing business in said city of Fall River, may join said contracting corporations by a vote of three-fourths of its stockholders.

Act in force when accepted by three-fourths of stockholders.

Other corporations may join association.

Approved April 2, 1867.

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENDITURES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-SIX, AND PREVIOUS YEARS, AND FOR OTHER PURPOSES.

Chap. 122

Be it enacted, &c., as follows:

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

Appropriations authorized.

LEGISLATIVE DEPARTMENT.

For printing blanks and circulars, and the calendar of orders of the day, for the use of the senate, a sum not exceeding fifty-nine dollars and ninety cents; and for the use of

Printing blanks and calendar of orders, senate and house. Res. 1856, 74.

the house, a sum not exceeding one hundred and thirty dollars and fifty-eight cents.

Stationery, house
Res. 1856, 74.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding one hundred and seventy-five dollars.

Books, printing,
etc., sergeant-at-
arms for legisla-
ture.
G. S. 14.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding one hundred and twenty-two dollars and twenty-five cents.

Contingents,
senate, house and
capitol.
G. S. 14.

For the contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding four hundred and eighty-eight dollars and twenty-five cents, subject to the restrictions provided for the expenditure of the appropriation for similar expenses for the present year.

Restrictions. }

Committee on
salaries, of 1866,
expenses.

For the compensation and expenses of the joint special committee on salaries, of the legislature of the year eighteen hundred and sixty-six, a sum not exceeding three thousand six hundred dollars.

STATE HOUSE.

Repairs and fur-
niture, capitol.

For repairs, improvements and furniture of the state house, a sum not exceeding three thousand two hundred and fifty-two dollars and forty-three cents.

Fuel and lights.

For fuel and lights for the state house, a sum not exceeding nine hundred and eighty-one dollars and seventy-three cents.

STATE PRINTING.

Printing public
documents of '66.

For printing the public series of documents for the year eighteen hundred and sixty-six, a sum not exceeding three thousand dollars.

Publishing bank
returns.

For the publication of bank returns, a sum not exceeding one hundred dollars.

Industrial statis-
tics, printing.

For printing the abstract of industrial statistics, a sum not exceeding one hundred and thirty-nine dollars and forty-six cents.

Laws of Province
Mass. Bay, pub-
lication; balance
for re-appropriat-
ed.

The balance of the appropriation made in accordance with the provisions of chapter forty-three of the resolves of the year eighteen hundred and sixty-five, relating to the publication of the statutes and laws of the province of Massachusetts Bay, and amounting to two thousand two hundred and seventy-four dollars and five cents, is hereby renewed for the same purpose; said appropriation having expired by limitation of statute.

AGRICULTURAL DEPARTMENT.

Board of agricul-
ture, expenses
members.

For the personal expenses of members of the board of agriculture, a sum not exceeding two hundred and five dollars and sixty-three cents.

For incidental expenses of the board of agriculture, a sum not exceeding fifty dollars. Incidental.

MILITARY DEPARTMENT.

For the incidental expenses and express charges of the adjutant-general, a sum not exceeding one hundred and fifty dollars. Adjutant-general, expenses.

For the bureau of the surgeon-general, a sum not exceeding one hundred and twenty-one dollars and forty-three cents. Surgeon-general, expenses.

For military accounts of the year eighteen hundred and sixty-six, a sum not exceeding three thousand eight hundred dollars; and for previous years, sixty-eight dollars and fifty-five cents, the latter having been heretofore allowed on warrants of the governor and council, but remaining uncalled for during the time within which payment is limited by statute. Military accounts of 1866 and previous years.

For rent of armories, a sum not exceeding one thousand nine hundred and ten dollars and fifty-two cents. Rent of armories.

For military elections, a sum not exceeding one hundred dollars. Military elections.

For stone furnished for the state arsenal at Cambridge, a sum not exceeding one hundred and sixty-eight dollars and thirty-seven cents, which shall be allowed and paid. State arsenal, stone for.

For a fire-proof safe purchased for the use of the bureau of the paymaster-general, a sum not exceeding one hundred and thirty dollars, which shall be allowed and paid. Fire-proof safe, paymaster-general.

For the compensation of officers and soldiers called out under orders of the commander-in-chief for the suppression of the riot in the month of July, in the year eighteen hundred and sixty-three, a sum not exceeding four hundred dollars, which shall be allowed and paid, the same having been heretofore allowed on a warrant of the governor and council, but remaining uncalled for during the time within which payment is limited by statute. Pay of soldiers called to suppress riot in 1863.

For the compensation of officers and soldiers who performed duty at the May inspection, in the year eighteen hundred and sixty-five, a sum not exceeding four thousand five hundred dollars, as provided in chapter two hundred and seventy of the acts of the year eighteen hundred and sixty-six. Pay for military duty at May inspection in 1865.

The balance of the appropriation made in chapter two hundred and ninety-nine of the acts of the year eighteen hundred and sixty-six, for quartermaster's supplies, is hereby made applicable for the same purpose during the present year. Quartermaster's supplies, balance of 1866 for to apply.

CHARITABLE.

- Rainsford Island hospital, expenses. For expenses of the hospital at Rainsford Island, a sum not exceeding four hundred and fifty dollars.
- Almshouses : Tewksbury. For expenses of the state almshouse at Tewksbury, a sum not exceeding three thousand nine hundred and seventeen dollars and forty-one cents.
- Monson. For expenses of the state almshouse at Monson, a sum not exceeding four thousand two hundred and forty-seven dollars and sixty-one cents.
- Lunatic paupers, support. For the support and relief of lunatic state paupers in state hospitals, a sum not exceeding three thousand five hundred dollars.
- Dudley Indians, expenses incurred. For expenses incurred on account of the support of the Dudley Indians, a sum not exceeding twenty-one dollars and eighteen cents.
- Hassanamisco Indians, expenses incurred under Res. of 1864-65. For expenses incurred by the trustee of the Hassanamisco Indians for the benefit of said tribe, under the provisions of chapter seventy-six of the resolves of the year eighteen hundred and sixty-four, and chapter nine of the resolves of the year eighteen hundred and sixty-five, a sum not exceeding forty-four dollars and ninety-eight cents.
- State paupers support by towns. For the support of state paupers by cities and towns, a sum not exceeding two thousand five hundred dollars.
- Burials. For the burial of state paupers, a sum not exceeding two thousand dollars.
- Coroners' inquests, expenses. For expenses of coroners' inquests, a sum not exceeding twenty-four dollars and eighty cents, the same having been heretofore allowed on a warrant of the governor and council, but remaining uncalled for during the time within which payment is limited by statute.

REFORMATORY AND CORRECTIONAL.

- Reform school, expenses. For expenses of the reform school for boys, a sum not exceeding eight thousand seven hundred and nineteen dollars and eighty-three cents.
- Nautical branch. For expenses of the nautical branch of the reform school, a sum not exceeding one thousand eight hundred and forty-four dollars and twenty-seven cents.
- State police, expenses. For incidental and contingent expenses of the state police, a sum not exceeding three thousand dollars.
- Industrial school. For expenses of the industrial school for girls, a sum not exceeding one thousand nine hundred and thirteen dollars and thirty-seven cents.

MISCELLANEOUS.

- Harbor commissioners, pay and expenses. For compensation and expenses of the harbor commissioners for the present year, a sum not exceeding ten thousand

dollars, payable upon vouchers properly approved and filed with the auditor for his certificate.

For fees, costs and court expenses of the attorney-general, a sum not exceeding seventy-four dollars and eighty-five cents; and for costs accruing the present year under the provisions of section twenty-four of chapter fourteen of the General Statutes, a sum not exceeding three hundred dollars.

Attorney-general fees, costs and expenses.

For incidental expenses of the secretary's department, a sum not exceeding one hundred and eighty-six dollars and ninety-six cents; and for the present year, a sum not exceeding five hundred dollars, in addition to the amount heretofore appropriated.

Secretary of state, incidental expenses.

For repairs on the Essex bridge, a sum not exceeding one hundred and thirty-five dollars, payable from the Essex bridge fund.

Essex bridge, repairs.

For expenses of the Charles River and Warren bridges, a sum not exceeding eight thousand four hundred and fifty dollars, payable from the Charles River and Warren bridges fund.

Charles River and Warren bridges, expenses.

For postage, printing and stationery for the board of education, a sum not exceeding six hundred and seventy-four dollars and twenty cents, payable from the income of the Massachusetts school fund applicable to educational expenses.

Board of education, postage, printing, etc.

How payable.

For expenses of the commissioners on public lands, a sum not exceeding ninety-five dollars and twenty cents, payable from the moiety of the proceeds of sales applicable to improvements.

Commissioners on public lands, expenses.

For the salaries of the justices of the municipal court of the city of Boston, a sum not exceeding forty-nine dollars and forty-four cents.

Municipal court of Boston, justices salaries.

For collecting census and industrial statistics in the year eighteen hundred and sixty-five, a sum not exceeding one hundred and twenty-three dollars, the same having been heretofore allowed on a warrant of the governor and council, but remaining uncalled for during the time within which payment is limited by statute.

Census and industrial statistics, pay for collecting.

For sheriffs' fees for the distribution of proclamations and tax warrants, a sum not exceeding forty-two dollars and seventy-two cents.

Sheriffs' fees.

For sundry small items of expenditure due and unpaid in the year eighteen hundred and sixty-six and previous years, a sum not exceeding five thousand dollars.

Sundry items, previous years.

The appropriations made in chapter twenty-five of the acts of the present year, for the maintenance of the Charles River

Charles River and Warren bridges, appro-

appropriations for superintendence, application defined.

and Warren bridges under the superintendence of the drawtenders of said bridges, are hereby made applicable to the same purposes under the superintendence of the city of Charlestown, from and after the eighteenth day of March, in the year one thousand eight hundred and sixty-seven, in accordance with the provisions of chapter sixty-six of the acts of the present year.

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

Approved April 2, 1867.

Chap. 123

AN ACT CONCERNING EDUCATIONAL STATISTICS.

Be it enacted, &c., as follows :

Officers of institutions of learning, reform and charity and of Indian schools, to report annually on June 1st, to board of education.

SECTION 1. It shall be the duty of the trustees, officers or persons in charge of all institutions of learning, whether literary, scientific or professional, incorporated, supported or aided by this Commonwealth ; of all reform schools and almshouses ; of all private educational institutions ; also, of all agents, guardians or treasurers to whom appropriations shall be made for the support of schools among the Indians of this Commonwealth, whether by general statute or special resolve, on or before the first day of June in each year, to make a report in writing to the board of education, at the office of the secretary, of such statistics of the several institutions or schools under their charge, relating to the number of pupils and instructors, courses of study, cost of tuition and the general condition of said institution or school, as said board shall prescribe.

Board to supply forms on or before tenth May.

SECTION 2. The board of education shall prepare blank forms of inquiry for such statistics, as they shall deem expedient to require, and shall cause the same to be sent to each of said institutions or schools, on or before the tenth day of May in each year. In preparing said forms, reference shall be had to the requirements of the national bureau of education recently created by the general government.

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

Approved April 3, 1867.

Chap. 124

AN ACT TO ANNEX PART OF THE CITY OF SALEM TO THE TOWN OF SWAMPSCOTT.

Be it enacted, &c., as follows :

Boundaries of tract defined.

SECTION 1. The following described tract of land in the city of Salem, with the inhabitants thereon residing, is hereby set off and annexed to the town of Swampscott, viz : Beginning at a stone monument on the shore line of Phillips' Beach standing in the boundary line between the city of Salem and the town of Swampscott ; thence running north eastwardly, bounded by the sea, to a stone monument in the

boundary line between the city of Salem and the town of Marblehead; thence north westwardly by the said boundary line between Salem and Marblehead and the extension of the same in a north westerly direction until the said line intersects the southerly line of Brookhouse Street, so called, extended in a westerly direction; thence westwardly by the said southerly line of Brookhouse Street extended westwardly until the same intersects the boundary line between Salem and Swampscott, and thence south eastwardly by the said boundary line between Salem and Swampscott to the stone monument at the point of beginning.

SECTION 2. Said territory hereby transferred to said town of Swampscott with the inhabitants thereon, shall, for the purpose of electing a senator, continue to be and remain a part of the said city of Salem; and all the inhabitants residing upon the territory so transferred, shall, until otherwise provided for, by and under the constitution, always enjoy in relation to the election of senator all the rights and privileges of, and in relation to, voting in the said city of Salem which they would have possessed if this act had not been passed. And the said territory hereby transferred to said town of Swampscott with the inhabitants thereon, shall also remain a part of said city of Salem for the purpose of electing the representatives to the general court to which the district of which the above-described portion of the city of Salem forms a part is entitled; and for the purpose of electing state and county officers, representative to congress and electors of president and vice-president of the United States, as said city of Salem shall vote for said officers, until the next decennial census, or until another apportionment be made in pursuance of the provisions of the constitution; and the selectmen of said town of Swampscott shall make true lists of all persons within the limits of that part of Salem hereby annexed to said town of Swampscott, qualified to vote at any such election, and shall post up the same in said town of Swampscott, and shall correct the same as required by law, and keep said list so posted in said town of Swampscott until ten days prior to any election in which said list is required to be used, and shall then deliver a true copy of said list to the mayor and aldermen of said city of Salem, seven days at least before such election. And the mayor and aldermen of said city of Salem shall, after receiving said list, post up, revise and correct the same, in the same manner as they revise the list of the voters of said city, and shall use said list at said elections with the general list of the voters of of said city.

Shall for electing senator remain part of Salem; all rights of persons unchanged.

Representatives in general court.

County, state and U. S. officers until census or new apportionment.

Selectmen of Swampscott to make and post list of voters, and send Salem copy.

Mayor and aldermen to revise and use same.

Inhabitants set off to be held for taxes due.

SECTION 3. The inhabitants and estates hereby set off and annexed to the town of Swampscott, shall be held to pay all taxes that have been legally assessed on them by the city of Salem, in the same manner as if this act had not been passed.

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

Approved April 3, 1867.

Chap. 125 AN ACT FOR THE PROTECTION OF SEA-FOWL IN THE WATERS OF EDGARTOWN.

Be it enacted, &c., as follows :

Pursuit of forbidden.

SECTION 1. No person shall drive, chase or pursue with boats, in the waters in and bordering upon the town of Edgartown, any of the birds commonly called sea-fowl.

Penalty for offending.

SECTION 2. Any person offending against the provisions of the preceding section, shall forfeit and pay for each offence a fine of not more than five dollars, to be recovered by prosecution before any court of competent jurisdiction.

Approved April 3, 1867.

Chap. 126 AN ACT TO AUTHORIZE THE PEOPLE'S SAVINGS BANK IN THE CITY OF WORCESTER TO HOLD REAL ESTATE.

Be it enacted, &c., as follows :

May hold 50,000 dollars.

SECTION 1. The People's Savings Bank in the city of Worcester is hereby authorized to hold real estate to the amount of fifty thousand dollars.

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

Approved April 3, 1867.

Chap. 127 AN ACT RELATING TO LEASED RAILROADS.

Be it enacted, &c., as follows :

When leased to party in other State, lessors to make annual report.

In cases where a railroad in this Commonwealth is leased to a corporation or party in another state, the duty of making the annual return and payment to the secretary of the Commonwealth required by law, shall devolve upon the lessors in this state.

Approved April 3, 1867.

Chap. 128 AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION OF THE LEE AND NEW HAVEN RAILROAD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Time extended to April 5, 1870.

SECTION 1. The time for constructing the Lee and New Haven Railroad is hereby extended to the fifth day of April in the year eighteen hundred and seventy.

Acts of 1864, chaps. 242, 245, 246, 249, 260, amended.

SECTION 2. The fourth sections respectively of chapters two hundred and forty-two, two hundred and forty-five, two hundred and forty-six, two hundred and forty-nine, two hundred and sixty, of the acts of the year eighteen hundred and sixty-four are hereby amended by striking out from the said

sections of each of said chapters, the words "three-fourths" and inserting in place thereof "two-thirds." Nothing contained in this section shall affect the validity of the said acts herein referred to.

Approved April 3, 1867.

AN ACT TO INCORPORATE THE PACIFIC GUANO COMPANY

Be it enacted, &c., as follows :

Chap. 129

SECTION 1. William T. Glidden, Frederick Nickerson, Oakes Ames, their associates and successors, are hereby made a corporation by the name of the Pacific Guano Company, for the purpose of manufacturing fertilizers and fish oil in the town of Falmouth; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to manufacturing corporations.

Corporators.

Location.

Privileges and restrictions.

SECTION 2. Said corporation may hold for the purposes aforesaid, real estate to the amount of one hundred and fifty thousand dollars; and the whole capital stock of said corporation shall not exceed one million dollars and shall be divided into shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until property of the actual cash value of four hundred thousand dollars has been conveyed to and vested in the same.

May hold estate

Capital stock and shares.

Proviso: condition of operation.

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

Approved April 3, 1867.

AN ACT CONCERNING DOGS, AND FOR THE PROTECTION OF SHEEP AND OTHER DOMESTIC ANIMALS.

Chap. 130

Be it enacted, &c., as follows :

SECTION 1. Every owner or keeper of a dog shall annually, on or before the thirtieth day of April, cause it to be registered; numbered, described and licensed for one year from the first day of the ensuing May, in the office of the clerk of the city or town wherein said dog is kept, and shall cause it to wear around its neck a collar distinctly marked with its owner's name and its registered number, and shall pay for such license, for a male dog two dollars, and for a female dog five dollars.

Dogs shall be licensed in April by town, and wear collar.

Fees.

SECTION 2. 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 this act.

New owner after May 1, of unlicensed dog, to comply.

SECTION 3. The clerks of cities or towns shall issue said licenses, and receive the money therefor, and pay the same

Clerk of town to issue licenses and account for fees.

Except in
Suffolk.

into the treasuries of their respective counties, except in the county of Suffolk, on or before the first day of December of each year, retaining to their own use twenty cents for each license, and shall return therewith a sworn statement of the amount of moneys thus received and paid over by them. They shall also keep a record of all licenses issued by them, with the names of the keepers or owners of dogs licensed, and the names, registered numbers and descriptions of all such dogs.

Shall keep re-
cord.

Duties of county
and town treas-
urers, except in
Suffolk.

SECTION 4. It shall be the duty of each county treasurer, and of each city or town treasurer, except in the county of Suffolk, to keep an accurate and separate account of all moneys received and expended by him under the provisions of this act.

Penalty for keep-
ing unlicensed
dog.

SECTION 5. Any person keeping a dog contrary to the provisions of this act, shall forfeit fifteen dollars, to be recovered by complaint or indictment; and of said fine or forfeiture, five dollars shall be paid to the complainant, and ten dollars shall be paid to the treasurer of the county in which the dog is kept; except that in the county of Suffolk, the ten dollars shall be paid to the treasurer of the city or town wherein said dog is kept. A license from the clerk of any city or town shall be valid in any part of the Commonwealth and may be transferred with the dog licensed: *provided*, said license be recorded by the clerk of the city or town where such dog is kept.

License valid in
state and may be
transferred to
other town.

Assessors to take
list of dogs on
first May and
return to clerk.

SECTION 6. The assessors of the cities and towns shall annually take a list of all dogs owned or kept in their respective cities or towns, on the first day of May, with the owners' or keepers' names, and return the same to the city or town clerk, on or before the first day of July. Any owner or keeper of a dog who shall refuse to give just and true answers, or shall answer falsely to the assessors relative to the ownership thereof, shall be punished by a fine of not less than ten dollars, to be paid, except in the county of Suffolk, into the county treasury.

Penalty for refu-
sal of or false
answer.

Mayor and chair-
man selectmen,
in July, to direct
officers to cause
killing of unli-
censed dogs and
complaint of
keepers.

SECTION 7. Mayors of cities and the chairman of selectmen of towns shall annually, within ten days from the first day of July, issue a warrant to one or more police officers, or constables, directing them to proceed forthwith either to kill or cause to be killed all dogs within their respective cities or towns, not licensed and collared according to the provisions of this act, and to enter complaint against the owners or keepers thereof, and any person may, and every police officer and constable shall, kill or cause to be killed all such dogs whenever or wherever found. Such officers, other than

those employed under regular pay, shall receive one dollar for each dog so destroyed, from the treasurers of their respective counties, except that in the county of Suffolk they shall receive it from the treasurers of their respective cities or towns. All bills for such services shall be approved by the mayor, or chairman of the selectmen, of the city or town in which said dogs are destroyed, and shall be paid from moneys received under the provisions of this act.

Fees.

Bills for service, how paid.

SECTION 8. Each police officer or constable to whom the warrant named in the preceding section shall have been issued shall return the same, on or before the first day of the October following, to the mayor or chairman of selectmen issuing the same, and shall state in said return the number of dogs killed, and the names of the owners or keepers thereof, and whether all unlicensed dogs in his city or town have been killed, and the names of persons against whom complaints have been made under the provisions of this act, and whether complaints have been entered against all the persons who have failed to comply with the provisions of this act.

Officer to make return of warrant, on first October, with information of doings, &c.

SECTION 9. The mayors of cities and the chairman of selectmen of towns, shall annually, within ten days from the first day of October, transmit a certificate, regularly subscribed and sworn to, of the fact of the issue of the warrant named in section seven, and whether the same has been duly executed and returned, agreeably to the provisions of this act, to the district-attorneys of their respective districts, whose duty it shall be to prosecute all such city, town or county officers as fail to comply with the provisions of this act.

Mayors and chairman of selectmen on tenth October to have sworn statement with district-attorney.

SECTION 10. Whoever suffers loss by the worrying, maiming or killing of his sheep, lambs, fowls or other domestic animals by dogs, may inform the mayor of the city or the chairman of the selectmen of the town wherein the damage was done, who shall proceed to the premises where the damage was done and determine whether the same was inflicted by dogs, and if so, appraise the amount thereof and return a certificate of said amount, except in the county of Suffolk, to the county commissioners, on or before the first day of December: *provided, however,* that if, in the opinion of said mayor or chairman of selectmen, the amount of said damage shall exceed the sum of twenty dollars, he shall appoint two disinterested persons who, with the said mayor or chairman of selectmen, shall appraise the amount of such damage and return a certificate of the same, except in the county of Suffolk, to the county commissioners, on or before the first

Person suffering loss by dogs may have appraisalment.

Provide: if more than \$20, how disposed.

County commissioners to examine bills in December, and may order payment.

day of December. The county commissioners shall, during the month of December, examine all such bills, and, when any doubt exists, may summon the appraisers and all parties interested, and make such examination as they may think proper, and shall issue an order upon the treasurer of the county in which the damage was done, for all or any part thereof, as justice and equity may require.

County treasurer to pay in January.

The treasurer shall annually, on the first Wednesday of January, pay all such orders in full, if the gross amount received by him and not previously paid out under the provisions of this act is sufficient therefor; otherwise he shall divide such amount *pro rata* among such orders, in full discharge thereof.

Appraisers, how paid

The appraisers shall receive from the county, or in the county of Suffolk from the city or town treasurer, out of the moneys received under the provisions of this act, the sum of one dollar each for every examination made by them as prescribed in this section; and the mayor or the chairman of selectmen acting in the case, shall receive twenty cents per mile one way for his necessary travel in the case.

Mayor and selectmen, mileage.

Owner of animals may elect procedure.

The owner of sheep, lambs or other domestic animals worried, maimed or killed by dogs, shall have his election whether to proceed under the provisions of this section or under the provisions of sections sixty-one, sixty-two and sixty-three of chapter eighty-eight of the General Statutes; but, having signified his election by proceeding in either mode, he shall not have the other remedy. In the absence or sickness of the mayor of the city, or chairman of the selectmen of the town, in which the damage is done, it shall be the duty of any one of the aldermen of said city, or of the selectmen of said town, who may be duly informed of damage supposed to have been done by dogs, to discharge forthwith the duties imposed by this section upon the mayor or chairman of selectmen.

Penalty if officer fail of duty.

SECTION 11. Any city, town or county officer refusing or wilfully neglecting to perform the duties herein imposed upon him, shall be punished by a fine not exceeding one hundred dollars to be paid, except in the county of Suffolk, into the county treasury. Any person aggrieved by such refusal or neglect on the part of any city, town or county officer, may report the same forthwith to the district-attorney of his district.

Person aggrieved thereby may report to attorney.

County treasurer may bring action for damage.

SECTION 12. The treasurer of any county may, and, when ordered by the county commissioners, shall, bring an action of tort against the owner or keeper of any dog concerned in doing damage to sheep, lambs or other domestic animals in

said county, which damage the county commissioners have ordered to be paid, to recover the full amount thereof to the use of said county. All fines and penalties provided in this act may be recovered on complaint or indictment before any court of competent jurisdiction in the county where the offence is committed.

Recovery of fines and penalties.

Moneys received by the treasurer of any city, town or county, under the provisions of this act, and not expended in accordance with its provisions may be applied to the payment of any city, town or county expenses.

Moneys received hereunder, how used.

SECTION 13. In the county of Suffolk, all moneys received for licenses or recovered as fines or penalties under the provisions of this act, which if received or recovered in any other county, would be paid into the county treasury, shall be paid into the treasury of the city or town in which said licenses are issued or said fines or penalties recovered. All claims for damage done by dogs in said county shall be determined by appraisers as specified in section ten of this act, and, when approved by the board of aldermen or selectmen of the city or town where the damage was done, shall be paid in full on the first Wednesday of January of each year by the treasurer of said city or town, if the gross amount received by him and not previously paid out under the provisions of this act is sufficient therefor; otherwise such amount shall be divided *pro rata* among such claimants in full discharge thereof.

County of Suffolk; moneys to be paid city or town.

Claims for damage of dogs therein, how determined and paid.

After such claims have been approved by the board of aldermen or selectmen, the treasurer of said city or town may, and, when ordered by the board of aldermen or selectmen, shall, bring an action of tort to recover, against the owner or keeper of any dog concerned in doing the damage, the full amount thereof.

Claims approved, treasurer of town may bring action to recover.

SECTION 14. Any person owning or keeping a licensed dog, who may have received a notice, in accordance with section sixty-one of chapter eighty-eight of the General Statutes, that said dog is mischievous or dangerous, and who does not kill it or keep it thereafter from ever going at large, shall, on complaint or indictment, forfeit ten dollars, if it be proved that said dog be mischievous or dangerous.

Penalty for freedom of licensed dog when dangerous, after notice.

SECTION 15. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 16. The warrants required to be issued by the seventh section of this act, may be in the following form, viz.:

Form of warrant under seventh section.

COMMONWEALTH OF MASSACHUSETTS.

[Seal.]

M ss. To , constable of the town (or city) of .
 In the name of the Commonwealth of Massachusetts, you are hereby required to proceed forthwith to kill or cause to be killed all dogs within the said town not duly licensed and collared according to the provisions of the act of the year eighteen hundred and sixty-seven, entitled "An Act concerning Dogs, and for the protection of Sheep and other Domestic Animals," and you are further required to make and enter complaint against the owner or keeper of any such dog.

Hereof fail not, and make due return of this warrant with your doings therein, stating the number of dogs killed and the names of the owners or keepers thereof, and whether all unlicensed dogs in said town (or city) have been killed, and the names of persons against whom complaints have been made under the provisions of said act, and whether complaints have been made and entered against all the persons who have failed to comply with the provisions of said act, on or before the first day of October next.

Given under my hand and seal at aforesaid, the day of
 in the year eighteen hundred and
 (Mayor of) or Chairman of the
 Selectmen of

SECTION 17. This act shall take effect upon its passage.

Approved April 9, 1867.

Chap. 131

AN ACT RELATING TO SHARES IN CORPORATIONS.

Be it enacted, &c., as follows:

Except organiza-
 tions under
 chaps. 187 and
 290, 1866, shares
 to be of \$100, par
 value.

The shares of every corporation hereafter organized, except coöperative associations organized under chapter two hundred and ninety of the acts of the year eighteen hundred and sixty-six, and corporations organized under the one hundred and eighty-seventh chapter of the acts of the year eighteen hundred and sixty-six, having a capital stock divided into shares, shall be fixed at one hundred dollars each.

Approved April 10, 1867.

Chap. 132

AN ACT RELATING TO SIDEWALKS, COMMON SEWERS AND MAIN DRAINS IN THE FIRE DISTRICT OF THE TOWN OF PITTSFIELD.

Be it enacted, &c., as follows:

Voters of district
 to elect board of
 commissioners
 within year.

SECTION 1. The legal voters of the fire district of the town of Pittsfield, shall, within one year from the passage of this act, at a meeting called for the purpose, elect by ballot a board of three commissioners, who shall be a board of commissioners of sidewalks, common sewers and main drains, all of whom shall be legal inhabitants and voters in said district; and one of said commissioners shall be elected for three years, one for two years and one for one year from the time of the three next annual meetings of said fire district; and said district shall thereafter at the regular meetings of said district, elect by ballot one such commissioner, whose term of office shall be for three years. And said district shall

Tenure of office.

Thereafter, one
 to be elected an-
 nually.

have authority to fill any vacancy in said board at any meeting of said fire district regularly called for that purpose.

SECTION 2. It shall be the duty of said board, under the supervision and direction of said district, to construct and have charge of all main drains, common sewers and sidewalks in said fire district, and all matters pertaining thereto as hereinafter provided.

SECTION 3. The said board shall have the authority to determine the grade, width and material of all sidewalks on the public streets and highways of said district, and to order the construction of the same opposite to and adjoining all abutting lands by the owners thereof; and shall give notice in such manner as said fire district shall determine, to the owners or occupants of the abutting lands to construct the same in conformity to the grade, width and of the materials ordered; and if the owner or occupant of the abutting lands does not construct the sidewalk abutting his lands in conformity to the order of said commissioners, within sixty days after he shall have been so notified of said order, the said commissioners shall construct the same, and shall assess the owners or occupants of the abutting lands the expense of the same. All assessments so made shall be a lien upon the abutting lands, to be enforced in the same manner as taxes are upon real estate.

SECTION 4. Said commissioners shall have power to determine when, in what manner and to what extent, snow and ice shall be removed from the sidewalks in said district, and to fix by-laws and penalties regulating the same, subject to the approval of said fire district.

SECTION 5. No sidewalk, graded or constructed in said fire district, in conformity to the provisions of this act, shall be dug up or obstructed in any part thereof, without the consent of said commissioners; and whoever rides or drives a horse or team upon or along said sidewalk, or shall obstruct the same, shall forfeit a sum not less than one, nor more than five dollars for each violation of the provisions of this section.

SECTION 6. Said commissioners shall have the authority to establish by-laws and penalties, subject to the approval of said fire district, prohibiting the deposits of ashes, garbage, filth or other refuse matter on the streets and sidewalks within the limits of said district.

SECTION 7. Said commissioners shall lay, make and maintain in said fire district, all such main drains or common sewers, as said fire district, at a legal meeting called for that purpose shall, by vote adjudge to be necessary for the pub-

Vacancies, how filled.

Board to construct and have charge of drains and sidewalks.

May determine grade, width and material of walks and order laying by abutters.

Shall give notice.

Upon neglect of abutters shall construct, and assess expense.

Assessment to be alien upon lands.

Removal of snow and ice, how regulated.

Commissioners only to allow opening of sidewalk.

Penalty for obstructing walk.

Deposit of refuse matter, commissioners may prohibit.

May lay drains and sewers as district shall direct.

lic convenience or the public health, and may repair the same from time to time whenever necessary: and all the main drains or common sewers shall be the property of said district.

May assess persons benefited for expense.

SECTION 8. Every person who enters his particular drain into such main drain or common sewer, or who in any way receives benefit thereby for draining his cellar or lands, or the owner or occupant of land abutting on said drain or common sewer, shall pay to said commissioners a proportional part of the expense of making and repairing the same, not exceeding two-thirds of the costs thereof, to be ascertained, assessed and certified by said commissioners; and notice thereof shall be given to the party to be charged, or to the occupant of the premises.

Notice to party.

Assessment to be a lien, and with costs may be levied by sale of estate.

SECTION 9. Assessments so made shall constitute a lien on the real estate assessed, for one year after they are laid, and may, together with incidental costs and expenses, be levied by sale thereof, if the assessment is not paid within three months after a written demand for payment, made either upon the person assessed or upon any person occupying the estate, such sale to be conducted in like manner as sales for the non-payment of taxes.

Party aggrieved by assessment may have jury.

SECTION 10. Any person aggrieved by such assessment may, at any time within three months from receiving notice thereof, apply for a jury. Such application shall be made in like manner, and the proceedings thereon shall be the same as in case of lands taken for laying out of highways: *provided*, that before making his application the party shall give one month's notice in writing to said commissioners, of his intention so to apply, and shall therein particularly specify his objections to the assessment made by them, to which specification, he shall be confined in the hearing by the jury.

Proviso: notice of intention to apply for shall be given.

Proceedings in the taking of land.

SECTION 11. Whenever land is taken by virtue of the provisions of section seven, the said commissioners shall proceed in the manner required by law in taking land for public highways or streets; and persons suffering damage in their property shall have the rights and remedies for the ascertainment and the recovery of the amount of such damage provided by law for the ascertainment and recovery of damages for lands taken for public highways and streets, which shall be paid by said fire district.

Damages; rights and remedies of person for property taken.

Pay of commissioners.

SECTION 12. Said commissioners shall receive such compensation as shall be fixed by vote of said fire district at a meeting called for that purpose.

Penalties, how recovered and appropriated.

SECTION 13. Penalties under the provisions of this act may be recovered by action of tort, in the name of said

board of commissioners, and appropriated to pay the expenses of the said fire district, or on complaint or indictment, to the use of the Commonwealth; and no such action shall abate by reason of any vacancy in said board of commissioners, but his or their successors shall be admitted to prosecute the same. No inhabitant of the district shall be disqualified to act as judge, magistrate, juror or officer in a suit brought for such penalty, by reason of his being such inhabitant.

Inhabitant may be magistrate or juror in suit.

SECTION 14. Said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act; and said board of commissioners shall have the care and management of the money so raised, and shall expend the same for the purposes prescribed by vote of the district; and such board of commissioners shall be accountable to the said district for such money received by them, and said district may maintain a suit therefor, and for any money they may have by virtue of their office, in the name of the inhabitants of said district, in any court proper to try the same.

District may raise money: commissioners shall expend under vote of people, and account for same.

SECTION 15. The clerk of the district shall certify to the assessors of the town all sums voted to be raised by the district, under the provisions of this act, which shall be assessed and collected by the officers of the town in the same manner as the town taxes are assessed, collected and paid over to the treasurer, who shall hold the same, subject to the order of said commissioners.

Sums voted to be raised, district clerk shall certify to assessors of town for collection.

SECTION 16. All the provisions of chapter twenty-four of the General Statutes, applicable to fire districts and not inconsistent with this act, shall continue to apply to the fire district of the town of Pittsfield, and be applied in carrying out the provisions of this act.

G. S. ch. 24; provisions of to apply to district.

SECTION 17. Nothing herein contained shall be construed to interfere with the authority of surveyors of highways, or any authority which can be legally exercised over highways or roads in the proper discharge of their duties.

Act not to affect authority of highway surveyors.

SECTION 18. This act shall take effect whenever the same shall have been approved and adopted by a majority of the legal voters of said fire district present and voting at a meeting duly called for that purpose.

Shall be in force when approved by majority of voters in district.

Approved April 10, 1867.

AN ACT TO INCORPORATE THE GRAND HOTEL BRANCH RAILROAD COMPANY, OF DORCHESTER.

Chap. 133

Be it enacted, &c., as follows:

SECTION 1. Ebenezer Eaton, Edmund P. Tileston, Shelton Barry, their associates and successors, are hereby made a corporation by the name of the Grand Hotel Branch Railroad

Corporators.

Privileges and restrictions.

Company ; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

Location of road defined.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, commencing at some point near the dwelling-house of the late Bradish Billings, on Bowdoin Street, in the town of Dorchester ; thence running through the land belonging to the estate of said Billings and to others, to some point on the Boston, Hartford and Erie Railroad, near the crossing by said road of Columbia Street in said town of Dorchester.

Corporation may unite with other company.

SECTION 3. Said corporation may enter with its road upon, unite the same with, and use the road of the Boston, Hartford and Erie Railroad Company, subject to the provisions of the general laws relating to railroads.

Capital and shares.

SECTION 4. The capital stock of said corporation shall not exceed one hundred thousand dollars, which shall be divided into shares of one hundred dollars each. Said corporation may hold such real estate and personal property as may be necessary or convenient for the purposes for which it is incorporated.

Estate.

May sell or lease franchise and property.

SECTION 5. Said corporation is hereby authorized to sell and transfer its franchise, property and all its rights under this act to the Boston, Hartford and Erie Railroad Company, or to lease its road and other property to said company, on such terms as may be mutually agreed upon by the directors of the respective corporations, and ratified and accepted by three-fourths of the stockholders of each corporation, present and voting at legal meetings called for that purpose.

Conditions of validity of act.

SECTION 6. This act shall be void unless said railroad is located within two years, and completed within five years.

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

Approved April 10, 1867.

Chap. 134

AN ACT TO INCORPORATE THE FARMINGTON RIVER WATER-POWER COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Albert Hull, William J. Canfield, Elam P. Norton, their associates and successors, are hereby made a corporation by the name of the Farmington River Water-

Purpose and location.

Power Company, for the purpose of building, erecting and maintaining reservoirs of water on the Farmington River and its tributaries in the town of Otis, for manufacturing

Privileges and restrictions.

and mechanical purposes ; with all the powers and privileges, and subject to all duties, liabilities and restrictions set forth

in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 2. Said corporation may hold for the purposes aforesaid, real estate not exceeding in value seventy-five thousand dollars.

May hold estate.

SECTION 3. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each: *provided, however*, that the company shall not commence business, or incur any liability until twenty thousand dollars has been paid in, in cash.

Capital and shares.

Condition of incurring liability.

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

Approved April 10, 1867.

AN ACT TO INCORPORATE THE UNION GAS LIGHT COMPANY.

Chap. 135

Be it enacted, &c., as follows :

SECTION 1. Joseph W. Capron, Willard Blackington, Capron Peck, their associates and successors, are hereby made a corporation by the name of the Union Gas Light Company, for the purpose of manufacturing and selling gas in the town of Attleborough; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Location. Privileges and restrictions.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty thousand dollars; and the whole capital stock shall not exceed twenty-five thousand dollars divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not incur any liability until property of the actual cash value of five thousand dollars shall have been conveyed to and vested in the same.

Real estate.

Capital and shares.

Condition of incurring liability.

SECTION 3. Said corporation with the consent of the selectmen of the town of Attleborough, shall have power and authority to open the ground in any of the streets, lanes and highways in the second parish in said town, for the purpose of sinking or repairing such pipes or conductors as may be necessary for the purpose aforesaid; and said corporation after opening the ground in such streets, lanes or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the selectmen for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of said town.

Company may lay and repair pipes.

Proviso.

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

Approved April 10, 1867.

Chap. 136 AN ACT CONCERNING STATE AID FOR DISABLED SOLDIERS AND SAILORS AND THEIR FAMILIES, AND FOR THE FAMILIES OF THE SLAIN.

Be it enacted, &c., as follows :

Person entitled to aid under ch. 172, § 1, 1856, to have receipt of U. S. pension.

SECTION 1. No person shall be entitled to receive state aid under the provisions of section one of chapter one hundred and seventy-two of the acts of the year eighteen hundred and sixty-six, except upon satisfactory proof that the person so applying for aid is in the receipt of a pension from the United States ; and the full amount of said aid shall only be paid to persons in the receipt of a pension equal to the full pension which is allowed to a person of the same rank or grade, and to every other person so applying for aid, a proportionate part of said aid shall be paid, to be determined by the proportion which the pension received by him bears to the full pension which is allowed to a person of the same rank or grade : *provided, however*, that any person obtaining a pension from the United States after this act shall take effect, shall upon application, be entitled to receive the same amount of aid that he would have been entitled to receive had said pension been obtained prior to the time when this act shall take effect ; and *provided, further*, that town and city authorities shall withhold the aid when, in their judgment, any person who is in receipt of a pension from the United States, is not sufficiently disabled to prevent him from pursuing his ordinary and usual vocation.

Provisos: pension obtained hereafter to entitle.

City or town may withhold aid.

Being dependent not to entitle to aid, unless, &c.

SECTION 2. No person shall be entitled to receive aid under the provisions of section two of said chapter one hundred and seventy-two by reason of being dependent upon any person named or described in said section unless the person upon whom he was dependent was killed or has died by reason of wounds or disease incurred in the service described in said section or is or at the time of his death was in the receipt of a pension from the United States, equal in amount to one-half of the full pension which is allowed to a person of the same rank or grade : *provided, however*, that if the person upon whom the applicant was dependent shall obtain a pension from the United States after this act shall take effect, said applicant shall be entitled to receive the same amount that he would have been entitled to receive, had said pension been obtained prior to the time when this act shall take effect ; and *provided, further*, that when any person who has heretofore received state aid is precluded therefrom by the provisions of this act, and the authorities of the cities or towns are satisfied that justice and necessity require a continuance of the aid to prevent actual suffering, they are hereby authorized in such cases to continue the

Provisos: if person obtain U. S. pension, applicant entitled.

Person being aided but precluded by this act, may be relieved if needs require: town to be reimbursed.

payment thereof; and upon reporting the facts in each specific case and showing by evidence satisfactory to the commissioners, the necessity of such payments, the sums so paid shall be re-imbursed to such cities and towns out of the treasury of the Commonwealth.

SECTION 3. The reports to the auditor required to be made by section six of said chapter one hundred and seventy-two, shall hereafter be made quarterly, on or before the tenth days of January, April, July and October of each year: *provided*, that the return for July of the present year shall include the disbursements of the preceding six months.

Report to auditor under ch. 172, § 6, to be quarterly.

Proviso.

SECTION 4. It shall be the duty of the commissioners constituted by section five of said chapter one hundred and seventy-two, to inspect all such returns, and whenever it shall appear by the inspection thereof, or otherwise, that the amount paid by the treasurer of any city or town under the provisions of said chapter one hundred and seventy-two, or of this act, for any quarter or greater period of time, is at a rate which if continued for one year would exceed the proportion of fifty per cent. of the state tax of such city or town for the previous year, or if for any reason the amount so paid shall appear to be unreasonably large, it shall be the duty of said commissioners to make or cause to be made an examination of the persons or claims of persons to whom the same has been paid and of the parties by whom said returns are made; and in all cases of any fraud, or neglect of duty on the part of the persons making such returns, or of the authorities of any city or town granting aid, said commissioners shall deduct from the amount claimed by any city or town, the amount paid to any person or persons when in their judgment the same should not have been paid under the provisions of said chapter one hundred and seventy-two, and of this act, and shall certify the same to the treasurer and receiver-general who shall re-imburse to said city or town only the balance thus designated.

Commissioners under act of 1866 to inspect returns, and if overpay appears shall cause inquiry.

May reduce claim in case of fraud or neglect, and certify to state treasurer, who shall pay.

SECTION 5. Said commissioners may appoint, as occasion may require, one or more disinterested persons, not exceeding three in number, whose duty it shall be to make the examinations provided for in section four of this act, and make full returns of their doings to said commissioners. Such expenses as may be incurred in making said examination, including such reasonable compensation to the persons appointed under the provisions of this section for their services as shall be approved by the commissioners and allowed by the governor and council, shall be paid out of the treas-

May appoint examiners, who shall report doings.

Expenses, how paid.

Examiners to be of other county.

ury of the Commonwealth. No person shall be appointed to make such examinations in the county where he may reside.

City and town may pay sum due soldier or sailor, to family of.

SECTION 6. The treasurers of cities and towns may, under the direction of the city council or selectmen thereof, pay the sums due for aid to any officer, soldier or sailor, or so much thereof as they may think best to the wife or family of such officer, soldier or sailor or for the benefit of such wife or family; and the amounts so paid shall be re-imbursed in the same manner as if paid to such officer, soldier or sailor in person.

Aid under § 2, ch. 172 of 1866; no appeal to lie.

SECTION 7. No appeal shall lie to the commission appointed by section five of said chapter one hundred and seventy-two, with regard to the aid provided for in section two of said chapter.

Sections 2, 10, of said ch. amended.

SECTION 8. Sections two and ten of said chapter one hundred and seventy-two, are hereby amended by striking out the word "father" wherever it occurs in said sections, and inserting before the word "mother" wherever it occurs in said sections the word "widowed."

Section 12 of said ch. and ch. 282, 1866, repealed.

SECTION 9. Section twelve of said chapter one hundred and seventy-two, and chapter two hundred and eighty-two of the acts of the year eighteen hundred and sixty-six, are hereby repealed. The widows and orphan children who are now receiving aid under the provisions of said chapter two hundred and eighty-two shall continue to receive the same aid under this act, under the same conditions and restrictions as now exist. All persons who served in the regiments commonly known as "one hundred day regiments," and "three months regiments," and who come within the provisions of this act, shall receive the aid herein provided.

Widows and orphans having aid under ch. 282, and "100 days" and "3 months" men, to receive under this act.

SECTION 10. This act shall take effect on the first day of May next.

Approved April 11, 1867.

Chap. 137

AN ACT RELATING TO DISSOLVING ATTACHMENTS IN CIVIL SUITS.

Be it enacted, &c., as follows:

Defendant may have value of property appraised.

SECTION 1. In any action when an attachment of real or personal property, or both, is made on mesne process, the defendant therein instead of dissolving such attachment in the manner now provided by law, may at any time apply in writing to the officer who has made such attachment to have the value of the whole or any part of such property appraised by appraisers, who shall thereupon be appointed and qualified in the same manner as is provided by law with regard to the appointment and qualification of appraisers of perishable property attached, and shall examine the attached property, or the specific part thereof to be appraised, and appraise the

same according to the best of their skill and judgment at the value thereof in money; and after the value is so determined, the defendant may dissolve the attachment, so far as it embraces the property so appraised, by giving bond with sufficient sureties, to be approved by the plaintiff, or by a master in chancery, with condition to pay the plaintiff within thirty days after final judgment in said action in favor of the plaintiff, the value of said property so appraised, or so much thereof as may be necessary to satisfy such judgment.

May dissolve attachment by bond to pay plaintiff in thirty days.

SECTION 2. The sufficiency of the sureties, the application to the master in chancery to approve the same, the notice to the plaintiff of the time and place of hearing, and the fees of the master in chancery, shall be determined and regulated in the manner provided by sections one hundred and four, one hundred and five and one hundred and six of chapter one hundred and twenty-three of the General Statutes.

Proceedings to be under G. S. 123, §§ 104-5-6.

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

Approved April 12, 1867.

AN ACT IN ADDITION TO AN ACT CONCERNING THE ISSUE OF COMMISSIONS TO CERTAIN CIVIL OFFICERS.

Chap. 138

Be it enacted, &c., as follows:

SECTION 1. Every person hereafter appointed to the office of trustee or member on any public board, or trustee, inspector or superintendent of any hospital, almshouse, reform or industrial school, or other charitable, educational or correctional institution, or to the office of coroner, public administrator, guardian of any Indian tribe, commissioner of wrecks and shipwrecked goods, inspector of merchandise, or other public office, under executive commission, shall, within three months from the date of confirmation therein, take and subscribe the oaths required to qualify him to execute the duties of such office.

Person appointed shall take oaths of office within three months.

SECTION 2. When any person to whom either of such commissions shall be issued shall fail to comply with the requirements of the first section of this act, such non-compliance shall be deemed to vacate said office; and the secretary of the Commonwealth shall forthwith notify such person of the expiration of the limitation of time in said section prescribed, and request the return to that department of the commission so received: and the secretary shall certify to the governor the vacation of such office.

Failure to comply deemed to vacate.

Secretary shall notify person and certify to governor.

SECTION 3. The provisions of this act shall not apply to any office or commission named in the first section of chapter one hundred and nine of the acts of the year one thousand eight hundred and sixty-two.

Act not to apply to offices named in § 1, ch. 109, 1862.

Qualifying commissioners to make return to secretary.

SECTION 4. Every commissioner appointed to qualify civil officers shall, upon administering the oaths required by the constitution to any person receiving a commission of appointment to any office, forthwith make return of such act, with date of the same, to the secretary of the Commonwealth.

Commissions, except certain, to have requirements therewith.

SECTION 5. Every commission issuing to any person, excepting for one of the offices named in the said first section of chapter one hundred and nine of the acts of the year one thousand eight hundred and sixty-two, shall have the requirements of this act relating to appointment and qualification printed therewith, in such form as the secretary shall deem effective and proper.

Approved April 12, 1867.

Chap. 139

AN ACT RELATING TO THE MIDDLESEX RAILROAD COMPANY.

Be it enacted, &c., as follows :

Certain mortgage of, executed on vote of stockholders, confirmed and other proceedings made valid.

The mortgage executed by the president and treasurer of the Middlesex Railroad Company under date of September first in the year eighteen hundred and sixty-four, pursuant to a vote of the stockholders of said company passed at a meeting held on the seventeenth day of August in the year eighteen hundred and sixty-four, to Linus Child, James A. Dupee and Horace G. Hutchins, as trustees for the holders of bonds issued by said president and treasurer under the authority of said vote, is hereby ratified and confirmed, and all the proceedings of said company in issuing said bonds and mortgage are hereby made valid: *provided*, that this act shall not take effect until the same has been approved at a legal meeting of the stockholders, called for that purpose.

Proviso.

Approved April 12, 1867.

Chap. 140

AN ACT TO AUTHORIZE THE NEW LONDON NORTHERN RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

May increase to \$1,600,000.

SECTION 1. The New London Northern Railroad Company is hereby authorized to increase its capital stock until the same shall amount to sixteen hundred thousand dollars, to be divided into shares of one hundred dollars each.

Shares.

Former issues of stock by directors made valid.

SECTION 2. All issues of the capital stock of said corporation, heretofore made by the directors thereof in conformity with votes of the stockholders at legal meetings of said corporation, are hereby confirmed and made valid.

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

Approved April 12, 1867.

AN ACT TO INCORPORATE THE WORCESTER STREET RAILWAY COMPANY. *Chap.* 141

Be it enacted, &c., as follows :

SECTION 1. Timothy W. Wellington, Henry H. Chamberlin, Thomas L. Nelson, their associates and successors, are hereby made a corporation by the name of the Worcester Street Railway Company, with authority to purchase and succeed to the franchise, tracks, locations and other property of the Worcester Horse Railroad Company, a corporation duly incorporated by the laws of this Commonwealth ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the act of incorporation of said Worcester Horse Railroad Company and all general laws which now are or hereafter may be in force relating to street railways : *provided*, that said purchase shall be made within one year from the passage of this act.

Corporators.

May purchase property and franchise of present company.

Proviso : limitation of time.

SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 3. Said corporation is hereby authorized to sell or lease its road and other property, and may mortgage the same to an amount not exceeding forty thousand dollars.

Corporation may sell, lease or mortgage road.

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

Approved April 12, 1867.

AN ACT TO INCORPORATE THE MIDDLEBOROUGH SAVINGS BANK. *Chap.* 142

Be it enacted, &c., as follows :

SECTION 1. Everett Robinson, Jacob B. Shaw, Cornelius B. Wood, their associates and successors, are hereby made a corporation by the name of the Middleborough Savings Bank, to be established and located in the town of Middleborough ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Privileges and restrictions.

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

Approved April 12, 1867.

AN ACT TO INCORPORATE THE ROXBURY SOCIETY FOR MEDICAL IMPROVEMENT AND MEDICAL READING CLUB. *Chap.* 143

Be it enacted, &c., as follows :

SECTION 1. Benjamin E. Cotting, Zabdiel B. Adams, George J. Arnold, their associates and successors, are hereby made a corporation by the name of the Roxbury Society for Medical Improvement and Medical Reading Club, for the purpose of improvement in the different branches of medical science ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the

Corporators.

Privileges and restrictions.

general laws which now are or may hereafter be in force, so far as applicable to said corporation.

May hold estate. SECTION 2. Said corporation may hold real and personal estate, not exceeding fifty thousand dollars, to be applied exclusively to the purpose aforesaid.

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

Approved April 12, 1867.

Chap. 144 AN ACT TO AMEND AN ACT TO ESTABLISH A FUND FOR THE SUPPORT OF THE GOSPEL MINISTRY IN THE FIRST PARISH IN THE TOWN OF GROTON.

Be it enacted, &c., as follows:

Trustees may loan moneys of fund.

SECTION 1. The trustees of the Groton ministerial fund may loan the moneys of said fund in such sums, and on such time, as in their judgment shall best subserve the interests thereof; and said trustees may invest the same in town, city, state or government bonds.

May invest in town, city, state or U. S. bonds.

Repeal of § 9, act of 1864.

SECTION 2. The ninth section of an act entitled "An Act to establish a fund for the support of the gospel ministry in the first parish in the town of Groton, in the county of Middlesex, and to appoint trustees for the management thereof," approved the twenty-first day of February, in the year eighteen hundred and four, is hereby repealed.

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

Approved April 12, 1867.

Chap. 145 AN ACT TO INCORPORATE THE CAMBRIDGE HORTICULTURAL SOCIETY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Charles M. Hovey, Hervey Davis, Alexander Dickinson, their associates and successors, are hereby made a corporation by the name of the Cambridge Horticultural Society, and established in the city of Cambridge, for the purpose of encouraging and improving the science and practice of horticulture by premiums and other means; with all the privileges and powers and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force in relation to such corporations.

Privileges and restrictions.

May hold estate.

SECTION 2. Said corporation may hold real estate to the amount of one hundred thousand dollars, and personal estate to the amount of ten thousand dollars.

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

Approved April 12, 1867.

Chap. 146 AN ACT TO CHANGE THE NAME OF THE TOWN OF WEST CAMBRIDGE.

Be it enacted, &c., as follows:

Shall take name of Arlington.

SECTION 1. The town of West Cambridge, in the county of Middlesex, shall take the name of Arlington.

SECTION 2. This act shall take effect from and after the thirtieth day of April, in the year eighteen hundred and sixty-seven. Act when in force.

Approved April 13, 1867.

AN ACT TO AUTHORIZE THE MAYOR AND ALDERMEN OF THE CITY OF FALL RIVER TO CONSTRUCT A BRIDGE IN CENTRAL STREET.

Chap. 147

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen of the city of Fall River are hereby authorized to construct in said city of Fall River, at such time, and in such manner, as they deem proper, a bridge over Fall River Creek where Central street crosses the same: *provided*, said bridge shall be built so as to leave a suitable passage for the water flowing under the present bridge. May construct over Fall River Creek.

Proviso.

SECTION 2. So much of the twenty-seventh chapter of the special acts of the year one thousand eight hundred and forty-two as is inconsistent with this act, is hereby repealed. Parts of act, ch. 27, 1842, repealed.

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

Approved April 13, 1867.

AN ACT TO INCORPORATE THE BOSTON YOUNG WOMEN'S CHRISTIAN ASSOCIATION.

Chap. 148

Be it enacted, &c., as follows:

SECTION 1. Pauline A. Durant, Ann Maria Sawyer, Hannah A. Bowen, Clara L. Wells, their associates and successors, are hereby made a corporation by the name of the Boston Young Women's Christian Association, in the city of Boston, for the purpose of providing for the physical, moral and spiritual welfare of young women in Boston; with all the powers and privileges, and subject to all the liabilities, duties and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations. Corporators.

Purpose.

Privileges and restrictions.

SECTION 2. Said corporation shall have power to hold real and personal estate for the purposes aforesaid, not exceeding two hundred thousand dollars in value. May hold estate.

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

Approved April 13, 1867.

AN ACT FOR THE RESTOCKING OF MYSTIC RIVER AND ITS TRIBUTARIES WITH FISH.

Chap. 149

Be enacted, &c., as follows:

SECTION 1. The right to take alewives or shad from Mystic River or its tributaries, or from Mystic Pond, shall be and hereby is suspended for the period of five years next ensuing, and no net, seine or weir shall be set therein during said period. Right to take fish from river or pond suspended for five years.

Penalty for taking shad or alewife.

SECTION 2. Any person violating the provisions of this statute shall forfeit one dollar for every alewife or shad so taken.

Prosecutions, limitation of time for.

SECTION 3. All prosecutions under this act shall be commenced within thirty days from the time of committing the offence.

Town "committees" may destroy nets, seines and weirs.

SECTION 4. The several "committees for the preservation of fish" of the towns of Medford, Somerville, West Cambridge or Winchester may remove and destroy any and all nets, seines or weirs found in said waters during the said period of five years.

Approved April 13, 1867.

Chap. 150

AN ACT IN FURTHER ADDITION TO "AN ACT RELATING TO THE MYSTIC RIVER CORPORATION."

Be it enacted, &c., as follows:

May change seawall from point on south channel to point on Elm street, north of Medford.

SECTION 1. The Mystic River Corporation is hereby authorized to change the location of a portion of their seawall as follows: Beginning at a point on the south channel three hundred and twenty feet below the easterly line of Elm street extended northerly; thence running southwesterly by an arc of a circle turning southerly and having a radius of six hundred feet to a point on said easterly line of Elm street extended northerly three hundred and seventy-five feet northerly from the northerly side of Medford street. And the area hereby authorized to be inclosed shall be filled up in the same manner as provided by section three of chapter four hundred and eighty-one of the acts of the year eighteen hundred and fifty-five.

Area inclosed to be filled under § 3, ch. 481, acts 1855.

Commissioner under former acts, pay and duty under this act.

SECTION 2. The commissioner required by the acts to which this is in addition shall be paid by the said corporation for his services and expenses, and he shall include a statement of such services, expenses and payments in his annual report. So much of section three of said chapter four hundred and eighty-one as requires such payment to be made to the treasurer of the Commonwealth, is hereby repealed.

Partial repeal of § 3, ch. 481.

Time to complete extended.

SECTION 3. The time allowed said Mystic River Corporation to complete their improvements is hereby extended ten years beyond the time now allowed by law therefor.

Approved April 13, 1867.

Chap. 151

AN ACT TO INCORPORATE THE BOSTON SAFE DEPOSIT COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Samuel H. Walley, William Ropes, William Endicott, junior, their associates and successors, are hereby made a corporation by the name of the Boston Safe Deposit Company, for the purpose of receiving on deposit for safe keeping, government securities, stocks, bonds, coin, jewelry,

Purpose.

plate, valuable papers and documents, and other property of every kind, and of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income, when it comes due, upon terms to be prescribed by the corporation; with all the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes, and in all the general laws which now are or hereafter may be in force, relating to such corporations.

Privileges and restrictions.

SECTION 2. The seventy-third, seventy-fourth, seventy-fifth, seventy-sixth and seventy-seventh sections of the fifty-seventh chapter of the General Statutes, shall apply to, and be in force against this company in the same manner and to the same extent as they apply to and are in force against banks; and sections thirteen, fourteen, seventeen, nineteen, twenty, twenty-one, twenty-seven, twenty-eight and twenty-nine of the fifty-eighth chapter of the General Statutes, shall apply to and be in force against this company, in the same manner and to the same extent, as they apply to and are in force against insurance companies.

Certain sections of G. S. 57 to apply same as to banks.

Sections G. S. 58 to apply same as to insurance companies.

SECTION 3. The capital stock of said corporation shall be two hundred thousand dollars, with the privilege to increase the same to five hundred thousand dollars; and said capital stock shall be invested in the manner provided by law for investing the capital stock of insurance companies.

Capital stock.

How to be invested.

SECTION 4. The company shall not go into operation until one-half of its capital stock has been paid in, in cash, and a certificate from the insurance commissioner has been obtained, authorizing the company to go into operation: and said commissioner shall make the examination in the same manner as he is now required to do in the case of insurance companies by section thirty of chapter fifty-eight of the General Statutes, upon payment into the treasury of any fees which are or may be prescribed to be paid by insurance companies in similar cases.

Conditions of operation.

SECTION 5. Said corporation shall be entitled to purchase and hold real estate, not exceeding in value two hundred thousand dollars.

May hold real estate.

SECTION 6. Chapter two hundred and seventy-two of the acts of the year eighteen hundred and sixty-five is hereby repealed.

Act of 1865, 272, repealed.

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

Approved April 13, 1867.

Chap. 152

AN ACT TO INCORPORATE THE GROTON SAVINGS BANK.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Henry A. Woods, Daniel G. Waters, Benjamin F. Taft, their associates and successors, are hereby made a corporation by the name of the Groton Savings Bank, to be established in the town of Groton, and located at Groton Junction ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to savings banks and institutions for savings.

Privileges and restrictions.

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

*Approved April 17, 1867.***Chap. 153**

AN ACT TO CHANGE THE NAME OF THE AGRICULTURAL BRANCH RAILROAD COMPANY, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Shall take name here designated.

SECTION 1. The Agricultural Branch Railroad Company shall hereafter be called and known by the name of the Boston, Clinton and Fitchburg Railroad Company.

May issue new stock.

SECTION 2. Said corporation is hereby authorized to issue four thousand two hundred and thirty-eight shares of new stock, to be called the stock of the Boston, Clinton and Fitchburg Railroad Company, and is hereby authorized to increase its capital stock by the sum of four hundred and twenty-three thousand and eight hundred dollars ; said new stock to be entitled to such semi-annual dividends as can be paid out of the profits of the corporation, not exceeding three per cent., first after paying interest upon outstanding debts : *provided, however*, that none of said new stock shall be issued except on the payment of its par value of one hundred dollars.

May increase capital.

New stock dividends.

Condition of issue of stock.

SECTION 3. Said corporation is hereby further authorized to issue such number of other shares, in addition to the new stock herein before authorized, not exceeding four thousand two hundred and thirty-eight, as may be equal in number to the number of shares of the stock of the Agricultural Branch Railroad Company, which may be surrendered upon the terms and conditions prescribed in the fifth section of this act.

Corporation may issue other shares equal to former stock surrendered.

Former stock-holders may have right to take new stock till Oct. 1, 1867.

SECTION 4. Holders of the stock of the Agricultural Branch Railroad Company shall have the exclusive right to subscribe for and take the stock authorized by the second section of this act until the first day of October in the year eighteen hundred and sixty-seven, in the proportion of one share to each share held of the stock in the Agricultural Branch Railroad Company at the time of subscription.

SECTION 5. Whenever, before said first day of October, any holder of the stock of the Agricultural Branch Railroad Company shall subscribe, pay for and take a share of the new stock authorized by the second section of this act, he shall have the privilege and right of surrendering his share of the stock in the Agricultural Branch Railroad Company, and the same shall then be cancelled; and he shall receive instead thereof, a certificate of one share of the stock of the Boston, Clinton and Fitchburg Railroad Company, to be issued under the third section of this act, which shall be, in every respect equal to the stock provided for by the second section of this act, and entitled to the same dividends.

Holders so taking may surrender former shares.

May have new under § 3 equal to stock under § 2.

SECTION 6. After said first day of October, the stock of the Agricultural Branch Railroad Company, which shall remain unexchanged, shall for the purpose of distinction, be known and called by the name of the Agricultural Branch Railroad Company stock, and holders thereof shall continue to have the right to vote upon the same at all meetings of the Boston, Clinton and Fitchburg Railroad Company.

Old stock unexchanged Oct. 1 shall retain its name and holders their rights upon.

SECTION 7. Whenever, after the passage of this act, said corporation shall be in a condition to pay semi-annual dividends of three per cent. or more, on all the stock, which may have been at any time issued, whether called the stock of the Boston, Clinton and Fitchburg Railroad Company, or of the Agricultural Branch Railroad Company, then, and for that purpose, all said stock shall be classed alike, and be entitled to the same dividends.

Ability to pay certain dividend on all stock shall make all of like class and title.

SECTION 8. This act shall take effect only when it shall have been accepted by a vote of two-thirds, in number and interest, of the stockholders in the Agricultural Branch Railroad Company, present and voting at a meeting of said stockholders called for the purpose: and in calling said meeting personal notice shall be sent to each stockholder by mail at least seven days before the time of holding such meeting.

Act in force when accepted by two-thirds stockholders in Agricultural Branch Co.

Approved April 17, 1867.

AN ACT IN RELATION TO SCHOOL DISTRICTS.

Be it enacted, &c., as follows:

The provision of section one of chapter thirty-nine of the General Statutes, authorizing towns to divide into school districts, shall not be applicable to any town which has [abolished] or shall hereafter abolish the school districts therein by virtue of the provisions of the third and fourth sections of said chapter.

Approved April 22, 1867.

Chap. 154

G. S. 39, § 1, not to apply in town abolishing districts under §§ 3, 4.

Chap. 155 AN ACT CONCERNING THE CHANGE OF TEXT-BOOKS IN THE PUBLIC SCHOOLS.*Be it enacted, &c., as follows:*

School committee of less than twelve may change by vote of two-thirds.

SECTION 1. In any town or city in this Commonwealth, in which the school committee consists of less than twelve, a change may be made in the school books, in the public schools in such town or city, by a vote of two-thirds of the whole committee, at a meeting of said committee, notice of such intended change having been given at a previous meeting of said committee.

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

Approved April 22, 1867.

Chap. 156 AN ACT IN ADDITION TO AN ACT CONCERNING TRUANT CHILDREN AND ABSENTEES FROM SCHOOL.*Be it enacted, &c., as follows:*

Portion of ch. 253, 1866, exempting city of Boston under ch. 207 of 1862, repealed.

SECTION 1. So much of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-six as provides that chapter two hundred and seven of the acts of the year eighteen hundred and sixty-two shall not apply to nor have effect within the city of Boston, is hereby repealed.

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

Approved April 22, 1867.

Chap. 157 AN ACT MAKING APPROPRIATIONS FOR THE AGRICULTURAL CABINET AND LIBRARY, AND FOR EXPENSES OF LEGISLATIVE COMMITTEES.*Be it enacted, &c., as follows:*

Appropriations authorized.

Removal of cabinet and library to college, under ch. 263, § 2, 1866.

Expenses legislative committees.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of this Commonwealth, from the ordinary revenue for the purposes specified in certain acts of the legislature, herein cited, to wit: For the removal of the state agricultural cabinet and library to the Massachusetts Agricultural College, in accordance with the provisions of section two of chapter two hundred and sixty-three of the acts of the year eighteen hundred and sixty-six, a sum not exceeding one thousand dollars, payable upon vouchers properly approved and filed with the state auditor. For clerical and other expenses of legislative committees, a sum not exceeding four thousand dollars, the same to be in addition to the amount heretofore appropriated for the present year.

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

Approved April 22, 1867.

AN ACT CONCERNING THE TAKING OF WATER FROM AQUEDUCTS.

Chap. 158

Be it enacted, &c., as follows :

SECTION 1. When the selectmen of any town consider it necessary, for the protection of persons and property in such town, against fire, to take water from any or all the pipes or conductors of any aqueduct company running through such town, said selectmen may order the engineers of the fire department in said town, to request said aqueduct company to put conductors into such pipes or conductors of said company, for the purpose of attaching hydrants or conducting water into reservoirs, and in such places as said engineers shall think necessary to secure the safety of such persons and property against fire.

Selectmen of town may order request to company for pipes to supply water against fire.

SECTION 2. If said aqueduct company shall refuse or neglect to make such connections for two weeks from the time of said notice, then said engineers may proceed to make such connections as provided in the preceding section.

Company failing, fire engineers may lay.

SECTION 3. Said engineers shall have the right to use all necessary means for making such connections, and shall use reasonable care for the protection of the pipes and works of such aqueduct company.

Shall use means with care.

SECTION 4. The cost of such connections, in all cases, shall be paid by the town whose selectmen shall make such order.

Town shall pay cost.

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

Approved April 22, 1867.

AN ACT TO INCORPORATE THE WILLIAMSBURG AND NORTH ADAMS RAILROAD COMPANY.

Chap. 159

Be it enacted, &c., as follows :

SECTION 1. Joel Hayden, Levi L. Brown, Frank King, their associates and successors, are hereby made a corporation by the name of the Williamsburg and North Adams Railroad Company; with all the powers and privileges and subject to all the restrictions, duties and liabilities set forth in the general laws which now are or may hereafter be in force relating to railroad corporations.

Corporators.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, commencing at some convenient point in the town of Williamsburg, and there connecting with the railroad of the New Haven and Northampton Company, thence northerly through the towns of Williamsburg, Goshen, Cummington, Plainfield, Windsor, Savoy, Cheshire, Adams, Clarksburg, and again into the town of Adams, and there connecting with the Troy and Boston Railroad.

Privileges and restrictions.

May operate road from Williamsburg with New Haven and Northampton Co. and connect with Troy and Boston road, in Adams.

SECTION 3. The capital stock of said corporation shall be fixed at an amount not less than one million dollars, and not

Capital stock and shares.

exceeding fifteen hundred thousand dollars, and the same shall be divided into shares of one hundred dollars each.

May unite with N. H. and N., the B. and T. and the Northampton and Shelburne Falls roads.

SECTION 4. Said corporation may enter with its railroad upon, and unite the same with, and use the New Haven and Northampton Railroad, the Boston and Troy Railroad and the Northampton and Shelburne Falls Railroad with all the rights and subject to all the provisions and restrictions set forth in the general laws relating to railroad corporations; and all said last named corporations shall, respectively, have corresponding rights and be subject to corresponding restrictions concerning the right to enter, unite with and use the Williamsburg and North Adams Railroad.

May contract with N. H. and N. Co. and merge stocks; or may lease to, or take lease of, said Co. with approval of three-fourths stockholders.

SECTION 5. Said corporation may contract with the New Haven and Northampton Company for the merging of the stock of the two corporations, or may lease its road to the New Haven and Northampton Company, or may take a lease of the road of the New Haven and Northampton Company, or any part thereof, upon such terms and conditions as the directors of said corporations may agree upon, subject however, to the approval of three-fourths in interest of the stockholders of said corporations respectively present and voting thereon at legal meetings thereof called for that purpose.

Conditions of validity of act after two years.

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

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

Approved April 22, 1867.

Chap. 160 AN ACT IN RELATION TO TAXATION OF THE MERCANTILE SAVINGS INSTITUTION OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Shares taxable to owners in town of residence on May first.

SECTION 1. The shares in the capital stock of the Mercantile Savings Institution of the city of Boston shall be taxable to the owners thereof in the cities and towns where they reside on the first day of May in each year and not otherwise.

Treasurer of bank shall certify to tax commissioner names, residence and shares.

SECTION 2. The treasurer of said institution shall annually, between the first and twentieth days of May, return by mail or otherwise, to the tax commissioner the name and residence of each stockholder, with the number of shares belonging to each on said first day of May, and the par and cash market value per share of said stock.

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

Approved April 22, 1867.

AN ACT TO INCORPORATE THE WORCESTER GAZETTE COMPANY.

Chap. 161

Be it enacted, &c., as follows :

SECTION 1. S. B. Bartholomew, Theodore Cooke, Thomas Cleland, their associates and successors, are hereby made a corporation by the name of the Worcester Gazette Company, for the purpose of printing and publishing newspapers and books and executing job printing and binding in the city of Worcester; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Purpose.

Privileges and restrictions.

SECTION 2. Said corporation for the purposes aforesaid, may hold real and personal estate, to the amount of forty thousand dollars, and the whole capital stock shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

May hold estate.

Capital stock and shares.

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

Approved April 22, 1867.

AN ACT TO AUTHORIZE THE MASSACHUSETTS DENTAL SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 162

Be it enacted, &c., as follows :

The Massachusetts Dental Society is hereby authorized to hold real and personal estate to the amount of forty thousand dollars in addition to the amount said corporation is now authorized by law to hold.

May hold \$40,000 additional.

Approved April 22, 1867.

AN ACT TO AUTHORIZE THE CITY OF SALEM TO USE ESSEX BRIDGE.

Chap. 163

Be it enacted, &c., as follows :

The city of Salem is hereby authorized to use the Essex Bridge, so called, for purposes connected with the construction of the Salem water works, free of charge, under the direction and control of the agent of said bridge, during the building and erection of suitable structures and works for carrying, preserving and maintaining water-pipes across Bass River, so called, and over and under the water-course of the same, as authorized by an act entitled "An Act for supplying the city of Salem with pure water," approved the thirteenth day of May in the year eighteen hundred and sixty-four; and to make such changes in the structure of said bridge and its appurtenances, as the construction of said works may require: *provided*, that nothing herein contained shall authorize said city to use said bridge or any appurtenance thereof, except during the construction of said water works; and *provided*, that any damage occurring to said bridge in the construction of said works, shall be repaired by said city of Salem, and any changes made in the struc-

May use free, to construct water works of city.

May change structure of bridge.

Provisos: limitation of use.

Damages to bridge.

Change of structure, agent to direct.

Liability of city to state for damages during time.

ture of said bridge by said city of Salem, shall be made under the direction of the agent aforesaid, and at the expense of said city; and *provided also*, that said city shall indemnify the Commonwealth from any loss by reason of damage done to persons or property during or arising from the performance of the acts authorized or permitted by this act.

Approved April 24, 1867.

Chap. 164 AN ACT IN RELATION TO THE TIME OF FINDING INDICTMENTS IN CERTAIN CASES.

Be it enacted, &c., as follows :

Pecuniary penalty against corporation; indictment for failing, or judgment arrested or reversed, new one may be filed within year.

SECTION 1. If any indictment duly found and returned within the time limited by law against any corporation to recover a pecuniary penalty is abated or otherwise avoided or defeated by reason of, or for any matter of form, or if after a verdict against such corporation judgment is arrested, or if a judgment against such corporation is reversed on writ of error, a new indictment for the same cause may be found and filed within one year after the abatement of the former indictment or after the reversal of the judgment as aforesaid.

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

Approved April 25, 1867.

Chap. 165 AN ACT IN RELATION TO THE SALARIES OF THE JUDGES OF THE SUPERIOR COURT.

Be it enacted, &c., as follows :

Chief justice.

SECTION 1. The chief justice of the superior court shall receive an annual salary of forty-five hundred dollars. Each of the associate justices of said court shall receive an annual salary of forty-two hundred dollars.

Associates.

Payment to be quarterly.

SECTION 2. The treasurer of the Commonwealth is directed to pay said salaries in equal quarterly payments from the first day of April in the year eighteen hundred and sixty-seven.

Approved April 25, 1867.

Chap. 166 AN ACT IN RELATION TO WARRANTS FOR A STATE TAX.

Be it enacted, &c., as follows :

Treasurer of state shall mail to assessors.

SECTION 1. When a state tax is to be assessed, the treasurer shall send his warrants for the assessing thereof by mail to the assessors of the several cities and towns in the Commonwealth.

G. S. 11, § 17, repealed.

SECTION 2. The seventeenth section of the eleventh chapter of the General Statutes is hereby repealed.

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

Approved April 25, 1867.

AN ACT CONCERNING THE SALARIES OF CERTAIN OFFICERS.

Chap. 167

Be it enacted, &c., as follows :

SECTION 1. The clerks of the senate and of the house of representatives shall each receive an annual salary of twenty-two hundred dollars.

Clerks, senate and house.

SECTION 2. The sergeant-at-arms shall receive an annual salary of twenty-two hundred dollars; and each of the watchmen in the state house shall receive an annual salary of twelve hundred dollars; and each of the firemen in the state house shall receive an annual salary of seven hundred dollars.

Sergeant-at-arms, watchmen and firemen.

SECTION 3. The clerk of the insurance commissioner shall receive an annual salary of fifteen hundred dollars.

Clerk insurance commissioner.

SECTION 4. The secretary of the board of agriculture shall receive an annual salary of twenty-five hundred dollars.

Secretary board of agriculture.

SECTION 5. The salary of the messenger to the adjutant-general's department shall be six hundred dollars.

Adjutant-general's messenger.

SECTION 6. The extra clerks in the several departments at the state house shall have an annual salary not exceeding thirteen hundred dollars, each: the annual salary of the first clerk in the tax commissioner's department shall be seven-hundred dollars, and that of the second clerk in said department fifteen hundred dollars; and the salary of the first clerk in the office of the treasurer and receiver-general, and of the first clerk in the office of the auditor, shall annually be the sum of twenty-two hundred dollars.

Extra clerks in departments.

First and second clerks, tax commissioner.

First clerk, treasurer.

First clerk, auditor.

SECTION 7. The messenger to the governor and council shall receive an annual salary of one thousand dollars, and the assistant-messenger to the same shall receive an annual salary of eight hundred dollars.

Messenger and assistant, governor and council.

SECTION 8. The foregoing salaries shall be paid from the first day of January in the year eighteen hundred and sixty-seven.

Payable from Jan. 1, 1867.

SECTION 9. This act shall take effect upon its passage.

Approved April 25, 1867.

AN ACT RELATING TO THE DUTIES OF SUPERINTENDENTS OF STATE LUNATIC HOSPITALS.

Chap. 168

Be it enacted, &c., as follows :

SECTION 1. Section thirteen of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and sixty-four is hereby repealed.

Repeal of § 13, ch. 288, 1864.

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

Approved April 25, 1867.

Chap. 169 AN ACT TO AUTHORIZE THE TOWN OF WOBURN TO LOAN ITS CREDIT TO THE NORTH WOBURN STREET RAILWAY COMPANY.

Be it enacted, &c., as follows :

May loan \$8,000 to aid company.

Provisos: voters to authorize.

Selectmen may take security on road and property.

Town may raise money to be so used.

SECTION 1. The town of Woburn is hereby authorized to loan its credit in aid of the North Woburn Street Railway Company to an amount not exceeding eight thousand dollars: *provided*, the inhabitants of said town, at a legal meeting called for that purpose, shall, by a vote of a majority of the legal voters present and voting thereon, vote to loan its credit in aid of said street railway company; *provided also*, that said town may take security for the credit so loaned, on the road, building materials, and rolling stock of said company; the amount of security and the terms thereof to be determined by the selectmen of said town and the directors of said company.

SECTION 2. The town of Woburn is hereby authorized to raise, by loan, tax or bonds, a sum of money not exceeding eight thousand dollars to be used as provided in the preceding section.

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

Approved April 25, 1867.

Chap. 170 AN ACT TO INCORPORATE THE MARGINAL FREIGHT RAILWAY COMPANY.

Be it enacted, &c., as follows :

Corporators.

General privileges and restrictions.

May have street railway in Boston as directed by board of aldermen.

Rails for tracks.

Lines of route.

SECTION 1. Thomas Russell, Edward Crane, Harvey Scudder, their associates and successors, are hereby made a corporation under the name of the Marginal Freight Railway Company; with all the privileges and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to street railway corporations so far as they may be applicable.

SECTION 2. Said corporation, in such manner as may be prescribed and directed by the board of aldermen of the city of Boston, may construct, maintain and use a street railway with suitable turn-outs and with such tracks, not less than two, as the said board of aldermen may from time to time permit; the rails for said tracks to be of such pattern as the board of aldermen may prescribe, and which shall also be suitable for railway freight cars in common use, commencing at the Boston and Worcester Railroad tracks in Lincoln or South Street in said Boston, thence through, upon and over Lincoln or South and Beach Streets to Federal Street, or through, upon and over Lincoln, Tufts and East Streets to Federal Street; and also commencing on the freight tracks of the Old Colony and Newport Railway Company near its freight depot in said Boston, thence over, through and upon Cove and Beach Streets to Federal Street, or through, upon

and over Cove and East Streets to Federal Street; thence through, upon and over Federal Street and Broad Street to Rowe's Wharf; thence through all intervening estates, at the head of Rowe's Wharf and India Wharf to India Street; thence through, upon and over India Street and through the westerly end of Central Wharf block and through, upon and over the street east of the custom-house to Commercial Street; thence through, upon and over Commercial, Causeway and Lowell Streets, or through, upon and over Commercial, Causeway, Andover and Minot Streets to a connection with the freight tracks of the Boston and Lowell Railroad Company; with the right also to construct, use and maintain side tracks from said line above described, to any wharf or wharves or warehouses suitable for storing freight, when requested in writing so to do by a majority in interest of the owners or occupants of such wharves or warehouses: *provided however*, that no side track shall be laid upon a public street to any wharf or warehouse without the approval of the board of aldermen.

Side tracks to wharves or warehouses.

Proviso.

SECTION 3. Said railway shall be used by said corporation for the transportation of freight only; and the cars thereon shall be drawn only by horse-power, unless the use of other power shall be sanctioned by said board of aldermen.

Shall be used for freight only. Motive power.

SECTION 4. Every steam railway corporation by whose road said Marginal Freight Railway passes, shall, in the manner prescribed by said board of aldermen, connect its tracks with the same, for the transportation of freight; and every such steam railroad is empowered and required to make such connections; and in making such connections said steam railroad companies shall have all the powers and be subject to all the liabilities set forth in the sixty-third chapter of the General Statutes and in the laws supplemental thereto; and it shall be the duty of said Marginal Freight Railway Company to receive and deliver freight cars at each of said connections and haul the same over its road at their established rates.

Steam railways passed shall connect for transportation.

Marginal Co. shall receive and deliver freight cars at connections.

SECTION 5. Said Marginal Freight Railway company shall have the power to fix such tolls for the transportation of freight and the use of elevators as they may, from time to time, deem expedient; *provided*, that said rates shall only be sufficient to pay the expenses of said corporation and to pay a dividend of five per cent. semi-annually upon the capital stock of said corporation.

May fix tolls for transportation

Proviso.

SECTION 6. The Commercial Freight Railway Company, incorporated by chapter two hundred and sixty-seven of the acts of the year eighteen hundred and sixty-six, is hereby

Commercial Railway Co. may unite with Marginal.

authorized to unite with said Marginal Freight Railway Company, and form one corporation on such terms as said two corporations may mutually agree upon.

Marginal Co. may use tracks of other street railways, and improve same.

SECTION 7. Said corporation may within its authorized limits and for the authorized purposes of this act enter upon and use any part of the tracks of any other street railway and may so strengthen and improve such tracks as to make them suitable for the transportation of freight: and if the corporations cannot agree upon the manner and conditions of such entry and use or the compensation to be paid therefor, the same shall be determined in accordance with the provisions of the twenty-ninth section of chapter two hundred and twenty-nine of the acts of eighteen hundred and sixty-four.

Corporations failing to agree upon terms, same shall be adjusted under § 29, ch. 229, acts 1864.

Company may widen certain streets.

SECTION 8. Said Marginal Freight Railway Company, for the convenient location and use of its tracks and to lessen and to prevent inconvenience being occasioned thereby to the public travel, are authorized to widen and alter Tufts, East and Causeway Streets; and to carry into effect the purposes of this act, shall be entitled to all the rights and privileges and shall be subject to all the duties, liabilities and restrictions set forth in the sixty-third chapter of the General Statutes and the laws supplemental thereto, so far as the same may be applicable. And any railroad corporation whose tracks are authorized to be connected with said Marginal Railway Company by this act, shall, for the purpose of properly and conveniently making such connection or for the purpose of enlarging or improving their freight or passenger accommodations in the city of Boston, have all the powers, rights and privileges and shall be subject to all the duties, liabilities and restrictions set forth in the sixty-third chapter aforesaid and the laws supplemental thereto, so far as the same may be applicable.

G. S. ch. 63 to apply.

Any connecting Co. shall act under said chapter.

Aldermen, if Marginal Co. apply, may widen streets.

SECTION 9. The board of aldermen of the city of Boston may, upon the application of said Marginal Freight Railway Company, straighten the streets through which said railway is authorized to pass, and widen said streets so that they shall not be less than fifty feet in width between the curb-stones; and said straightening and widening shall be made in accordance with the provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty-six; and said Marginal Freight Railway Company shall pay said city one-half of the net cost to said city of such straightening and widening.

Shall be under ch. 174, acts of 1866.

Company shall pay one-half cost.

In streets used, shall keep paving in repair under

SECTION 10. Said Marginal Freight Railway Company shall keep in repair, to the satisfaction of the superintendent

of streets of the city of Boston, all the paving between the curb-stones of the streets in which their tracks shall be laid.

SECTION 11. The board of aldermen of the city of Boston, shall, upon the application of any street railway company used for the conveyance of passengers, and owning tracks in any of the streets which said Marginal Freight Railway Company shall occupy, authorize the company so applying to remove its tracks from such streets and shall grant to said company in lieu of the tracks so removed an equally convenient location in other streets so far as the same may be consistent with the public convenience.

SECTION 12. Said Marginal Freight Railway Company is hereby authorized to erect and maintain elevators for the storage of grain, to purchase and hold such real estate as may be necessary therefor, and to collect the tolls for the use thereof provided for in section five.

SECTION 13. The capital stock of said Marginal Freight Railway Company shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each: *provided*, no liabilities shall be incurred by said corporation until one-half of the stock shall have been subscribed by responsible parties and twenty per cent. of the amount of such subscription shall be paid in, in cash.

SECTION 14. The Boston and Worcester Railroad Company, the Western Railroad Company, the Old Colony and Newport Railway Company, the Boston, Hartford and Erie Railroad Company, the Boston and Providence Railroad Company, the Fitchburg Railroad Company, the Boston and Maine Railroad Company, the Eastern Railroad Company and the Boston and Lowell Railroad Company are each of them authorized and shall each of them have the right to subscribe to the stock of said Marginal Freight Railway Company to an amount not exceeding five per cent. of the capital stock thereof as the amount of the same may from time to time be determined: *provided*, that said subscription shall be made within ninety days from such determination or increase of said capital stock. Notice of such determination or increase shall be sent to the treasurers of each of said railroad corporations; and upon the request of said Marginal Freight Railway Company the said railroad corporations before named may, from time to time, make further subscriptions to said capital stock.

SECTION 15. Any freight cars arriving in Boston on either of the above mentioned railroads and containing freight destined to any other of said railroads shall be taken over said Marginal Freight Railway and delivered to such other rail-

superintendent of city.

Aldermen, if other company having tracks in said streets apply, may allow transfer of same to other streets.

Marginal Co. may erect elevators for storage and hold estate therefor.

Capital stock of company.

Shares.

Proviso: conditions of liability by company.

Certain railroad companies may subscribe to Marginal Co's stock, each for 5 per cent. of same.

Proviso: limitation of time.

Said Co's may subscribe further upon request of Marginal Co.

Freighted cars in Boston on either of said roads shall go over Marginal road with unbroken bulk.

Proviso.

road without breaking bulk: *provided however*, that this regulation shall only apply to cars containing a full average load.

Conditions of validity of provisions relating to Commercial Railway Co. or streets of its location.

SECTION 16. This act shall be void so far as it authorizes the construction of the Marginal Freight Railway over the location of the Commercial Freight Railway or through the streets in which the said last named railway is located, also so far as relates to any rights and privileges granted to said Marginal Freight Railway by this act, upon, incident to, or connected with said last named location, unless said Marginal Freight Railway and said Commercial Freight Railway shall unite and form one corporation as they are herein authorized to do, or shall mutually agree upon the joint occupancy of said last named location, or unless said Commercial Freight Railway Company shall consent in writing that said Marginal Freight Railway Company may occupy and lay its tracks upon the location of said Commercial Freight Railway.

Aldermen may regulate running of cars.

SECTION 17. The board of aldermen of the city of Boston shall have full power to regulate the manner and time of running the cars upon said Marginal Freight Railway.

Act in force when accepted by aldermen.

SECTION 18. This act shall take effect as soon as it shall be accepted by the board of aldermen of the city of Boston.

Approved April 25, 1867.

Chap. 171

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

Be it enacted, &c., as follows:

Extended to May 1, 1869.

SECTION 1. The time for locating and constructing the North Attleborough Branch Railroad is hereby extended to the first day of May in the year eighteen hundred and sixty-nine.

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

Approved April 25, 1867.

Chap. 172

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE MERRIMACK VALLEY HORSE RAILROAD.

Be it enacted, &c., as follows:

Extended to May 1, 1869.

SECTION 1. The time for locating and constructing the Merrimack Valley Horse Railroad is hereby extended to the first day of May in the year eighteen hundred and sixty-nine.

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

Approved April 25, 1867.

Chap. 173

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

Be it enacted, &c., as follows:

Extended to May 1, 1869.

SECTION 1. The time for locating and constructing the Wrentham Branch Railroad is hereby extended to the first day of May in the year eighteen hundred and sixty-nine.

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

Approved April 25, 1867.

AN ACT TO INCORPORATE THE COÖPERATIVE MILLS.

Chap. 174

Be it enacted, &c., as follows:

SECTION 1. Louis Lapham, Robert Adams, Francis B. Hood, their associates and successors, are hereby made a corporation by the name of the Coöperative Mills, for the purpose of manufacturing cotton cloths in the city of Fall River; and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, relating to manufacturing corporations.

Corporators.

Location and purpose.

Privileges and restrictions.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate necessary and convenient for its business, to an amount not exceeding three hundred thousand dollars; and the whole capital stock shall not exceed seven hundred and fifty thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until two hundred and fifty thousand dollars of its capital stock has been paid in, in cash.

May hold real estate.

Capital stock and shares.

Proviso.

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

Approved April 25, 1867.

AN ACT TO INCORPORATE THE DAVOL MILLS.

Chap. 175

Be it enacted, &c., as follows:

SECTION 1. Charles P. Stiekney, Samuel Hathaway, William Mason, their associates and successors, are hereby made a corporation by the name of the Davol Mills, for the purpose of manufacturing cotton and woolen cloths or any fabric wholly or in part of wool, cotton, silk, flax, hemp or jute, in the city of Fall River; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to manufacturing corporations.

Corporators.

Location and purpose.

Privileges and restrictions.

SECTION 2. Said corporation may hold for the purposes aforesaid, real estate necessary and convenient for its business to an amount not exceeding four hundred thousand dollars, and the whole capital stock shall not exceed seven hundred and fifty thousand dollars, divided into shares of one hundred dollars each: *provided however*, that said corporation shall not go into operation until two hundred and fifty thousand dollars of its capital stock has been paid in, in cash.

May hold real estate.

Capital stock and shares.

Proviso.

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

Approved April 25, 1867.

Chap. 176

AN ACT TO INCORPORATE THE LOWELL FELTING MILLS.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. James S. Wiggin, George Bruerton, Moses A. Johnson, their associates and successors, are hereby made a corporation, by the name of the Lowell Felting Mills, for the purpose of manufacturing hair felting and any fabric composed wholly or in part of either wool, hair, cotton, hemp or flax, or any manufacture of the same, in the city of Lowell ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to manufacturing corporations.

Purpose.

Privileges and restrictions.

May hold real estate.

Capital stock and shares.

Proviso.

SECTION 2. Said corporation may hold for the purposes aforesaid, real estate not exceeding the value of one hundred and fifty thousand dollars ; and the whole capital stock of said corporation shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each : *provided however*, that said corporation shall not go into operation until seventy-five thousand dollars of its capital is paid in, in cash.

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

*Approved April 25, 1867.***Chap. 177**

AN ACT TO INCREASE THE NUMBER OF THE STATE POLICE.

Be it enacted, &c., as follows :

Constable of state, under executive, may appoint.

The constable of the Commonwealth, under the direction of the governor and council, is hereby authorized to appoint, in addition to the number now in commission, eighty-one deputies for such localities as he may deem expedient.

*Approved April 26, 1867.***Chap. 178**

AN ACT DEFINING THE DUTIES OF THE AUDITOR OF ACCOUNTS, AND ESTABLISHING CERTAIN MATTERS OF FINANCE.

Be it enacted, &c., as follows :

Shall give bond, approved by governor, to treasurer.

SECTION 1. The auditor of accounts shall give bond to the treasurer and receiver-general of the Commonwealth, with sufficient sureties, to be approved by the governor, with the advice and consent of the council, for the faithful discharge of the duties of his office.

Salary.

SECTION 2. He shall receive a salary of two thousand five hundred dollars a year. He may employ in his department two permanent clerks : the first at a salary of two thousand two hundred dollars a year, and the second at a salary of seventeen hundred dollars a year ; and such additional clerical assistance as may be necessary for the dispatch of the public business, at a salary not exceeding thirteen hundred dollars a year for each person employed.

Clerks and salaries.

SECTION 3. He shall examine and scrutinize all accounts and demands against the state, excepting those for the salaries of the judges of the supreme judicial court, and of the governor, and those due on account of the principal or interest of a public debt, or of the pay-rolls of the executive council, the senate, or house of representatives. In the examination of claims, he may, if necessary, require affidavit that articles have been furnished, services rendered, and expenses incurred, as therein specified; and the affidavit for articles furnished, services rendered, and expenses incurred for any state institution, may be made by the disbursing agent or officer thereof. He shall make a certificate specifying, in all cases, the amount due and allowed on each demand, the name of the party to whom such amount is due or payable, the law authorizing the same, and the head of expenditure to which it is chargeable. Whenever the legislature, by express statute, authorizes any board or public officer to approve demands against the Commonwealth, and an appropriation therefor has been made, it shall be the duty of the auditor, when such demands are properly approved, to promptly audit and certify as aforesaid, such an amount as he may deem correct, not exceeding the appropriation for that purpose; and if, upon examination, it shall appear to him that there are improper charges in said accounts, he shall report the same to the governor and council, with a separate certificate therefor. He shall make record of all certificates in a book kept for that purpose, and shall transmit said certificates to the governor, who, with the advice and consent of the council, may issue his warrant to the treasurer for the amount therein specified as due.

SECTION 4. The provisions of section thirty of chapter fifteen of the General Statutes, shall be held applicable to all acts and resolves now or hereafter authorizing expenditures or payments from the treasury of this Commonwealth; and the department of the auditor of accounts shall be the repository of all original bills and vouchers on which moneys have been or may be paid from the state treasury, excepting those upon which payments are authorized without the certificate of the auditor or warrant of the governor, as provided in said section and chapter. And no appropriation shall be used for the payment of any account or demand to which the provisions of this section apply, which shall not have been first directly authorized and approved by the heads of departments or bureaus for which such accounts shall have accrued; and no moneys shall be drawn from any such appropriation for expenses, (gratuities and special allowances

Auditor shall scrutinize accounts against state, except certain.

May require affidavit thereon.

Shall certify sums due, name of payee, and cite law, etc.

Account approved by express law and appropriation made, shall certify, and report overcharge, if any, to governor.

After record, shall send all certificates to governor, who may issue warrant.

G. S. 15, § 30, to apply.

Auditor to have custody of bills and vouchers, except certain.

All claims to be approved by officer responsible, and vouchers filed.

Exceptions.

by the legislature excepted,) unless upon full and properly approved vouchers filed with the auditor.

Accounts, how to be kept.

SECTION 5. The auditor shall keep a distinct account of public receipts and expenditures under appropriate heads. He shall keep a like statement of the school fund and other public property, and of all debts and obligations due to and from the Commonwealth; and for such purposes shall have free access to the books and papers of the several departments, boards and institutions of the Commonwealth.

School fund, public property, and debts due, to be distinct.
Auditor to have access to all books and papers of state.

Shall examine books and vouchers of treasurer.

SECTION 6. He shall annually, in the month of January, examine the books, accounts and vouchers, of the treasurer; and his own books and accounts shall be subject at any time to such examination as the governor and council or the legislature may direct. He shall comply with any regulations in relation to the duties of his office, not inconsistent with the provisions of this chapter, which may be transmitted to him in writing by the governor and council.

His own books, etc.

Executive and legislative powers over auditor.

Auditor shall report to legislature annually.

SECTION 7. On or before the fifteenth day of January, in each year, the auditor shall submit in print, or otherwise, to the legislature, a report exhibiting a full and accurate statement of the financial condition of the Commonwealth, and of the pecuniary transactions thereof, during the year ending on the last day of the preceding month.

Report, what statements to contain.

SECTION 8. The annual report of the auditor shall contain a summary statement of the receipts into, and payments from, the treasury of the Commonwealth, for the preceding year: also a detailed and particular statement of the receipts and expenditures belonging to each year; said detailed statement of expenditures to include, first, the expense incurred during the year, for the support of all permanent departments, services and institutions; and second, all exceptional and special charges, incurred for objects ordered within the year, the account being constructed in such manner as to show the expenditure actually incurred within the year, as far as can be ascertained, whether the same has been paid during the year, or whether the whole or a part thereof remain unpaid at the close of the year.

Same subject.

SECTION 9. The auditor's report, in each year, shall show the aggregate amount of funded debt at the beginning and end of the year respectively, the balance of increase or decrease, and a statement of the cause of such balance; and in like manner, shall show the aggregate amount of all temporary loans at the beginning and end of the year, the balance of increase or decrease, and a statement of the cause of such balance. The report shall likewise state whether the ordinary expenses of the year have exceeded the

income, or the contrary, and show the amount of the balance.

SECTION 10. It shall be the duty of the auditor to include in his report, the items of all accounts of expenditure, so far as they may be useful or interesting to the people of the Commonwealth; and in particular, so far as may be practicable, the various heads of expenditure shall be separated, so as to show the different officers or boards under whose directions the several portions of the expenditure have been incurred: all salaries and other general charges shall likewise be separated, so as to show the different classes of officers who received the several portions of the expenditure; and no expenditure exceeding five hundred dollars shall be included under any indefinite head, if it be composed of separate items.

Subject continued.

SECTION 11. The auditor's report shall annually contain a particular statement of the transactions of the funds belonging to, or held in trust by the Commonwealth, including new investments of any portion of said funds which may have been made during the preceding year, and also of the manner in which the moiety of the income of the school fund, applicable to educational purposes, has been disbursed.

Shall include statement of Commonwealth funds, and of school income moiety.

SECTION 12. The auditor shall also include in his report an estimate, for the current year, of the ordinary revenue of the Commonwealth, and of such other means as he may be able to point out for the defraying of expenditures.

Also, estimate of revenue for current year.

SECTION 13. In estimating the value of the shares of Western Railroad stock belonging to the Commonwealth, and all railroad shares and other securities in the several funds, they shall be reckoned at their market value at the time of making the report.

Shares and other securities to be reckoned at market value.

SECTION 14. Sections two, four, five, six, seven, eight and nine of chapter one hundred and fifty-eight of the acts of the year eighteen hundred and fifty-eight, and sections one, two, three, four, five, six, seven, eight and forty-four of chapter fifteen of the General Statutes, are hereby repealed. Advances of money authorized by existing statutes shall not be affected by this act.

Repeal of §§ of ch. 15 G. S.

Act not to affect advances of money.

SECTION 15. This act shall take effect upon its passage.

Approved April 26, 1867.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBURYPORT.

Chap. 179

Be it enacted, &c., as follows:

SECTION 1. The charter of the city of Newburyport is hereby so amended, that the mayor shall hereafter be *ex officio* chairman of the board of overseers of the poor and

Mayor shall be chairman overseers of poor and of school committee.

Salary, how fixed and paid.

of the board of school committee; and shall be compensated for his services as mayor by a salary, to be fixed by the city council, payable at stated periods: and he shall receive no other compensation or emolument whatever, and no regulation enlarging or diminishing said compensation shall be made to take effect until the expiration of the year for which the mayor then in office shall have been elected, and said salary when fixed shall continue until changed by the city council as aforesaid.

Act void if not accepted in sixty days.

SECTION 2. This act shall take effect upon its acceptance by the citizens of Newburyport, at a legal meeting called for the purpose, within sixty days of its passage.

Approved April 26, 1867.

Chap. 180

AN ACT TO INCORPORATE THE UNION LIBRARY ASSOCIATION OF BRADFORD.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. John B. Farrar, George Cogswell, L. W. Tyler, and all persons who are now members of the present Union Library Association of Bradford, and their associates, are hereby made a corporation by the name of the Union Library Association of Bradford, for the purpose of establishing and maintaining a social library for the diffusion of knowledge and the promotion of intellectual improvement in the town of Bradford; with all the powers and privileges, and subject to all the duties and liabilities set forth in the general laws which now are or may hereafter be in force concerning corporations, so far as applicable.

Purpose.

Privileges and restrictions.

May hold real and personal estate.

SECTION 2. Said corporation may take and hold real and personal estate to an amount not exceeding twenty-five thousand dollars, exclusive of books in its library.

Property of present association may be transferred to and held by corporation.

SECTION 3. All the property now owned by, or which may accrue to the present Union Library Association of Bradford, may be by it transferred to the corporation hereby created; and the said corporation may take and shall hold the same, and all real and personal estate, and all moneys, books and pamphlets which shall from time to time be conveyed or given to it in any form, or be purchased by it, in trust for all the uses and purposes proper and appropriate for a public and social library, the same to be used and enjoyed under such regulations and upon such terms, and for such compensation as may from time to time be prescribed by the by-laws of the corporation. All grants, donations or bequests made to it, shall be held and used under and in pursuance of any conditions or rules prescribed in such grants, donations or bequests.

Grants, donations and bequests.

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

Approved April 26, 1867.

AN ACT TO INCORPORATE THE LEE HOTEL COMPANY.

Chap. 181

Be it enacted, &c., as follows:

SECTION 1. Harrison Garfield, Elizur Smith, William Taylor, Marshall Wilcox, their associates and successors, are hereby made a corporation by the name of the Lee Hotel Company, for the purpose of erecting and maintaining a hotel in the town of Lee, with the buildings, appurtenances and improvements connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws which now are or may hereafter be in force and applicable to such corporations: *provided however*, that said corporation shall not carry on the business of hotel-keeping nor in any way be interested in such business.

Corporators.

Purpose.

Privileges and restrictions.

Proviso.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold real and personal estate to the value of fifty thousand dollars, for the purpose mentioned in the first section: *provided however*, that said corporation shall not incur any liability until the sum of ten thousand dollars has been paid in, in cash.

Capital stock and shares.

May hold estate.

Proviso.

SECTION 3. Said corporation may mortgage its real and personal estate to raise money for the purposes within the meaning and intent of this act, and for no other purposes: *provided*, that the amount secured by mortgage shall at no time exceed one-half of the amount of the capital stock actually paid in.

Corporation may mortgage estate.

Proviso.

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

Approved April 26, 1867.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE FRANKLIN TELEGRAPH COMPANY.

Chap. 182

Be it enacted, &c., as follows:

SECTION 1. The Franklin Telegraph Company may purchase the rights, property, privileges and franchise of the Insulated Lines Telegraph Company, at such price as the two companies may agree upon by a vote of their stockholders, at meetings duly called and notified for that purpose.

May purchase Insulated Lines Company.

SECTION 2. Said Franklin Telegraph Company may increase its capital stock to a sum not exceeding one million dollars, and the par value thereof shall be fixed at one hundred dollars per share.

May increase capital stock.

Shares.

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

Approved April 26, 1867.

Chap. 183 AN ACT TO INCORPORATE THE CAPE ANN GRANITE COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Daniel N. Stanton, Frederick K. Ballou, John C. Stanton, their associates and successors, are hereby made a corporation by the name of the Cape Ann Granite Company, for the purpose of quarrying and cutting stone in the towns of Gloucester and Rockport; with all the powers and privileges, and subject to the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Purpose and location. Privileges and restrictions.

May use horse railway tracks to wharves with consent of towns of Gloucester and Rockport.

SECTION 2. Said corporation may construct, maintain and use, for the transportation of merchandise, railway tracks from its quarries to its wharves, to be operated by horse-power, upon such road or highway, in such manner and upon such conditions as the selectmen of the towns of Gloucester and Rockport respectively, shall fix and determine.

Shall have office in Boston. Estate, capital and shares.

SECTION 3. Said corporation shall have its principal office in the city of Boston, and the capital stock shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, and may hold real and personal estate necessary and convenient for its business not exceeding that sum: *provided however*, that it shall not commence operations or incur any liability, until one hundred thousand dollars shall have been subscribed to its capital stock, and fifty thousand dollars paid in, in cash.

Conditions of corporate liability.

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

Approved April 26, 1867.

Chap. 184 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE WADING RIVER RESERVOIR COMPANY.

Be it enacted, &c., as follow

May have reservoirs on Wading, Three Mile, Rumford and Chartley Rivers and tributaries.

SECTION 1. The Wading River Reservoir Company is hereby authorized and empowered to construct and maintain reservoirs of water on the Wading, Three Mile, Rumford and Chartley Rivers and their tributaries, in the county of Norfolk, in the same manner as they are now authorized to construct and maintain them in the county of Bristol.

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

Approved April 26, 1867.

Chap. 185 AN ACT TO INCORPORATE THE SAINT JOSEPH'S HOME.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. H. Sidney Everett, Richard S. Fay, Francis H. Jackson, their associates and successors, are hereby made a corporation in the city of Boston, by the name of the Saint Joseph's Home, for sick and destitute servant girls, for the

Location and purpose.

purposes of providing a home and otherwise aiding and assisting sick and destitute servant girls; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

Privileges and restrictions.

SECTION 2. Said corporation may hold real and personal property for the purposes set forth in the first section of this act, not exceeding one hundred and fifty thousand dollars.

May hold estate.

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

Approved April 26, 1867.

AN ACT TO CHANGE THE NAME OF THE FEMALE BETHEL SOCIETY OF NEWBURYPORT.

Chap. 186

Be it enacted, &c., as follows:

The Female Bethel Society of Newburyport shall hereafter be called and known as the Newburyport Bethel Society.

Shall take name of Newburyport Bethel Society.

Approved April 26, 1867.

AN ACT TO AMEND AN ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER.

Chap. 187

Be it enacted, &c., as follows:

SECTION 1. So much of the twelfth section of chapter two hundred and sixty-eight of the acts of the year eighteen hundred and sixty-four as prohibits the sale or pledge of the scrip, notes, bonds or certificates in said section mentioned, at less than the par value thereof, is hereby repealed.

Prohibition of sale of scrip, notes, bonds, etc., at less than par, repealed.

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

Approved April 29, 1867.

AN ACT IN RELATION TO THE RETURNS BY ASSESSORS OF SHARES IN BANKING INSTITUTIONS.

Chap. 188

Be it enacted, &c., as follows:

SECTION 1. The returns now required to be made by assessors under the provisions of the second section of chapter two hundred and forty-two of the acts of the year eighteen hundred and sixty-five, shall hereafter be made on or before the fifteenth day of May in each year, to the tax commissioner of the Commonwealth; and said commissioner shall, on or before the twentieth day of June in each year, transmit to the assessors of the several cities and towns of the Commonwealth, a true copy of the lists furnished by such assessors, and the full returns required by said act, and also of the returns made to the tax commissioner by the Mercantile Savings Institution of the city of Boston, pursuant to the act of the year eighteen hundred and sixty-seven, relating to the taxation of that institution.

Shall be made by fifteenth May to tax commissioner, who shall send to assessors copies of lists, and returns under § 2, ch. 242, 1865, etc.

Commissioner shall yearly, by June 20, send list of co's taxable on first May to assessors.

SECTION 2. The tax commissioner shall annually, on or before the twentieth day of June in each year, cause to be forwarded to the assessors of every city and town in this Commonwealth a list of all Massachusetts corporations known to him to be taxable on the first day of May next preceding said twentieth day of June under chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five; and such other information in his possession, as in his judgment will assist the assessors of the cities and towns in the assessment of taxes.

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

Approved April 30, 1867.

Chap. 189

AN ACT TO AUTHORIZE THE TREASURER OF THE COMMONWEALTH TO PAY CERTAIN MONEYS TO THE AGRICULTURAL COLLEGE.

Be it enacted, &c., as follows :

May pay interest on college fund, accrued since July 30, 1864.

SECTION 1. The treasurer of the Commonwealth is hereby instructed to pay to the treasurer of the Agricultural College the interest which has accumulated on the Agricultural College fund, for the benefit of said college, since July thirtieth in the year eighteen hundred and sixty-four.

Repeal.

SECTION 2. All laws inconsistent with the provisions of this act are hereby repealed.

Approved April 30, 1867.

Chap. 190

AN ACT RESPECTING THE OCCUPATION OF FLATS IN THE HARBOR OF GLOUCESTER.

Be it enacted, &c., as follows :

Owners of flats may occupy to harbor lines.

SECTION 1. All persons owning flats in the harbor of Gloucester are hereby authorized to extend and maintain wharves upon the same, or to fill up and build upon the same, but not beyond the harbor lines there now established.

Certain owners may extend from their outer lines over state flats.

SECTION 2. All persons owning flats in the harbor of Gloucester whose outer lines of title are the low-water mark, or one hundred rods below the high-water mark, may extend and maintain wharves over any flats of the Commonwealth that may lie between their said outer lines and the harbor lines there now established, but in such manner that all persons affected by this grant may have equal proportionate rights of advancing to or toward the said harbor lines.

Harbor commissioners shall approve under ch. 149, § 4, 1866.

SECTION 3. All things which may at any time be done under this grant, shall be subject to the determination and approval of the board of harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

Change of harbor lines, how to be construed.

SECTION 4. If the harbor lines of Gloucester shall at any time be removed nearer to the high-water mark, this grant shall be construed to apply only to such new lines,

except so far as valuable structures may have been actually and in good faith built under the same.

SECTION 5. When in any previous grant of a right to extend and maintain a wharf in Gloucester harbor, liberty has been given to lay vessels at the sides or end of such wharf, the liberty so granted shall not be construed as a grant of any private right in or over the flats of any other person, or of any private right in or over the flats of the Commonwealth not revocable at any time by the legislature.

Previous grant to lay vessels not to be deemed private right in flats of other person or of state.

SECTION 6. The grants made by this act are revocable by the legislature at any time, except so far as valuable structures may have been actually and in good faith built under the same.

Grants herein may be revoked, except certain.

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

Approved April 30, 1867.

AN ACT TO AUTHORIZE THE BOSTON AND MARTHA'S VINEYARD PEAT COMPANY TO BUILD WHARVES ON MARTHA'S VINEYARD.

Chap. 191

Be it enacted, &c., as follows :

SECTION 1. The Boston and Martha's Vineyard Peat Company is hereby authorized to build and maintain two wharves from the high-water mark on the north shore of Martha's Vineyard, beginning, one on the land of Hariph Mayhew, and the other on the land of Benjamin Hillman, near to the peat lands of said company, with the permission of the said Mayhew and Hillman respectively, and extending out into the Vineyard Sound so far as to give twelve feet of water at the end of the wharves at low tide: *provided*, that all things done under this grant shall be subject to the determination and approval of the board of harbor commissioners, as provided by section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this grant shall in no wise impair the legal rights of any person.

May build from certain adjacent lands with consent of proprietors.

Provide: harbor commissioners to approve.

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

Approved April 30, 1867.

AN ACT TO AUTHORIZE THE FRANCONIA IRON AND STEEL COMPANY TO EXTEND ITS WHARF IN WAREHAM.

Chap. 192

Be it enacted, &c., as follows :

SECTION 1. The Franconia Iron and Steel Company is hereby authorized to extend its wharf in Wankinco River in Wareham on a line which shall be a continuation of the front line of the present wharf, along the shore of said river, in a southerly direction one thousand feet, then turning at a right angle and running westerly to the shore: *provided*, that all things done under this act shall be subject to the determi-

May extend on Wankinco River in Wareham.

Provide: harbor commissioners to approve.

nation and approval of the board of harbor commissioners as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

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

Approved April 30, 1867.

Chap. 193 AN ACT TO INCORPORATE THE MASSACHUSETTS CHURCH MISSIONARY SOCIETY.

Be it enacted, &c., as follows :

- Corporators.** SECTION 1. George A. Brown, James S. Amory, Martin L. Bradford, their associates and successors, are hereby made a corporation by the name of the Massachusetts Church Missionary Society, for the purpose of promoting the preaching of the gospel, of organizing and assisting churches of the Protestant Episcopal denomination, and of educating candidates for the ministry ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.
- Purpose.**
- Privileges and restrictions.**
- May hold estate.** SECTION 2. Said corporation shall have power to hold real and personal estate to an amount not exceeding one hundred and fifty thousand dollars.

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

Approved May 2, 1867.

Chap. 194 AN ACT TO INCORPORATE THE RENFREW MANUFACTURING COMPANY.
Be it enacted, &c., as follows :

- Corporators.** SECTION 1. George H. Gilbert, Levi L. Brown, James Renfrew, junior, their associates and successors, are hereby made a corporation by the name of the Renfrew Manufacturing Company, for the purpose of manufacturing woolen or cotton yarns or cloths, or any fabric wholly or in part of cotton or wool, in the town of Adams ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.
- Purpose and location.**
- Privileges and restrictions.**
- May hold real estate.** SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate necessary and convenient for its business to an amount not exceeding two hundred thousand dollars ; and the whole capital stock shall not exceed the sum of six hundred thousand dollars, divided into shares of one hundred dollars each : *provided, however,* that said corporation shall not go into operation until one hundred thousand dollars of its capital stock shall have been paid in, in cash.
- Capital stock and shares.**
- Proviso.** SECTION 3. This act shall take effect upon its passage.

Approved May 2, 1867.

AN ACT TO AUTHORIZE THE DIGHTON FURNACE COMPANY TO BUILD A WHARF IN TAUNTON. Chap. 195

Be it enacted, &c., as follows :

SECTION 1. The Dighton Furnace Company is hereby authorized to build and maintain a wharf on the westerly bank of Taunton Great River, in the manner following ; beginning at low-water mark on the line between their land and the land of Lorenzo Lincoln and Company, and thence running into the river easterly twelve feet, then turning at right angles and running northerly one hundred and fifty feet, then turning and running westerly three feet to the low-water mark on the line of the land of J. W. Hathaway : *provided*, that all things done hereunder shall be subject to the determination and approval of the board of harbor commissioners, as provided by section four chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this grant shall in no wise impair the legal rights of any person.

May build on westerly bank of Taunton Great River.

Proviso: harbor commissioners shall approve.

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

Approved May 2, 1867.

AN ACT AUTHORIZING NATHANIEL HARRIS TO BUILD WHARVES IN CHILMARK. Chap. 196

Be it enacted, &c., as follows :

SECTION 1. Nathaniel Harris of Boston is hereby authorized to build and maintain the following described wharves in Chilmark on any flats being his property, and over any flats of the Commonwealth that may lie in front of his outer line of flats, to wit: one wharf at his lands at the Roaring Brook, extending not over four hundred and fifty feet below the low-water mark, and of a width not exceeding seventy-five feet ; a second wharf of the same length and width, at a point about one-third of a mile south-westerly from the first named wharf ; and a third wharf of the same length and width at his lands in Manamshi Bight : *provided*, that all things done under this grant shall be subject to the determination and approval of the board of harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this grant shall in no wise impair the legal rights of any person.

May build on own flats, and over flats of Commonwealth.

Proviso: harbor commissioners shall approve.

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

Approved May 2, 1867.

Chap. 197

AN ACT TO INCORPORATE THE NORTH ANDOVER MILLS.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. William Sutton, Eben Sutton, Moses T. Stevens, their associates and successors, are hereby made a corporation, by the name of The North Andover Mills, for the purpose of manufacturing woolen or cotton cloths, or any fabric wholly or in part of wool, cotton, silk, flax, hemp or jute, in the town of North Andover; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or hereafter may be in force relating to manufacturing corporations.

Purpose.

Privileges and restrictions.

May hold real estate.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate necessary and convenient for its business to an amount not exceeding one hundred thousand dollars, and the whole capital stock shall not exceed six hundred thousand dollars, divided into shares of one hundred dollars each.

Capital stock and shares.

Conditions of operation.

SECTION 3. Said corporation shall not commence operations until two hundred thousand dollars of its capital stock is paid in.

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

Approved May 2, 1867.

Chap. 198

AN ACT TO AUTHORIZE LORENZO LINCOLN AND OTHERS TO BUILD A WHARF IN TAUNTON.

Be it enacted, &c., as follows:

May build on westerly bank of Taunton Great River.

SECTION 1. Lorenzo Lincoln, Jonathan T. Lincoln, Edward L. Lincoln and James M. Lincoln are authorized to build and maintain a wharf in Taunton on the westerly bank of Taunton Great River, in the manner following: beginning at low-water mark, on the line between their land and the land of J. W. Hathaway and thence running into the river easterly fourteen and a half feet, then turning at right angles and running northerly two hundred feet, then turning and running westerly twelve feet to the low-water mark on the line of the land of the Dighton Furnace Company: *provided*, that all things done hereunder shall be subject to the determination and approval of the board of harbor commissioners, as provided by section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred sixty-six; and *provided*, that this grant shall in no wise impair the legal rights of any person.

Provide: harbor commissioners shall approve.

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

Approved May 2, 1867.

AN ACT CONCERNING THE DERBY WHARF CORPORATION.

Chap. 199

Be it enacted, &c., as follows :

SECTION 1. At a meeting of the members of the Derby Wharf Corporation to be duly called in the manner provided by the fifth section of chapter sixty-eight of the General Statutes on the written application of Lemuel B. Hatch, wharfinger of such corporation, to any justice of the peace in the county of Essex, all persons holding certificates of stock in said corporation or the legal representatives of any such persons deceased shall be deemed members of said corporation, and shall be entitled to act at such meeting; and the said corporation may then and there be reorganized by the choice of all proper officers: and after such choice of officers it shall be lawful for the said corporation to ratify and confirm all acts of any person or persons who have heretofore acted in good faith as officers thereof.

Holders and representatives of stock to be deemed members of corporation at meeting to be called.

Company may reorganize, and confirm acts of officers.

SECTION 2. All acts and proceedings so ratified and confirmed, shall be valid to all intents in law in the same degree and with the same effect as if said officers had been duly elected at lawful meetings of said corporation, and said acts and doings had and done in pursuance of lawful votes of said corporation: and the said corporation shall have authority to cause the records to be made up, and being approved by vote of said corporation the same shall be deemed to be the true and proper records thereof.

Acts so ratified to be as valid as if by duly elected officers.

Records may be made up and approved.

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

Approved May 2, 1867.

AN ACT TO INCORPORATE THE PASQUE ISLAND CORPORATION.

Chap. 200

Be it enacted, &c., as follows :

SECTION 1. Welcome R. Beebe, Genio C. Scott, Peter Balen, their associates and successors, are hereby made a corporation on the island of Pasque in the town of Gosnold, by the name of the Pasque Island Corporation, for the purpose of erecting on said island houses and other buildings for residence and the propagation of fish; with all the powers and privileges, and subject to the duties, liabilities and restrictions which now are, or may be in force relating to such corporations; and with the right to close the outlets to creeks in said island for the propagation of black bass or other fish.

Corporators.

Location and purpose.

Privileges and restrictions.

May close outlets to creeks.

SECTION 2. Seining or taking fish in any other mode than by hook and line within forty rods of the shores of Pasque Island is prohibited under a forfeiture for each offense of a sum not exceeding twenty dollars, and not less than five dollars, to be recovered in any court proper to try the same.

Penalty for seining within forty rods of shore.

Company may hold estate.

Capital stock and shares.

Proviso.

SECTION 3. Said corporation may hold real and personal estate to the amount of fifty thousand dollars, and mortgage and sell the same; and the whole capital stock of said corporation shall not exceed fifty thousand dollars, nor be less than twenty-five thousand dollars, divided into shares of one hundred dollars each: *provided*, that said corporation shall incur no liabilities until an amount equal to fifty per cent. thereof is subscribed and paid in, in cash.

Approved May 2, 1867.

Chap. 201

AN ACT CONCERNING THE OLD COLONY AND NEWPORT RAILWAY COMPANY.

Be it enacted, &c., as follows:

May, under harbor commissioners, widen bridge over Fort Point Channel.

SECTION 1. The Old Colony and Newport Railway Company is hereby authorized, under the direction of the harbor commissioners, to widen its bridge across Fort Point Channel to a line commencing at a point in the commissioners' line on the northerly side of said channel not exceeding twenty feet, measured on said line, from the intersection of the westerly side of the present bridge with said line, thence running by a curve not exceeding one hundred and twenty-five feet long, and eight hundred and twenty feet radius, to a point in the westerly side of said bridge.

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

Approved May 2, 1867.

Chap. 202

AN ACT TO AUTHORIZE THE TOWN OF WINTHROP TO LOAN ITS CREDIT TO THE WINTHROP HORSE RAILROAD COMPANY.

Be it enacted, &c., as follows:

May loan 20,000 dollars.

Provisos: three-fourths voters to approve.

Shall take security.

SECTION 1. The town of Winthrop is hereby authorized to loan its credit in aid of the Winthrop Horse Railroad Company, to an amount not exceeding twenty thousand dollars: *provided*, that three-fourths of the legal voters of said town present and voting at a legal meeting called for that purpose, shall vote to loan the credit of said town as aforesaid; and *provided, also*, that said town shall take such security for said loan and upon such terms as the selectmen of the town and the directors of said company shall determine.

Town may raise money by loan, tax or bonds.

SECTION 2. The town of Winthrop is hereby authorized to raise by loan, tax or bonds, a sum of money not exceeding twenty thousand dollars, to be used as provided in the preceding section.

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

Approved May 2, 1867.

AN ACT RELATING TO RETURNS OF SAVINGS BANKS.

Chap. 203

Be it enacted, &c., as follows:

SECTION 1. In addition to the statements now required in the annual returns of savings banks and institutions for savings, each treasurer thereof shall state the number and amount of deposits received; the number and amount of deposits received of and exceeding three hundred dollars at one time; the number and amount of withdrawals; the number of accounts opened; the number of accounts closed, and the amount of surplus on hand, severally, for the year included in the returns.

Additional statements required in annual return.

SECTION 2. Blank forms of the annual returns shall be furnished to every such corporation by the secretary of the Commonwealth.

Secretary of state to furnish forms.

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

Approved May 2, 1867.

AN ACT TO REPEAL ALL LAWS REQUIRING THE SEALING OF MILK CANS.

Chap. 204

Be it enacted, &c., as follows:

All acts and parts of acts which require the sealing of cans in which milk is transported or sold, are hereby repealed.

Repeal.

Approved May 2, 1867.

AN ACT IN ADDITION TO AN ACT CONCERNING THE DIVISION OF FLATS.

Chap. 205

Be it enacted, &c., as follows:

SECTION 1. Persons having received grants from the legislature of any flats of the Commonwealth lying between their outer lines of property and any harbor lines there established, or grants from the legislature of rights to build upon any such flats of the Commonwealth, may have the lines and boundaries of their respective rights settled in the manner provided by chapter three hundred and six of the acts of the year eighteen hundred and sixty-four, subject to the exception therein as to the rights and title of the Commonwealth.

Grantees of rights to or upon flats from own outer lines to harbor lines may have bounds settled under ch. 306, 1861.

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

Approved May 2, 1867.

AN ACT IN ADDITION TO AN ACT CONCERNING THE QUALIFICATIONS OF ELECTORS.

Chap. 206

Be it enacted, &c., as follows:

The name of no person shall be added to the voting lists in any city of this Commonwealth after the lists have been placed in the hands of the ward officers, unless the qualifications of said person as a voter shall have been determined by the mayor and aldermen, at some meeting held previous to the opening of the polls; such fact to be verified by the certificate of the city clerk.

Name of voter, if added to list in hands of ward officer, to be certified by city clerk as herein.

Approved May 2, 1867.

Chap. 207 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MARSHPEE MANUFACTURING COMPANY.

Be it enacted, &c., as follows :

May use its real estate as directors may deem of service to Indians and people of color.

SECTION 1. The Marshpee Manufacturing Company is hereby authorized to use any part of the real estate which by its act of incorporation it is authorized to hold for any purposes which, in the opinion of the directors of said company, will promote industry and furnish employment among the Indians and people of color in Marshpee.

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

Approved May 4, 1867.

Chap. 208 AN ACT TO INCORPORATE THE SPOT POND WATER COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Samuel E. Sewall, Daniel W. Gooch and George W. Heath, of Melrose, Elisha S. Converse, J. H. Abbott and George P. Cox, of Malden, and James O. Curtis, Charles V. Bemis and Benjamin F. Hayes, of Medford, their associates and successors, are hereby made a corporation by the name of the Spot Pond Water Company, for the purpose of supplying the inhabitants of said Melrose, Malden and Medford, with pure water; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in the general laws which are now or may hereafter be in force relating to such corporations, so far as they may be applicable.

May supply water to towns of Melrose, Malden and Medford. Corporate powers and liabilities.

May convey waters of Spot Pond through Stoneham, Melrose, Malden and Medford.

SECTION 2. Said corporation may take, hold and convey through the town of Stoneham, so far as may be necessary, and to, into and through the said towns of Melrose, Malden and Medford, the waters of Spot Pond, so called, situate in the towns of Stoneham and Medford, and the waters which flow into and from the same.

Capital stock and shares.

SECTION 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of one hundred dollars each; and said company may hold real and personal estate not exceeding in amount one hundred thousand dollars, and may also take and hold, by purchase or otherwise, such land as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains, and such other works as may be necessary for the purity and preservation of said waters, and for collecting, conducting and distributing the same as herein provided. But said company shall not enter upon or use, for the purpose herein specified, the land of any person, or take water from said pond, until thirty thousand dollars in cash have been paid in upon the capital stock of said corporation.

Real and personal estate.

May hold land for works.

Condition of entry upon land of person, or of taking water.

SECTION 4. Said company within sixty days after the taking of any of the land aforesaid, shall file in the registry of deeds for the county of Middlesex a description thereof, sufficiently accurate for identifying the same.

Company shall file description of land in registry of deeds.

SECTION 5. Said company may make aqueducts, from the source above mentioned, through any part of the towns aforesaid, and may maintain the same by suitable works, may make reservoirs and hydrants, and may distribute the water throughout said towns of Melrose, Malden and Medford by laying down pipes, and may establish the rents therefor. And the said company, for the purposes aforesaid, may enter upon and dig up any road, under the direction of the selectmen of said towns respectively, in such manner as to cause the least hindrance to the travel thereon.

May make aqueducts in any part of said towns, and supply water in Melrose, Malden and Medford.

May, under selectmen, dig up roads.

SECTION 6. All claims for damages sustained by taking land, water or water-rights, or by making aqueducts, reservoirs or other works, shall be ascertained, determined and recovered, in the manner now provided by law in case of land taken for highways, except that the complaint may be filed within three years after said taking.

Damages: claims for to be heard as in case of land for highways.

SECTION 7. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be taken by said corporation, pursuant to the provisions of this act, or who shall corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam, reservoir, aqueduct, pipe or hydrant, or other property held, owned or used by the said company for the purposes of this act, shall pay three times the amount of actual damage to the said company, to be recovered by any proper action; and every such person, on conviction of either of the malicious acts aforesaid, may be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

Penalty if person maliciously divert or corrupt water or injure property.

SECTION 8. The said towns of Melrose, Malden and Medford, or any two of them, in case the remaining town declines to participate in said purchase, may, at any time within fifteen years from the time this act takes effect, purchase the franchise of said corporation and all its corporate property by paying therefor the amount expended for the construction, maintenance and repairs of said water works, and all necessary incidental expenses, together with interest thereon, at the rate of ten per centum per annum, less the amount derived therefrom, with interest thereon at the rate aforesaid. And in case the said towns cannot agree as to the portion of said amount to be paid by each, the supreme judicial court, or any justice thereof, upon application of

Towns of Melrose, Malden and Medford, or either two, may, within 15 years, purchase property for sum of cost and 10 per cent. per annum interest.

Towns failing to agree, commissioners by S. J. court may award pay.

either town, so purchasing, shall appoint three commissioners to award the amount so to be paid by each, which award shall be final.

Towns purchasing may issue "water scrip," payable in not more than twenty years.

SECTION 9. For the purpose of defraying the cost of such franchise and corporate property as shall be purchased for the purposes aforesaid, each of the towns, so purchasing, shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Spot Pond Water Scrip," to an amount not exceeding the proportion payable by each such town, bearing interest payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of the said scrip, notes or certificates respectively; and such town may sell the same, or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as such town shall deem proper. And each of such towns, so purchasing, is further authorized to make appropriations and assess from time to time, such amounts, not exceeding in any one year the sum of five thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

May sell as shall deem proper.

May assess for payment, not to exceed \$5,000 in one year.

Towns purchasing shall have powers and duties by agents they may appoint.

SECTION 10. In case the towns of Melrose, Malden and Medford, or any two of them, shall purchase the property, rights and privileges of said company, said towns so purchasing, shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants and agents as said towns shall, respectively, from time to time, ordain appoint and direct. And said towns shall be liable to pay all damages occasioned by the diversion of any water, or the obstruction of any stream, or the flowing of any lands for the purposes of said aqueduct, for which said company might be legally liable; the amount payable by each town to be determined in the same manner as provided in the eighth section of this act for determining the amount payable by such town for the purchase of the franchise and corporate property therein mentioned.

Damages, liability of towns for.

Payment, how determined.

Company shall observe water marks.

SECTION 11. A commission shall not at any time draw the waters of said pond below low-water mark of said pond, nor raise them above high-water mark.

S. J. Court, on application, to appoint commission to erect monuments at points of rise and fall of water.

SECTION 12. A commission of three persons shall be appointed by the supreme judicial court, or any justice thereof, on application of said company, or of any party in interest, who shall, at the cost and expense of said company,

after public notice to the parties in interest, ascertain the points between which the waters of said pond and its outlet rise and fall, and shall erect permanent monuments showing the same, and shall make a full report of all their doings to the supreme judicial court.

SECTION 13. Nothing in this act contained shall be so construed as to prevent or interfere with the right of the town of Stoneham to take water from said Spot Pond for the use of the inhabitants of said town. And said company may furnish water to such inhabitants of said town as may desire the same, at the same rates as to the inhabitants of other towns.

Rights of Stoneham to water of pond not to be impaired.

Company may supply said town.

Approved May 4, 1867.

AN ACT CONCERNING RECORDS AND RETURNS FROM THE OVERSEERS OF THE POOR.

Chap. 209

Be it enacted, &c., as follows :

SECTION 1. It shall be the duty of overseers of the poor in all the cities and towns of this Commonwealth to keep full and accurate records of the paupers fully supported, the persons relieved and partially supported, the travellers and vagrants lodged at the expense of said cities and towns, together with the amount paid for such support and relief.

Overseers shall keep full record of support, relief and lodgment of persons.

SECTION 2. Such annual returns of the number, sex, place of settlement, place and cost of support, sanity and temperance of the persons supported and relieved by towns and cities, and such other particulars concerning them as may be required by the board of state charities, shall be made by the overseers of the poor to the secretary of said board on or before the twentieth day of October in each year, and shall relate to the year ending on the thirtieth day of September preceding.

Returns to be made to secretary board charities, annually, to Sept. 30th.

SECTION 3. If the overseers of any town or city shall refuse or neglect to comply with the requirements of this act, said town or city shall forfeit the sum of one dollar for each day's neglect, and the amount of such forfeiture shall be deducted from any sum to which said town or city may be entitled in re-imbusement for relief of state paupers as provided in chapters one hundred and sixty-two of the acts of the year eighteen hundred and sixty-five, and two hundred and thirty-four of the acts of the year eighteen hundred and sixty-six; and in case no such re-imbusement shall be due to said town or city, the forfeiture shall be deducted from any money which may be due such town or city from the state.

Penalty upon town or city for failure of overseers to comply with requirements.

SECTION 4. It shall be the duty of the secretary of the board of state charities to prepare tables from the returns

Secretary board charities to make tables, etc.

thus made, and to report the most important information thus obtained to the board, who shall cause the same to be printed in their annual reports for the use of the legislature.

Repeal.

SECTION 5. Sections six and seven of chapter three hundred and seven of the acts of the year eighteen hundred and sixty-four, and all other acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved May 4, 1867.

Chap. 210 AN ACT CONCERNING THE OCCUPATION OF FLATS IN CAPE COD HARBOR AT PROVINCETOWN.

Be it enacted, &c., as follows :

Owners may extend wharves, or fill flats and build upon, to harbor lines.

SECTION 1. All persons owning flats in Cape Cod harbor at Provincetown are hereby authorized to extend and maintain wharves upon the same, or to fill up and build upon the same, but not beyond the harbor lines which may be hereafter established for said harbor.

Certain owners may extend wharves over certain flats of state, observing personal rights.

SECTION 2. All persons owning flats in the harbor at Provincetown whose outer lines of title are the low-water mark, or one hundred rods below the high-water mark, may extend and maintain wharves over any flats of the Commonwealth that may lie between their outer lines and the harbor lines that may be there hereafter established, but in such manner that all persons affected by this grant may have equal proportionate rights of advancing to or towards the said harbor lines.

Doings under act to be approved by harbor commissioners.

SECTION 3. All things which may at any time be done under this grant, shall be subject to the determination and approval of the board of harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

Harbor lines being made nearer high-water mark, grant to so apply, except, etc.

SECTION 4. If the harbor lines at Provincetown shall at any time be removed nearer to the high-water mark, this grant shall be construed to apply only to such new lines, except so far as valuable structures may have been actually and in good faith built under the same.

Previous grant to lay vessels at wharf not to be deemed private right.

SECTION 5. When in any previous grant of a right to extend and maintain a wharf in the harbor at Provincetown, liberty has been given to lay vessels at the sides or end of such wharf, the liberty so granted shall not be construed as a grant of any private right in or over the flats of any person or of the Commonwealth not revocable at any time by the legislature.

Grants herein may be revoked, except, etc.

SECTION 6. The grants made by this act are revocable by the legislature at any time, except so far as valuable

structures may have been actually and in good faith built under the same.

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

Approved May 4, 1867.

AN ACT TO INCORPORATE THE MONITOR MUTUAL FIRE INSURANCE COMPANY.

Chap. 211

Be it enacted, &c., as follows :

SECTION 1. Joseph F. Paul, George H. Davis, Henry C. Morse, their associates and successors, are made a corporation by the name of the Monitor Mutual Fire Insurance Company, in the city of Boston, for the purpose of making insurance upon real and personal property against losses by fire, upon the mutual principle ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Purpose.

Privileges and restrictions.

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

Approved May 4, 1867.

AN ACT IN RELATION TO EVIDENCE.

Chap. 212

Be it enacted, &c., as follows :

SECTION 1. The provisions of the second section of chapter three hundred and four of the acts of the year eighteen hundred and sixty-four, are hereby extended to cases where a deposition has been taken *in perpetuum*, if the deposition shall afterwards be used on the trial of a cause in which the deponent or any legal representative of the deponent is a party, on behalf of such party.

Use of deposition of party in civil suit, taken *in perpetuum*, to allow testimony of other party.

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

Approved May 6, 1867.

AN ACT MAKING COPIES OF CERTAIN PAPERS AND RECORDS ADMISSIBLE AS EVIDENCE.

Chap. 213

Be it enacted, &c., as follows :

Copies of books, papers, documents and records in the executive and other departments of the government of the Commonwealth, when duly authenticated by the attestation of the officer having charge of the same, shall be competent evidence in all cases equally with said original books, papers, documents and records: *provided*, that the genuineness of the signature of such officer shall be attested by the secretary of the Commonwealth under the seal of the Commonwealth.

Certificate of state officer in custody, attested by secretary of Commonwealth, to be competent.

Approved May 6, 1867.

Chap. 214 AN ACT TO LEGALIZE THE ELECTION OF TOWN OFFICERS IN THE TOWN OF HARVARD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Election and other acts on fourth March, 1867, made valid.

SECTION 1. The election of town officers in the town of Harvard, made at the annual town meeting on the fourth day of March in the year one thousand eight hundred and sixty-seven, and all other acts and doings of said town at said town meeting, so far as the same may be illegal for the reason that the warrant for said meeting was not served by posting up attested copies thereof according to the direction of the selectmen of said town, are hereby ratified and confirmed; and the same shall be taken and deemed good and valid in law, to all intents and purposes whatsoever.

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

Approved May 6, 1867.

Chap. 215 AN ACT TO REPEAL AN ACT TO AUTHORIZE HORSE AND STREET RAILROAD CORPORATIONS TO TAKE THE BENEFIT OF THE INSOLVENT LAWS.

Be it enacted, &c., as follows :

Repeal of ch. 113, 1866.

Proviso: not to affect rights acquired.

SECTION 1. Chapter one hundred and thirteen of the acts of the year eighteen hundred and sixty-six is hereby repealed: *provided however*, that nothing in this act shall affect any right acquired or proceedings begun under the same.

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

Approved May 6, 1867.

Chap. 216 AN ACT AUTHORIZING THE EASTERN RAILROAD COMPANY AND THE EASTERN RAILROAD IN NEW HAMPSHIRE TO UNITE AND FORM ONE CORPORATION.

Be it enacted, &c., as follows :

May, on vote of stockholders, unite by agreement.

Respective rights and obligations to be in new corporation.

SECTION 1. The Eastern Railroad Company, and the Eastern Railroad in New Hampshire, a corporation established by the laws of New Hampshire, are hereby authorized by a vote of the stockholders of each of said corporations, at meetings called for the purpose, to unite themselves into one corporation on such terms and conditions as shall be mutually agreed; and all the franchise, property, powers and privileges now enjoyed by or appertaining to, and all the restrictions, liabilities and obligations imposed upon, said two corporations, or either of them by virtue of their respective charters or otherwise, shall appertain and belong to and be obligatory upon said united corporation in the same manner as if the same had been contained in or acquired under an original charter.

A corporate officer to be resident of state.

SECTION 2. One or more of the directors or other officers of said united corporation shall be an inhabitant of this Commonwealth, on whom processes against said corporation

may be legally served: said corporation shall be held to answer in the jurisdiction where the service is made and the process is returnable. Process on corporation, how to be answered.
Approved May 6, 1867.

AN ACT TO AUTHORIZE THE NEW BEDFORD FIVE CENTS SAVINGS BANK TO HOLD REAL ESTATE.

Chap. 217

Be it enacted, &c., as follows:

SECTION 1. The New Bedford Five Cents Savings Bank is hereby authorized to hold real estate to an amount not exceeding twenty-five thousand dollars, to be invested in the purchase of a suitable site and the erection 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 estate for banking purposes. Income to be used for corporation.

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

Approved May 6, 1867.

AN ACT TO INCORPORATE THE MANOMET HOTEL COMPANY.

Chap. 218

Be it enacted, &c., as follows:

SECTION 1. Sewall H. Fessenden, Ephraim N. Winslow, Alexander Baxter, their associates and successors, are hereby made a corporation by the name of the Manomet Hotel Company, for the purpose of erecting a public house, to be located near Buzzard's Bay in the town of Sandwich, and maintaining such public house with the buildings and improvements connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all general laws which now are or may hereafter be in force and applicable to such corporations: *provided, however*, that said corporation shall not carry on the business of keeping a hotel or boarding-house, or be in any way interested in such business. Corporators. Location of building. Privileges and restrictions. Proviso: shall not keep house.

SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold real and personal estate to the value of one hundred thousand dollars, for the purpose mentioned in the first section: *provided however*, that said corporation shall not incur any liability until the sum of twenty thousand dollars has been paid in, in cash. Capital and shares. Estate. Proviso: condition of liability.

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

Approved May 6, 1867.

AN ACT TO INCORPORATE THE BOSTON AND KENNEBEC STEAM-BOAT COMPANY.

Chap. 219

Be it enacted, &c., as follows:

SECTION 1. Isaac Rich, Andrew Pierce, junior, Freeman Cobb, Waldo Adams, their associates and successors, are Corporators.

hereby made a corporation by the name of the Boston and Kennebec Steam-boat Company, for the purpose of engaging in the business of transporting passengers and freight between Boston and Bath, Gardiner, and other ports in Maine; with all the rights and privileges, and subject to all the duties, liabilities and restrictions in all general laws which now are, or may hereafter be in force applicable to such corporations.

Purpose.

Privileges and restrictions.

May own, use and sell vessels.

Capital stock and shares.

Proviso: condition of liability.

SECTION 2. Said company are hereby authorized and empowered to build, purchase, sell and convey, hire and employ such steam vessels, with such apparatus and appendages as may be found necessary for steam navigation and the transportation of freight and passengers as aforesaid.

SECTION 3. The capital stock of said corporation shall be fixed at five hundred thousand dollars, with power to increase the same to one million dollars, and shall be divided into shares of the par value of one hundred dollars each: *provided*, that said corporation shall incur no liability till one hundred thousand dollars of its capital stock has been paid in.

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

Approved May 6, 1867.

Chap. 220

AN ACT IN RELATION TO THE COURTS IN MIDDLESEX COUNTY.

Be it enacted, &c., as follows:

County commissioners may sell county property in Concord to town.

SECTION 1. The county commissioners of Middlesex county are hereby authorized to sell and convey to the town of Concord, for nominal considerations, the court-house, jail and real estate connected therewith, belonging to said county and situate in said town.

Upon transfer and notice, courts to be held at Cambridge.

SECTION 2. After such conveyance, of which the commissioners shall give notice in one or more newspapers published in said county, the courts now required to be held at Concord, shall be held at the same times at Cambridge in said county; and all appeals, recognizances and processes, which, before the publication of such notice, may be made returnable to any court at Concord, shall be returned to such court held at the same time at Cambridge.

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

Approved May 7, 1867.

Chap. 221

AN ACT TO CHANGE THE NAMES OF CERTAIN CORPORATIONS IN THE TOWN OF WEST CAMBRIDGE.

Be it enacted, &c., as follows:

"Arlington" substituted for West Cambridge in corporate titles.

SECTION 1. The West Cambridge Gas-Light Company shall take the name of the Arlington Gas-Light Company. The West Cambridge Horse Railroad Company shall take the name of the Arlington Horse Railroad Company. The

West Cambridge Five Cents Savings Bank shall take the name of the Arlington Five Cents Savings Bank. The Lexington and West Cambridge Railroad Company shall take the name of the Lexington and Arlington Railroad Company. The Spy Pond Water Company shall take the name of the Arlington Lake Water Company.

SECTION 2. Each of the parishes and religious societies in the town of West Cambridge is hereby authorized to change its corporate name by substituting Arlington wherever West Cambridge occurs in the same. Such change may be made by a vote of the members of such parish or religious society at any legal meeting thereof.

Parishes and religious societies may substitute same.

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

Approved May 7, 1867.

AN ACT CONCERNING PRACTICE IN DIVORCE CASES.

Chap. 222

Be it enacted, &c., as follows :

SECTION 1. Decrees for divorce from the bonds of matrimony may in the first instance be decrees *nisi*, to become absolute after the expiration of such time, not being less than six months from the entry thereof, as the court shall, by general or special orders direct. At the expiration of the time assigned, on motion of the party in whose favor the decree was rendered, which motion may be entertained by any judge in term or vacation, the decree shall be made absolute, if the party moving shall have complied with the orders of the court, and no sufficient cause to the contrary shall appear.

Decree may be *nisi* for not less than six months.

Party then moving, same may be made absolute.

SECTION 2. The court, by special order in each case, or in pursuance of rules established, shall require the party in whose behalf a decree *nisi* of divorce is entered, to cause the fact of the entry of such decree together with its terms, to be published in some one or more newspapers to be designated by the court, one of which shall be published in the county in which the case is pending with such other notice as the court may require; the form of the notice, the time of publication and mode of proof of the publication to be fixed by the court; or the court may require such party to deposit with the clerk of the court, before such decree shall be entered, a sum of money sufficient to pay for the publication of such notice by the clerk, with reasonable compensation to him therefor; and may, in any case, authorize the clerk to cause such publication to be made, and his certificate shall be proof that the same has been made.

Court shall order notice of decree *nisi* to be published by party moving, or may require deposit of money for with clerk.

Clerk may certify as proof.

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

Approved May 9, 1867.

Chap. 223 AN ACT TO CONFIRM CERTAIN ACTS DONE BY BILLINGS PALMER AS TRIAL JUSTICE.

Be it enacted, &c., as follows :

Acts from first May, 1861, to first December, 1866, made valid.

SECTION 1. All acts done by Billings Palmer of Great Barrington, as a trial justice within and for the county of Berkshire, between the first day of May in the year eighteen hundred and sixty-one, and the first day of December in the year eighteen hundred and sixty-six, are hereby 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 May 9, 1867.

Chap. 224 AN ACT CONCERNING THE LAYING OUT, ALTERING, WIDENING AND IMPROVING THE STREETS OF CHARLESTOWN.

Act of '66, ch. 174, relating to Boston, shall apply to Charlestown.

SECTION 1. The provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty-six, entitled "An Act concerning the laying out, altering, widening and improving the Streets of Boston," are hereby extended and made applicable to the city of Charlestown.

Act in force if city council accept.

SECTION 2. This act shall take effect whenever the same is accepted by the city council of said city of Charlestown by a two-thirds vote of each branch thereof.

Approved May 9, 1867.

Chap. 225 AN ACT TO INCORPORATE THE HOPKINTON AND MILFORD RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Lovett H. Bowker, George V. Sheffield, Charles W. Claffin, their associates and successors, are hereby made a corporation by the name of the Hopkinton and Milford Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Privileges and restrictions.

Location of road defined.

SECTION 2. Said corporation may locate, construct and maintain a railroad commencing at some convenient point near the centre of the town of Hopkinton; thence running southerly through the southerly part of said town of Hopkinton, by the most direct and feasible route to some convenient point near the centre of the town of Milford, and to enter by proper turn-outs and switches upon the Milford and Woonsocket Railroad, and the Milford Branch Railroad, at said Milford, according to the provisions of law.

SECTION 3. Said corporation may connect its road with the Milford and Woonsocket Railroad, and with the Milford Branch Railroad, and may use the same or either of them according to law with the consent of the corporations owning said roads respectively, or may sell and transfer its franchise and all its rights under this act, or lease its road, or other property to the Milford and Woonsocket, or any other railroad corporation, passing through or having its terminus in the town of Milford, or may unite and consolidate its stock with the stock of the Milford and Woonsocket Railroad corporation, or any other coporation having its terminus in, or passing through the said town of Milford, upon such terms as may be agreed upon, and confirmed by vote of the majority in interest of the stockholders of said corporations present and voting at meetings duly called for that purpose.

May connect with Milford and Woonsocket and Milford branch roads with consent; may sell or lease franchise or unite with other company.

SECTION 4. The capital stock of said corporation shall not exceed two hundred thousand dollars divided into shares of one hundred dollars each, the number of which shall be determined from time to time by the directors: and said corporation may take and hold such real estate and personal property as may be necessary for the purposes of this act.

Capital stock and shares.

Estate.

SECTION 5. The town of Hopkinton is hereby authorized to subscribe for and hold shares in the capital stock of the Hopkinton and Milford Railroad Company to the amount of forty thousand dollars: *provided* the inhabitants of said town, at a legal meeting duly called for that purpose, shall, by a vote of two-thirds of the legal voters present, and voting thereon, vote to subscribe for such shares, in accordance with the terms of this act, to pay for the same out of the town treasury, 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 it may possess.

Town of Hopkinton may hold shares.

Proviso: voters to approve.

SECTION 6. Said town of Hopkinton is hereby authorized to raise by loan or tax, any sums of money which shall be required to pay its instalments on its subscriptions to said stock and interest thereon.

Town may raise money for by loan or tax.

SECTION 7. The selectmen and treasurer of the town of Hopkinton shall have authority to represent said town at any meeting of the Hopkinton and Milford Railroad Company, and said town, so represented, is hereby authorized to vote on the whole amount of stock held by said town of Hopkinton, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Selectmen and treasurer may represent town at company meeting and vote on stock held.

SECTION 8. This act shall take effect upon its passage, and shall be void unless said road is located within two years, and constructed within four years from the passage of this act.

Conditions of validity of act.

Approved May 9, 1867.

Chap. 226 AN ACT TO INCORPORATE THE HIDE AND LEATHER INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Daniel Harwood, Frederick Jones, William Claffin, their associates and successors, are hereby made a corporation by the name of the Hide and Leather Insurance Company, in the city of Boston, for the purpose of making insurance against losses by fire, and with authority to insure against the perils of the sea and other perils usually insured against by marine insurance companies, and to make all and every insurance appertaining to or connected with fire and marine risks and risks of inland navigation and transportation; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Location and purpose.

Privileges and restrictions.

Capital stock and shares.

May increase capital.

Proviso.

May hold real estate.

Directors may give policy-holders right in net profits.

Condition of corporate business.

SECTION 2. Said corporation shall have a capital stock of three hundred thousand dollars, divided into shares of one hundred dollars each. It shall have liberty to pay in and increase the said capital stock to an amount not exceeding five hundred thousand dollars: *provided*, that any increase of capital is paid within three years from the passage of this act; and with liberty to hold real estate for its own use to an amount not exceeding ten per cent. of the paid-up capital stock of said company.

SECTION 3. A majority of the board of directors of the company may, at their discretion, at any time give the holders of the policies of the company the right to participate in the net profits of the company, to such an extent, and in such manner, and upon such terms and conditions as they shall prescribe in their by-laws.

SECTION 4. Said corporation may commence business when one hundred and fifty thousand dollars shall have been subscribed and paid in, in cash.

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

Approved May 9, 1867.

Chap. 227 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PROPRIETORS OF THE BAY STATE HOUSE IN THE CITY OF WORCESTER.

Be it enacted, &c., as follows :

Repeal of § 3, ch. 341, 1853.

SECTION 1. Section three of chapter three hundred and forty-one of the acts of the year one thousand eight hundred and fifty-three is hereby repealed.

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

Approved May 9, 1867.

AN ACT RELATING TO THE SECOND PARISH CEMETERY IN DORCHESTER. Chap. 228

Be it enacted, &c., as follows:

SECTION 1. The Second Parish in the town of Dorchester is hereby authorized to elect by ballot a board of three commissioners for the term of three years, who shall have the sole care, superintendence and management of the Second Parish Cemetery, in said town of Dorchester established by said parish; one member of which board shall go out of office each year: said board or any member thereof, after an opportunity to be heard, may be removed by a vote of two-thirds, at any meeting of said parish duly called; and in case of a vacancy by death, resignation or removal, such vacancy to be filled in the manner aforesaid for the remainder of the unexpired term. The commissioner first chosen shall hold his office for three years; the commissioner next chosen, to hold his office for two years, and the commissioner next chosen, to hold his office for one year.

Parish may elect three commissioners to superintend cemetery.

May be removed by vote of two-thirds.

Vacancy, how filled.

Tenures.

SECTION 2. Said board of commissioners shall appropriate a portion of said cemetery as a public burial place for the members of said parish, free of charge therefor; and they shall lay out said cemetery in suitable lots or other subdivisions, with necessary paths and avenues, may plant, embellish and ornament the same, may enclose and divide the same with proper fences and erect or annex such suitable edifices, appendages and conveniencies as they shall from time to time deem expedient; may make all necessary by-laws, rules and regulations in the execution of their trust, not inconsistent with the laws of the Commonwealth, as they may deem expedient.

Shall assign portion for free public burial for members.

Shall lay out cemetery in lots, and may embellish grounds.

May make by-laws.

SECTION 3. Said board of commissioners shall have the authority to convey to any person or persons by deeds duly executed by the parish treasurer, the sole and exclusive right of burial, of erecting tombs, cenotaphs and other monuments in any of the designated lots or subdivisions of said cemetery, upon such terms and conditions as they shall by their rules and regulations prescribe.

May convey designated lots by deed of treasurer to person or persons.

SECTION 4. The proceeds of the sales of lots or rights of burial, donations, gifts and grants made for this purpose, shall be paid into the treasury of said parish, to be kept separate from any of its other funds, and to be called the cemetery fund; said fund to be safely invested, and the income arising therefrom to be subject to the order of said commissioners, to be devoted to the improvement and embellishment of said cemetery under the direction of said board of commissioners.

Certain moneys paid treasurer shall be called "cemetery fund."

Income of fund, how to be used.

Commissioners shall report to parish annually.

SECTION 5. Said board shall annually in the month of March or April, render to said parish a report in writing of their doings, and of the condition of said cemetery, and an account of their receipts and expenditures.

Condition of validity of act.

SECTION 6. This act shall be void unless accepted by said parish at a meeting called for that purpose within three months after its passage.

Approved May 9, 1867.

Chap. 229

AN ACT TO EXTEND THE POWERS OF THE FIRST BAPTIST CHURCH IN WOBURN.

Be it enacted, &c., as follows :

May hold property of \$60,000 for church use.

SECTION 1. The powers of the First Baptist Church in Woburn, a corporation established by an act of the year eighteen hundred and fifty-seven, chapter seventy-three, entitled An Act to incorporate the First Baptist Church in Woburn, are hereby so far extended that said corporation may take, hold and manage in its own right and for its own use as a church, property to an amount not exceeding the sum of sixty thousand dollars.

Deacons may convey property held to church.

SECTION 2. The deacons of said church are hereby authorized and empowered to convey to said church, in its corporate capacity, all the property now held by said deacons in their said capacity.

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

Approved May 15, 1867.

Chap. 230

AN ACT TO INCORPORATE THE MASSACHUSETTS INFANT ASYLUM.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. Martin Brimmer, Thomas C. Amory, Mary J. Quincy, their associates and successors, are hereby made a corporation by the name of the Massachusetts Infant Asylum, for the purpose of assisting and providing for deserted and destitute infant children ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes and in all general laws which now are or hereafter may be in force relating to such corporations.

Purpose.

Privileges and restrictions.

May hold estate.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real and personal estate not exceeding in value one hundred and twenty thousand dollars.

Overseers of poor and officers state almshouses may give children in care.

SECTION 3. The overseers of the poor, of any city or town in the Commonwealth, and the superintendents and inspectors of the state almshouses, may place deserted and destitute infants in the care of said corporation under the laws for the relief of the poor, and such sum shall be paid for the temporary support of such infants as may be agreed upon between the parties : *provided*, that said overseers and

the board of state charities shall use all reasonable care to collect the cost of such temporary support from parties justly chargeable with the same, whenever they can be ascertained, and to remove those not born or not having a settlement in this state.

Proviso: overseers and board charities shall collect cost of support, and remove non-residents.

Approved May 15, 1867.

AN ACT IN RELATION TO THE SALE OF GROWING WOOD BY GUARDIANS.

Chap. 231

Be it enacted, &c., as follows:

SECTION 1. When the income of the estate of a ward is insufficient to maintain him or his family, or when it appears that it would be for the benefit of a ward that the standing or growing wood on his real estate, or any part thereof, should be sold and the proceeds put out on interest, or invested in productive stock, his guardian may sell such wood, and grant the privilege of entering upon the land and cutting and carrying away the same within such time as he may allow, upon obtaining a license therefor and proceeding therein as provided by law for the sale of the real estate of wards by guardians.

May sell for support or benefit of ward and grant entry for removal under license and law.

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

Approved May 15, 1867.

AN ACT TO INCORPORATE THE MASONIC BUILDING ASSOCIATION, IN GEORGETOWN.

Chap. 232

Be it enacted, &c., as follows:

SECTION 1. Stephen Osgood, Sherman Nelson, Milton G. Tenney, their associates and successors, are hereby made a corporation by the name of the Masonic Building Association, in the town of Georgetown, for the purpose of erecting a building in the town of Georgetown and maintaining the same for the accommodation and purposes of a masonic hall, lectures and any other lawful purpose; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws of this Commonwealth which now are or may hereafter be in force, so far as applicable to said corporation.

Corporators.

Purpose.

Privileges and restrictions.

SECTION 2. Said corporation shall have a capital stock not exceeding twenty thousand dollars, divided into shares of one hundred dollars each, and may hold, for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock: *provided*, that said corporation shall incur no liability until five thousand dollars of its capital stock has been actually paid in, in cash.

Capital stock and shares.

Estate.

Proviso: condition of incurring liability.

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

Approved May 15, 1867.

Chap. 233 AN ACT TO INCORPORATE THE I. WASHBURN AND MOEN WIRE WORKS.*Be it enacted, &c., as follows :*

Corporators. SECTION 1. Ichabod Washburn, Philip L. Moen, William E. Rice, Dorance S. Goddard, Henry Goddard, Peter C. Bacon, their associates and successors, are hereby made a corporation by the name of the I. Washburn and Moen Wire Works, for the purpose of manufacturing wire rods, iron and steel wire, cotton yarn and cotton goods in the city of Worcester; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Location.**Privileges and restrictions.****Capital stock and shares.****Estate.****Condition precedent to business.**

SECTION 2. The capital stock of said corporation shall not exceed seven hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold such real and personal estate as may be necessary or convenient for the purposes set forth in this act, and shall not commence business until five hundred thousand dollars of its capital stock shall have been paid in.

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

*Approved May 15, 1867.***Chap. 234** AN ACT CONCERNING THE BOSTON SCREW COMPANY.*Be it enacted, &c., as follows :***May add \$300,000 to capital stock.**

SECTION 1. The Boston Screw Company, a corporation organized in the year eighteen hundred and sixty-five, under the provisions of chapter sixty-one of the General Statutes, and having a capital of five hundred thousand dollars, is hereby authorized to add to its capital stock an amount not exceeding three hundred thousand dollars.

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

*Approved May 15, 1867.***Chap. 235** AN ACT TO CONFIRM THE LOCATIONS OF THE FITCHBURG RAILROAD AND ITS BRANCHES.*Be it enacted, &c., as follows :***Existing conditions confirmed, reserving rights to persons for damages.****Proviso: shall not affect rights of other roads or of state.**

SECTION 1. The location of the Fitchburg Railroad and the railroads owned by that corporation as the same are now constructed and exist, are hereby ratified and confirmed; reserving however to all parties all existing claims for damage, if any there be; and *provided*, that nothing herein contained, shall affect the locations or rights of any other railroad corporations or of the Commonwealth.

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

Approved May 15, 1867.

AN ACT CONCERNING THE SHEFFIELD RAILROAD COMPANY.

Chap. 236

Be it enacted, &c., as follows :

SECTION 1. The Sheffield Railroad Company is hereby authorized to contract for the management and operation of its road with any railroad corporation, whose road connects with it, and to contract to assume the management and operation of the road of any such railroad corporation; and to lease its road to, and take a lease from any railroad corporation, whose road connects with it.

May unite with, lease to, or take lease of any connecting road.

SECTION 2. Said Sheffield Railroad Company may unite and make joint stock with any railroad corporation, whose road connects with the road of the Sheffield Railroad Company, upon such terms as may be agreed upon by the contracting parties: *provided, however*, that said terms are first approved by a vote of the holders of two-thirds in amount of the stock of each corporation present and voting at legal meetings of said corporations respectively, called for that purpose; and *provided further*, that the capital stock of the united corporations shall not exceed the amount of the authorized capital of both corporations.

May make joint stock with such roads.

Proviso: two-thirds stockholders to approve terms. Sum of united stocks not to exceed the two capitals.

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

Approved May 15, 1867.

AN ACT TO PROTECT THE OYSTER FISHERY IN MONUMENT RIVER.

Chap. 237

Be it enacted, &c., as follows :

SECTION 1. Whoever takes any oysters from Monument River, in the town of Sandwich, at any time previous to the first day of October in the year eighteen hundred and sixty-eight, shall forfeit the sum of five dollars for each offence; and if the quantity of oysters taken exceeds one bushel, he shall forfeit the sum of five dollars for each bushel and any fraction of a bushel so taken.

Penalty for taking oysters before first October 1868.

SECTION 2. The inhabitants of the town of Sandwich, at a legal meeting held for the purpose, may make regulations concerning the taking of oysters in said river after said first day of October; and whoever takes any oysters from said river contrary to the regulations so made, shall be subject to the same penalties as are provided in the preceding section. The penalties provided in this act may be recovered by complaint or indictment in any court of competent jurisdiction.

Town of Sandwich may regulate thereafter.

Penalties, how recovered.

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

Approved May 15, 1867.

Chap. 238 AN ACT TO AUTHORIZE THE TOWN OF HANCOCK TO LOAN ITS CREDIT TO THE WILLIAMSTOWN AND HANCOCK RAILROAD COMPANY.

Be it enacted, &c., as follows :

May aid same, or other company of connecting road between roads in Southern Vermont and the Harlem, in Chatham, N. Y.

SECTION 1. The town of Hancock, is hereby authorized to loan its credit in aid of the Williamstown and Hancock Railroad Company, or any railroad company called by any other name, owning a connecting road between any railroad in Southern Vermont and the Harlem Railroad in the town of Chatham, Columbia county, New York, to an amount not exceeding ten thousand dollars: *provided*, the inhabitants of said town at a legal meeting called for that purpose, shall, by a vote of two-thirds of the legal voters present and voting thereon, vote to loan its credit in aid of said railroad or connection; *provided, also*, that said town may take security for the credit so loaned on the road, building materials, stocks, bonds, collaterals or other property of the company; the amount of security and kind and the terms thereof to be determined by the selectmen or three commissioners legally chosen by the town for that purpose, and the directors of said company.

Provisos: voters to approve loan.

Town may take security on road and property.

Amount how determined.

May raise money for same by loan, tax or bonds.

SECTION 2. The town of Hancock is hereby authorized to raise, by loan, tax or bonds, a sum of money not exceeding ten thousand dollars, to be used as provided in the preceding section.

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

Approved May 16, 1867.

Chap. 239 AN ACT IN RELATION TO THE REPORTS OF THE DECISIONS OF THE SUPREME JUDICIAL COURT.

Be enacted, &c., as follows :

Shall be entitled "Massachusetts Reports," and numbered continuously from previous volumes.

The volumes of reports of the decisions of the supreme judicial court, next succeeding the series edited by Charles Allen, shall be styled "Massachusetts Reports," without the name of the reporter thereof added thereto, and the numbering of the several volumes shall be determined by reckoning all the previous volumes of reports as "Massachusetts Reports."

Approved May 16, 1867.

Chap. 240 AN ACT IN RELATION TO THE ELECTION OF WARD OFFICERS.

Be it enacted, &c., as follows :

Certificates of election to be enveloped and endorsed to city clerk, who shall retain unopened for twenty days, then send to persons chosen.

SECTION 1. At each municipal election of the cities of this Commonwealth, it shall be the duty of the ward officers of the several wards to make out and sign certificates of the election of such ward officers as are chosen at such election, in the manner now provided by law, and said certificates for each ward shall be placed in one envelope, endorsed "ward officers chosen in ward number _____," and transmitted

to the city clerk, who shall retain said envelopes unopened for twenty days, subsequent to the day of said election, and he shall then open said envelopes and transmit said certificates to the persons who appear to be thus chosen.

SECTION 2. If within said twenty days a statement, in writing, is filed with the city clerk, signed by ten legal voters in any ward, stating that they believe that the warden, or clerk, or any inspector of elections of said ward, who has been declared elected, did not receive a plurality of the votes cast on the preceding election day, it shall be the duty of the city clerk to lay the same before the board of aldermen for the time being, who shall proceed to count the original ballots cast for such warden, clerk or inspector, and shall declare the result, and shall issue a certificate to the person entitled thereto: *provided*, that this act shall not apply to ward officers chosen to fill vacancies on election day.

Statement of ten voters of belief in non-election of person certified, to require aldermen to count ballots and certify.

Proviso.

SECTION 3. All provisions of existing laws inconsistent herewith are hereby repealed.

Approved May 16, 1867.

AN ACT CONCERNING LANDS ABUTTING ON THE STREETS IN CITIES OF THIS COMMONWEALTH.

Chap. 241

Be it enacted, &c., as follows:

Whenever the owner of a lot abutting upon any street or way in any city of this Commonwealth shall dedicate to, or permit to be used by, the public, a portion of his land lying between said street or way and the range of the buildings fronting on the same, it shall be the duty of such abutter to keep every part of the land so dedicated or so permitted to be used, in such condition as the safety and convenience of the public shall, in the opinion of the board of aldermen, require: and if the owner of any such abutting lot shall, after reasonable notice given by the board of aldermen or mayor, neglect or refuse to put that portion of his land so dedicated to, or permitted to be used by, the public, into the condition aforesaid, by executing the specific repairs or improvements required by the board of aldermen, or to close the same from public use by a substantial railing or guard, it shall be lawful for said board of aldermen to put said land into the condition which, in their opinion, the public convenience and safety require, and to assess the expense thereof upon the owner; and all assessments so made shall be a lien upon such abutting lots in the same manner as taxes are a lien upon real estate.

Owner giving public use of between street and buildings, shall keep same in order.

Failing after notice to comply with request of aldermen or close ground, city may repair and assess owner.

Sum shall be a lien upon land.

Approved May 16, 1867.

Chap. 242 AN ACT CONCERNING SHADE AND ORNAMENTAL TREES STANDING IN HIGHWAYS AND STREETS.

Be it enacted, &c., as follows:

Person shall not remove tree until ten days after city or town has failed to respond to notice of intention.

SECTION 1. No person who has by law a right to cut down or remove any ornamental or shade tree standing in any highway, town way or street, shall exercise such right without first giving notice of his intention to one of the selectmen of the town or mayor of the city in which the tree stands; and, if the selectmen of the town or mayor and aldermen of the city desire to retain the tree, they shall give notice thereof to such person within ten days after his notice to them; and in that case, the same course shall be taken and the same rules apply as to the assessment, appeal and final determination and payment of the damage such person may suffer by the retaining of said tree, as in the case of damage done by an alteration in such highway, town way or street.

If city or town retain, damage to be fixed as for change in highways.

Penalty if person violate this act or rights of municipality under.

SECTION 2. If any such person shall cut down, remove or injure such tree without first giving the notice required in the foregoing section or in violation of any of the provisions thereof, or of the rights of the city or town acquired thereunder to maintain the same, he shall suffer the penalty provided for the injury or destroying of ornamental or shade trees in the seventh section of the forty-sixth chapter of the General Statutes, and the penalty in such case shall accrue to the town or city.

Act in force when accepted by city or town.

SECTION 3. This act shall not be in force in any town or city until it shall be accepted by a majority of the legal voters in such town at a meeting legally called therefor, or by the city council.

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

Approved May 16, 1867.

Chap. 243 AN ACT CONCERNING REPORTS OF PRIVATE CHARITABLE INSTITUTIONS.

Be it enacted, &c., as follows:

Society or institution aided by state shall report doings to board of charities.

SECTION 1. Every private society or institution for charitable purposes when aided by a grant of money from the state treasury, shall cause to be annually prepared and forwarded to the board of state charities, a report of all its proceedings, income and expenditures, properly classified for the year ending on the thirtieth day of September; which report shall state the sum appropriated by the state, the sum expended under said appropriation, the whole number and the average number of beneficiaries, the number and salary of officers and employees, and such other information as the board of state charities may require.

SECTION 2. The report provided for in the preceding section may be either in writing or in print. If in writing, it shall be sent in to the board of state charities on or before the fifteenth day of October, and if in print, on or before the first day of November, in each year; and for the present year shall be held to apply to all appropriations made or expenses incurred between the thirtieth day of September in the year eighteen hundred and sixty-six, and the thirtieth day of September in the year eighteen hundred and sixty-seven.

Report, if in writing, to be in on fifteenth October, if in print, on first November.

For 1867, how construed to apply.

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

Approved May 16, 1867.

AN ACT CONCERNING THE MILFORD AND WOONSOCKET RAILROAD COMPANY.

Chap. 244

Be it enacted, &c., as follows:

SECTION 1. The Milford and Woonsocket Railroad Company is hereby authorized to increase its capital stock by the addition of such number of shares not exceeding two hundred and fifty shares of one hundred dollars each, as the directors of said corporation may from time to time determine.

May increase capital stock.

SECTION 2. The chairman of the board of selectmen or, in his absence, the treasurer of the town of Milford, shall have authority to represent said town as a stockholder at any meeting of the said company.

Town of Milford, how may attend meeting of corporation.

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

Approved May 16, 1867.

AN ACT TO AMEND THE HARBOR LINES IN THE HARBOR OF GLOUCESTER.

Chap. 245

Be it enacted, &c., as follows:

SECTION 1. The harbor line of the harbor of Gloucester is hereby altered, as follows: commencing at a point on the present harbor line, two hundred and twenty-six feet from monument A; thence in a straight line north-easterly three hundred and two feet to a point thirty feet from where the present harbor line touches the south-west corner of the present wharf of George H. Rogers; thence in a straight line north-easterly three hundred and thirteen feet to a point thirty feet south-easterly from where the said harbor line touches the present wharf of said Rogers; thence two hundred and eighty feet to a point twenty feet from the point where the said harbor line touches the salient angle of the present wharf of said Rogers; thence one hundred and forty-five feet to the point where the said harbor line touches the north-easterly corner of the present wharf of said Rogers.

Lines defined.

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 May 16, 1867.

Chap. 246

AN ACT TO INCORPORATE THE SPRINGFIELD SAFE DEPOSIT COMPANY.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. Chester W. Chapin, John B. Stebbins, James D. Brewer, their associates and successors, are hereby made a corporation by the name of the Springfield Safe Deposit Company, for the purpose of receiving on deposit for safe keeping, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, and other property of every kind, and of collecting and disbursing the interest or income upon such of said property received on deposit as produces interest or income, and of collecting and disbursing the principal of such of said property as produces interest or income, when it comes due, upon terms to be prescribed by the corporation; with all the powers and privileges, and subject to the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes, and in all the general laws which now are or hereafter may be in force relating to such corporations.

Purpose.

Privileges and restrictions.

Sections of ch. 57 G. S., shall apply same as to banks.

Sections of ch. 58 G. S., to apply as to insurance companies.

Capital stock.

Investment shall be same as of insurance stock.

Conditions of operation of company.

SECTION 2. The seventy-third, seventy-fourth, seventy-fifth, seventy-sixth and seventy-seventh sections of the fifty-seventh chapter of the General Statutes shall apply to, and be in force against this company, in the same manner and to the same extent as they apply to and are in force against banks; and sections thirteen, fourteen, seventeen, nineteen, twenty, twenty-one, twenty-seven, twenty-eight and twenty-nine of the fifty-eighth chapter of the General Statutes shall apply to and be in force against this company, in the same manner and to the same extent as they apply to and are in force against insurance companies.

SECTION 3. The capital stock of said corporation shall be two hundred thousand dollars, with the privilege to increase the same to three hundred thousand dollars; and said capital stock shall be invested in the manner provided by law for investing the capital stock of insurance companies.

SECTION 4. The company shall not go into operation until one-half of its capital stock has been paid in, in cash, and a certificate from the insurance commissioner has been obtained, authorizing the company to go into operation; and said commissioner shall make the examination in the same manner as he is now required to do in the case of insurance companies by section thirty of chapter fifty-eight of the

General Statutes, upon payment into the treasury of any fees which are or may be prescribed to be paid by insurance companies in similar cases.

SECTION 5. Said corporation shall be entitled to purchase and hold real estate, not exceeding in value one hundred thousand dollars. May hold real estate.

SECTION 6. This act shall take effect upon its passage.

Approved May 16, 1867.

AN ACT TO AUTHORIZE ALBERT T. STEARNS TO EXTEND HIS WHARVES IN DORCHESTER. Chap. 247

Be it enacted, &c., as follows :

SECTION 1. Albert T. Stearns is hereby authorized to extend his wharves on the Neponset River in the town of Dorchester, towards the harbor line now established, to such line within the same as may be directed by the harbor commissioners: *provided*, that all things done under this grant shall be subject to the determination and approval of the board of harbor commissioners, as provided by section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this grant shall in no wise impair the legal rights of any person. May extend on Neponset River.

SECTION 2. This act shall take effect upon its passage. Proviso: harbor commissioners to approve.

SECTION 3. This act shall take effect upon its passage. Shall not impair vested rights.

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

Approved May 16, 1867.

AN ACT IN RELATION TO MARRIAGE CONTRACTS. Chap. 248

Be it enacted, &c., as follows :

SECTION 1. No marriage contract heretofore made between parties, both of whom are now living, or which may be hereafter made shall be invalid as between the parties thereto and their heirs and personal representatives by reason of the failure to record the same as required by section twenty-eight of chapter one hundred and eight of the General Statutes. Contract of parties now living, or made hereafter, not to be void by failure to record.

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

Approved May 18, 1867.

AN ACT RELATING TO PROBATE COURTS IN THE COUNTY OF FRANKLIN. Chap. 249

Be it enacted, &c., as follows :

SECTION 1. The probate court heretofore held at Charlemont shall hereafter be held at Shelburne Falls on the fourth Tuesday of May in each year. And the probate court now required by law to be held at Lock's Village in Shutesbury, shall hereafter be held at Orange on the third Tuesday of June in each year; and all processes and matters returnable to the court at Charlemont on the fourth Tuesday of May may Shall be held in May at Shelburne Falls and in June at Orange; matters returnable to be there heard.

be heard and acted upon at the court herein established, to be held at Shelburne Falls on said fourth Tuesday of May; and all processes and matters returnable to the court at Lock's Village in Shutesbury on the second Tuesday of July, may be acted upon at any of the courts to be held at Orange next after said second Tuesday of July.

Repeal of § 36 ch.
117 G. S.

SECTION 2. So much of section thirty six of chapter one hundred and seventeen of the General Statutes, as requires the holding of a probate court at Charlemont, and at Lock's Village in Shutesbury, is hereby repealed.

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

Approved May 18, 1867.

Chap. 250

AN ACT CONCERNING THE ACKNOWLEDGMENT OF DEEDS.

Be it enacted, &c., as follows :

Notary public
may take.

SECTION 1. The acknowledgment of deeds may be made before any notary public in this Commonwealth.

Such former acts
of notaries to be
valid.

SECTION 2. All acknowledgments of deeds heretofore made in this Commonwealth before a notary public duly commissioned and qualified, shall be deemed and taken to be legal and valid.

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

Approved May 18, 1867.

Chap. 251

AN ACT TO ESTABLISH THE CITY OF HAVERHILL.

Be it enacted, &c., as follows :

City established.

SECTION 1. The inhabitants of the town of Haverhill shall continue to be a body politic and corporate under the name of the city of Haverhill, 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 pertaining to the said town as a municipal corporation.

Government.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer styled the mayor, one council of six, to be called the board of aldermen, and one council of eighteen, to be called 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 their respective duties. 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.

Quorum of city
council.

Division of town
into wards.

SECTION 3. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance, as herein provided, to divide said town into six

wards, to contain as nearly as conveniently may be an equal number of voters, which division may be revised by the city council within two years from the passage hereof. The city council shall, once in five years and not oftener, alter, if needful, the boundaries of said wards, in such manner, however, as to preserve, as far as possible, an equal number of voters in each ward.

Revision of lines.

SECTION 4. On the first Monday of December, annually, there shall be chosen by ballot in each of said wards, a warden, clerk, and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year and until others are chosen and qualified in their stead. Said wardens shall preside at all ward meetings, with the power of moderators of town meetings; and if at any meeting the warden is not present, the clerk shall preside until a warden, *pro tempore*, is chosen by ballot; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside, until a warden, *pro tempore*, is thus chosen; and if all said officers are absent, any legal voter in said ward may preside until a warden, *pro tempore*, is chosen. When any ward officer is absent or neglects to perform his duty, his office shall be filled, *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to a faithful discharge of their duties; said oath to be administered by the clerk to the warden, and by the warden to the clerk and to the inspectors, or to either of said officers by any justice of the peace for the county of Essex; certificates of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes to be held either in wards or in general meeting, shall be issued by the mayor and aldermen, and shall be in such form and served and returned in such manner and at such times as the city council shall direct.

Annual election of ward officers.

Ward meetings, how organized.

Clerk and inspectors, duties of.

Ward officers shall be sworn.

Warrants for meetings of citizens, how issued.

SECTION 5. The mayor and aldermen are authorized, when no convenient ward room for holding ward meetings of the citizens of either of the wards of the city can be had within the territorial limits of such ward, to appoint and direct in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and proximate place within the limits of any other of the wards of said city; and for such purposes the place so assigned for

Mayor and aldermen may order meeting of citizens of any ward in other ward.

the meeting of such ward shall be deemed and taken to be included in and part of said ward, as though the same was within the territorial limits thereof.

Mayor, how chosen, and tenure of office.

SECTION 6. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall be chosen and qualified in his place.

Aldermen.

SECTION 7. 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, who shall hold their offices for one year from the first Monday of January next following their election, and until a majority of the new board are elected and qualified in their places.

Common councilmen.

SECTION 8. Three common councilmen shall be elected by and from the voters of each ward, who shall at the time of their election be residents of the wards respectively in which they are elected, and shall hold their offices for one year from the first Monday of January next following their election.

Election shall be first Monday in December, annually.

SECTION 9. On the first Monday of December annually, the qualified voters in the several wards shall give, in their votes by ballot for mayor, aldermen and common councilmen, in accordance with the provisions of this act; and all the votes so given shall be assorted, counted, declared and recorded in open ward meeting by causing the names of persons voted for, and the number given for each to be written in the ward record at length. The clerk of the ward within twenty-four hours thereafter shall deliver to the persons elected members of the common council, certificates of their elections respectively, signed by the warden and clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections, certified in like manner: *provided, however*, that if the choice of members of the common council shall not be effected on that day in any ward, the meeting in such ward may be adjourned from time to time, to complete such election.

Certificates of choice of councilmen and of record to city clerk.

Proviso: failing to elect may adjourn to other day.

Aldermen shall notify mayor elect.

Proceedings in case of failure to elect or of refusal to accept.

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 majority of the votes, or if the person elected shall refuse to accept the office, the board shall issue 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 from

time to time shall be repeated until a mayor shall be chosen and shall accept said office. In case of the decease, resignation or absence of the mayor or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and the common council respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon 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 such vacancy shall be removed or until a new election. 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 choice of mayor. Each alderman shall be notified in writing of his election, by the mayor and aldermen for the time being.

Vacancy in office of mayor; city council may fill.

Failure to elect aldermen; proceedings.

Notice to persons elected.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace for the county of Essex.

Oath to mayor, how administered.

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 Essex; and a certificate of such oath having been taken shall be entered on the journal of the mayor and aldermen, and of the common council by their respective clerks.

Aldermen and councilmen, when and how sworn.

Records of oath.

And when it shall appear that a mayor has not been elected previously to the first Monday of January aforesaid, 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.

Failure to elect mayor before first Monday in January; proceedings.

After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices respectively, during the pleasure of the common council; the clerk to be under oath faithfully to perform the duties of his said office.

Organization of common council.

In case of the absence of the mayor elect on the first Monday of January, or if a mayor shall not then have been elected, the city council 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 boards be administered to the mayor and any member of the city council who may have been absent at the organization.

City council shall organize in case of absence or non-election of mayor, who may after be sworn.

Aldermen may choose president *pro tem*.

Each board shall keep records.

Vacancy in board.

Mayor; office and duties defined.

May, with board appointing, remove officer.

May call special meetings of boards.

Shall inform and advise.

Shall preside *ex officio*.

Salary of mayor.

Executive powers vested in mayor and aldermen.

May appoint city marshal and other police.

May require bonds of marshal or constable.

In the absence of the mayor, the board of aldermen may choose a presiding officer, *pro tempore*, who shall also preside at the joint meetings of the two boards. Each board shall keep a record of its own proceedings and judge of the elections of its own members; and in case of failure of election or in case of vacancy declared by either board, the mayor and aldermen shall issue their warrants for a new election.

SECTION 10. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced and to keep a general supervision over the conduct of all subordinate officers. And he may, when in his opinion 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.

He may call special meetings of the boards 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 place of residence 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.

He shall preside in the board of aldermen and in convention of the two boards, but shall have a casting vote only.

His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of five hundred dollars per annum. Afterward it shall be such as the city council shall determine. It shall be payable at stated periods, but shall not, at any time, be increased or diminished during the year for which he is chosen. He shall receive no other compensation.

SECTION 11. The executive power of said city generally and the administration, with all the powers heretofore vested in the selectmen of Haverhill, shall be vested in and may be exercised by the mayor and aldermen as fully as if the same were herein specially enumerated.

The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, and a city marshal and assistants, with the powers and duties of constables, and all other police officers, and the same to remove at pleasure. And the mayor and aldermen may require any person who may be appointed marshal or constable of the city to give bonds for the faithful discharge of the duties of the office,

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, taken by the selectmen of towns.

The mayor and aldermen shall have the care and superintendence of the city buildings, and the custody and management of all city property, with power to let or to sell what may be legally let or sold, and to purchase property, real or personal, in the name and for the use of the city when its interests or convenience may, in their judgment, require it. And the mayor and aldermen shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debts.

City property, mayor and aldermen shall have care and disposal.

Annual report of receipts, expenditures, city property and debts.

SECTION 12. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible, by appointment or election, to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment or election, shall be a member of the board of aldermen, or of the common council. All sittings of the mayor and aldermen, of the common council, and of the city council, shall be public when they are not engaged in executive business.

Appointments by mayor and aldermen, how made; eligibility.

Sittings not executive to be public.

SECTION 13. The city council shall, annually, as soon after their organization as may be convenient, elect by ballot, in convention, a treasurer and collector of taxes, city clerk, one or more superintendents of highways, a city solicitor, city auditor and city physician, who shall hold their offices respectively for the term of one year, and until their successors shall be chosen and qualified: *provided however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause.

Treasurer, city clerk and other officers, how chosen.

Proviso: may be removed for cause.

SECTION 14. The city council shall, annually, in the month of December, elect by joint ballot, in convention, a chief engineer of the fire department, and as many assistant engineers, not exceeding eight, as they may deem expedient, who shall hold their offices for the term of one year from the first Monday of January next ensuing, and until their successors are chosen and qualified.

Engineer of fire department and assistants, how chosen.

The compensation of the foregoing officers mentioned in this and the two preceding sections shall be fixed by concurrent vote of the city council.

Pay of officers named in §§ 12, 13 and 14.

City clerk, functions and duties.

SECTION 15. The city clerk shall also 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 he shall perform all the duties and exercise all the powers incumbent by law upon him. He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, papers, documents or other things held by him in his capacity of city clerk.

City council may appoint other officers.

SECTION 16. The city council shall, in such manner as they shall determine, elect or appoint, all other subordinate officers, for whose election or appointment other provision is not herein made, define their duties and fix their compensation.

Shall guard custody and payment of money from treasury.

SECTION 17. The city council shall take care that no money be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties from all persons entrusted with the receipt, custody or disbursement of money.

Overseers of poor, number of and *ex officio* members. Mayor to be of board, and chairman *ex officio*. Election and tenure.

SECTION 18. The board of overseers of the poor in the city of Haverhill, shall consist of six members, residents of the city. The mayor, president of the common council and city marshal shall be *ex officio* members of the board. The mayor shall be *ex officio* chairman of the board. The city council shall annually elect by joint ballot in convention in the month of January, three persons to be members of said board, and to hold their offices for the year next ensuing, and until others shall be elected and qualified in their stead.

Eligibility.

Vacancies in board, how filled.

But no more than one of the three members so to be elected shall be eligible from any one ward of said city. Vacancies occurring in the board may be filled by joint ballot of the city council at any time, the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove members of the said board from office for cause.

Removals for cause.

Organization.

The board shall be organized annually on the third Monday in January.

Assessors of taxes, how chosen; tenure and pay.

SECTION 19. The city council shall elect by joint ballot in convention, three persons to be assessors of taxes, one person to be elected in each year, to hold office for the term of three years from his election, whose compensation shall be fixed by the concurrent vote of the city council. The persons so chosen shall, with the mayor, constitute the board of assessors, and shall exercise the powers and be subject to the liabilities and duties of assessors in towns. The mayor shall

be *ex officio* chairman of the board. In case of a vacancy in said board of assessors, such vacancy shall be filled by the choice of another assessor in the manner aforesaid, to serve for the unexpired term for which the member whose place he fills was to have held his office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Vacancy, how filled.

Taxes, how assessed.

Proviso.

SECTION 20. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect by ballot, one person in each ward, who shall be a resident of said ward, to be an assistant assessor; and it shall be the duty of the persons so chosen to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards; and they shall be sworn to the faithful performance of their duty.

Assistant assessors, how chosen and duties.

Shall be sworn.

SECTION 21. The qualified voters of each ward shall elect by ballot three persons in each ward who shall be residents of the ward, to be members of the school committee, one person to be chosen in each ward at their respective annual meetings for the term of three years; and the persons so chosen shall, with the mayor, constitute the school committee, and have the care and superintendence of the public schools. The mayor shall be *ex officio* chairman of the board. All the rights and obligations of the town of Haverhill in relation to the grant and appropriation of money to the support of schools, and the special powers and authority heretofore conferred by law upon the inhabitants of the school districts in said town to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools, and the erection and repair of school-houses in said city, shall be made by the city council, in the same manner as grants and appropriations are made for other city purposes.

School committee, how chosen; tenure and duties; mayor to be chairman.

School moneys; powers and obligations of town concerning, vested in city.

SECTION 22. Should there fail to be a choice of members of the school committee or assistant assessors in any ward on the day of the annual ward meeting, the meeting shall be adjourned from time to time until the elections shall be completed.

Ward failing to elect committee or assistant assessors, meeting may adjourn.

SECTION 23. The city council shall have power to lay out sidewalks, and fix the width, height and grade of the same, and require all persons owning land abutting on such sidewalks, to pave the walks with brick, stone or concrete, and

City council may lay out sidewalks and require abutters to pave walks; person failing,

city may do, and recover expense. to keep the same in good repair, as they may direct, the city first setting the curbstones and paving the gutters; and in case any person owning land as aforesaid shall neglect or refuse to comply with the requirements of the city council after receiving due notice of such requirements the city council shall have power to cause said sidewalks to be paved and kept in good repair according to said requirement, and may recover of said owner, by an action on the case in the name of the city, the expense of paving and keeping the same in good repair. The city council shall have the same powers in relation to the laying out, acceptance, altering or discontinuing of streets and ways, and the assessment of damages which selectmen and inhabitants of towns now have by law, all petitions and questions relating to the same, however, being first acted on by the mayor and aldermen. Any person aggrieved by any proceedings of the mayor and aldermen, or of the city council under this provision, shall have all the rights and privileges now allowed in appeals from the decisions of selectmen or the inhabitants of towns. The city council shall also have authority to cause drains and common sewers to be laid down through any street or private lands, paying the owners such damage as they may sustain thereby, said damage to be assessed in the same manner and upon the same principles as damages are assessed in the laying out of town ways, and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer; and also to require that private drains shall be conducted into the public drain or sewer, in case the said city council shall judge the same necessary or proper for the health and cleanliness of the city.

City council, powers in relation to streets and ways.

Party aggrieved, may appeal.

Council may cause drains and sewers laid, pay damages, assess sums for entry in sewer, and control private drains.

SECTION 24. The city council may make by-laws with suitable penalties, for the inspection and survey, measurement and sale of lumber, wood, hay, coal and bark, brought into or exposed in the city for sale, and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the town thereon.

May regulate inspection of lumber, hay and fuel, protect birds, etc.

The city council may also 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, but subject to the approval of the mayor: *provided, however,* that all laws and regulations in force in the

May also make by-laws subject to approval of mayor.

Proviso.

town of Haverhill shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

SECTION 25. All fines, forfeitures and penalties accruing for the breach of any by-law of said city, or of the ordinances of the city council, or of any order of the mayor and aldermen, shall be prosecuted for by the city solicitor, and recovered before the police court of Haverhill in the manner prescribed by law; reserving however to the party prosecuted the right of appeal to the superior court. If any person refuses to recognize with sureties to prosecute his appeal, or to pay the fine imposed upon him, the same proceedings shall be had as under like circumstances in any criminal prosecution.

Fines, forfeitures, etc., how recovered.

SECTION 26. All elections of national, state, county and district officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards, at the time fixed by law for these elections respectively.

Election of national, state, county and district officers.

SECTION 27. 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 are empowered to call for the assistance of the assessors and assistant assessors and other city officers; and they shall deliver the 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. A list of the voters of each ward shall be posted in one or more public places in each ward: *provided, however*, that any person whose name shall not be borne on the list of the ward in which he is 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 so entered.

Mayor and aldermen to make lists of voters annually, and deliver to clerks of wards.

Lists to be posted.

Name omitted, how may be entered.

SECTION 28. General meetings of the citizens qualified to vote may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this

General meetings of citizens.

How to be warned.

Commonwealth. And such meetings may and shall be duly warned by the mayor and aldermen, upon the request in writing, setting forth the purposes thereof, of fifty qualified voters.

Powers board of health of town vested in city council.

SECTION 29. All power and authority now vested by law in the board of health for the town of Haverhill, or in the selectmen thereof, shall be transferred to and vested in the city council, to be by them exercised in such manner as they may deem expedient.

Fire department, powers over vested in mayor and aldermen.

SECTION 30. The act entitled "An Act to establish a fire department in the town of Haverhill," passed the ninth day of April in the year one thousand eight hundred and forty-one, shall continue in force; and all the power and authority now vested in the selectmen of Haverhill in relation to the fire department in that town shall be transferred to and vested in the mayor and aldermen. But the city council shall have power to establish fire limits within the city, and from time to time change or enlarge the same; and by ordinance they shall regulate the construction of all buildings erected within said fire limits, stipulating their location, size and the materials of which they shall be constructed, together with such other rules and regulations as shall tend to insure the same from damage by fire.

Council may change fire limits and shall control erection of buildings in.

Jurors; mayor and aldermen shall prepare list and submit to council.

SECTION 31. A list of jurors shall be prepared by the mayor and aldermen in the manner now required of selectmen, and the list shall be submitted to the common council for concurrent action or amendment. The mayor and aldermen and city clerk shall have the powers in regard to drawing jurors and other matters in relation to them now vested in selectmen and town clerks. Venires for jurors to be returned from said city shall be served on the mayor and aldermen.

Venires for jurors how served.

Representatives in general court, warrants for election.

SECTION 32. The mayor and aldermen shall annually issue their warrants for calling meetings for the election of the whole number of representatives to the general court to which the said city is by law entitled, such number to be specified in said warrants.

Aqueduct company, power over vested in council.

SECTION 33. The power and authority vested in the town of Haverhill, by the seventy-third chapter of the acts of the year eighteen hundred and sixty-seven, to purchase or otherwise take the property belonging to the Haverhill Aqueduct Company, shall be vested in and may be exercised by the city council.

Legislature may amend this act.

SECTION 34. Nothing in this act contained shall be so construed as to restrain or prevent the legislature from

amending or altering the same whenever they shall deem it expedient.

SECTION 35. On the first Monday in December in the year one thousand eight hundred and sixty-seven, the qualified voters of the city, voting at large in their respective wards, shall give in their votes for six aldermen, one alderman being selected from each ward, whose term of office shall be as follows, viz.: the aldermen thus elected for wards numbered by the selectmen in their division of the town according to section three of this charter, one, three and five, shall hold their offices respectively for the term of two municipal years next following their election; and the aldermen thus elected for the wards numbered as aforesaid, two, four and six, shall hold their offices respectively for the term of one municipal year next following their election; and all elections of aldermen after said first Monday of December, shall be for the term of two years from the first Monday of January next following their election, except elections to fill vacancies, in which case, the elections shall be for the unexpired terms only.

First election of aldermen, when to be held.

Terms of office defined.

SECTION 36. On the first Monday of December in the year one thousand eight hundred and sixty-seven, the qualified voters in each ward of the city shall elect three common councilmen, who shall, at the time of their election, be residents of the wards respectively in which they are elected, whose terms of office shall be as follows, viz.: at said election, wards numbered by the selectmen as aforesaid, two, four and six, shall elect two common councilmen each for the term of two municipal years, and one common councilman each for the term of one municipal year next following their election; wards numbered one, three and five, shall, at the same time, elect one common councilman each for the term of two municipal years, and two common councilmen each for the term of one municipal year next following their election; and all elections of common councilmen, after said first Monday of December, shall be for the term of two municipal years from the first Monday of January next following their election; except elections to fill vacancies, in which case the election shall be for the unexpired term only.

Common councilmen, first election of.

Terms of office defined.

Elections thereafter to be for two years.

Vacancies, how filled.

SECTION 37. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred under any

Acts inconsistent herewith repealed: provisos.

act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal for any offence committed, or for the recovery of any penalty or forfeiture incurred under said acts, shall be affected by such repeal; and *provided, also*, that all persons who, at the time of the said repeal taking effect, shall hold any office under the said acts, shall continue to hold the same until the organization of the city government contemplated by this charter shall be completely effected.

Selectmen of town in November current year shall issue warrants for meetings to organize new government

SECTION 38. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Haverhill for the time being shall, on some day in the month of November of the present year, issue their warrants seven days at least previous to the second day of December of the present year, calling meetings of the said citizens at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward, specifying the votes given for the several officers aforesaid certified by the warden and clerk of the ward at said first meeting, shall be returned to said selectmen, whose duty it shall be to examine and compare the same; and in case such elections shall not be completed at the first meeting, then to issue new warrants until such elections shall be completed, and to give notice thereof, in manner before provided, to the several persons elected. And at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before provided.

Lists of voters thereat, how furnished.

Selectmen to appoint meeting of officers chosen and notify same.

Annual elections thereafter as in § nine.

After the choice of the city officers as aforesaid, or a majority of both boards, the selectmen shall appoint a place for their first meeting, and shall by written notice left at the place of residence of each member, notify them thereof. And after this first election of city officers, and this first meeting for the organization of the city council according to the provisions of section nine of this act, as provided for in this section, the day of holding the annual elections, and the day and hour for the meeting of the city council for the purpose of organization, shall remain as provided in said ninth section of this act.

It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

First duty of city council.

SECTION 39. The selectmen of the town of Haverhill for the time being shall, within six months from the passage hereof, cause a census of the inhabitants of said town to be taken and returned, and if it shall appear from said census that there are twelve thousand inhabitants in said town, then this act shall be submitted to said inhabitants for their acceptance, as hereinafter provided; otherwise it shall be of no effect.

Town numbering 12,000 within six months may accept act: if not it to be void.

But it shall be void unless the inhabitants of the town of Haverhill, at a legal meeting called for that purpose, shall, by a vote of a majority of the voters present, voting thereon as hereinafter provided, determine to adopt the same: all the sections of this act, except the thirty-fifth and thirty-sixth, shall be voted for or against upon one ballot; and sections thirty-five and thirty-six shall be voted for or against on one ballot; and if sections thirty-five and thirty-six shall be accepted upon such vote, then sections seven and eight of this act shall be void, and sections thirty-five and thirty-six shall stand in place of sections seven and eight: *provided*, the other parts of said act shall be adopted by said inhabitants. At said meeting the polls shall be kept open not less than six hours; and the selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner as they are used in elections of state officers.

Shall be void, also, unless people accept.

How to be acted upon.

Meeting, term of and officers.

SECTION 40. This act shall go into operation from and after its passage.

Approved May 18, 1867.

AN ACT TO AUTHORIZE THE TOWN OF ARLINGTON TO SELL CERTAIN LAND.

Chap. 252

Be it enacted, &c., as follows:

SECTION 1. The town of Arlington may sell the land situated in said town, known as the training field, excepting such portion on the easterly side thereof as has been laid out as a public way from Main Street to Spy Pond.

May sell training field, except portion made public way.

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

Approved May 18, 1867.

AN ACT IN FURTHER ADDITION TO AN ACT PROVIDING FOR THE MORE SPEEDY COMPLETION OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Chap. 253

Be it enacted, &c., as follows:

For the further prosecution and completion of the Troy and Greenfield Railroad and Hoosac Tunnel, and for the

Further appropriation for work and for interest

on scrip; money to be raised under ch. 214, 1863; governor and council to approve use.

payment of interest upon such scrip as has been or may be issued during the progress of the work, there is hereby appropriated the sum of six hundred thousand dollars in addition to the sums heretofore appropriated, such sum for the purposes aforesaid to be raised in the manner provided in chapter two hundred and fourteen of the acts of the year eighteen hundred and sixty-three, the expenditure of the same not to be made without the approval of the governor and council.

Approved May 18, 1867.

Chap. 254

AN ACT CONCERNING THE CHALLENGING OF JURORS.

Be it enacted, &c., as follows:

In criminal cause Commonwealth may challenge two.

In all cases of trial by jury, in addition to the challenges now provided for, the Commonwealth in a criminal cause shall, before the trial commences, be entitled to challenge peremptorily two of the jurors from the panel called to try the cause.

Approved May 20, 1867.

Chap. 255

AN ACT TO AUTHORIZE THE TREASURER AND RECEIVER-GENERAL OF THE COMMONWEALTH TO ISSUE REGISTERED BONDS.

Be it enacted, &c., as follows:

May, as directed by governor and council, issue in lieu of coupon bonds now cut or authorized.

SECTION 1. The treasurer and receiver-general of the Commonwealth is hereby authorized, upon such terms and under such regulations as the governor and council may prescribe, to issue, in pieces of not less than one thousand dollars, registered bonds in exchange for, and in lieu of, any coupon bonds, which have been, or may hereafter be, issued under any law of the Commonwealth; such registered bonds, with the exception of the coupons, to be in conformity with all laws authorizing the issue of the coupon bonds for which the same are to be exchanged. He shall mutilate and retain the bonds so received in exchange. The state auditor shall certify all such registered bonds; and he, as well as the treasurer, shall keep a register of the dates, numbers and amount of the same, to whom issued, when payable, and what bonds were received in lieu thereof.

Bonds so exchanged. Auditor to certify issue, and keep duplicate register.

Treasurer to transfer coupon to registered bonds.

SECTION 2. The treasurer and receiver-general of the Commonwealth shall transfer all coupon bonds of this Commonwealth now holden in the several trust funds, to registered bonds as provided in this act.

May substitute new issue for certain bonds.

SECTION 3. The treasurer and receiver-general of the Commonwealth is also authorized, under the terms and regulations provided in the first section of this act, to issue for all mutilated, defaced or indorsed bonds, presented to him, other bonds of like or equivalent issues in substitution thereof.

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

Approved May 20, 1867.

AN ACT CONCERNING THE CONSTRUCTION OF HIGHWAYS.

Chap. 256

Be it enacted, &c., as follows:

SECTION 1. When in the laying out, widening or relocating any highway the county commissioners of any county shall require the making of any culvert, cattle pass or other passage way through or under the highway as the commissioners shall direct the same to be made and worked, said commissioners may order and require the town in which such highway is located, to construct such culvert, cattle pass or other passage way, and the town shall construct the same as a part of the highway. And the county commissioners may reimburse to said town out of the county treasury, such portion of the cost of the same, if any, as justice and equity may in their judgment require.

Town, under county commissioners, shall construct culvert, cattle pass, or other way.

County may reimburse town.

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

Approved May 20, 1867.

AN ACT TO AMEND THE FIRST SECTION OF THE EIGHTY-SECOND CHAPTER OF THE GENERAL STATUTES, IN RELATION TO QUAILS AND SNIPES.

Chap. 257

Be it enacted, &c., as follows:

SECTION 1. Whoever between the first day of January and the first day of September, takes, kills or destroys any of the birds called quails or snipes, shall forfeit five dollars for every such bird killed.

Penalty if person takes or kills from January to first September.

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

Approved May 20, 1867.

AN ACT CONCERNING THE TAKING OF SHELL-FISH IN THE TOWN OF BARNSTABLE.

Chap. 258

Be it enacted, &c., as follows:

SECTION 1. The provisions of the thirteenth and nineteenth sections of the eighty-third chapter of the General Statutes, are hereby extended to the north shore of the town of Barnstable, and the shores of Barnstable harbor.

G. S. 83, §§ 13, 19, extended to north and harbor shores.

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

Approved May 20, 1867.

AN ACT CEDING TO THE UNITED STATES JURISDICTION OVER CERTAIN LANDS IN WATERTOWN.

Chap. 259

Be it enacted, &c., as follows:

SECTION 1. Jurisdiction is hereby granted and ceded to the United States over all that certain lot or tract of land, with the buildings thereon, situate in the town of Watertown, purchased by the United States as an addition to the arsenal, and described as follows: commencing at the north-eastern angle of the arsenal grounds, thence extending along Arsenal Street two thousand three hundred and fifty feet; thence

Lands for addition to arsenal.

Lines defined.

to a point distant two thousand three hundred and twenty feet, measured along the shore of Charles River, from the south-eastern angle of the arsenal premises; thence along the said river to the south-eastern angle aforesaid.

United States may occupy and fill certain flats of state; harbor commissioners to direct.

SECTION 2. The United States government is hereby authorized to occupy and fill such flats belonging to the Commonwealth, and to place in or over tide-water such structures as may be necessary for the purposes for which the land before described is to be used, and upon such terms and conditions as shall be prescribed by the harbor commissioners.

Plan to be filed by U. S. within year, or act void.

SECTION 3. This act shall be void unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, be deposited in the office of the secretary of this Commonwealth, within one year from the passage of this act.

Jurisdiction of state over premises for service of process to be concurrent with United States.

SECTION 4. The Commonwealth shall retain and does retain concurrent jurisdiction with the United States in and over the premises aforesaid, so far as that all civil and criminal processes issuing under the authority of this Commonwealth may be executed on said premises, and in any buildings erected or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and exclusive jurisdiction shall revert to and revest in the Commonwealth of Massachusetts, when the said premises shall cease to be used for the purposes herein before declared.

Reversion to state defined.

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

Approved May 20, 1867.

Chap. 260

AN ACT TO CHANGE THE NAME OF THE TRUSTEES OF THE NAUTICAL BRANCH OF THE REFORM SCHOOL.

Be it enacted, &c., as follows:

Shall be called the Massachusetts Nautical School.

SECTION 1. The corporation called the Trustees of the Nautical Branch of the State Reform School, shall hereafter be known by the name of the Massachusetts Nautical School.

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

Approved May 20, 1867.

Chap. 261

AN ACT TO INCORPORATE THE TRUSTEES OF THE CUSHMAN LIBRARY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Imla K. Brown, William Dwight, Silas N. Brooks, their associates and successors, are hereby made a corporation by the name of the Trustees of the Cushman Library, for the purpose of maintaining and managing a free public library in the town of Bernardston, and of controlling and managing any property that may come into their hands

Purpose.

as trustees, agreeably to a vote of the town or to the terms of any devise, bequest or donation in behalf of said town or of said library; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Privileges and restrictions.

SECTION 2. Said corporation may make by-laws, not inconsistent with the laws of this Commonwealth, for its government and for the election and admission of associates and successors, agreeably to the provisions of the gift of said Cushman library and of the will of Henry W. Cushman.

May make by-laws.

SECTION 3. Said corporation may hold real and personal property for the purposes herein mentioned to an amount not exceeding twenty-five thousand dollars.

May hold estate.

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

Approved May 20, 1867.

AN ACT TO AUTHORIZE HARVEY T. LITCHFIELD TO EXTEND HIS WHARF IN HINGHAM.

Chap. 262

Be it enacted, &c., as follows:

SECTION 1. Harvey T. Litchfield is hereby authorized to construct a wharf upon his flats in the harbor of Hingham in extension of his present wharf, known as Cushing's Wharf, not exceeding the width thereof, toward the channel, and not more than four hundred and fifty feet beyond his present wharf: *provided*, that all things done under this grant shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this grant shall in no wise impair the legal rights of any person; and *provided*, that if a harbor line shall be hereafter established by law in the harbor of Hingham, no part of said wharf shall be maintained beyond said line, but shall be reduced within the same at the expense of the proprietors thereof, and with no claim upon the Commonwealth for loss or damage sustained thereby.

May extend present wharf 450 feet.

Provides: harbor commissioners to approve.

Wharf shall conform to any future harbor line.

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

Approved May 20, 1867.

AN ACT CONCERNING THE PAYMENT OF SALARIES.

Chap. 263

Be it enacted, &c., as follows:

SECTION 1. So much of section thirty-six of chapter fifteen of the General Statutes as provides for the quarterly payment of salaries, is hereby repealed; and all salaries payable from the state treasury shall be paid monthly, on the first day of each month.

Shall be paid monthly.

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

Approved May 24, 1867.

Chap. 264 AN ACT CONCERNING THE RIGHTS OF SHAREHOLDERS IN COÖPERATIVE ASSOCIATIONS.

Be it enacted, &c., as follows :

May hold value of \$20 exempt from attachment and execution.

SECTION 1. Shareholders in coöperative associations organized under the provisions of chapter two hundred and ninety of the acts of the year eighteen hundred and sixty-six, may hold shares therein not exceeding, in the aggregate, the par value of twenty dollars, which shall be exempt from attachment and from being taken on execution.

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

Approved May 24, 1867.

Chap. 265 AN ACT FOR THE PRESERVATION OF THE RECORDS OF TOWN PROPRIETARIES.

Be it enacted, &c., as follows :

County commissioners to have made copies of books deemed of value, and deposit in registry of deeds.

SECTION 1. The county commissioners of the several counties are hereby authorized and required to have made, under their direction, copies of such books of records of proprietors, or town proprietaries, within their respective counties, as in their judgment ought to be preserved and perpetuated; such copies to be deposited in the registry of deeds for the county or division of a county to which such records relate, to be there kept by the respective registers of deeds as other books of records are kept by them.

Employés to be sworn and to certify copies.

SECTION 2. The persons employed by said commissioners to make such copies shall be sworn to the faithful discharge of their duty, and shall certify the copies made by them as aforesaid. The compensation of such persons shall be fixed by said commissioners, and shall be paid out of the county treasury.

Pay.

Copies from same by register to be evidence.

SECTION 3. Copies from the copies made, certified and deposited as before provided, duly certified by the register of deeds, shall be admitted in evidence in any court in the same manner as copies from the registry of deeds are now admitted.

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

Approved May 24, 1867.

Chap. 266 AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-SIX, CONCERNING THE MILITIA.

Be it enacted, &c., as follows :

Act as printed in supplement to G. S. amended.

SECTION 1. Chapter two hundred and nineteen of the acts of the year eighteen hundred and sixty-six, is hereby amended in the following named sections, and in the several portions and lines thereof, as the same are printed and published in the supplement to the General Statutes of this Commonwealth, in manner following, to wit :

In section fourteen, by inserting after the word "sixty," in the twenty-second line thereof, the word "four." Number of company, § 14.

In section twenty-seven, by striking out all between the word "designate," in the ninth line, and the word "To," in the twenty-eighth line thereof, and inserting instead the following words: Militia, how organized, § 27.

"The quartermaster-general shall be also chief of ordnance and commissary-general of subsistence. Quartermaster-general.

To each division there shall be one major-general, whose staff shall consist of an assistant-adjutant-general, who shall also be chief of staff, with the rank of colonel; one assistant-inspector-general, with the rank of lieutenant-colonel; one medical-director, who shall be a surgeon and shall have the rank of colonel; one assistant-quartermaster, with the rank of lieutenant-colonel; two aids-de-camp, one engineer of division, and one judge-advocate, who shall be a justice of the peace, each with the rank of major. Division officers.

To each brigade there shall be one brigadier-general, whose staff shall consist of one assistant-adjutant-general, with the rank of lieutenant-colonel; a medical-director of brigade, with rank of lieutenant-colonel; one assistant-inspector-general, with rank of major; one assistant-quartermaster, one aid-de-camp, and one judge advocate who shall be a justice of the peace, each with the rank of captain. Brigade officers.

To each regiment there shall be one colonel, one lieutenant-colonel, and one major; also one adjutant and one regimental quartermaster, each with the rank of first lieutenant; one regimental surgeon, with the rank of major; one regimental chaplain, to be borne on the field and staff-roll next after the surgeon; one regimental assistant-surgeon, with the rank of first lieutenant; one sergeant-major and one quartermaster-sergeant, one commissary-sergeant, one hospital-steward, and one drum-major. Regimental officers.

To each separate battalion there shall be one major; also one adjutant, one battalion-quartermaster, and one assistant-surgeon, each with the rank of first lieutenant; one sergeant-major, one quartermaster-sergeant, and one hospital-steward." Battalion officers.

In section thirty-two, by striking out all between the word "following," in the second line, and the word "No," in the fifteenth line thereof, and inserting instead the following words: "The staff of the commander-in-chief by the commander-in-chief, the staff of a major-general commanding a division by the major-general, the staff of a brigade commander by the brigadier-general commanding the brigade, the regimental staff by the colonel of the regiment, the bat- Appointment of staff officers, § 22.

talion staff and the staff officers of the cadet companies by their respective commanding officers.”

Non-commissioned officers, § 33.

In section thirty-three, by striking out all between the words “non-commissioned,” in the first line, and “Non-commissioned,” in the fifth line thereof, and inserting instead the following: “staff shall be appointed in manner following; that of a regiment by the commander of a regiment, that of a battalion and of the companies of cadets by their respective commanders.”

Commissioned officers, § 35.

In section thirty-five, by inserting between the words “appointed” and “Every,” in the third line thereof, the words “unless upon valid objection shown upon hearing granted.”

Disqualification to office, § 36.

In section thirty-six, by inserting between the words “crime” and “shall,” in the second line thereof, the words “or who has been dishonorably discharged from the service of the United States or the militia of this Commonwealth.”

Electors, notice to, § 41.

In section forty-one, by striking out the word “ten,” in the first line, and inserting instead the word “four.”

Elections, notice of, § 44.

In section forty-four, by inserting at the end of the first paragraph thereof, after the word “forty-one,” the words “or at any adjournment of a meeting so notified, not exceeding four days.”

Plurality of officers, § 47.

In section forty-seven, by adding at the end thereof the words “but such officer may continue to serve until his successor is qualified in his stead.”

Discharges by commander-in-chief, § 57.

In section fifty-seven, by inserting between the words “disbanded” and “in,” in the fifteenth line thereof, the words “or when it shall appear that such officer has heretofore been dishonorably discharged from the service of the United States or the militia of this Commonwealth;” also, by inserting between the words “discharged” and “Every,” in said fifteenth line, the words “and all staff officers may be discharged, upon the request in writing of their commanding officers, by the commander-in-chief.”

Uniform, arms, and equipments, how held, § 72.

In section seventy-two, by striking out all after the word “Commonwealth,” in the second line thereof, and inserting instead the words “to be used for military purposes only; and such as shall not have been properly expended in such use, shall be returned when called for by proper authority.”

Issue of, § 73.

In section seventy-three, by striking out the word “fifty,” in the eighth line thereof, and inserting instead the words “forty-eight officers.”

Property, how kept, § 75.

In section seventy-five, by striking out from the second line the words “except uniforms.”

In section seventy-six, by striking out all after the word "of," in the first line thereof, and inserting instead the following words: "every officer, non-commissioned officer and soldier, to return to the armory or other place of deposit each article of military property of the Commonwealth issued to, and received by him for use in the military service, and not properly expended, within three days after such tour of duty, or forthwith upon order of his commanding officer. And the possession of any article of such property by the person to whom it was issued, not being in the armory or designated place of deposit, shall be deemed and taken to be *prima facie* evidence of embezzlement of such article of property by the person to whom it was issued, and he shall be liable to be punished therefor upon conviction."

Roll, and receipt for military property, § 76.

In section seventy-seven, by inserting between the words "Every" and "non-commissioned," in the first line thereof, the word "officer;" also by striking out the word "preservation," in the fourth line thereof, and inserting instead the word "return." Also by striking out the words "withdrawing from his company," in the sixth line thereof, and inserting instead the words "leaving the military service."

Care of articles, § 77.

In section seventy-eight, by striking out all the words therein before the word "any," in the fourth line thereof, and inserting instead the words "Whoever shall wilfully or maliciously destroy, injure or deface." Also by striking out the word "withheld," in the seventh line, and the word "or," which precedes the word "destroyed" in the same line, and inserting after the said word "destroyed" the words "or defaced." Also by adding at the end of said section the words "and he shall be imprisoned in the house of correction until such fine is paid, or until he shall be discharged therefrom by process of law."

Injury to uniform, etc., or failure to return, § 78.

In section eighty, by striking out all after the word "Any," in the first line, and inserting instead of the words so stricken out, the following: "officer receiving public property for military use, shall be accountable for the articles so received by him, and shall not be honorably discharged from the service until he has returned to the adjutant-general a receipt from his successor in command, or a proper accounting officer, for the articles issued to him, in good order and condition, reasonable use and wear thereof excepted, or shown to the adjutant-general, by satisfactory proof, that any article not so accounted has been properly expended in the service, or defaced, injured, lost or destroyed, without any default or neglect on his part; and if lost or wilfully defaced or destroyed through the misconduct of any person, that

Accountability of officer for, § 80.

reasonable efforts have been made by him to recover or prosecute for the same. And in addition, he shall be liable to make good to the Commonwealth all such property so defaced, injured, destroyed or lost by any neglect or default on his part, and for the recovery of which he has made no reasonable effort, to be recovered in an action of tort in the name of the Commonwealth."

Camp equipage and ammunition; supply of, custody, and accountability for, § 82.

In section eighty-two, by inserting between the words "detachment" and "such," in the fourth line thereof, the words "upon his requisition duly approved." Also by striking out the word "equipage," in the sixth line, and inserting instead thereof the word "property." Also by inserting between the words "same" and "to," in the seventh line thereof, the words "which shall not have been properly expended." Also by striking out from said section all after the word "issued," in the ninth line, and inserting in place thereof the words "together with a correct list of the same, and it shall be the duty of every officer having property delivered to him upon his requisition, or receiving the same, on the first days of March, June, September and December, annually, to make to the chief of the department from which such property shall have been issued, a full return of all property so received by him, and for which he is by law accountable: and each commanding officer of a company, for making such returns and for the responsibility of property for which he is held accountable, shall receive the sum of twenty-five dollars annually, to be paid only upon the certificate of the quartermaster-general and chief of ordnance, that all the required returns have been made and the property under his charge accounted for."

Discharge or death of officer, § 86.

In section eighty-six, by striking out all after the word "upon," in the fourth line thereof, and inserting instead the words "complying with the provisions of law relating to the accounting for public military property."

Rent of armories, claims for, § 96.

In section ninety-six, by inserting after the word "company," in the fourth line thereof, the words "of infantry, and not exceeding six hundred dollars for one company of artillery or cavalry."

Orders of governor or commissioned officer, how distributed, § 99.

In section ninety-nine, by striking out the words "by the division inspector," in the second line, and inserting in place thereof the word "and." Also, by striking out the words "the brigade-major," in the third line thereof, and inserting instead the words "their respective assistant-adjutants-general." Also, by inserting at the end of said section the words "when any such order shall be transmitted by tele-

graph, a copy thereof shall be immediately forwarded by mail."

In section one hundred and one, by striking out the words "if for military duty, and ten days previous thereto, if for election of officers," in the fifth and sixth lines of said section. Notice, service and proof of, § 101.

In section one hundred and five, by striking out all between the words "manœuvre," in the third line, and "The," in the twenty-second line, and inserting instead thereof the words "and also for target practice, and for this purpose the quartermaster-general is hereby authorized to issue upon the requisition of the commanding officers of such companies respectively the necessary ammunition." Also, by striking out from the twenty-third and twenty-fourth lines of said section the words "and the monthly drills, or any of them." Target practice, § 105.

In section one hundred and six, by striking out the word "October," in the fifth line, and inserting in place thereof the word "September." Monthly drill.
Annual encampments, § 106.

In section one hundred and seven, by striking out all before the word "no," in the third line thereof. Distance to parades, § 107.

In section one hundred and eight, by striking out the word "three," in the first line thereof, and inserting instead the word "five." Encampment to last five days, § 108.

In section one hundred and nine, by striking out all after the word "officer," in the third line thereof, and inserting instead the word "thereof." Company roll-call, § 109.

In section one hundred and twelve, by striking out the words "brigade-majors and inspectors," in the first line thereof, and inserting instead the words "assistant-inspectors-general under the orders of their respective commanding officers." Inspection at encampment, § 112.

In section one hundred and fourteen, by inserting after the word "parade," in the second, fifth and sixth lines thereof, the words "or encampment." Bounds of grounds, § 114.

In section one hundred and eighteen, by striking out from the eighth and ninth lines thereof, the words "at any company or squad drill, as provided in section one hundred and five of this act, one dollar." Penalty for absence at company or squad drill repealed, § 118.

In section one hundred and nineteen, by striking out the word "two," in the fifth line thereof, and inserting instead the word "five." Also, by striking out the word "one," in the last line thereof, and inserting instead the word "three." Deficiency in arms and equipments, § 119.

In section one hundred and twenty, by striking out the words "with ball, slug or shot or so," in the third line thereof, and inserting instead the word "or." Loaded arms at parade, § 120.

Certain offences named in §§ 113, 119, 120, 121, 122, 123, 124; proceedings prescribed, § 124.

In section one hundred and twenty-four, by adding, at the end thereof, the words following: "For any offence mentioned in this and the six preceding sections, the offender shall be carried before the judge-advocate of the division or brigade, if present on the field, without unnecessary delay, and a trial of such offence had before such officer, who shall have concurrent jurisdiction with other magistrates of the cause and person. All the proceedings incident to such trial, with right of appeal, shall be the same as those in like cases before trial justices, but no warrant need be issued to bring the offender before the judge-advocate."

Rosters and orderly books, § 125.

In section one hundred and twenty-five, by striking out therefrom all before the word "and," in the second line thereof, and inserting instead the words "The assistant-adjutant-general of each division and brigade."

Company returns of encampment, § 125.

In section one hundred and twenty-eight, by striking out all after the word "correct," in the second line thereof, and inserting instead the words following: "triplicate returns of their several companies, which shall certify the manner in which such company, on each of the days of encampment, performed the duties required by law. He shall deliver one of such returns to the inspecting officer on duty in camp, and another to the commander of his regiment or battalion, and send the third direct to the adjutant-general within ten days after said tour of camp duty. The returns of companies attached to divisions or brigades, and not to regiments, shall be sent to the commanding officers of divisions or brigades, respectively, and consolidated and transmitted by them to the adjutant-general."

Return by master of band, § 131.

In section one hundred and thirty-one, by striking out the words "that the duty was well and faithfully," in the eighth line thereof, and inserting instead the words "the manner in which said duty was."

Regimental roll of officers, § 132.

In section one hundred and thirty-two, by striking out the words "brigade-major or," in the sixth line. Also, by inserting after the word "camp," in the same line, the words "and every commanding officer of regiment or battalion shall, within ten days after each tour of camp duty, forward to his commander a consolidated return of his whole command."

Return of camp duty, § 133.

In section one hundred and thirty-three, by striking out the word "Brigade-majors," in the first line of said section, and inserting in place thereof the words "assistant-adjutants-general." Also, by striking out the word "brigade-major," in the twelfth and thirteenth lines, and inserting instead the word "assistant-adjutant-general."

In section one hundred and thirty-four, by striking out the word "brigade-majors," in the fourth line thereof, and inserting instead the words "assistant-adjutants-general." § 134.

In section one hundred and thirty-five, by striking out the word "November," in the second line thereof, and inserting instead the word "December." Roll of officers' return, § 135.

In section one hundred and thirty-nine, by striking out the word "soldier," in the first line thereof, and inserting instead the word "person." Also, by striking out from the second line thereof the words "armed and equipped." Also by striking out the words "fifty dollars," in the fourth line thereof, and inserting instead, after the word "company," the words "or officer to whom he is ordered to report, one hundred dollars to be paid into the treasury of the Commonwealth." Also by striking out all after the word "leave," in the fifth line of said section. Person ordered out in case of invasion or riot, § 139.

In section one hundred and forty-one, by striking out the word "corps," in the eleventh line thereof, and inserting instead the word "company." Bodies of troops so ordered, § 141.

In section one hundred and forty-two, by striking out the words "And a non-commissioned officer or soldier," in the seventh line thereof, and inserting instead the words "Any person." Also by striking out the words "an officer or soldier," in the tenth line thereof, and inserting the word "another." Also by striking out the word "fifty," in the eleventh line thereof, and inserting instead the words "five hundred." Penalties for refusal, § 142.

In section one hundred and forty-four, by inserting after the word "officers," in the first line, the words "except staff officers of companies." Also by inserting after the word "officers," in the fourth line, the words "except non-commissioned staff officers of companies." Camp duty, pay of officers for, § 144.

In section one hundred and forty-five, by striking out the words "Division-inspectors, brigade-majors or inspectors," in the first line thereof, and inserting instead the words "Assistant-adjutants-general of divisions and brigades." Assistant-adjutant-general, added pay, § 145.

In section one hundred and forty-six, by striking out the words "for attendance at monthly drills, as provided in this act, fifty cents per month," in the fourth and fifth lines thereof. Also, by striking out all between the words "dollars" in the thirteenth line and "Every," in the fourteenth line. Also, by striking out the words "and that the several sums therein named have been paid," in the thirty-ninth and fortieth lines thereof, and by adding at the end of said section the words "The treasurer of each city and town shall annually, on or before the thirty-first day of December, pay Other officers and soldiers, pay for annual May parade, § 146.

into the treasury of the Commonwealth all sums so drawn for the payment of military services which shall then remain unpaid to the person performing the service. Any neglect to pay over such unpaid moneys by such treasurers shall be punished by a fine double the amount remaining unpaid in each case."

Minimum of company, § 182.

In section one hundred and eighty-two, by inserting between the words "of" and "privates," in the first line thereof, the words "officers, non-commissioned officers and." Also by inserting at the end of said section, the word "eight."

If of less than forty-eight, may be disbanded, § 183.

In section one hundred and eighty-three, by striking out the words "this act," in the second line thereof, and inserting instead the word "law." Also, by inserting between the words "of" and "privates," in the fourth line thereof, the words "officers, non-commissioned officers and." Also, by inserting after the word "forty," in the fifth line thereof, the word "eight."

Commander of regiment, battalion or company may order officers for drill.

SECTION 2. The commanding officer of every regiment, battalion or detached company, may order out the commissioned and non-commissioned officers under his command, for elementary drill, two separate days between the middle of May and the middle of July, in each year, at such place as he shall deem most convenient; and if the place of any such commissioned or non-commissioned officer, in any company, shall be vacant from any cause, it shall be the duty of the commanding officer of such company to detail from the enlisted men under his command, a number sufficient to make up the complement of commissioned and non-commissioned officers to which by law his company is entitled.

Pay for travel in attending.

And each person so ordering and so ordered, that shall attend any such drill, shall receive for his necessary travel, to and from the place of drill, the sum of five cents per mile, not exceeding forty miles in all.

Forfeiture for unnecessary non-attendance.

SECTION 3. Every commissioned and non-commissioned officer or private, unnecessarily neglecting to attend, at the time and place appointed for drill, as aforesaid, shall forfeit and pay the sum of three dollars for every such neglect, to be recovered by any commissioned officer, in and for the use of his regiment, battalion, or detached company.

Sums due for travel shall be certified by officer to adjutant-general.

SECTION 4. The amount to which each person is entitled for travel, as aforesaid, shall be certified to the adjutant-general, under oath, by the commanding officer of each regiment, battalion, or detached company, and the same shall be paid from the treasury of the Commonwealth, as follows, viz.: That portion for travel of commissioned officers, non-com-

Payment.

missioned officers and enlisted men of companies, to the commanding officers thereof, and that portion for travel of field and staff officers of regiments or battalions, to the commanding officers thereof respectively, to be by them paid over to the parties entitled thereto.

SECTION 5. Every officer, non-commissioned officer and private of a company who shall be present during the whole term of the annual encampment, and there perform all the duties required by law, shall receive, in addition to the compensation provided in section one hundred and forty-six of the act to which this is an amendment, the sum of one dollar, to be applied towards defraying the general expenses of his company; the manner of making the return and pay-roll, the mode of payment by cities and towns, and the re-imbursment by the state, shall be the same as now provided by law for services at the May inspection and the annual encampment.

Officers and privates present full term of annual encampment to receive one dollar extra.

SECTION 6. Sections forty-six, one hundred and ten, one hundred and seventy-seven, and one hundred and seventy-eight of said chapter two hundred and nineteen of the year eighteen hundred and sixty-six, and all other provisions of said chapter inconsistent with this act of amendment are hereby repealed.

Repeal §§ 46, 110, 177, 178, ch. 219, 1866, and other parts inconsistent.

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

Approved May 24, 1867.

AN ACT RELATING TO INSURANCE COMPANIES.

Be it enacted, &c., as follows:

SECTION 1. The provisions of all general laws relating to insurance companies, chartered, incorporated or associated in, or under the laws of, any foreign country, are hereby extended to all companies, associations and individuals, formed or associated in foreign countries, and doing an insurance business in this state, whether incorporated or not.

Foreign companies, laws relating to extended to all.

SECTION 2. The annual statements required of insurance companies doing business in this state shall hereafter be filed in the office of the insurance commissioner on or before the fifteenth day of January in each year, made out for the year ending on the preceding thirty-first day of December: *provided*, that the statements of companies of foreign countries shall be filed in the month of November in each year, made out at the home office for the preceding calendar year; and supplementary annual statements of the business and condition of their American branches shall also be filed within the time, and made out for the period required of companies in the United States. The time herein prescribed for filing said

Annual reports, when filed with insurance commissioner.

Provide: companies of foreign countries.

Chap. 267

Time may be extended for cause shown.

statements may be extended by the commissioner in favor of any company for good cause shown, but not beyond the first day of the month next after the date herein specified for filing the statement.

Commissioner may revise inquiries.

SECTION 3. The commissioner is hereby authorized to amend and revise the forms of statements now prescribed by law, and to propose such additional inquiries as are necessary to elicit a full exhibit of the business and standing of the various insurance companies doing business in this Commonwealth. Any company neglecting to make returns in the manner and within the time authorized and prescribed in this act shall forfeit one hundred dollars for each day's neglect; and every company that wilfully makes false statements shall be liable to a fine of not less than five hundred nor more than one thousand dollars. Any new business done by any company or its agents in this state, after neglect to make the prescribed returns, shall be deemed to be done in violation of law.

Penalties for failure of return or false statement.

New business after neglect of return, how deemed.

Home companies, fee for examination of.

SECTION 4. Every insurance company incorporated in this Commonwealth shall pay into the treasury, for the examination required by the thirtieth section of the fifty-eighth chapter of the General Statutes, the sum of thirty dollars. Every insurance company not incorporated in this Commonwealth, applying for admission to do business therein, shall pay into the treasury, for filing copy of its charter or deed of settlement, the sum of thirty dollars; for filing statement preliminary to admission, and for filing each annual statement after admission, the sum of twenty dollars.

Foreign companies, fee for filing papers and returns.

Officer or agent of foreign company, before acting, shall have license of commissioner.

SECTION 5. No officer, agent or sub-agent of any insurance company not incorporated in this Commonwealth shall act or aid in any manner in transacting the business of insurance of or with such company, or placing risks or effecting insurance therein, without first procuring from the insurance commissioner a certificate of authority so to do, for each company for which he proposes to act, which shall state in substance that such company is duly authorized to do business in this state under the laws thereof, and that such agent or other person has duly complied with the laws relating to the agents of such companies. The commissioner, upon being satisfied of the facts to be stated therein, shall grant such certificate, which shall continue in force until the first day of April next after the date thereof, unless sooner revoked by the commissioner for non-compliance with the laws aforesaid, and shall be renewed on said day and annually thereafter, so long as the company and its agents continue to comply with said laws. For such certificate, so granted, and for each renewal

Same shall be in force until April unless revoked; may be renewed.

Fee for.

thereof, the company named therein shall pay into the treasury the sum of two dollars. Whoever violates the provisions of this section shall be punished by a fine not exceeding five hundred dollars for each offence.

Penalty for violation.

SECTION 6. For each copy of a paper filed in the office of the insurance commissioner there shall be paid at the rate of twelve cents a page, and for certifying the same, the sum of one dollar. Said fees shall be collected by the commissioner and paid into the treasury.

Fees for filing and certifying papers by commissioner.

SECTION 7. So much of the seventy-first section of the fifty-eighth chapter of the General Statutes as requires the publication of a copy of the statement therein referred to, is hereby repealed.

Publishing by foreign Co. under G. S. 58, § 71; repeal.

SECTION 8. There shall be allowed and paid to the commissioner out of the moneys received, as compensation for the valuation of life policies, the sums due for actuarial and clerical assistance employed in making such valuation. The balance then remaining unexpended, to an amount not exceeding fifteen hundred dollars, shall be allowed and paid for the actuarial services of the commissioner: *provided, however,* that in the amounts allowed and paid, during the current year, for actuarial and clerical assistance, shall be included the amount due for the clerical assistance employed by the predecessors of the present commissioner, being the amount actually paid into the treasury on policies whose valuation has been finished and footed up by them and has been used in completing the valuation of the last year.

Valuation of life policies, compensation of commissioner and clerks for.

Proviso.

SECTION 9. The commissioner shall report annually to the legislature all the receipts and expenditures of his department, and shall give bond with sufficient sureties to be approved by the treasurer in the sum of ten thousand dollars for the faithful discharge of all the duties of his office.

Commissioner shall give a bond and report receipts and payments.

SECTION 10. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved May 24, 1867.

AN ACT TO ESTABLISH CERTAIN HARBOR LINES IN CAPE COD HARBOR IN PROVINCETOWN.

Chap. 268

Be it enacted, &c., as follows :

SECTION 1. No wharf, pier or other structure in the town of Provincetown, shall ever hereafter be extended into and over the tide-waters of said harbor, beyond the line hereinafter described.

Limitation of extension.

SECTION 2. The harbor line begins at a point in said Cape Cod harbor three hundred and sixty-three feet north-westerly from the centre of Long Point light-house, (said

Harbor lines defined.

point lying in the range between said light-house and monument C,) and runs in a straight line south-westerly one thousand nine hundred and eighty-three feet to a point distant five hundred and sixty feet north-westerly from monument A; thence on an arc of a circle, of nine hundred and forty feet radius, south-westerly and westerly, for a distance of one thousand three hundred and twenty feet, to a point in the range from the steeple of the new Methodist church in Provincetown to monument B, and nine hundred and sixty feet therefrom; thence on an arc of a circle of three thousand seven hundred and seventy-five feet radius, north-westerly and northerly, for a distance of six thousand and ninety feet to a point in the range from Long Point light-house to monument C, and two thousand one hundred and fifty-eight feet therefrom; thence on an arc of a circle of nine thousand nine hundred and thirty-three feet radius, north-easterly and easterly, for a distance of ten thousand one hundred and seventy-five feet, to a point in the range of Long Point light-house and monument D, and three thousand four hundred and sixty-five feet therefrom.

Monuments designated.

The above-mentioned monuments, marked respectively A, B, C, D, are granite posts, and have the letters H. L. inscribed thereon.

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

Approved May 24, 1867.

Chap. 269

AN ACT TO AMEND AN ACT FOR SUPPLYING THE CITY OF WORCESTER WITH PURE WATER.

Be it enacted, &c., as follows:

City may borrow money and issue additional "Water Scrip" to defray cost.

SECTION 1. For the purpose of defraying all costs and expenses incurred or to be incurred under the authority of chapter one hundred and four of the acts of the year eighteen hundred and sixty-four, the city council of the city of Worcester shall have authority to borrow from time to time such sums of money, and to issue notes, bonds or certificates therefor to be denominated on the face thereof "Worcester Water Scrip," as they shall deem necessary to an amount not exceeding two hundred and fifty thousand dollars, in addition to the amount authorized by the act aforesaid, upon the same terms and conditions, and with the same authority in regard to interest and the sale of said scrip, and the payment of the principal thereof, and the appropriation and assessment of money for the payment of the principal and the interest of the moneys so borrowed as contained in section five of the act aforesaid.

Amount of new issue authorized.

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

Approved May 24, 1867.

AN ACT TO AUTHORIZE THE EXTENSION OF THE WESTERN RAILROAD
TO THE CITY OF BOSTON, AND FOR OTHER PURPOSES.

Chap. 270

Be it enacted, &c., as follows:

SECTION 1. The Boston and Worcester and Western Railroad Corporations, at any time within the period of four months from the passage of this act, at meetings duly called to consider the question of consolidation, may, by vote of a majority in interest of the stockholders present and voting at such meetings, agree to unite and consolidate the said corporations, upon terms to be fixed by commissioners to be appointed by the supreme judicial court, unless said corporations shall otherwise agree upon such terms as hereafter provided; and such votes so passed by said corporations respectively, shall be effectual to unite and consolidate the said corporations within the intent and meaning of this act.

Boston & Worcester and Western Cos. may unite.

Terms of union.

If within three months from the passing of such votes, said corporations shall not agree upon the terms of such consolidation, either of said corporations may petition the supreme judicial court for the appointment of three commissioners, to fix and determine what sum shall be paid out of the funds of the said consolidated corporation to the stockholders of either of said original corporations, as the same existed at the time of such consolidation, in order to equalize the value of the stock of said corporations; and upon due notice said court shall appoint such commissioners, the award of whom, or a major part of whom, being made and confirmed by said court, shall be final; and the court shall enter such order or decree as may be found needful to carry into effect such award so confirmed. Said corporations shall continue distinct and separate after the passage of the votes aforesaid, so far as may be necessary to make the settlement, or otherwise fix the terms of consolidation above provided, and carry into effect the award of said commissioners, and the decree of the court confirming the same.

S. J. Court may appoint commissioners if corporations do not agree.

Award of commissioners confirmed by court to be final.

Corporations to remain distinct until terms are fixed.

SECTION 2. If the Boston and Worcester Railroad Company neglects or refuses to pass said vote to unite and consolidate said corporations as aforesaid, the Western Railroad Corporation is hereby authorized and required to establish, on or near tide-water in or near the city of Boston, before the first day of May, in the year eighteen hundred and sixty-eight, a terminal depot for the accommodation of its merchandise and other traffic, with power to take the land necessary therefor; and is further authorized to extend its railroad from a convenient point at or near the present terminus of its line in the city of Worcester, by some direct and feasible route, to said terminal depot; and for these

B. & W. Co. failing to vote a union, Western Co. may establish terminal depot in Boston and extend its road to.

G. S. 63 to apply.

purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the sixty-third chapter of the General Statutes, and in all general laws that now are or hereafter may be in force relating to railroad corporations: *provided, however*, that said extension road shall be located within eighteen months and constructed within one year thereafter.

Proviso: limitation of time.

Or may purchase other road to form continuous line from Albany to Boston.

SECTION 3. In place of locating and constructing a new line of road from Worcester to Boston, as provided in the preceding section, said corporation may, within six months, purchase the road, property and franchise, or so much of the road and franchise of any railroad company, having a line of road terminating in Boston, as may be necessary and convenient to form with its own road a first class continuous line of railroad from Albany to Boston; or said corporation may unite and consolidate its stock with the stock of such company; and any such company may, within six months, sell a portion of its road and franchise, or the whole of its road, property and franchise to, or unite and consolidate its stock with the stock of said Western Railroad Corporation, upon such terms and conditions as may be agreed upon and approved by a majority in interest of the stockholders of each of said corporations present and voting at meetings duly called for that purpose.

Or may unite with same.

Other company may sell to or unite with Western Co.

Corporation so formed to have functions and obligations of Cos. in severalty.

SECTION 4. If any such consolidation takes place as is provided in the first and third sections of this act, the corporation so formed shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property, claims, demands and estates, which, at the time of such union may be held and enjoyed by either of the said existing corporations, and be subject to all the duties, restrictions, obligations, debts and liabilities to which, at the time of the union, either is subject in severalty, and all suits at law or in equity, and all proceedings before any tribunal which may be pending, to which either corporation shall be a party, may be prosecuted and defended by the company hereby authorized, in the same name, in like manner and with the same effect as might have been done had such union not been formed. All claims, contracts, rights and causes of action, of or against either corporation, at law or in equity, may be enforced by suit or action, to be commenced and prosecuted by or against the corporation formed as aforesaid. And the said existing corporations shall continue corporations for the purpose of prosecuting or defending any suit or proceeding at law or in equity, or otherwise now pending,

Corporations uniting to be single in suits out of state.

or which may hereafter be brought by or against either of them out of this Commonwealth.

SECTION 5. The first meeting of the corporation hereby authorized, shall be called by the presidents of the two corporations composing its parts, or either of them; and of the time and place of said meeting ten days' notice shall be given by publication in two newspapers in the city of Boston, one in the city of Worcester, one in the city of Springfield, one in the town of Pittsfield, and two in the city of Albany, in the state of New York; and at the said meeting, persons holding stock in either of the component corporations, shall be entitled to vote in like manner as they would have been had these corporations been convened separately. The officers respectively of the said corporations shall continue to exercise, in behalf of the said united corporations, all the rights and powers which they now exercise, till the united corporation shall be organized.

First meeting of new company, how called.

Stockholders of both may vote.

Officers to act till new Co. is organized.

SECTION 6. After the organization of the corporation, formed as aforesaid, each of the said existing corporations shall continue, for the purpose of perfecting the said union, and doing all such acts and things, if any, as may be necessary therefor, and shall execute all such transfers, assignments and conveyances as the corporation, formed as aforesaid, may deem necessary or expedient to vest in itself any property, estates, contracts, rights or claims, if any there be, which do not vest in it by virtue or authority of this act.

Companies to continue for perfecting union.

SECTION 7. The corporation, formed as aforesaid, shall be called the Boston and Albany Railroad Company, and shall have power to take and hold additional lands necessary for the enlargement of its depot accommodations, compensation therefor to be determined as is provided by law, and may have an amount of capital stock equal to the authorized capital of the two corporations, and shall be authorized to increase said capital stock by adding thereto from time to time an amount not exceeding three millions of dollars.

Title of new company.

May hold additional lands.

Capital stock.

SECTION 8. The time and place of the annual meeting of the consolidated corporation, authorized by this act, shall be fixed by the by-laws. The number of directors shall not exceed thirteen, five of whom shall be the directors chosen on behalf of the state. The present directors of the Western Railroad Corporation, chosen by the legislature, shall be and continue directors of the corporation, formed as aforesaid, during the terms for which they were respectively chosen; and upon the expiration of their respective terms, new directors shall be chosen in their stead, in the same way as directors of the Western Railroad Corporation are now chosen,

Annual meeting.

Directors.

and in case of any vacancy occurring during the recess of the legislature, the same may be filled as provided by law.

Commissioners sinking fund of Western Co.

SECTION 9. The treasurer of the Commonwealth and the treasurer of the corporation authorized by this act, for the time being, shall be the commissioners of the sinking fund of the Western Railroad Corporation.

Western Co. or new corp. may reach depot in Boston over other Co.'s road and may connect with same by new road.

SECTION 10. In case the Western Railroad Corporation shall decide to approach its terminal depot in Boston over the whole or a part of the road of any other corporation, whether by the purchase of the whole or a portion of said road and franchise, or by a union and consolidation of the capital stock of the two corporations, said Western Railroad Corporation, or the Boston and Albany Railroad Company, as the case may be, is hereby authorized to locate, construct, maintain and use so much new road as may be necessary to connect its existing line of road with the line of such other road, and also with its terminal depot in Boston.

Company may cross navigable waters.

SECTION 11. If, in the location and construction of any part of the road approaching its terminal depot in Boston, said corporation finds it necessary or expedient to cross any navigable water, it is hereby authorized so to do, in such places and manner, and upon such terms, and subject to such conditions as shall be prescribed by the harbor commissioners.

If connecting only with other road, shall take name of Boston & Albany R. R. Co. and may increase capital stock.

SECTION 12. If the Western Railroad Corporation decides to connect its existing line of road with the terminal depot aforesaid in Boston, without consolidating its stock with the stock of any other railroad company, said Western Railroad Corporation shall on the first day of December, in the year one thousand eight hundred and sixty-seven, assume the name of the Boston and Albany Railroad Company, and may for the purposes of this act, from time to time, increase its capital stock, by adding thereto an amount not exceeding five millions of dollars.

Shall give notice of increase before issue of new shares.

SECTION 13. Before any sale of the new shares authorized to be created by this act, the directors of said corporation shall give notice in writing of such authorized increase, to the treasurer of the Commonwealth and to the other stockholders, and within thirty days after such notice the Commonwealth and the other stockholders may take at the par value thereof their proportion of such increased shares, according to the number of shares in such capital stock owned by them severally at the date of such increase. And if any shares then remain unsold, the said corporation may dispose of the same at not less than the par value thereof.

Stockholders may take new shares according to number they then held.

Shares not so taken.

SECTION 14. When notice of any such increase of capital stock shall be given to the treasurer of the Commonwealth, the governor, with the advice and consent of the council, is hereby authorized to instruct the treasurer to take the proportion of shares to which the Commonwealth may be entitled, or any part thereof; and the governor, with the advice and consent of the council, may draw his warrant on the treasurer in payment therefor; and such temporary loans are hereby authorized to be obtained by the treasurer as may be necessary for the payment of the amounts thus drawn for.

State treasurer may take by direction of governor and council.

May effect loan for payment of same.

SECTION 15. Neither the Western Railroad Corporation nor the Boston and Albany Railroad Company shall charge, demand or receive, or be entitled to charge, demand or receive for the transportation by it of freight to any station upon its road, a greater sum than is at the time received by it for the transportation of the like class and quantity of freight from the same original point of departure to a station at a greater distance on its road in the same direction: *provided*, that the sum received in any case for the transportation of joint freight shall not be taken as the standard for charges on local freight.

Transportation of freight by Western or B. & A. Co.; restrictions of charges for.

Proviso.

SECTION 16. The Boston and Albany Railroad Company shall furnish, on every part of its line of road from Boston to the state line, accommodations or facilities for local travel and business not less than are now furnished by either of the corporations consolidated under the provisions of this act: *provided*, that such travel and business continue equal in amount to what the same now are.

B. & A. Co. shall furnish present local accommodations.

Proviso.

SECTION 17. The Commonwealth may at any time purchase of the Boston and Albany Railroad Company its road and all its franchise, property, rights and privileges, by paying therefor such sum as will re-imburse it the amount of capital paid in to the several corporations composing it, and to the Boston and Albany Railroad Company, with a net profit thereon of ten per cent. a year, from the times of the payment thereof by the stockholders of said corporations respectively, to the time of the purchase.

Commonwealth may purchase franchise and property of Co.

SECTION 18. If any such consolidation takes place, as is provided in the first section of this act, the corporation so formed shall have the authority to establish on or near tide-water, in or near the city of Boston, a terminal depot for the accommodation of its merchandise and other traffic, with power to take the land therefor; and is further authorized to extend its railroad from a convenient point on its line by some direct and feasible route to said terminal depot; and for these purposes shall have all the powers and privileges,

Consolidation under first section to authorize taking land for terminal depot.

May extend road to same.

Duties, liabilities and restrictions.

and be subject to all the duties, restrictions and liabilities set forth in the sixty-third chapter of the General Statutes, and in all general laws that now are or may hereafter be in force relating to railroad corporations. Said corporation may purchase the road, property and franchise, or so much of the road and franchise of any railroad company, having a line of road terminating in Boston as may be necessary and convenient to make a connection with said terminal depot; or said corporation may unite and consolidate its stock with the stock of such company; and any such company may sell a portion (or the whole) of its road, property and franchise to, or unite and consolidate its stock with, the stock of said corporation, upon such terms and conditions, as may be agreed upon and approved by a majority in interest of the stockholders of such company and said corporation, present and voting at meetings duly called for such purpose: *provided*, that nothing in this act contained shall authorize said corporation to enter upon or take or interfere with any lands already occupied for depot purposes by any railroad corporation terminating in Boston, unless the consent of such corporation is first obtained: *provided further*, that no land shall be taken under this act within twenty feet of "Union Park," so called, in Chelsea.

May purchase any road terminating in Boston, for connection with depot.

Or may unite with same.

Such companies may sell to or unite with.

Provisos: other depot lands not to be taken without consent.

Nor certain lands in Chelsea.

Rights of Co. in relation to flats.

SECTION 19. This act shall give to the said corporation no right to take or use any flats of the Commonwealth, and no right to erect any structure upon or to fill up any flats it may take or purchase, which right was not by law attached to such flats when taken or purchased.

SECTION 20. This act shall take effect upon its passage.

Approved May 24, 1867.

Chap. 271 AN ACT TO AUTHORIZE THE OLD COLONY AND NEWPORT RAILWAY COMPANY TO REMOVE ITS DEPOT IN PLYMOUTH.

Be it enacted, &c., as follows:

May remove five hundred yards S. W. of present station.

SECTION 1. The Old Colony and Newport Railway Company is hereby authorized to remove its depot in Plymouth to a point not exceeding five hundred yards southwesterly from its present station, and to connect the same by tracks over its own land with the present tracks.

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

Approved May 24, 1867.

Chap. 272 AN ACT TO INCORPORATE THE MARLBOROUGH AQUEDUCT COMPANY.
Be it enacted, &c., as follows:

Corporators.

SECTION 1. Samuel Boyd, Hugh R. Bean, Thomas Corey, their associates and successors, are hereby made a corporation by the name of the Marlborough Aqueduct Company,

for the purpose of supplying the inhabitants of the town of Marlborough with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 2. Said corporation for the purpose aforesaid may take, hold and convey to, into and through said town the waters of Gates Pond, so called, in the town of Marlborough, and may take and hold, by purchase or otherwise, such land as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and such other works as may be necessary for the purity and preservation of said waters, and for collecting, conducting and distributing the same as herein provided. Said corporation shall, within sixty days from the time of taking any land as aforesaid, file in the office of the registry of deeds in the southern district of the county of Middlesex, a description of the land so taken sufficiently accurate for identification, and a statement of the purpose for which taken, signed by the president of said corporation.

SECTION 3. Said corporation may build aqueducts and maintain the same by any works suitable therefor, may erect and maintain dams, may make reservoirs and hydrants, and may distribute the water throughout said town by laying down pipes, and may establish the rent therefor. Said corporation may also, for the purpose aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same, and for like purpose may enter upon and dig up any road, under the direction of the selectmen of the town of Marlborough, in such manner as to cause the least hindrance to the travel thereon.

SECTION 4. All damages sustained by taking land, water or water-rights, or by making aqueducts, reservoirs or other works, shall be ascertained, determined and recovered, in the manner now provided by law in case of land taken for highways.

SECTION 5. No application shall be made to the county commissioners for the assessment of damages for the taking of any water-rights, until the water is actually withdrawn or diverted by said corporation. Any person whose water-rights are thus taken or affected, may apply as aforesaid, at any time within one year from the time when the water is first actually withdrawn or diverted.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be

Purpose.

Privileges and restrictions.

May take waters of Gates Pond and land for erection of dams and reservoirs.

Shall file in registry of deeds, within sixty days, statement of land taken.

May build aqueducts, hydrants, etc., and distribute water.

Pipes and drains, where and how carried.

Land or water damages, how ascertained and recovered.

Applications for assessment, when to be made.

Penalty for malicious diversion or corruption of

water or injury
to works.

taken by the said company pursuant to the provisions of this act, or who shall corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam, reservoir, aqueduct, pipe or hydrant, or other property held, owned or used by the said company for the purposes of this act, shall pay three times the amount of actual damage to the said company, to be recovered by any proper action; and every such person, on conviction of either of the malicious acts aforesaid, may be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

Capital and
shares.

SECTION 7. The capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each; and no pecuniary liability shall be assumed by said corporation until one-quarter part of its capital stock has actually been paid in, in cash.

Condition of in-
curring liabilities

Town of Marl-
borough may
hold stock.

Provide: if voters
so elect.

SECTION 8. The town of Marlborough is hereby authorized to subscribe for and hold shares in the capital stock of said company, to the amount of ten thousand dollars: *provided*, the inhabitants of said town, at a legal meeting duly called for that purpose, shall, by a vote of two-thirds of the legal voters present and voting thereon, vote to subscribe for such shares, in accordance with the terms of this act, to pay for the same out of the town treasury, 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 it may possess.

Town may, by
loan or tax, raise
sums necessary.

SECTION 9. Said town of Marlborough is hereby authorized to raise, by loan or tax, any sums of money which shall be required to pay its instalments on its subscriptions to said stock, and interest thereon.

May purchase
franchise and
property.

SECTION 10. The town of Marlborough may, at any time, purchase the franchise of said corporation, and all its corporate property, at such price as may be agreed upon between the parties; and in case the parties cannot agree upon the price, the supreme judicial court, or any justice thereof, upon application of either party, shall appoint three commissioners to award what sum said town shall pay to said company for such franchise and its corporate property, which award shall be final.

Failing to agree,
S. J. Court may
appoint commis-
sioners whose
award shall be
final.

Town may issue
"Water Scrip"
to defray cost.

SECTION 11. For the purpose of defraying the cost of such property, lands, water and water-rights, as shall be purchased for the purpose aforesaid, the town of Marlborough shall have authority to issue from time to time notes, scrip, or certificates of debt, to be denominated on the face thereof "Marlborough Water Scrip," to an amount not exceeding fifty thousand dollars, bearing interest payable semi-annually,

and the principal shall be payable at periods not more than twenty years from the issuing of the said scrip, notes or certificates respectively; and the said town may sell the same, or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as the said town shall judge proper. Said town is further authorized to make appropriations, and assess from time to time such amounts, not exceeding in one year the sum of five thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

Principal and interest of scrip, when payable.

Town may assess sums for payment of same.

SECTION 12. In case the town of Marlborough shall purchase the property, rights and privileges of the corporation established by this act, said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner and by such officers, servants and agents as the town shall, from time to time, ordain, appoint and direct. And said town shall be liable to pay all damages occasioned by the diversion of any water, or the obstruction of any stream, or the flowing of any lands for the purposes of said aqueduct, which shall not have been previously paid by said corporation.

Rights and restrictions if purchase is made.

Town shall be liable for water damages not paid by company.

SECTION 13. This act shall take effect upon its passage.

Approved May 24, 1867.

AN ACT IN RELATION TO THE MELROSE AND SOUTH READING HORSE RAILROAD COMPANY.

Chap. 273

Be it enacted, &c., as follows:

SECTION 1. All the rights, privileges, liabilities, duties and restrictions granted to or imposed upon the Melrose and South Reading Horse Railroad Company by chapter one hundred and seventy of the acts of the year eighteen hundred and sixty-three, and all subsequent acts in relation thereto, subject to any modification made by any general law relating to horse railways, are hereby revived, and the time for accepting, locating and constructing said railroad is hereby extended to the first day of June in the year eighteen hundred and sixty-nine.

Time for locating and constructing road extended to June 1, 1869.

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

Approved May 24, 1867.

AN ACT TO INCORPORATE THE RICE, BARTON AND FALES MACHINE AND IRON COMPANY.

Chap. 274

Be it enacted, &c., as follows:

SECTION 1. George M. Rice, George S. Barton, Joseph E. Fales, their successors and assigns, are hereby made a

Corporators.

Location.	corporation by the name of Rice, Barton and Fales Machine and Iron Company, for the manufacture and sale of machinery, steam-boilers and castings in the city of Worcester; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force in relation to manufacturing corporations.
Privileges and restrictions.	
Capital stock and shares.	
Proviso.	

SECTION 2. The whole capital stock of said corporation shall not exceed the sum of six hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and it may hold real and personal estate necessary for the purposes aforesaid, not exceeding that amount: *provided, however,* said corporation shall not go into operation until the sum of one hundred and fifty thousand dollars of its capital stock shall be paid in, in cash.

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

Approved May 24, 1867.

Chap. 275 AN ACT CONCERNING LIMITATIONS OF ACTIONS FOR FLATS AND GREAT PONDS OF THE COMMONWEALTH.

Be it enacted, &c., as follows:

G. S. 154, § 12; application defined.

SECTION 1. The provisions of section twelve of chapter one hundred and fifty-four of the General Statutes, shall not apply to any property, right, title or interest of the Commonwealth below high-water mark or in the great ponds.

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

Approved May 27, 1867.

Chap. 276 AN ACT FIXING THE SALARY OF THE SECRETARY OF THE BOARD OF EDUCATION.

Be it enacted, &c., as follows:

Salary, travel, and how paid.

SECTION 1. The secretary of the board of education shall receive an annual salary of three thousand dollars, and also the sum of four hundred dollars in full compensation for travelling expenses to be paid out of the moiety of the school fund applicable to educational purposes.

SECTION 2. The salary herein before provided shall be paid from the first day of January last.

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

Approved May 27, 1867.

Chap. 277 AN ACT IN RELATION TO THE SCHOOL COMMITTEE OF THE CITY OF CHARLESTOWN.

Be it enacted, &c., as follows:

Shall consist of number as fixed by city council.

SECTION 1. From and after the present municipal year the school committee of the city of Charlestown shall consist of such number of persons, divisible by three, as has been or may hereafter be determined by the city council,

who shall be elected in the manner now provided by law. The mayor of said city and the president of the common council shall be *ex officio* members of the board, and the mayor shall be chairman of the board and shall, if present, preside at all the meetings thereof.

Mayor and president of council to be members *ex officio*.

SECTION 2. All acts and parts of acts in relation to said city, which are inconsistent with the provisions of this act, are hereby repealed.

Repeal.

SECTION 3. This act shall take effect from and after its acceptance by a majority of the citizens of said city voting thereon, by yea and nay and by ballot, at ward meetings duly warned and held for the purpose, at which meetings the polls shall be kept open at least six hours, and the check list shall be used as at the elections of state and city officers.

Act to be in force when accepted by majority of citizens voting.

Approved May 27, 1867.

AN ACT FIXING THE SALARIES OF COUNTY TREASURERS.

Chap. 278

Be it enacted, &c., as follows :

SECTION 1. The treasurers of the several counties of the Commonwealth hereinafter named, shall be furnished by the county with an office in the court house or other county building, and receive in quarterly payments from the treasury an annual salary, in full for all services by them performed, as follows :

Shall be paid quarterly and furnished office.

For the county of Berkshire, one thousand dollars ; for the county of Bristol, twelve hundred dollars ; for the county of Essex, eighteen hundred dollars ; for the county of Hampden, one thousand dollars ; for the county of Norfolk ; thirteen hundred dollars ; for the county of Plymouth, one thousand dollars ; for the county of Worcester, eighteen hundred dollars ; for the county of Hampshire, eight hundred dollars.

Salaries fixed for Berkshire, Bristol, Essex, Hampden, Norfolk, Plymouth, Worcester and Hampshire.

SECTION 2. The salaries herein provided shall be paid from the first day of January last.

Shall be from Jan., '67.

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

Approved May 27, 1867.

AN ACT CONCERNING THE APPOINTMENT OF POLICE OFFICERS IN CITIES.

Chap. 279

Be it enacted, &c., as follows :

SECTION 1. The mayor and aldermen of the several cities may at any time appoint police officers, with all or any of the powers of constables, except the power of serving and executing civil processes, who shall hold their offices during the pleasure of the mayor and aldermen.

Mayor and aldermen may appoint with powers of constables, except on civil processes.

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

Approved May 27, 1867.

Chap. 280 AN ACT TO INCORPORATE THE CENTRAL MUTUAL FIRE INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. William T. Merrifield, Edward Earle, Philip L. Moen, their associates and successors, are hereby made a corporation by the name of the Central Mutual Fire Insurance Company, in the city of Worcester, for the purpose of making insurance against losses or damage by fire, on the mutual principle ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which now are or hereafter may be in force relating to such corporations.

Location.

Privileges and restrictions.

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

Approved May 27, 1867.

Chap. 281 AN ACT TO INCORPORATE THE GEORGE H. GILBERT MANUFACTURING COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. George H. Gilbert, Lewis N. Gilbert, Charles D. Gilbert, their associates and successors, are hereby made a corporation by the name of the George H. Gilbert Manufacturing Company, for the purpose of manufacturing silk, woolen or cotton cloths, or any fabric wholly or in part of silk, wool or cotton, in the towns of Ware and Hardwick ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations.

Purpose and location.

Privileges and restrictions.

May hold real estate.

Capital stock and shares.

Proviso.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate necessary and convenient for its business, to an amount not exceeding two hundred thousand dollars ; and the whole capital stock shall not exceed the sum of six hundred thousand dollars, divided into shares of one hundred dollars each : *provided, however*, that said corporation shall not go into operation until one hundred and twenty-five thousand dollars of its capital stock shall have been paid in, in cash.

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

Approved May 27, 1867.

Chap. 282 AN ACT TO AUTHORIZE NATHAN P. LAUGHTON TO CONSTRUCT A WHARF IN HULL.

Be it enacted, &c., as follows :

May construct between Scull Head and Strawberry Hill and extend to eight feet depth of water.

SECTION 1. That Nathan P. Loughton is hereby authorized to construct a wharf on his land in Hull, between Scull Head and Strawberry Hill, and to extend the same into tide-waters over any flats being his property, and over any flats of the Commonwealth that may lie in front of his outer line

of flats, to a line where the water is eight feet deep at low-tide ; said wharf to be not over one hundred feet in width : *provided*, that all things done under this grant shall be subject to the determination and approval of the board of harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six ; and *provided*, that this grant shall in no wise impair the legal rights of any person.

Harbor commissioners to approve.

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

Approved May 27, 1867.

AN ACT TO INCORPORATE THE LIBERTY MASONIC ASSOCIATION, IN BEVERLY.

Chap. 283

Be it enacted, &c., as follows :

SECTION 1. John I. Baker, John B. Hill, Edward L. Giddings, their associates and successors, are hereby made a corporation by the name of the Liberty Masonic Association, for the purpose of erecting a building in Beverly, and maintaining the same, for the accommodation and purposes of a masonic hall, lectures and any other lawful purpose ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, so far as applicable to such corporations.

Corporators.

Purpose.

Privileges and restrictions.

SECTION 2. Said corporation shall have a capital stock not exceeding fifty thousand dollars, divided into shares of one hundred dollars each, and may hold for the purposes aforesaid, real and personal estate not exceeding the amount of its capital stock : *provided, however*, that said corporation shall incur no liability until ten thousand dollars of its capital stock has been paid in, in cash.

Capital stock and shares.

Estate.

Proviso.

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

Approved May 27, 1867.

AN ACT TO AID THE CONSTRUCTION OF THE BOSTON, HARTFORD AND ERIE RAILROAD.

Chap. 284

Be it enacted, &c., as follows :

SECTION 1. The treasurer of the Commonwealth is hereby authorized and instructed to issue scrip or certificates of indebtedness in the name and in behalf of the Commonwealth, and in the manner herein designated, for the sum of three million dollars, which may be expressed in the currency of Great Britain, and may be payable to the bearer thereof in London, and bearing interest of five per cent. per annum, payable semi-annually in London on the first days of January and July ; or the whole or any part of said scrip may be issued in federal currency, payable in Boston, as the direc-

Treasurer of Commonwealth may issue scrip for \$3,000,000, payable in London, bearing interest at 5 per cent.

Or may issue in federal currency payable in Bos.

ton, as directors of Co. may elect.

Shall be redeemable on first January, 1900.

Shall be countersigned by governor.

Treasurer shall deliver to treasurer of company when directed by governor and council.

Purpose: to aid completion of railway from Boston to Fishkill in New York.

Interest and exchange on portion payable in London.

Conditions of issue of \$100,000 of scrip.

tors of the Boston, Hartford and Erie Railroad Company shall elect when they apply for any issue of said scrip, with warrants for the interest attached thereto; which said scrip or certificates in the currency of Great Britain shall be redeemable in London, and that in federal money at Boston, on the first day of January in the year nineteen hundred, and shall bear date on the first day of January or July which shall next precede the issue of the same. All said scrip shall be countersigned by the governor of the Commonwealth for the time being, and be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof. The treasurer of the Commonwealth for the time being shall deliver said scrip to the treasurer of the Boston, Hartford and Erie Railroad Company whenever ordered by the governor and council, on the application of the directors of said railroad company, under the provisions of this act, for the purpose of aiding said railroad company to complete its railway from the city of Boston to Fishkill, in the state of New York, and for the equipment of the same. The interest on such portion of the scrip authorized by this act as shall be expressed in the currency of Great Britain, and the cost of exchange, shall be paid by the Boston, Hartford and Erie Railroad Company in coin or its equivalent, at the option of the treasurer of the Commonwealth.

SECTION 2. When it shall be made to appear to the satisfaction of the governor and council and attorney-general that the mortgage to Robert H. Berdell and others, trustees, confirmed by the one hundred and forty-second chapter of the acts of the year eighteen hundred and sixty-six, has been duly executed and recorded; and that all underlying mortgages on that part of said road of said Boston, Hartford and Erie Railroad Company, lying between the foot of Summer Street in the city of Boston and the towns of Southbridge in Massachusetts and Willimantic in Connecticut, have been duly cancelled and discharged; or, that the mortgage debt secured by the underlying mortgages on said railroad between said Summer Street, Willimantic and Southbridge, have been reduced to less than one million of dollars; and that a bond of said Boston, Hartford and Erie Railroad Company conditioned that the franchise and property named and described in said mortgage to Robert H. Berdell and others, trustees, and lying and being between the foot of said Summer Street and the towns of Willimantic and Southbridge, shall be protected from all such uncanceled bonds, which said bond shall be satisfactory to the governor and council and deposited with the treasurer of the Commonwealth; and that said railroad

company has properly expended two hundred thousand dollars in construction of new road and in the purchase of equipment; then a portion of said scrip, to the amount of one hundred thousand dollars, shall, upon the terms hereinafter provided, be delivered to the treasurer of said railroad company, on the request of the directors of said railroad company. And when it shall appear to the satisfaction of the governor and council and commissioners provided for in the sixth section of this act, that an additional expenditure of two hundred thousand dollars has been made in construction of new road and in the purchase of equipment as aforesaid, then another portion of said scrip, to the amount of one hundred thousand dollars, shall be delivered upon the terms expressed in this act, to the treasurer of said railroad company; and so, in like manner, said scrip shall be issued and delivered, until the whole amount hereby authorized shall have been issued and delivered.

Conditions of issue of second \$100,000 of same

Issue of whole sum to be in like manner.

SECTION 3. No scrip shall be delivered to the treasurer of said railroad company until an agreement shall have been executed by said company to the Commonwealth in a form approved by the attorney-general of the Commonwealth, and delivered to the treasurer of the Commonwealth and conditioned that said railroad company shall comply with the provisions of this act, and shall indemnify and save harmless the Commonwealth from all expenses incurred, or loss or damage on account of said scrip, and that said railroad company shall and will well and truly pay the principal sum of said scrip when the same shall become due and payable, and interest thereon as the same shall fall due; and shall deliver to the treasurer of the Commonwealth before said railroad company shall receive the scrip as aforesaid, as security for the performance of the conditions of said agreement, one hundred and thirty-three thousand three hundred and thirty-three dollars and thirty-three and one-third cents, in the bonds secured by the said mortgage to Robert H. Berdell, and other trustees, to and for every one hundred thousand dollars to be received by said treasurer of the Boston, Hartford and Erie Railroad Company in scrip as herein provided.

Before issue of scrip, agreement to be filed with state treasurer for compliance with act by company.

Certain bonds also shall be delivered treasurer upon issue of scrip.

SECTION 4. When said railroad shall have been opened for use from Boston to the Erie Railway, fifty thousand dollars annually shall be set apart from the net income of said road, and paid to the commissioners hereinafter named in the fifth section of this act, as a sinking fund, to be managed, invested and appropriated as is, or shall be provided by law: *provided*, that whenever in the opinion of the treasurer of the Commonwealth for the time being, a sufficient sum shall

Road being open for use, sum from income to be set apart as sinking fund.

Proviso: treasurer may relieve company when scrip may be redeemed.

have been set apart to produce, with the accruing interest, an amount equal to the scrip issued under this act, when the same shall fall due, then said company may be relieved from making further additions to said sinking fund.

Treasurer and auditor of state and treasurer of company to be commissioners of fund.

Shall have care and control of money, funds, etc.

Shall keep record and report to legislature.

Records and papers shall be open to executive and legislature.

Company shall pay commissioners.

Governor may appoint board of commissioners to inspect work and report to executive.

May fix pay of board by company.

Governor and council and commissioners shall be satisfied of ability of company and other parties to complete road.

It appearing after issue of scrip that road will not be built

SECTION 5. The treasurer of the Commonwealth, the auditor of the Commonwealth, and the treasurer of the Boston, Hartford and Erie Railroad Company, for the time being, shall be commissioners of the sinking fund of the said railroad company. Said commissioners shall have the care and management of all the money, funds and securities at any time belonging to said sinking fund, and shall invest the same according to law; but the money not invested and all the securities of said fund shall be in the custody of the treasurer of the Commonwealth. Said commissioners shall keep a true record of all their proceedings; they shall annually, in the month of January, make a report to the legislature, setting forth their proceedings for the year preceding, the amount and condition of said funds, and the income of the several parts thereof for the year; which records and securities, and the books of account belonging thereto, shall, at all times, be open to the inspection of the governor and council, or of any committee of the legislature; and said commissioners shall receive for their services, from the Boston, Hartford and Erie Railroad Company, the sum of one hundred dollars each, annually.

SECTION 6. The governor, with the advice and consent of the council, may appoint three commissioners, one of whom shall be a competent civil engineer, to ascertain, from time to time, the amount of work performed on the line of the railway of the Boston, Hartford and Erie Railroad Company between Boston and the Erie Railway, and the expenditures properly incurred and made for the same; and to advise and inform the governor and council in reference to all matters and things they are called upon to ascertain or verify, under the terms and provisions of this act. The governor and council may fix the proper compensation of such commissioners, which shall be paid by said railroad company.

SECTION 7. No portion of said scrip shall be issued unless it shall be made to appear to the satisfaction of the governor and council, and commissioners, that said railroad company will be able either alone, or with the aid of other parties than this Commonwealth, to complete a line of railway from Boston to Fishkill; and if at any time after any portion of said scrip shall have been delivered to said treasurer of said railroad company, it shall appear to the governor and coun-

cil, and commissioners, that a through line between Boston and Fishkill will not be completed within five years from the date of the passage of this act, then no further portion of said scrip shall be delivered to the treasurer of said company; and the Commonwealth shall at all times thereafterwards and without notice, have power and authority to sell the bonds held as collateral security for the scrip then issued and outstanding.

in five years.
issue to stop.

State may sell
bonds then held.

SECTION 8. The governor and council, and the commissioners appointed by them shall at all times until the payment of the scrip of the Commonwealth, have free access to all the books and accounts of said railroad company for the purpose of examination.

Governor and
council and com-
missioners may
examine compa-
ny's books.

SECTION 9. This act shall take effect upon its passage.

Approved May 27, 1867.

AN ACT IN RELATION TO THE SCHOOLING AND HOURS OF LABOR OF CHILDREN EMPLOYED IN MANUFACTURING AND MECHANICAL ESTABLISHMENTS.

Chap. 285

Be it enacted, &c., as follows:

SECTION 1. No child under the age of ten years shall be employed in any manufacturing or mechanical establishment within this Commonwealth, and no child between the age of ten and fifteen years shall be so employed, unless he has attended some public or private day school under teachers approved by the school committee of the place in which such school is kept, at least three months during the year next preceding such employment: *provided*, said child shall have lived within the Commonwealth during the preceding six months; nor shall such employment continue unless such child shall attend school at least three months in each and every year; and *provided*, that tuition of three hours per day in a public or private day school approved by the school committee of the place in which such school is kept, during a term of six months, shall be deemed the equivalent of three months' attendance at a school kept in accordance with the customary hours of tuition; and no time less than sixty days of actual schooling shall be accounted as three months, and no time less than one hundred and twenty half days of actual schooling shall be deemed an equivalent of three months.

Child under ten
years shall not
be employed.
Nor under fifteen
unless taught
three months in
year preceding.

Provisos.

Shall so attend
yearly.

Day school, time
in how con-
structed.

Sixty days to be
accounted three
months.

SECTION 2. No child under the age of fifteen years shall be employed in any manufacturing or mechanical establishment more than sixty hours in one week.

Child under fif-
teen not to work
over sixty hours
a week.

SECTION 3. Any owner, agent, superintendent or overseer of any manufacturing or mechanical establishment, who shall knowingly employ or permit to be employed, any child

Penalty if owner
or agent of com-
pany, or parent
or guardian vio-
late restrictions.

in violation of the preceding sections, and any parent or guardian who allows or consents to such employment, shall, for such offence forfeit the sum of fifty dollars.

Constable of state to cause enforcement of act.

SECTION 4. It shall be the duty of the constable of the Commonwealth to specially detail one of his deputies, to see that the provisions of this act, and all other laws regulating the employment of children or minors in manufacturing or mechanical establishments, are complied with, and to prosecute offences against the same; and he shall report annually to the governor all proceedings under this act; and nothing in this section shall be so construed as to prohibit any person from prosecuting such offences.

Shall report action to governor.

Act of 1866, ch. 273, repealed.

SECTION 5. Chapter two hundred and seventy-three of the acts of the year eighteen hundred and sixty-six is hereby repealed: *provided*, this act shall not affect any proceedings now pending.

SECTION 6. This act shall take effect sixty days from its passage.

Approved May 29, 1867.

Chap. 286 AN ACT REGULATING THE SALE OF COAL AND PETROLEUM OILS.

Be it enacted, &c., as follows:

Cities and towns of manufacture or sale shall appoint inspectors and fix pay.

SECTION 1. The mayor and aldermen of any city, or the selectmen of any town, where oils are manufactured from coal or petroleum, and the mayor and aldermen of any city and the selectmen of any town where oils are sold but not made, and where five or more inhabitants petition for the same, shall appoint annually one or more suitable persons, not interested in the sale or manufacture of said oils, as inspectors thereof, and fix their compensation, to be paid by the parties requiring the services of said inspectors.

Inspector shall be sworn, and when called act promptly with fire-test.

SECTION 2. Every inspector, before entering upon the duties of his office, shall be duly sworn, and when called upon by any manufacturer, refiner, vendor, purchaser or by any officer mentioned in the sixth section of this act, to test such oils, shall do so with all reasonable despatch, by applying the fire-test, as indicated and determined by G. Tagliabue's pyrometer, or some other instrument equally accurate.

Penalty for deceit or negligence.

Any inspector guilty of fraud, deceit or culpable negligence in inspecting such oils, shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county jail or house of correction not exceeding one month, or both, in the discretion of the court.

If person mix or so sell naphtha and oils, to ignite under 110° heat, except for re-making.

SECTION 3. No person shall mix for sale, naphtha and illuminating oils, or shall sell or offer for sale such mixture, or shall sell or offer for sale, except for purposes of re-manufacture, illuminating oils made from coal or petroleum,

which will ignite at a temperature of less than one hundred and ten degrees Fahrenheit, to be ascertained by the application of Tagliabue's or some other approved instrument; and any person so doing, shall be held to be guilty of a misdemeanor, and shall for each offence, upon conviction thereof, be liable to the same penalties provided in the second section of this act against inspectors; and shall also be liable therefor to any person suffering damage from the explosion or ignition of such oil thus unlawfully sold, and such oil thus unlawfully sold, or kept or offered for sale, and the casks or packages containing the same, shall be forfeited and sold for the purposes of re-manufacture; one-half of the proceeds of such sale to go to the Commonwealth and the other half to the informer.

Liability for damage so caused.

SECTION 4. For all the purposes of this act, all illuminating oils made from coal or petroleum, having an igniting point of less than one hundred and ten degrees Fahrenheit, to be determined in the manner provided in the third section of this act, shall be deemed to be mixed with naphtha.

Oils deemed mixed with naphtha defined.

SECTION 5. Any person who shall sell, or keep or offer for sale naphtha under the name of oil, shall, for each offence, upon conviction thereof, be liable to the same penalties provided, and shall be subject to the same liabilities set forth, in the second and third sections of this act.

Penalty if person offer naphtha under name of oil.

SECTION 6. The selectmen of the towns and the mayors, aldermen and police of the cities in which inspectors are appointed in conformity with the first section of this act, or any one of said officers, within their respective towns and cities, and the members of the state police, or any of them, shall cause all persons violating any of the provisions of this act to be prosecuted therefor.

Prosecution for violating this act; any officer may cause.

SECTION 7. Chapter two hundred and sixty-two of the acts of the year eighteen hundred and sixty-six is hereby repealed.

Act of 1866, ch. 262, repealed.

SECTION 8. This act shall take effect upon its passage.

Approved May 29, 1867.

AN ACT TO INCORPORATE THE GLOUCESTER AND LANESVILLE RAILROAD COMPANY.

Chap. 287

Be it enacted, &c., as follows:

SECTION 1. Cyrus Story, Jotham Taylor, George Barker, their associates and successors, are hereby made a corporation by the name of the Gloucester and Lanesville Railroad Company; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Privileges and restrictions.

May locate and operate road in Gloucester.

SECTION 2. Said company may locate, construct, maintain and operate a railroad with one or more tracks from some convenient point upon the Gloucester Branch Railroad or the Rockport Railroad in the town of Gloucester to some convenient point in the village of Lanesville in the said town of Gloucester.

Shall build drawbridges under county commissioners.

SECTION 3. Drawbridges shall be established at such points as may be deemed necessary by the county commissioners of Essex county, and their location and manner of construction shall be determined by the said commissioners.

May use Gloucester Branch or Rockport roads.

SECTION 4. Said corporation may enter with its road upon the Gloucester Branch Railroad or the Rockport Railroad, and use the same according to law.

May sell franchise or lease property to Eastern Company, or contract with for use of rolling stock.

SECTION 5. Said corporation is hereby authorized to sell and transfer its franchise, and all its rights and property under this act, or to lease its road or other property, either for a limited time or perpetually, to the Eastern Railroad Company, or to contract with the Eastern Railroad Company for the use of its rolling stock on such terms as may be mutually agreed upon. And in case of such sale the Eastern Railroad Company shall and hereby is authorized to increase its capital stock by a sum not exceeding two hundred thousand dollars.

Eastern company may add to capital, on purchase.

Capital stock and shares.

SECTION 6. The capital stock of said corporation shall not exceed two thousand shares of one hundred dollars each, the number of which shall be determined from time to time by a majority of the stockholders, each share counting one vote ; and said corporation may purchase and hold such real estate and personal property as may be necessary for the purposes of this act.

Real estate.

Eastern company may hold \$75,000 of said stock.

SECTION 7. The Eastern Railroad Company may subscribe and hold a portion of the capital stock in said corporation not exceeding seventy-five thousand dollars: *provided*, that two-thirds of the stockholders of the Eastern Railroad Company present and voting at a legal meeting called for that purpose shall vote so to do.

Proviso: two-thirds stockholders to vote same.

Town of Gloucester may hold \$50,000 of said stock.

SECTION 8. The town of Gloucester is hereby authorized to subscribe for and hold shares in the capital stock of said corporation to an amount not exceeding fifty thousand dollars: *provided*, that two-thirds of the legal voters of said town present and voting by ballot at a legal meeting called for that special purpose, vote to subscribe for such shares in accordance with the terms of this act. Said town may pay for such shares so voted to be taken out of its treasury, and is hereby authorized to raise by loan or tax any and all sums

Proviso: two-thirds voters to authorize.

May raise money by loan or tax to pay for same; may hold as other property.

of money which may be necessary to pay for the same, and may hold or dispose of the same like other town property.

SECTION 9. This act shall take effect upon its passage, and shall be void unless said road is located within two years, and constructed within four years, from the passage of this act.

Act when in force and when to be void.

Approved May 29, 1867.

AN ACT CEDING TO THE UNITED STATES JURISDICTION OVER CERTAIN LANDS IN FALMOUTH.

Chap. 288

Be it enacted, &c., as follows:

SECTION 1. Jurisdiction is hereby granted and ceded to the United States over a certain parcel of land, shore and wharves, with the buildings thereon, lying in the town of Falmouth, at a place called Wood's Hole, and bounded as follows: Beginning at the outer north-east angle of the steam-boat wharf; thence running north, forty-two degrees west, one hundred and forty feet, to a public road; thence running north, one degree east, two hundred and twenty-nine feet three inches, to a point in land now or late of one Elihu Fish, of said Falmouth, between high-water and low-water mark; thence running due east into Little Wood's Hole Harbor; thence southerly and other courses, by the exterior lines of the wharves, to the point of beginning. Said premises being needed for the use of the light-house establishment of the United States.

Land, wharves and buildings at Wood's Hole ceded.

SECTION 2. The United States government is hereby authorized to occupy and fill such flats belonging to the Commonwealth, and to place in or over tide-water such structures as may be necessary for the purposes for which the land before described is to be used, and upon such terms and conditions as shall be prescribed by the harbor commissioners.

U. S. may occupy and fill flats: harbor commissioners to approve.

SECTION 3. This act shall be void unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, be deposited in the office of the secretary of this Commonwealth within one year from the passage of this act.

Shall file plan with secretary Commonwealth in year, or act void.

SECTION 4. The Commonwealth shall retain concurrent jurisdiction with the United States in and over the premises aforesaid, so far, as that all civil and criminal processes issuing under the authority of this Commonwealth may be executed on said premises and in any buildings erected or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and exclusive jurisdiction shall revert to and revest in the Common-

State retains concurrent jurisdiction for service of process.

Exclusive jurisdiction, when to revert.

wealth of Massachusetts, whenever the said premises shall cease to be used for the purposes herein before declared.

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

Approved May 31, 1867.

Chap. 289 AN ACT TO REGULATE FISHING IN MERRIMACK RIVER, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Penalty for using seine, until April 15, 1871.

SECTION 1. No person shall fish with a seine in Merrimack River, nor in any manner take or catch shad, salmon or alewives in said river, until the fifteenth day of April in the year eighteen hundred and seventy-one, under penalty of the forfeiture of the seine and of five dollars for each shad or alewife and fifty dollars for every salmon taken : *provided*, that the fish commissioners shall be allowed from time to time to take such fish as may be required to re-stock the Merrimack or any other river.

Proviso.

Penalty for trespass upon fish-way.

SECTION 2. No person shall fish within four hundred yards of any fish-way on Merrimack River, nor trespass within the limits of the same, under a penalty of fifty dollars.

Commissioners may cause erection of ways over dams.

SECTION 3. The fish commissioners are hereby empowered to cause any tributaries of the Merrimack River to be opened to the passage of shad, salmon and alewives, by directing the proprietors of dams in such tributaries to build suitable fish-ways over their dams.

Towns on river to appoint fish-wardens.

SECTION 4. The mayor and aldermen of any city and the selectmen of any town bordering on the Merrimack River shall appoint one or more suitable fish-wardens and fix their compensation, to see to the execution of the provisions of the first and second sections of this act.

Approved May 31, 1867.

Chap. 290 AN ACT TO INCORPORATE THE BOSTON MARKET HOUSE COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Thomas L. Sturtevant, Thomas Howe, Samuel Hall, junior, their associates and successors, are hereby made a corporation under the name of the Boston Market House Company, for the purpose of erecting and maintaining in the city of Boston a market house for the storage and sale of provisions or other articles used as food ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which now are or hereafter may be in force, relative to corporations ; but nothing in this act contained shall be taken to authorize said corporation to engage in the business of buying, selling or dealing in produce or provisions.

Privileges and restrictions.

SECTION 2. Said corporation may acquire and hold real estate in the city of Boston, for the purpose aforesaid, and may have a capital stock not exceeding one million of dollars, divided into shares of one hundred dollars each: *provided*, that said corporation shall not incur any liability until the sum of fifty thousand dollars has been paid in, in cash.

May hold real estate.
Capital stock and shares.
Proviso.

SECTION 3. This act shall take effect upon its passage, and shall be void unless said market house shall be built within three years thereafter.

Market house to be built in three years.

Approved May 31, 1867.

AN ACT TO INCORPORATE THE BOSTON WHITE FLINT MARBLE COMPANY. *Chap. 291*

Be it enacted, &c., as follows:

SECTION 1. Benjamin Hardinge, Eben Sears, A. L. Fleury, their associates and successors, are hereby made a corporation by the name of the Boston White Flint Marble Company, for the purpose of dissolving quartz, and manufacturing articles of use and ornament from the same, and also for the use and sale of the liquid quartz; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws, which now are or hereafter may be in force relating to such corporations.

Corporators.
Purpose.
Privileges and restrictions.

SECTION 2. Said corporation shall have its principal office in the city of Boston, and the capital stock shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each, and may take and hold real estate necessary and convenient for its purposes to the amount of fifty thousand dollars: *provided, however*, that said corporation shall not go into operation or incur any liability until the sum of fifty thousand dollars has been paid in, in cash.

Corporate office, capital stock and shares.
Estate.
Proviso.

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

Approved May 31, 1867.

AN ACT TO INCORPORATE THE HASKINS GOLD PEN MANUFACTURING COMPANY. *Chap. 292*

Be it enacted, &c., as follows:

SECTION 1. Joseph A. Haskins, Ira C. Haskins, Henry A. Marsh, their associates and successors, are hereby made a corporation by the name of the Haskins Gold Pen Manufacturing Company, for the purpose of manufacturing pencils and gold pens in the towns of Shutesbury and Amherst; and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or hereafter may be in force, relating to manufacturing corporations.

Corporators.
Location.
Privileges and restrictions.

SECTION 2. Said corporation may hold for the purpose aforesaid, real estate to the amount of twenty-five thousand

Real estate.

Capital stock and shares.

Proviso.

dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation, or assume any liability, until twenty thousand dollars of its capital stock has been paid in, in cash.

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

Approved May 31, 1867.

Chap. 293 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE GENERAL THEOLOGICAL LIBRARY.

Be it enacted, &c., as follows:

Funds, how to be applied.

SECTION 1. All the funds of the General Theological Library, except when otherwise expressly ordered by the donor, shall be applied exclusively to the establishment and maintenance in the city of Boston, of a general theological library of all works pertaining to theology and religious knowledge, and of a reading room for the periodical publications of all religious denominations.

By-laws and all usages of corporation shall be non-sectarian.

SECTION 2. There shall be nothing sectarian in the by-laws or management of said corporation; but in the election of officers, the purchase of books and periodical works, the use of the library and reading room, and all other matters, the rights and interests of the various religious denominations shall be respected and fairly represented.

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

Approved May 31, 1867.

Chap. 294 AN ACT TO AUTHORIZE THE BROADWAY RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows:

May add \$100,000 to capital.

The Broadway Railroad Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding one hundred thousand dollars.

Approved May 31, 1867.

Chap. 295 AN ACT FIXING THE SALARIES OF THE CLERKS AND ASSISTANT-CLERKS OF COURTS IN CERTAIN COUNTIES.

Be it enacted, &c., as follows:

Clerk to retain salary out of fees, and one-half of excess, and pay rest to county treasurer.

SECTION 1. Each clerk of the courts in the several counties named herein shall retain out of the fees received for their official acts and services, and to be accounted for as now provided by law, the sum hereinafter provided for his annual salary, and also one-half of any excess of that sum, for his own use, and pay the residue to the treasurer for the use of the county, and at that rate for any part of a year.

Salaries in Berkshire, Bristol, Dukes, Hampden, Middlesex,

SECTION 2. The sums which the clerks in the several counties named herein, may retain for their annual salaries, shall be as follows, to wit: The clerk in the county of Berk-

shire, two thousand dollars; Bristol, two thousand dollars; Nantucket, Nor-
 Dukes county, the whole amount of fees received, and from folk, Worcester
 the county treasury the sum of three hundred dollars; and Superior
 Hampden, two thousand dollars; Middlesex, twenty-five Court in Suffolk.
 hundred dollars; Nantucket, six hundred dollars; Norfolk, two
 thousand dollars; Worcester, twenty-five hundred dollars;
 Suffolk, the clerk of the superior court for civil business,
 thirty-five hundred dollars, and of the superior court for
 criminal business, three thousand dollars.

SECTION 3. If the fees received by any of the several clerks Fees being less
 of the several counties in this Commonwealth do not amount than salary,
 to the salary now established by law or herein provided, then clerk to be paid
 such clerks shall be charged with all the fees whether the by treasurer.
 same be collected or not, and receive from the county treas-
 urer the difference between the amount of his fees and the
 salary established by law.

SECTION 4. There shall be appointed, in the manner now Assistant-clerks
 provided by law for the appointment of assistant-clerks, an and salaries of in
 assistant-clerk for the county of Essex, with an annual Essex and Nor-
 salary of fifteen hundred dollars, an assistant-clerk for folk.
 the county of Norfolk, with an annual salary of one thousand
 dollars, which salaries shall be payable quarterly from the
 treasury of the said counties respectively. Such assistant- Tenure.
 clerks shall hold their respective offices for the term of three Duties.
 years, subject to removal by the court, and shall perform all
 the duties required of that office by the provisions of chapter
 one hundred and twenty-one of the General Statutes in coun- Qualifications.
 ties where assistant-clerks are now appointed, and shall be
 subject to the same requirements and qualifications as are
 now provided by law in the chapter aforesaid.

SECTION 5. The several assistant-clerks of the counties Middlesex, Suf-
 hereinafter named shall receive annual salaries payable quar- folk and Worces-
 terly from the treasury of each county respectively, as fol- ter.
 lows: in the county of Middlesex, eighteen hundred dollars;
 in the county of Suffolk, supreme judicial court two thou-
 sand dollars; superior court for civil business two thousand
 dollars, and in the county of Worcester, eighteen hundred
 dollars.

SECTION 6. The salaries provided in this act shall be paid Payment to be
 from the first day of January in the year eighteen hundred from January,
 and sixty-seven. 1867.

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

Approved May 31, 1867.

Chap. 296

AN ACT CONCERNING TOLL BRIDGES IN ESSEX COUNTY.

Be it enacted, &c., as follows:

County commissioners may lay out for highways.

SECTION 1. The county commissioners of the county of Essex are hereby authorized and empowered to lay out as and for highways the several bridges across Merrimack River, known as Andover Bridge and Lawrence Bridge, in the city of Lawrence; Haverhill Bridge, between the towns of Haverhill and Bradford; Rock's Bridge, between the towns of West Newbury and Haverhill; Essex Merrimack Bridge, between the towns of Amesbury and Newburyport; Newburyport Bridge, between the town of Salisbury and the city of Newburyport; Essex Bridge, between the city of Salem and the town of Beverly, or any of them, as highways, in the manner now provided by law for laying out highways: *provided, however*, that said county commissioners shall not lay out said Lawrence Bridge as a highway, without first purchasing, or offering to purchase, said Andover Bridge, according to the provisions of chapter two hundred and sixty-five of the acts of the year eighteen hundred and fifty-four.

Proviso: Lawrence Bridge.

Damages to proprietors, how paid.

SECTION 2. All damages which shall be sustained by the proprietors of any of said bridges by such laying out, shall be awarded and paid in the same manner as is now provided by law for the assessment and payment of damages occasioned by the laying out of highways.

Commissioners may pay proportion for laying out.

SECTION 3. Said county commissioners may, out of the moneys of said county, pay such proportion of the expense of said laying out said several bridges, or any of them, as in their judgment may be just and equitable.

Shall apportion to towns and county expense for maintaining bridges and raising draws.

SECTION 4. Upon the laying out of any of said bridges as highways as aforesaid, the said county commissioners shall determine and fix the relative proportions of expense for maintaining, keeping in repair and supporting any of said bridges, and for raising the draws in said bridges, if any, to be borne by said county, and any of the cities and towns lying near to, or contiguous to said bridges, or any of them, as, in their judgment, may be just and equitable, which said proportion of expense so determined upon by said county commissioners, shall become obligatory upon said county and upon said cities and towns as aforesaid, to pay in the manner and at the times prescribed by said county commissioners.

Shall determine passage of street railways over.

SECTION 5. Said county commissioners shall at all times hereafter determine upon what terms and under what conditions horse railroads may pass on, over and across any of said bridges.

SECTION 6. The several cities and towns in said county, or any of them, may contribute to said county towards the payment of damages that may be awarded to the proprietors of said bridges, such proportion of said damages or such sums as they may see fit, and may make agreements with the said county commissioners as to the amount or proportion, and as to the manner of payment thereof; and they may make such agreements either before or after such damages are awarded.

Cities and towns may pay county damages as may be agreed.

SECTION 7. Upon evidence satisfactory to the governor and council that any one of said bridges now or hereafter belonging to the Commonwealth has been laid out as a highway according to the provisions of this act, the governor shall by his proclamation declare such bridge free; and thereupon all the property of the Commonwealth in such bridge and in the appurtenances thereto, shall vest in said county and in said cities and towns contributing to the payment of damages in the laying out of such bridge as a highway; and all funds in the treasury of the Commonwealth on account of such bridge, shall be paid over to said county commissioners, and by them divided between said county and said cities and towns in proportion as said county and said cities and towns have paid and contributed towards the expense of laying out such bridge as a highway as aforesaid.

Commonwealth bridge being laid out, governor to proclaim free.

Vesture of property.

Funds of in state treasury to be paid commissioners for county and towns.

Approved May 31, 1867.

AN ACT CONCERNING THE CONNECTICUT RIVER AND THE VERMONT AND MASSACHUSETTS RAILROAD COMPANIES.

Chap. 297

Be it enacted, &c., as follows :

SECTION 1. The Connecticut River Railroad Company and the Vermont and Massachusetts Railroad Company are hereby authorized, by a vote of a majority in interest of the stockholders of said corporations, respectively, present and voting at meetings duly called for that purpose, at any time within four months from the passage of this act, to contract and agree, each with the other, for a permanent lease of, or a permanent right of way in common over that part of the Vermont and Massachusetts Railroad lying within the state of Vermont.

May agree for use in common of part of V. & M. road lying in Vermont.

SECTION 2. The Connecticut River Railroad Company is hereby authorized to subscribe to the stock, or guarantee the bonds, to an amount not exceeding two hundred thousand dollars, of any railroad company which has been, or may hereafter be, chartered for the purpose of extending the Connecticut River line through the states of Vermont and New Hampshire: *provided*, that three-quarters in

C. R. Co. may take stock or guarantee bonds of company chartered to extend line through Vt. & N. H.

Provisos.

interest of the stockholders of said Connecticut River Railroad Company, present and voting at meetings duly called for that purpose shall elect so to do; and *provided, further*, that in case the Connecticut River Railroad Company and the Vermont and Massachusetts Railroad Company agree concerning a permanent lease of, or a permanent right of way on, that part of the Vermont and Massachusetts Railroad lying in the state of Vermont, no part of the avails or proceeds of such subscription or guarantee shall be expended in the construction or equipment of any part of any railroad in the states of Vermont or New Hampshire south of the town of Brattleborough in the state of Vermont.

C. R. Co. may increase capital stock.

SECTION 3. The Connecticut River Railroad Company is hereby authorized to increase its capital stock to an amount not exceeding three hundred thousand dollars, to be divided into shares of one hundred dollars each.

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

Approved May 31, 1867.

Chap. 298 AN ACT RELATING TO THE LEASING OF RAILROADS, AND CONTRACTS CONCERNING THE OPERATING OF THE SAME.

Be it enacted, &c., as follows:

G. S. 63 § 115, not to authorize without special law.

SECTION 1. Nothing contained in the one hundred and fifteenth section of the sixty-third chapter of the General Statutes shall be construed to authorize any railroad corporation to contract with any person or persons, or other corporations, for the operation and management of its road, or to contract to assume the management and operation of any other railroad, or to lease its own road, or take a lease of any other railroad without special authority so to do from the legislature: *provided*, that any such contract which has expired within three months, or shall expire within six months from the passage of this act, may be renewed for a term not exceeding one year.

Proviso.

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

Approved May 31, 1867.

Chap. 299 AN ACT IN RELATION TO THE COLLECTION OF TAXES UPON CORPORATIONS.

Be it enacted, &c., as follows:

Corporations, certain, not acting, and waiting dissolution or reduction of capital, without funds or assets to pay state tax, may be relieved on paying ten per cent.

SECTION 1. When it is made to appear to the satisfaction of the tax commissioner that any corporation assessed under section eight of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five is doing no business and has taken actual measures in good faith to procure a legal dissolution of the corporation, or reduction of its capital stock, upon a sworn statement by the treasurer or

other officer of said corporation setting forth the facts and that there is no money in the treasury of said corporation, and if it is made to appear to the satisfaction of said commissioner that there is not sufficient property and assets belonging to any corporation so assessed to satisfy the claim of the Commonwealth for taxes assessed as aforesaid with the costs of collection, said commissioner may in his discretion accept for the Commonwealth a sum in satisfaction and composition of all such assessments due and the interest thereon not less than ten per cent. of the amount of said assessments due from said corporation; and upon said commissioner certifying to the treasurer of the Commonwealth the facts of said composition and the amount to be paid thereunder and upon payment thereof by said corporation, its officers and stockholders shall be absolved and freed from any and all liability to the Commonwealth for the amount of the assessments included in such composition.

Tax commissioner may so certify treasurer, and company paying sum shall be relieved.

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

Approved May 31, 1867.

AN ACT MAKING AN APPROPRIATION IN RELATION TO THE STATE PRISON.

Chap. 300

Be it enacted, &c., as follows:

SECTION 1. There is hereby appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, under the provisions of chapter eight of the resolves of the present year, a sum not exceeding fifty thousand dollars, for the extension, improvement and repair of buildings at the state prison.

Under Res. 1867, \$50,000 for improvements and repairs.

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

Approved May 31, 1867.

AN ACT RELATING TO CONDITIONAL PARDONS.

Chap. 301

Be it enacted, &c., as follows:

SECTION 1. When a convict sentenced to confinement in the state prison, or any jail or house of correction, is pardoned, or his punishment remitted by the governor with the advice of the council, on conditions to be by the convict observed and performed, and it comes to the knowledge of the warden of the state prison, or keeper of the jail or house of correction, where the convict was confined, that he is abroad in violation of the conditions of his pardon or remission of punishment, such warden or keeper shall forthwith cause him to be arrested and detained, until the case can be examined by the governor and council; and the officer so arresting him, shall forthwith give notice in writing to the

If violated, warden or keeper to arrest and detain convict.

Shall notify governor and council.

governor and council that such convict is arrested and detained.

Executive shall hear case and may remand convict to service of sentence.

SECTION 2. The governor and council shall, upon receiving such notice, examine the case of such convict, and if it shall appear by his own admission or by evidence that the convict has violated the conditions of his pardon or remission of punishment, the governor with the advice of the council shall order the convict to be remanded and confined for the unexpired term of his sentence. In computing the period of his confinement, the time between the conditional pardon and subsequent arrest, shall be taken to be part of the term of sentence. If it appears to the governor and council, that the convict has not broken the conditions of his conditional pardon or remission he shall be discharged.

Period of confinement how computed.

Discharge of convict.

G. S. 177, §§ 13, 14, 15, 16 repealed.

SECTION 3. Sections thirteen, fourteen, fifteen and sixteen of chapter one hundred and seventy-seven of the General Statutes are hereby repealed.

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

Approved May 31, 1867.

Chap. 302

AN ACT TO AMEND SECTION THIRTY-FOUR OF CHAPTER NINETY OF THE GENERAL STATUTES IN RELATION TO THE ACQUIRING OF EASEMENTS.

Be it enacted, &c., as follows:

Owner apprehending acquirement of way over land by non-owner, may give notice to prevent.

SECTION 1. Section thirty-four of chapter ninety of the General Statutes, is hereby so amended, that when any person shall apprehend that a right or privilege of way or other easement, by custom, use or otherwise, may be acquired by any person or class of persons, in or over the land of such person, such person may give public notice of his intention to dispute the right of way or other easement in or over the land and to prevent any person from acquiring such right or easement therein, by causing to be posted in some conspicuous place upon the premises a copy of such notice, and such notice so posted for six successive days, shall be deemed to be an interruption of such right and shall prevent the acquiring of any right or easement by use for any length of time thereafter. The original notice with a certificate by some officer qualified to serve civil process, of the fact that such copy has been posted by him on six successive days, upon the place specified therein, shall, within three months thereafter, be recorded in the registry of deeds in the county or district where the land lies, and shall be conclusive evidence of the posting of such notice, as herein provided.

Posting notice for six days to bar right by use.

Shall be recorded in registry of deeds.

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

Approved June 1, 1867.

AN ACT TO PROVIDE FOR INQUESTS IN CASES OF FIRE.

Chap. 303

Be it enacted, &c., as follows:

SECTION 1. When property is destroyed by fire, and a complaint, within thirty days thereafter, is subscribed and sworn to by any person before any police court, or any municipal court, or any trial justice, alleging that reasonable grounds exist for believing that the fire was caused by design, and a majority of the mayor and aldermen or selectmen of the city or town respectively in which said property is situated certify in writing, that in their opinion the same is a proper case for investigation, such court or justice shall forthwith issue a warrant to a constable of the place where the property was destroyed requiring him forthwith to summon six good and lawful men of the county to appear before the court, or justice, at a time and place expressed in the warrant, to inquire when and by what means the fire originated; which warrant shall be served and returned in the manner prescribed in section three of chapter one hundred and seventy-five of the General Statutes; and the constables and jurors shall be subject to the penalties therein specified for similar neglects. If any person so summoned does not appear, the constable shall by order of the justice or court, return some person from the by-standers to complete the number.

Upon complaint entered in court, and certificate of mayor and aldermen or selectmen, justice shall summon jury.

Warrant, how served.

SECTION 2. The justice or court shall in view of the spot on which the property was destroyed administer to the persons thus summoned or returned the following oath: "You solemnly swear, that you will diligently inquire and true presentment make, on behalf of this Commonwealth, when and by what means the fire which has here occurred was caused, and that you will return a true inquest according to your knowledge and such evidence as shall be laid before you. So help you, God."

Oath of jurors.

SECTION 3. The justice or court may issue subpoenas for witnesses returnable forthwith at a time and place therein set forth. Their attendance may be enforced in like manner as if they had been subpoenaed in behalf of the Commonwealth.

Witnesses, subpoenas for and attendance of.

SECTION 4. An oath to the following effect shall be administered to such witnesses: "You solemnly swear, that the evidence which you shall give to the inquest, concerning the origin of the fire of which inquiry is now to be made, shall be the truth, the whole truth, and nothing but the truth. So help you, God."

Oath of witnesses.

Testimony, how taken.

SECTION 5. The testimony shall be reduced to writing by the presiding justice, or some person by his direction, and subscribed by the witnesses.

Inquisition of jury, how made and filed.

SECTION 6. The jury after hearing the testimony and making all needful inquiry, shall draw up and deliver to the justice or court their inquisition under their hands, in which they shall find and certify when and by what means the fire was caused; and said inquisition and testimony thus subscribed shall within one week thereafter, be filed by the magistrate with the clerk of the courts for the county, or in the county of Suffolk with the clerk of the municipal court.

Fees and expenses.

SECTION 7. The fees of the magistrate and the expenses of the inquisition, shall be the same and be returned, audited, certified and paid in like manner as is provided for coroners' inquests.

SECTION 8. This act shall take effect upon its passage.

Approved June 1, 1867.

Chap. 304 AN ACT TO AUTHORIZE THE TREASURER AND RECEIVER-GENERAL TO ISSUE CURRENCY BONDS.

Be it enacted, &c., as follows:

Troy and Greenfield Railroad and Hoosac Tunnel, scrip for under ch. 226, 1854, may be issued as registered or coupon 5-20 bonds.

SECTION 1. So much of the scrip of the Commonwealth, which may hereafter be issued under and by virtue of the provisions of chapter two hundred and twenty-six of the acts of the year eighteen hundred and fifty-four, and subsequent acts, having relation to the Troy and Greenfield Railroad and Hoosac Tunnel, as the governor and council shall direct, may be issued either as registered or coupon bonds for a term not less than five years nor more than twenty years, and shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually on the first day of April and October in each year, the principal and interest payable in the lawful money of the United States: *provided, however,* that such scrip issued for a longer term than five years shall be redeemable at any time after the expiration of five years at the option of the Commonwealth.

Interest.

Redemption of issue for over five years.

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

Approved June 1, 1867.

Chap. 305 AN ACT CONCERNING THE SALARIES OF CERTAIN OFFICERS.

Be it enacted, &c., as follows:

Clerks of legislature and serjeant-at-arms.

SECTION 1. The clerks of the senate and of the house of representatives and the serjeant-at-arms shall receive an annual salary of twenty-five hundred dollars each, payable as now provided by law, and from the first day of January last.

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

Approved June 1, 1867.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO TAKE AND HOLD LAND FOR A COURT HOUSE FOR THE COUNTY OF SUFFOLK.

Chap. 306

Be it enacted, &c., as follows :

SECTION 1. The board of aldermen of the city of Boston acting as county commissioners for the county of Suffolk, are hereby authorized and empowered to take and hold by purchase or otherwise, so much land as they may deem necessary, for the purpose of erecting thereon a court house by the city of Boston, for the use of the county of Suffolk, and for a court house yard for the same.

Aldermen, as county commissioners of Suffolk, may take.

SECTION 2. The board of aldermen shall, within sixty days from the time when they shall take any parcel or parcels of land under this act, file in the office of the register of deeds for said county, and cause to be recorded, a description of the land so taken, as certain as is required in a common conveyance of land, with a statement of the purpose for which it is taken ; which description and statement shall be signed by the mayor of the city ; and the city of Boston shall be liable to pay all damages, that shall be sustained by any person or persons by reason of the taking of such land as aforesaid ; such damages to be ascertained and determined in the manner provided for ascertaining and determining damages in case of the laying out, altering or discontinuing of ways within the city of Boston ; but the provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty-six, shall not be applicable to any proceedings under this act.

Shall file description and statement in registry of deeds.

Mayor to sign. Liability of city for damages.

Act 1866 ch. 174, not to apply.

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

Approved June 1, 1867.

AN ACT FIXING THE TIMES OF HOLDING PROBATE COURTS IN THE COUNTY OF BARNSTABLE.

Chap. 307

Be it enacted, &c., as follows :

SECTION 1. Probate courts shall be held in each year in the county of Barnstable, as follows : at Barnstable on the second Tuesdays of January, February, March, August and September, and on the third Tuesdays of April, June and September ; at Harwich on the second Monday after the first Tuesday of May and on the second Monday of October ; at Wellfleet on the third Tuesday after the second Monday of October ; at Provincetown on Wednesday next after the third Tuesday of May and on Wednesday next after the second Monday of October ; and at Falmouth on the third Tuesday in November, instead of the times now provided by law.

Barnstable.

Harwich.

Wellfleet.

Provincetown.

Falmouth.

SECTION 2. This act shall take effect on the first day of July next.

Approved June 1, 1867.

Chap. 308 AN ACT TO ENABLE THE CITY OF BOSTON TO ABATE A NUISANCE EXISTING THEREIN, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

Be it enacted, &c., as follows:

City may take lands and property.

Bounds defined.

Shall file description and statement in registry of deeds.

Mayor to sign.

Title to vest in city.
Damage, how may be paid.

City shall raise grade of territory.

Person entitled in land taken may file bill in equity in S. J. Court for damages against city, Water Power Co. or other party.

SECTION 1. The city of Boston may purchase or otherwise take the lands or any of them in said city, with the buildings and other fixtures thereon, situated and lying within the district bounded on the north-west by the north-westerly line of Columbus Avenue, extended to Church Street; on the north by the line of the southerly side of the passenger station of the Boston and Providence Railroad Corporation, and the same extended to the westerly line of Church Street; on the east by Pleasant Street; on the south-east and south by Tremont Street and the Boston and Worcester Railroad; and on the west by Ferdinand Street. Said city shall, within sixty days from the time they shall take any of said lands, file in the office of the registry of deeds for the county of Suffolk, a description of the lands so taken, as certain as is required in a common conveyance of lands; and a statement that the same are taken pursuant to the provisions of this act; which said description and statement shall be signed by the mayor of said city; and the title to all land so taken shall vest in the city of Boston, and if any party whose land is taken shall agree with the said city upon the damage done to him by the said taking, the same shall be paid to him by the said city forthwith. And it shall be the duty of the city of Boston, forthwith to raise the grade of said territory so taken or purchased, laying out and filling up the same with good materials, with reference to a complete drainage thereof, so as to abate the present nuisance and to preserve the health of the city, and in no wise to affect injuriously the lands of the Commonwealth or its grantees in the back bay, or the system of drainage therein.

SECTION 2. Any person entitled to any estate in any part of the land so taken, may at any time within one year from the time when the same shall be taken, as well in his own behalf, as in behalf of all other persons having estates in the land so taken, file a bill in equity in the supreme judicial court, in the county of Suffolk, setting forth the taking of the complainant's land, and the condition of the same in respect to its capacity for drainage, and whether the complainant claims any and what damages against the city of Boston, or the Boston Water Power Company, or any other corporation or person, by reason of any and what wrongful act or omission by their causing a diminution in the value of his land at the time of said taking, and praying an assess-

ment of damages against such parties. And upon the filing of such a bill, the said court shall cause notice of the pendency of said bill to be given to the parties named therein as defendants, according to the course of courts of equity, and also public notice thereof, to all persons in whose behalf such bill shall be filed, to appear and become parties thereto, if they shall think fit to do so. Said court shall prescribe how such public notice shall be given, and what length of time shall be allowed for appearing and becoming a party to such suit. Any party failing so to appear and become a party within the time prescribed by the court, shall be forever barred from recovering any damages on account of such taking. Each person so appearing and becoming a party, shall file a written description of the land in which he claims an estate, together with a plan thereof, so as clearly to distinguish the same from all other lands, and shall also declare what estate he claims therein. If he claims that the value of said lands at time of taking the same was lessened by any unlawful act or omission of the city of Boston, or the Boston Water Power Company or any other corporation or person, so that the value of the land in its condition when taken, would not be a just compensation for all the estate and rights of the party in and in reference to the same, such party shall also state what such injury is, and how and by whom the same had been, or is, caused, and what right or title of the party is violated, and what amount of damages in gross, is claimed by him, as compensation therefor, from each of the parties defendant.

Court shall cause notice to defendants and public notice to others in interest.

Shall determine notice and time for appearing.

Party failing to appear shall be barred.

Person appearing, to file description and plan.

Claims for injury by taking; statement required.

SECTION 3. Upon the expiration of the time allowed for appearance to the said bill, the said court shall appoint three commissioners, who shall receive such compensation as the said court shall fix, to be paid by the city of Boston.

Court shall appoint commissioners: city shall pay.

SECTION 4. It shall be the duty of the said commissioners, after due notice, to hear each of the said parties, including the said city of Boston, and the said Water Power Company, and other parties named as defendants, and to assess the present value of each parcel of the said land claimed by any party so appearing, with its capacity for drainage in its present condition; and the amount in gross, if any, of damages done to such parcel of land by reason of any unlawful act or omission of the city of Boston, or the Water Power Company, or any other party defendant, affecting its value at the time of said taking.

Duties of commissioners.

SECTION 5. Said commissioners, or the major part of them, shall make report to the said court of their doings, and, upon re-

Shall report doings to court, and, upon re-

quest, evidence for party.

and when requested by any party, of the evidence touching any exception intended to be taken by him.

Party aggrieved, how may proceed.

SECTION 6. Any party aggrieved may either except to the report of the said commissioners, and have the exception heard and determined by the said court, according to its course as a court of equity, or may apply to the said court to have proper issues framed and tried by a jury, and proceeded in as in other cases of issues ordered by the said court. And on the trial of any such issue, the report of the commissioners respecting its subject-matter shall be *prima facie* evidence of what is therein stated.

Decree and execution to be given free of other pending claims.

SECTION 7. When it shall be finally determined what amount of damages any party is entitled to recover against the city of Boston or the Boston Water Power Company, or any other party defendant, a separate decree shall be entered accordingly, and execution therefor shall be issued, without regard to the pendency of the claims of any other party or parties, or of other claims of such complainant.

Costs, if party elect jury.

SECTION 8. If any party shall elect a jury, he shall recover his legal costs, if the award of the commissioners shall be altered in his favor; otherwise he shall be liable for the legal costs of the other party or parties.

Act not to exempt city from liabilities otherwise.

SECTION 9. Nothing in this act shall be construed as exempting the city of Boston from any obligation it would otherwise be under, to make compensation to the owners of lands abutting on or near to the territory described in the first section of this act, for any injury it may do to such lands in any acts of raising, filling or draining said territory or any part thereof.

Claim of party against state to be in nature of petition of right.

SECTION 10. If any party shall allege that the value of his land at the time of the said taking had been diminished by any act or omission of the Commonwealth or its agents or officers for which diminution the Commonwealth ought to make him compensation, he shall make the allegations relating thereto in a separate article of the bill, in the nature of a petition of right against the Commonwealth, and the court shall cause notice thereof to be served upon the attorney-general. And the attorney-general shall appear and may make a separate answer thereto; and the commissioners appointed by the court to assess damages under this act, are hereby empowered to make a separate report of the damages, if any, caused to any party by any act or omission, for which the Commonwealth is responsible, and shall, at the request of the attorney-general, report the evidence, together with the grounds of their opinion why the Commonwealth ought to pay the same. And it shall be the duty of the supreme judicial court to instruct the said commissioners on

Attorney-general to appear. Commissioners appointed by court to report.

any matter of law involved in their decision, at the request of any party or of the commissioners, and the proceedings shall be conformed as nearly as possible to those in suits in equity. And the final report of the commissioners on the subject of the claims upon the Commonwealth, shall be filed in court in the cause, and a duplicate thereof transmitted to his excellency the governor. And if in the opinion of the court, it is reasonable that the Commonwealth bear any part of the costs or expenses, the same shall be certified with the said report.

S. J. Court to instruct commissioners in law, on request.

Report to be filed in court and with the governor.

Court may certify costs.

SECTION 11. Said court may make all orders and decrees necessary to carry into full effect the intent of this act, and may at its discretion, at any stage of the proceedings, order a party to give security for the payment of damages or costs.

Court may make orders and decrees to enforce act.

SECTION 12. All legal costs which shall accrue in proceedings under this act, not otherwise provided for, shall be paid as the said court shall order.

Costs accruing, how paid.

SECTION 13. This act shall take effect upon its passage.

Approved June 1, 1867.

AN ACT IN ADDITION TO AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-SIX, CONCERNING THE MILITIA.

Chap. 309

Be it enacted, &c., as follows :

In addition to the brigade staff officers now authorized by law, there shall be one engineer of brigade with the rank of captain, to be appointed and commissioned in manner now provided for other brigade staff officers.

Engineer of Brigade to be appointed.

Approved June 1, 1867.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 310

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the 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 :

Appropriations authorized.

In the resolve, chapter one, in favor of Increase N. Emerton, the sum of fifty-two dollars.

I. N. Emerton.

In the resolve, chapter two, in favor of the treasurer of the Herring Pond Plantation, a sum not exceeding five hundred dollars, payable upon properly approved vouchers filed with the auditor.

Treasurer Herring Pond Plantation.

In the resolve, chapter three, in favor of the guardian of the Punkapog Indians, for the benefit of certain members of said tribe, the sum of five hundred and four dollars.

Guardian Punkapog Indians.

- Treasurer Marsh-
pee District. In the resolve, chapter nine, in favor of the treasurer of the district of Marshpee, the sum of seventy-five dollars, payable from the income of the Massachusetts school fund.
- J. Mayhew. In the resolve, chapter ten, in favor of John Mayhew, the sum of one hundred and forty-nine dollars, payable from the income of the Massachusetts school fund.
- B. C. Marchant. In the resolve, chapter eleven, in favor of Barnard C. Marchant, a sum not exceeding two hundred dollars; and also the sum of one hundred and four dollars, the latter payable from the income of the Massachusetts school fund.
- City of New Bed-
ford. In the resolve, chapter twelve, in favor of the city of New Bedford, the sum of one hundred and forty-four dollars and sixty-seven cents.
- Alonzo Bond. In the resolve, chapter thirteen, in favor of Alonzo Bond, the sum of two hundred and thirty dollars.
- Philip Doherty. In the resolve, chapter fourteen, in favor of Philip Doherty, the sum of fifty dollars.
- G. W. Copeland. In the resolve, chapter fifteen, in favor of George W. Copeland, the sum of one hundred and nine dollars and fifty cents.
- H. H. Childs. In the resolve, chapter sixteen, in favor of H. H. Childs, the sum of fifty dollars.
- P. Freeman. In the resolve, chapter seventeen, in favor of Priscilla Freeman, the sum of two hundred and fifty-five dollars.
- Supplement to
Gen. Statutes. In the resolve, chapter eighteen, relating to the Supplement to the General Statutes, a sum not exceeding three thousand two hundred dollars, viz.: for the purchase of the existing stereotype plates, the same to be in full payment of all expenses, heretofore accrued in the publication of said Supplement, two thousand five hundred dollars; for the publication of the Supplement for the present year, five hundred dollars; and for editing the same, two hundred dollars: and no part of this expenditure shall be made, except upon proper vouchers filed with the auditor.
- Perkins Institu-
tion for Blind. In the resolve, chapter nineteen, in favor of the Perkins institution and Massachusetts asylum for the blind, the sum of four thousand dollars.
- State library. In the resolve, chapter twenty-two, in aid of the state library, a sum not exceeding two hundred dollars.
- S. C. Howland. In the resolve, chapter twenty-three, in favor of Solomon C. Howland, a sum not exceeding seven hundred and fifty dollars, payable on vouchers properly approved and filed with the auditor.
- Boston and Wor-
cester Railroad. In the resolve, chapter twenty-four, in favor of the Boston and Worcester railroad corporation, the sum of three hundred and eighty-one dollars and sixty cents.

- In the resolve, chapter twenty-six, in favor of the Wash-
ingtonian home, the sum of six thousand dollars. Washingtonian Home.
- In the resolve, chapter twenty-eight, in favor of Eunice H. McCollum, the sum of one hundred dollars. E. H. McCollum.
- In the resolve, chapter twenty-nine, in favor of the Massa-
chusetts charitable eye and ear infirmary, the sum of five
thousand dollars. Eye and Ear In-
firmary.
- In the resolve, chapter thirty, in favor of the temporary
asylum for discharged female prisoners, the sum of two
thousand five hundred dollars. Asylum for dis-
charged female
prisoners.
- In the resolve, chapter thirty-one, in favor of the Massachu-
setts school for idiotic and feeble-minded youth, the sum of
six thousand dollars, in addition to the amount heretofore
appropriated for the current expenses of said institution ;
and for the erection and fitting up of an infirmary in con-
nection therewith, a sum not exceeding seven thousand dol-
lars, payable upon properly approved vouchers filed with the
auditor. School for idiotic
youth.
Infirmary for
same.
- In the resolve, chapter thirty-three, in favor of the Spring-
field home for friendless women and children, the sum of
two thousand dollars. Springfield
Home.
- In the resolve chapter thirty-four, in favor of George P. G. P. Cross.
Cross, the sum of one hundred dollars.
- In the resolve, chapter forty, for improvements near the
state arsenal, a sum not exceeding three hundred dollars. Arsenal im-
provements.
- In the resolve, chapter forty-two, in favor of James R. J. R. Pettengill.
Pettengill, the sum of seventy-five dollars.
- In the resolve, chapter forty-three, in favor of members of
company A, fourth regiment of infantry, Massachusetts vol-
unteer militia, the sum of one hundred and ninety-eight dol-
lars. Co. A, fourth
regiment inf.
- In the resolve, chapter forty-five, in favor of the state alms-
house at Monson, a sum not exceeding four thousand five
hundred dollars. Almshouse, Mon-
son.
- In the resolve, chapter forty-six, in favor of the state alms-
house at Tewksbury, a sum not exceeding two thousand six
hundred dollars, payable upon properly approved vouchers
filed with the auditor. Tewksbury.
- In the resolve, chapter forty-seven, in favor of the state
lunatic hospital at Northampton, a sum not exceeding three
thousand dollars. Lunatic hospital
Northampton.
- In the resolve, chapter forty-nine, in favor of Winifred W. Gahegan.
Gahegan, the sum of seventy-two dollars.
- In the resolve, chapter fifty-one, in favor of the state alms-
house at Bridgewater, a sum not exceeding fifteen thousand
dollars. Almshouse,
Bridgewater.

- N. E. Female Moral Reform Society. In the resolve, chapter fifty-two, in favor of the New England female moral reform society, the sum of six hundred dollars.
- Boston Station Home. In the resolve, chapter fifty-three, in favor of the Boston station home, the sum of one thousand dollars.
- S. D. Butler. In the resolve, chapter fifty-five, in favor of S. D. Butler and Cheney Hamilton, the sum of one hundred and seven dollars and fifty cents.
- C. Hamilton.
- Robert Cowdin. In the resolve, chapter fifty-six, in favor of Robert Cowdin, the sum of fifty-four dollars and forty-two cents.
- S. F. K. Francis. In the resolve, chapter fifty-seven, in favor of Sarah F. K. Francis, the sum of one hundred and twenty-eight dollars.
- Robert Maybey. In the resolve, chapter fifty-eight, in favor of Robert Maybey, the sum of forty dollars.
- H. A. Davis. In the resolve, chapter sixty-one, in favor of Henry A. Davis, the sum of two hundred dollars.
- Museum Comparative Zoölogy. In the resolve, chapter sixty-two, in favor of the museum of comparative zoölogy, the sum of ten thousand dollars.
- Discharged Soldiers' Home. In the resolve, chapter sixty-three, in favor of the discharged soldiers' home, the sum of ten thousand dollars.
- H. L. Whitcomb. In the resolve, chapter sixty-four, in favor of Harriet L. Whitcomb, the sum of one hundred and twenty-eight dollars.
- State arsenal. In the resolve, chapter sixty-seven, concerning the state arsenal at Cambridge, a sum not exceeding five hundred dollars.
- Lunatic hospital, Worcester. In the resolve, chapter sixty-eight, in favor of the state lunatic hospital at Worcester, a sum not exceeding fifteen thousand dollars.
- Katie Palmer. In the resolve, chapter sixty-nine, in favor of Katie Palmer, a sum not exceeding one hundred and twenty-eight dollars.
- Agricultural report, printing. Res. 1856, 74. For printing the report of the board of agriculture for the present year, a sum not exceeding one thousand three hundred and eleven dollars and twenty-nine cents, in addition to the amount heretofore appropriated.
- H. Haupt & Co., claims. For expenses incurred under the provisions of chapter ninety-six of the resolves of the year one thousand eight hundred and sixty-six, relating to the claims of Herman Haupt and Company, a sum not exceeding seven hundred and fifty dollars.
- Moneys refunded. Acts 1867, 42. For the payment of moneys to be refunded from the treasury of the Commonwealth under the provisions of chapter forty-two of the acts of the present year, a sum not exceeding fifty-four thousand nine hundred and sixty-six dollars and thirteen cents.
- War loan sinking fund. Acts 1865, 122. For the war loan sinking fund established under the provisions of chapter one hundred and twenty-two of the acts

of the year one thousand eight hundred and sixty-five, a sum not exceeding one hundred and five thousand six hundred and fifty dollars.

For expenses of the state reform school for boys, for the year one thousand eight hundred and sixty-six, a sum not exceeding one thousand and twenty-three dollars and forty-three cents, in addition to the amount heretofore appropriated.

Reform school.
G. S. 76.

For printing blanks for returns from cities and towns, of aid rendered to volunteers and their families, a sum not exceeding five hundred dollars; and for expenses attending the examination of disbursements of aid by cities and towns, a sum not exceeding three thousand dollars.

Printing blanks,
aid to volunteers.
Acts 1866, '67.
172, 136.

Of the bounty fund established by chapter three hundred and thirteen of the acts of the year one thousand eight hundred and sixty-four, there is hereby re-appropriated a sum not exceeding fifty thousand dollars for the payment of bounties remaining due to Massachusetts soldiers, under the provisions of chapters ninety-one and two hundred and fifty-four of the acts of the year one thousand eight hundred and sixty-three.

Bounties due, re-
appropriation.
Acts 1863, 91,
254.

Of the union fund established under the provisions of chapters two hundred and sixteen of the acts of the year one thousand eight hundred and sixty-one, and one hundred and forty-seven of the acts of the year one thousand eight hundred and sixty-two, for the payment of expenses on account of the war, there is hereby re-appropriated a sum not exceeding three thousand dollars.

Expenses of war,
re-appropriation.
Acts 1861, 216,
and 1862, 147.

Of the coast defence loan authorized under the provisions of chapter one hundred and eighteen of the acts of the year one thousand eight hundred and sixty-three, for the payment of expenses connected with the coast defences of Massachusetts, there is hereby re-appropriated a sum not exceeding three thousand dollars.

Coast defences,
re-appropriation.

For armory rents for the present year, a sum not exceeding three thousand three hundred dollars, in addition to the amount heretofore appropriated.

Armory rents.
Acts 1867, 266.

The unexpended balance of the appropriation for militia bounty in the year one thousand eight hundred and sixty-six, is hereby made applicable to the payment of compensation for monthly drills in the present year, in accordance with the provisions of chapter two hundred and nineteen of the acts of the year one thousand eight hundred and sixty-six.

Monthly drills of
militia. Acts
1866, 219.

For clerical assistance in the preparation of the census statistics of the year eighteen hundred and sixty-five, under

Census, clerks.
Res. 1865, 58.

- the direction of the secretary of the Commonwealth, a sum not exceeding one thousand five hundred dollars, in addition to the amount heretofore appropriated.
- Auditor, clerks.** For such additional clerical assistance as the auditor of
Acts 1867, 167. accounts may find necessary, a sum not exceeding one thousand three hundred dollars, in addition to the amount heretofore appropriated.
- Fees of witnesses.** For fees of witnesses summoned before committees of the
G. S. 15, Acts legislature, a sum not exceeding eight hundred dollars, in
1860, 41. addition to the amount heretofore appropriated.
- Justices superior court salaries.** For the salaries of the justices of the superior court, a sum
Acts 1867, 165. not exceeding five thousand five hundred dollars, in addition to the amount heretofore appropriated.
- Certain officers at state house.** In the act, chapter one hundred and sixty-seven, of the
present year, establishing the salaries of certain officers in the departments at the state house, a sum not exceeding seventeen thousand six hundred and fifty dollars, in addition to the appropriations heretofore made.
- State lunatic paupers.** For the support and relief of state lunatic paupers in state
Res. hospitals, a sum not exceeding twelve thousand dollars, in
1867, 38. addition to the amount heretofore appropriated.
- Burial state paupers.** For the burial of state paupers, a sum not exceeding three
Acts 1867, thousand dollars, in addition to the amount heretofore appropriated.
97.
- State police.** For the compensation and expenses of the state police, a
Acts 1865-67, sum not exceeding forty thousand dollars, viz.: for compensation, twenty-six thousand dollars; for travelling expenses, eleven thousand dollars; and for clerical assistance and contingent expenses, two thousand five hundred dollars; these sums to be in addition to the amounts heretofore appropriated.
- Agricultural college.** The interest on the agricultural college fund is hereby
appropriated to be paid to the treasurer of the Massachusetts agricultural college, in accordance with the provisions of chapter one hundred and eighty-nine of the acts of the present year.
- Militia bounty.** For militia bounty for the present year, a sum not exceeding
1867. Acts 1867, four thousand five hundred dollars, in addition to the
265. amount heretofore appropriated.
- State prison.** For the enlargement of workshops at the state prison, a
Res. 70. sum not exceeding two thousand six hundred and sixty-three dollars and fifty-four cents, in addition to the amount heretofore appropriated.
- The following sums shall be allowed and paid :
- Gettysburg soldiers' cemetery.** For expenses of the state commissioner on the soldiers' national cemetery at Gettysburg, a sum not exceeding fifty dollars.

For clerical and professional assistance to legislative committees, the same to include service rendered by any clerk in the employ of the state, without interference with his regular duties, a sum not exceeding five hundred dollars.

Assistance to committees of legislature.

For expenses of repair and adjustment of the weights, measures and balances of the state, a sum not exceeding fifty dollars.

Weights and measures, repairs, etc.

For expenses of ascertaining and defining the boundary line between Massachusetts and the state of Rhode Island, from Burnt Swamp Corner in the town of Wrentham to the easterly line of the state of Connecticut, a sum not exceeding two hundred dollars, subject to the direction and approval of the governor.

Rhode Island boundary, expenses of defining.

For the printing and engraving of state scrip, a sum not exceeding two thousand dollars, in addition to the amount heretofore appropriated.

Printing state scrip.

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

Approved June 1, 1867.

AN ACT CONCERNING THE EDUCATION OF DEAF-MUTES.

Be it enacted, &c., as follows:

Chap. 311

SECTION 1. The governor, with the approval of the board of education, is hereby authorized to send such deaf-mutes or deaf children between five and ten years of age, as he may deem fit subjects for instruction at the expense of the Commonwealth, to the Clarke Institution for Deaf-Mutes at Northampton, or to such schools or classes as now are or may hereafter be established for the education of deaf-mutes in this Commonwealth.

Governor may send to Clarke institution or other school in state, pupils of five to ten years.

SECTION 2. The governor is hereby authorized to draw his warrant for such sums as may be necessary to provide for the instruction and support of the pupils named in the preceding section, not exceeding for each pupil, the amount which is now or may hereafter be paid by the Commonwealth, for the education and support of deaf-mutes at the American Asylum at Hartford.

May draw warrant for instruction and support.

SECTION 3. The education of all deaf-mutes who are now receiving or may hereafter receive instruction at the expense of the Commonwealth, shall be subject to the direction and supervision of the board of education; and said board shall set forth in their annual report the number of pupils so instructed, the cost of their instruction and support, the way in which the money appropriated by the Commonwealth has been expended, and such other information as said board may deem important to be laid before the legislature.

Board of education shall supervise instruction and report upon annually.

Governor may extend present term of pupils to ten years.

SECTION 4. The governor is hereby authorized to extend to ten years, the term of instruction now granted to deaf-mutes educated at the expense of the Commonwealth.

Additional appropriation.

SECTION 5. The sum of three thousand dollars is hereby appropriated for the education of deaf-mutes in addition to the amount heretofore appropriated, to be paid from the treasury of the Commonwealth.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith, are hereby repealed.

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

Approved June 1, 1867.

Chap. 312 AN ACT FIXING THE SALARIES OF CERTAIN OFFICERS OF THE STATE PRISON.

Be it enacted, &c., as follows :

Warden and deputy, clerk, chaplain, turnkeys and watchmen.

SECTION 1. The officers of the prison hereinafter named shall receive the following annual salaries, viz. : the warden twenty-seven hundred dollars ; the deputy-warden seventeen hundred dollars ; the clerk fifteen hundred dollars ; the chaplain twelve hundred dollars ; each turnkey one thousand dollars ; each watchman nine hundred dollars ; and each assistant-watchman seven hundred dollars ; payable in monthly payments by the warden out of the treasury of the prison, and in full for all services. And no other perquisite, reward or emolument shall be allowed to or received by any of them, except that there shall be allowed to the warden and deputy-warden sufficient house room, with fuel and light, for themselves and families. Such salaries shall be paid from the first day of January last.

Perquisites.

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 June 1, 1867.

Chap. 313 AN ACT TO ESTABLISH CERTAIN HARBOR LINES IN THE HARBOR OF LYNN.

Be it enacted, &c., as follows :

Extension of wharves, etc., limited.

SECTION 1. No wharf, pier or other structure in the city of Lynn, shall ever hereafter be extended into and over the tide-waters of said harbor beyond the lines hereinafter described.

Harbor lines defined.

SECTION 2. The harbor line begins at a point in said Lynn harbor at the south-easterly corner of the northerly abutment wall of the Eastern Railroad bridge over Saugus river, and runs south-easterly on a straight line, nine hundred and sixty-four feet to a point south-westerly four hundred and sixty-six feet from monument A ; thence south-easterly and easterly on an arc of a circle of four hundred and sixty-six

feet radius, of which said monument A is the centre, for a distance of four hundred and thirty feet; thence easterly, on a straight line, one thousand one hundred and seventy-five feet, to a point two hundred and eighty-eight feet distant southerly from monument B; thence easterly and north-easterly, on an arc of a circle of two thousand and twenty-two feet radius, for a distance of one thousand two hundred and thirty-nine feet, to a point due east (variation of the compass ten degrees and thirty-eight minutes west,) of monument B, and one thousand one hundred and sixty-five feet distant therefrom; thence north-easterly, on a straight line, four thousand one hundred and fifty-three feet, to a point south-easterly three hundred and fifty feet from monument C; thence easterly and south-easterly, on an arc of a circle of one thousand one hundred and eighty-five feet radius, for a distance of two thousand four hundred feet, to a point due west of monument D, and eight hundred and twenty-eight feet therefrom; thence southerly, on an arc of a circle of eleven thousand three hundred and twenty-five feet radius, for a distance of four thousand two hundred and seventy-three feet to a point due west of monument E, and eighty feet therefrom. The above-mentioned monuments, marked, respectively, A, B, C, D, E, are granite posts, and have the letters H. L. inscribed thereon.

SECTION 3. Nothing contained in this act shall be construed to give authority to any person to extend or construct a wharf or pier, or other structure in said harbor. Construction of act defined.

SECTION 4. This act shall not be construed to affect or acknowledge the legal rights of any person or corporation to set up any structure in Lynn harbor, nor to continue any grant heretofore made, but shall be held to revoke any license to do any act therein which by law is revocable. Definition continued.

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

Approved June 1, 1867.

AN ACT CEDING TO THE UNITED STATES JURISDICTION OVER LONG ISLAND IN BOSTON HARBOR. Chap. 314

Be it enacted, &c., as follows:

SECTION 1. Jurisdiction is hereby granted and ceded to the United States over so much of Long Island in Boston harbor as will be described in the plan provided for in section three of this act, with the buildings thereon, purchased or to be purchased by the United States, for the protection and preservation of Boston harbor, and for purposes of national defence. Jurisdiction granted.

SECTION 2. The United States government is hereby authorized to occupy and fill such flats belonging to the U. S. may hold flats and build structures.

Commonwealth, and to place in or over tide-water such structures as may be necessary for the purposes for which the premises are to be used, and upon such terms and conditions as shall be prescribed by the harbor commissioners.

Plan to be filed with secretary of Commonwealth.

SECTION 3. . This act shall be void unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, be deposited in the office of the secretary of this Commonwealth, within one year from the passage of this act.

Commonwealth to retain concurrent jurisdiction for execution of processes.

SECTION 4. The Commonwealth shall retain concurrent jurisdiction with the United States in and over the premises aforesaid, so far as that all civil and criminal processes issuing under the authority of this Commonwealth may be executed on said premises and in any buildings erected, or to be erected, thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid ; and exclusive jurisdiction shall revert to and revest in the Commonwealth of Massachusetts, whenever the said premises shall cease to be used for the purposes herein before declared.

Exclusive jurisdiction, when to revert.

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

Approved June 1, 1867.

Chap. 315 AN ACT CEDING TO THE UNITED STATES JURISDICTION OVER PARTS OF GALLOP'S ISLAND AND POINT ALDERTON IN BOSTON HARBOR.

Be enacted, §c., as follows :

Jurisdiction granted.

SECTION 1. Jurisdiction is hereby granted and ceded to the United States over so much of Gallop's Island and of Point Alderton in Boston harbor as may be required for the construction and protection of the sea-walls to be erected for the security of Boston harbor.

U. S. may hold flats and build structures.

SECTION 2. The United States government is hereby authorized to occupy and fill such flats belonging to the Commonwealth, and to place in or over tide-water such structures as may be necessary for the purposes for which the premises over which jurisdiction is ceded in section one are to be used, and upon such terms and conditions as shall be prescribed by the harbor commissioners.

Plan to be filed with secretary of Commonwealth.

SECTION 3. This act shall be void unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, be deposited in the office of the secretary of this Commonwealth, within one year from the passage of this act.

Commonwealth to retain concurrent jurisdiction for execution of processes.

SECTION 4. The Commonwealth shall retain concurrent jurisdiction with the United States in and over the premises aforesaid, so far as that all civil and criminal processes issuing under the authority of this Commonwealth may be executed on said premises and in any buildings thereon, or

to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and exclusive jurisdiction shall revert to and revest in the Commonwealth of Massachusetts, when the said premises shall cease to be used for the sole purpose herein before declared.

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

Approved June 1, 1867.

AN ACT TO ESTABLISH THE POLICE COURT OF HAVERHILL.

Be it enacted, &c., as follows:

SECTION 1. A police court is hereby established in the town of Haverhill, under the name of the Police Court of Haverhill; and the towns of Haverhill, Bradford and Groveland shall constitute a judicial district under the jurisdiction of said court. Said court shall have the same jurisdiction, power and authority, shall perform the same duties and be subject to the same regulations as are provided in respect to existing police courts, except the police court of Worcester and the municipal court of Boston, by the one hundred and sixteenth chapter of the General Statutes, and by all general laws passed in amendment thereof, applicable to the several police courts of the Commonwealth; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the police court of Haverhill hereby established.

SECTION 2. Said court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified, pursuant to the constitution and laws of the Commonwealth.

SECTION 3. A clerk of said court shall be appointed and commissioned by the governor, who shall faithfully perform all services by law required of the clerks of like courts in this Commonwealth.

SECTION 4. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, or elsewhere for offences committed in said district; and all warrants so issued shall be made returnable before said court.

SECTION 5. A court shall be held by said standing justice in said town of Haverhill in some suitable place to be fur-

Exclusive jurisdiction, when to revert.

Chap. 316

Court established for district of Haverhill, Bradford and Groveland.

Jurisdiction and duties.

Provisions of law to apply, except.

Justices, appointment of.

Clerk.

Warrants, issue of. Fees for.

Returns.

Court to be held in Haverhill.

- nished by said town, twice each week, and as much oftener as is deemed necessary for criminal business; and once each week, and oftener if said justice shall see fit, for civil business. Said justice shall have power to make all proper rules for the conduct of the business of said court. In case of the sickness, interest, absence or other disability of the standing justice, one of said special justices shall hold said court.
- RULES.**
Special justice, when to hold court.
- SALARY OF STANDING JUSTICE.**
Special justices.
- CLERK.**
Pending causes within district.
- ACT, WHEN IN FORCE.**
- SECTION 6.** The standing justice of said court shall receive an annual salary of twelve hundred dollars, to be paid from the treasury of the Commonwealth. The compensation of the special justices shall be such as is provided by law in similar cases. The clerk of said court shall receive an annual salary of six hundred dollars, to be paid out of the treasury of the Commonwealth.
- SECTION 7.** All proceedings, duly commenced before any trial justice or justice of the peace for the county of Essex within said district, before this act shall take effect, shall be prosecuted and determined as if this act had not been passed.
- SECTION 8.** This act shall take effect, so far as the appointing, commissioning and qualifying the standing justice, special justices and clerk of said court are concerned, upon its passage; and it shall take full effect in thirty days from its passage.

Approved June 1, 1867.

Chap. 317

AN ACT CONCERNING FARES ON THE MIDDLESEX RAILROAD.

Be it enacted, &c., as follows:

- SECTION 1.** So much of the act entitled an act to incorporate the Middlesex Railroad Company, passed in the year eighteen hundred and fifty-four, as provides that the rate of compensation for transporting persons or property shall not exceed five cents for each passenger, is hereby repealed: *provided*, that the rates of fare upon said railroad shall never exceed five cents for each passenger, unless with the assent of the board of aldermen of the city of Charlestown; and *provided*, that this act shall not prohibit said company from receiving six cents fare for each passenger as now provided by the United States law which authorizes such companies to add one cent to their rates of fare, so long as said law remains in force; and *provided, further*, that the said board of aldermen may at any time revoke any assent given as aforesaid to increase the rate of fares on said railroad.

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

Approved June 1, 1867.

Limitation of fares to five cents repealed.

Provisos: aldermen of Charlestown to approve increase.

Company may receive six cents under U. S. law.

Aldermen may revoke assent given to increase.

AN ACT TO INCORPORATE THE NORTH ADAMS AND BENNINGTON RAILROAD COMPANY. Chap. 318

Be it enacted, &c., as follows :

SECTION 1. William W. Freeman, Edwin F. Jenks, Sylvander Johnson, their associates and successors, are hereby made a corporation by the name of the North Adams and Bennington Railroad Company ; with all the powers and privileges and subject to all the restrictions, duties and liabilities set forth in all general laws, which now are or hereafter may be in force, relating to such corporations. Corporators.
Privileges and restrictions.

SECTION 2. Said company may locate, construct and operate a railroad, commencing at some convenient point in the town of Adams, and thence running north-westerly to the line of the state of Vermont, there to connect and unite with a railroad chartered by the state of Vermont from the town of Bennington to the state line of Massachusetts. May locate and operate road from point in Adams to Vermont line.

SECTION 3. The capital stock of said company shall be fixed at an amount not less than three hundred thousand dollars, nor more than five hundred thousand dollars: said company may purchase and hold such real and personal estate as may be necessary for the purposes for which it is incorporated. Capital stock.
May purchase estate.

SECTION 4. This act shall be void unless the said railroad is located within two years and constructed within four years from the passage hereof. Limitations of time.

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

Approved June 1, 1867.

AN ACT TO AUTHORIZE THE MILFORD AND WOONSOCKET RAILROAD COMPANY TO LEASE ITS ROAD. Chap. 319

Be it enacted, &c., as follows :

SECTION 1. The Milford and Woonsocket Railroad Company is hereby authorized to lease its railroad to, or to unite itself with, the Boston, Hartford and Erie Railroad Company, upon such terms as may be agreed upon, and after the same shall have been approved and accepted by a majority of the stockholders of said corporations, respectively, at legal meetings thereof called for that purpose. May lease to or unite with Boston, Hartford and Erie Company.

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

Approved June 1, 1867.

AN ACT TO AUTHORIZE THE GRAND HOTEL BRANCH RAILROAD COMPANY OF DORCHESTER TO EXTEND ITS RAILROAD. Chap. 320

Be it enacted, &c., as follows :

SECTION 1. The Grand Hotel Branch Railroad Company of Dorchester is hereby authorized to extend its railroad from the terminus at Bowdoin Street, in the town of Dor- May extend from Bowdoin street to point on Adams street.

chester, described in the act of incorporation, across said street to a convenient point on Adams Street, at or near Linden Street; with all the powers and privileges, and subject to all the restrictions, duties and liabilities set forth in all general laws which now are or hereafter may be in force, relating to railroad corporations.

Privileges and restrictions.

Limitations of time.

SECTION 2. This act shall be void unless said extension is located within two years and completed within five years from the passage hereof.

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

Approved June 1, 1867.

Chap. 321

AN ACT TO AID THE CONSTRUCTION OF THE WILLIAMSBURG AND NORTH ADAMS RAILROAD.

Be it enacted, &c., as follows:

Treasurer of Commonwealth may issue registered or coupon bonds for, payable in London or Boston on first January, 1900.

SECTION 1. The treasurer of the Commonwealth is hereby authorized and instructed to issue scrip or certificates of indebtedness, either as registered or coupon bonds, in the name and in behalf of the Commonwealth, and in the manner herein designated, for the sum of one million dollars, which may be expressed in the currency of Great Britain, and may be payable to the bearer thereof in London, and bearing interest at five per cent. per annum payable semi-annually in London on the first days of January and July; and said interest with the cost of exchange shall be paid by the Williamsburg and North Adams Railroad Company, in coin or its equivalent, at the option of the treasurer and receiver-general of the Commonwealth; or the whole or any part of said scrip may be issued in federal currency payable in Boston, which said scrip or certificates in the currency of Great Britain shall be redeemed in London, and that in federal money at Boston, on the first day of January in the year nineteen hundred, and shall bear date on the first day of January or July which shall next precede the issue of the same. All said scrip shall be countersigned by the governor of the Commonwealth for the time being, and be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof. The treasurer of the Commonwealth for the time being, shall deliver said scrip to the treasurer of the Williamsburg and North Adams Railroad Company, when ordered by the governor and council, on the application of the directors of said railroad company, under the provisions of this act, for the purpose of aiding in the completion of said railroad, and for the equipment of the same.

Shall be countersigned by governor.

Shall be delivered under order of governor and council, on application of directors.

Upon approved expenditure of \$200,000 by company, \$100,000

SECTION 2. When it shall be made to appear to the satisfaction of the governor and council that the Williamsburg and North Adams Railroad Company has properly expended

two hundred thousand dollars in the construction of its road, then a portion of said scrip to the amount of one hundred thousand dollars, shall upon the terms hereinafter specified, be delivered to the treasurer of said railroad company. And when it shall appear to the satisfaction of the governor and council that an additional expenditure of two hundred thousand dollars has been made in the construction of said road as aforesaid, then another portion of said scrip to the amount of one hundred thousand dollars shall be delivered upon the terms expressed in this act to the treasurer of said railroad company, and so in like manner said scrip shall be issued and delivered until the whole amount hereby authorized shall have been issued and delivered.

of scrip may be issued.

Same of other \$200,000 by company. \$100,000 more of scrip may issue.

Balance authorized may be so delivered.

SECTION 3. The Williamsburg and North Adams Railroad Company shall, before the delivery of any of the scrip provided for in this act, make, execute and deliver to the treasurer and receiver-general of the Commonwealth, in manner and form to be approved by the attorney-general, a bond secured by a first mortgage deed of the road, franchise and property of said company, conditioned that said company shall and will well and truly pay the principal sum of said scrip when the same shall become due and payable, and interest thereon as the same shall fall due, and to indemnify and save harmless the Commonwealth from all expenses incurred or loss or damage on account of said scrip.

Company shall make mortgage of its franchise and property to treasurer of Commonwealth for redemption of scrip.

SECTION 4. When said railroad shall have been opened for use from Williamsburg to North Adams, twenty thousand dollars annually shall be set apart from the net income of said road and paid to the commissioners hereinafter named in the fifth section of this act, as a sinking fund to be managed, invested and appropriated as is or shall be provided by law: *provided*, that when, in the opinion of the treasurer of the Commonwealth for the time being, a sufficient sum shall have been set apart to produce, with the accruing interest, an amount equal to the scrip issued under this act, when the same shall fall due, then said company may be relieved from making further additions to said sinking fund.

Shall set apart \$20,000 of annual income as sinking fund, under $\frac{1}{2}$ five of act.

Proviso.

SECTION 5. The treasurer of the Commonwealth, the auditor of the Commonwealth, and the treasurer of the Williamsburg and North Adams Railroad Company for the time being, shall be commissioners of the sinking fund of the said railroad company. Said commissioners shall have the care and management of all the moneys, funds and securities, at any time, belonging to said sinking fund, and shall invest the same according to law; but the money not invested and all the securities of said fund shall be in the custody of the

Treasurer and auditor of state and treasurer of company to be commissioners of fund and manage same.

Shall keep record of proceedings and report annually to legislature.

Books of to be open to executive or legislature.

Pay of commissioners.

Governor to appoint commissioners to report progress of work.

Compensation.

Conditions of first issue of scrip, and limitation of time for completion of road.

Commonwealth may foreclose mortgage.

Governor and council to have access to books and accounts.

treasurer of the Commonwealth. Said commissioners shall keep a true account of all their proceedings; they shall annually, in the month of January, make a report to the legislature, setting forth their proceedings for the year preceding; the amount and condition of said fund, and the income of the several parts thereof for the year; which records and securities and the books of account belonging thereto, shall at all times be open to the inspection of the governor and council, or of any committee of the legislature; and the said commissioners shall receive for their services, from the Williamsburg and North Adams Railroad Company, the sum of forty dollars each, annually.

SECTION 6. The governor, with the advice and consent of the council, shall appoint three commissioners, one of whom shall be a competent civil engineer, to ascertain from time to time, as the governor and council shall direct, the amount of work performed on the line of the railway of the Williamsburg and North Adams Railroad Company, and the expenditures properly incurred and made for the same, and to advise and inform the governor and council in reference to all matters and things they are called upon to ascertain or verify under the terms and provisions of this act. The governor and council shall fix the proper compensation of such commissioners, which shall be paid by said railroad company.

SECTION 7. No portion of said scrip shall be issued unless it shall be made to appear to the satisfaction of the governor and council, that said railroad company will be able either alone or with the aid of other parties than this Commonwealth to complete a line of railway from Williamsburg to North Adams; and if at any time after any portion of said scrip shall have been delivered to said treasurer of said railroad company, it shall appear to the governor and council, and commissioners, that a railroad will not be completed between Williamsburg and North Adams within three years from the date of the passage of this act, then no further portion of said scrip shall be delivered to the treasurer of said company; and the Commonwealth may enter upon and take possession of said road and all its property, and foreclose forthwith and without equity of redemption the mortgage held under the third section of this act.

SECTION 8. The governor and council, and the commissioners appointed by them, shall at all times until the payment of the scrip of the Commonwealth, have free access to all the books and accounts of said railroad company, for the purpose of examination.

SECTION 9. This act shall take effect upon its passage.

Approved June 1, 1867.

AN ACT FOR THE RELIEF OF THE TOWN OF TRURO.

Chap. 322

Be it enacted, &c., as follows:

SECTION 1. The county commissioners for the county of Barnstable are hereby authorized to aid the town of Truro out of the county treasury, in the maintenance and repair of the road extending from High Head, in said town of Truro, to the line between the towns of Truro and Provincetown, in such manner and to such extent as said commissioners may judge equitable and expedient; and the residence of one of said commissioners in said town of Truro shall not disqualify him from acting under the provisions of this act.

County com'rs may aid for maintenance of road from High Head to Provincetown line.

One commissioner may be resident of town.

SECTION 2. Said commissioners may at any time, of their own motion, without petition therefor, change the location of any portion of said road and re-locate the same and order specific repairs on the same; first giving such notice to the selectmen of the town of Truro as may be practicable when they are required to act.

May change location and order repairs upon notice to town.

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

Approved June 1, 1867.

AN ACT IN RELATION TO THE FIRE DEPARTMENT OF THE CITY OF SALEM.

Chap. 323

Be it enacted, &c., as follows:

SECTION 1. The city council of the city of Salem may establish a fire department for said city, to consist of so many engineers and other officers, and so many enginemen and other members, as the city council, by ordinance, shall, from time to time, prescribe; and said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removal of either such officers or members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct and government and to the management and conduct of fires and persons attending at fires, subject to the penalties provided for the breach of the city by-laws, as they shall deem expedient: *provided*, the appointment of enginemen, hosemen and hook and ladder men, shall be made by the mayor and aldermen exclusively.

City council may establish, and prescribe appointment and tenure, duties and pay.

May make regulations for government, and the management of fires.

Proviso.

SECTION 2. The powers and duties, or any of them, mentioned in the preceding section, may be exercised and carried into effect by the said city council, in any manner which they may prescribe, and through the agency of any persons or any board or boards to whom they may delegate the same.

Powers and duties of council, how exercised

Engineers and officers, authority defined.

SECTION 3. The engineers or other officers of the department, so appointed as aforesaid, shall have the same authority in regard to the prevention and extinguishment of fires and the performance of other offices and duties now incumbent upon fire-wards, as are now conferred upon fire-wards by the General Statutes or the special acts relating to the city of Salem now in force. They shall also have authority, in compliance with any ordinance of said city, to make an examination of places where shavings and other combustible materials are collected or deposited, and to require the removal of such materials, or the adoption of suitable safeguards against fire. And the city council are hereby authorized to make suitable ordinances upon this latter subject-matter, under the penalties provided for in the city charter.

Approved June 1, 1867.

Chap. 324 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO BUILD A HIGHWAY OVER CERTAIN TIDE-WATERS.

Be it enacted, &c., as follows :

Board of aldermen may lay out streets between certain wharves.

SECTION 1. The board of aldermen of the city of Boston is hereby authorized to lay out a street or streets, over tide-waters, between Lewis, Commercial, Mercantile, City; Long, Central, India and Rowe's Wharves, or either of them: *provided*, that nothing in this act shall be construed as ceding or yielding any right, title or interest the Commonwealth may have in any lands or flats which lie within said street or streets, or shall be cut off from the harbor by the same.

Proviso: shall not affect Commonwealth's rights.

Compensation for displacement of tide-water, how made.

SECTION 2. Such compensation shall be made for all displacement of tide-water, caused by anything done under this act, as the harbor commissioners shall determine, and be made in the manner required by chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

Attorney-general shall examine Commonwealth's rights, and report.

SECTION 3. It shall be the duty of the attorney-general to examine into the right and title of the Commonwealth in all lands and flats which would lie within and be cut off from the harbor by the building of such street or streets, and report his opinion thereupon to the next legislature.

Approved June 1, 1867.

Chap. 325 AN ACT TO INCORPORATE THE STEVENS LINEN WORKS.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Henry H. Stevens, Moses T. Stevens, George Stevens, their associates and successors, are hereby made a corporation by the name of the Stevens Linen Works for the purpose of manufacturing linen, cotton, woolen or silk goods,

Purpose.

or any fabric wholly or in part of linen, cotton, woolen, silk or jute, in the town of Dudley; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to manufacturing corporations. Privileges and restrictions.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate necessary and convenient for its business, to an amount not exceeding five hundred thousand dollars; and the whole capital stock shall not exceed the sum of one million dollars, divided into shares of one hundred dollars each: *provided*, that said corporation shall not go into operation until three hundred thousand dollars of its capital stock shall have been paid in, in cash. May hold real estate.
Capital stock and shares.
Priviso.

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

Approved June 1, 1867.

AN ACT TO INCORPORATE THE UNITED STATES METALLURGIC COMPANY.

Chap. 326

Be it enacted, &c., as follows:

SECTION 1. James D. Whelpley, Jacob J. Storer, Horatio R. Storer, their associates and successors, are hereby made a corporation by the name of the United States Metallurgic Company, for the purpose of erecting, maintaining and operating works for the reduction of metals and other products from ores and minerals according to the patented method of said James D. Whelpley and Jacob J. Storer, and of manufacturing and selling to others, machinery to be used in such reduction; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws, which now are or may hereafter be in force relating to manufacturing corporations. Corporators.
Purpose.
Privileges and restrictions.

SECTION 2. Said corporation may establish its capital stock at an amount not exceeding three hundred thousand dollars, divided into shares of one hundred dollars each, and may hold real estate to an amount not exceeding two hundred thousand dollars. Capital stock and shares.
Real estate.

SECTION 3. Said corporation shall not commence business until the sum of one hundred thousand dollars shall have been paid in as actual cash capital, over and above the said patent rights of said James D. Whelpley and Jacob J. Storer, or the moneys or values paid therefor. Conditions of commencing business.

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

Approved June 1, 1867.

Chap. 327 AN ACT TO CHANGE THE NAME OF THE GROVER AND BAKER SEWING MACHINE COMPANY AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Name established.

SECTION 1. The Grover and Baker Sewing Machine Company shall hereafter be called and known by the name of the Grover and Baker Manufacturing Company.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall be fifteen hundred thousand dollars, divided into shares of one hundred dollars each, and it may hold real and personal estate necessary and convenient for its business not exceeding that amount; and it shall have the right, in addition to the right heretofore granted, to manufacture any parts necessary for the construction of its sewing machines.

Estate.

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

May manufacture any parts of its machines.

Approved June 1, 1867.

Chap. 328 AN ACT TO INCORPORATE THE TURKISH BATH COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. John P. Jones, George F. Adams, Artemas Newell, their associates and successors, are hereby made a corporation by the name of the Turkish Bath Company, for the purpose of establishing and carrying on Turkish baths; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in all the general laws, which are now or hereafter may be in force and applicable to such corporations.

Privileges and restrictions.

Estate.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real and personal estate to the amount of one hundred thousand dollars; and the whole capital stock shall not exceed one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not incur any liability, until the sum of twenty thousand dollars has been paid in, in cash.

Capital stock and shares.

Proviso.

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

Approved June 1, 1867.

Chap. 329 AN ACT TO INCORPORATE THE PNEUMATIC DISPATCH COMPANY OF MASSACHUSETTS.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. John A. Andrew, Thomas Russell, William Claffin, Charles R. Train, their associates and successors, are hereby made a corporation by the name of the Pneumatic Dispatch Company of Massachusetts; and the said corporation is hereby authorized and empowered to locate, construct and finally complete pneumatic tubes, with cars or trucks to run therein, to be operated by the pneumatic system of propulsion, for the purpose of conveying letters, parcels, mails,

May locate and construct tubes and running stock.

Purpose.

merchandise and property, in and between such cities and towns within the counties of Suffolk, Norfolk, Middlesex and Essex as they may elect; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the sixty-eighth chapter of the General Statutes, and in that part of the sixty-third chapter of said statutes relating to railroad corporations, and in all general laws which are now or may be hereafter in force respecting railroad corporations, and subject to the control of the mayor and aldermen of the city of Boston and the county commissioners of the said counties in all matters pertaining to the location of said tubes: *provided*, that said tubes shall not be located within the limits of said city of Boston nor in either of said counties without the consent in writing of the said mayor and aldermen and county commissioners respectively.

Privileges and restrictions.

Shall be subject to control of mayor and aldermen of Boston, and county commissioners. *Proviso: same shall approve location.*

SECTION 2. The capital stock of the corporation shall be five hundred thousand dollars, in shares of one hundred dollars each: *provided*, that it shall be competent for the corporation at a regular or stated meeting or meetings, by a vote of the majority of the stockholders, to increase the capital stock from time to time, to an amount not exceeding one million of dollars: *provided further*, that the sum of one hundred thousand dollars shall be paid in, in cash, before the company shall go into operation.

Capital stock and shares.

Increase of capital.

Condition of operation.

Approved June 1, 1867.

AN ACT TO INCORPORATE THE SPRINGFIELD ATHENÆUM AND GALLERY OF ARTS.

Chap. 330

Be it enacted, &c., as follows:

SECTION 1. William Stowe, Samuel Bowles, Albert D. Briggs, Frederic H. Harris and Charles O. Chapin, their associates and successors, are hereby made a corporation by the name of the Springfield Athenæum and Gallery of Arts, for the purpose of constructing a hall, in the city of Springfield, for public use, and a room to be used as a depository for pictures and other objects of art; with all the powers and privileges, and subject to all the duties and liabilities set forth in all general laws which now are or may hereafter be in force concerning corporations, so far as applicable.

Corporators.

Purpose.

Privileges and restrictions.

SECTION 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 3. Said corporation may hold real estate to an amount not exceeding seventy-five thousand dollars.

May hold real estate.

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

Approved June 1, 1867.

Chap. 331 AN ACT TO INCORPORATE THE BOSTON TEMPERANCE HALL ASSOCIATION.*Be it enacted, &c., as follows :*

- Corporators.** SECTION 1. Hubbard W. Swett, Samuel W. Hodges, James H. Roberts, their associates and successors, are hereby made a corporation by the name of the Boston Temperance Hall Association, for the purpose of purchasing or building and holding a building in the city of Boston, for the meetings of temperance organizations and the promotion of the general interests of temperance ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or may hereafter be in force, so far as applicable to said corporation.
- Purpose.**
- Privileges and restrictions.**
- Capital stock and shares.** SECTION 2. Said corporation shall have a capital stock not exceeding two hundred thousand dollars, to be divided into shares of ten dollars each, and for the purposes aforesaid may hold real and personal estate, not exceeding the amount of the capital stock : *provided*, that said corporation shall incur no liability, until twenty thousand dollars of its capital stock has been paid in, in cash.
- May hold estate**
- Proviso.**

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

*Approved June 1, 1867.***Chap. 332** AN ACT IN ADDITION TO AN ACT CONCERNING THE PITTSFIELD LIBRARY ASSOCIATION.*Be it enacted, &c., as follows :*

- Name changed to "Athenæum."** The name of the Pittsfield Library Association is hereby changed to the Pittsfield Athenæum ; and said corporation may hold real and personal estate, exclusive of books, to an amount not exceeding one hundred and fifty thousand dollars, the use and income of which shall be appropriated exclusively to literary, scientific and educational purposes.
- May hold estate and use income.**
- Corporate privileges and restrictions.** Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force concerning such corporations, and have power to receive the same aid and support from the town of Pittsfield that a public library is by the general laws of this Commonwealth authorized to receive.
- May receive aid from town, as public library.**

*Approved June 1, 1867.***Chap. 333** AN ACT TO INCORPORATE THE TRUSTEES OF THE EPISCOPAL THEOLOGICAL SCHOOL.*Be it enacted, &c., as follows :*

- Corporators.** SECTION 1. Edward S. Rand, Robert C. Winthrop, J. P. Putnam, Amos A. Lawrence, James S. Amory, their associates and successors, are hereby made a corporation by the name of the Trustees of the Episcopal Theological School, with power to establish and maintain in or near the city of

Cambridge, a seminary or institution with such preparatory schools as they may think fit for the promotion of learning and piety, instruction in biblical science and literature, and for the education of young men for the ministry of the Protestant Episcopal church, with power to confer theological degrees. And 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 all general laws which now are or may hereafter be in force, so far as applicable to corporations established for literary or charitable purposes.

SECTION 2. The number of the said trustees shall be five, and in case of any vacancy caused by the death, resignation or removal of any trustee, a new trustee shall be elected by the surviving or remaining trustees; and any trustee may be removed from office by the unanimous vote of all the remaining trustees. Said trustees may appoint such officers as they think fit for the management of the affairs of the corporation, and they shall appoint all professors, lecturers, tutors and instructors in the said school, prescribe their duties, and fix their salaries and tenure of office.

SECTION 3. Said corporation may hold for the purposes aforesaid real and personal estate to an amount not exceeding five hundred thousand dollars.

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

Approved June 1, 1867.

AN ACT TO INCORPORATE THE CLARKE INSTITUTION FOR DEAF MUTES. *Chap. 334*

Be it enacted, &c., as follows:

SECTION 1. Osmyu Baker, William Allen, junior, Lewis J. Dudley, Julius H. Seelye, George Walker, Gardiner G. Hubbard, Theodore Lyman, Horatio G. Knight, Joseph A. Pond, William Claffin, James B. Congdon, Thomas Talbot, their associates and successors, are hereby made a corporation by the name of the Clarke Institution for Deaf Mutes, in the town of Northampton; with authority to establish classes of instruction for deaf persons and deaf mutes in two other suitable localities in this Commonwealth; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force in relation to such corporations.

SECTION 2. Said corporation may hold for the purposes aforesaid, real and personal estate not exceeding in value two hundred thousand dollars.

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

Approved June 1, 1867.

Purpose and location.

Privileges and restrictions.

Trustees, vacancies in, how filled.

May be removed.

Trustees may appoint officers and instructors, prescribe duties, tenure and pay.

Corporation may hold estate.

Corporators.

Shall locate in Northampton. May establish classes elsewhere. Corporate privileges and restrictions.

May hold estate.

Chap. 335 AN ACT TO AUTHORIZE THE EASTERN RAILROAD COMPANY TO
CONSTRUCT A DOUBLE TRACK, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

May take land
for tracks to state
line in Salisbury.

SECTION 1. The Eastern Railroad Company is hereby authorized to take as much land within the limits prescribed by the original act of its incorporation and the acts in addition thereto, as may be necessary for the proper construction and security of two sets of tracks commencing at their passenger depot in the city of Boston and extending to the state line in the town of Salisbury: *provided*, that the land so taken, together with what has been heretofore taken for said railroad, shall not exceed what said corporation was authorized to take by said act of incorporation and the acts in addition thereto, and that said corporation shall pay all damages occasioned by such taking, as provided in the sixty-third chapter of the General Statutes; and *provided, further*, that nothing in this act shall authorize the taking of, or location over, any land owned or used for railroad purposes by, or covered by the location of any other railroad corporation; nor the taking of any flats, or the widening of any bridge not now authorized by law, between Causeway Street in the city of Boston and the street leading from the city of Charlestown to the city of Cambridge, known as Prison Point Bridge; and *provided further* that no land shall be taken for said purpose within twenty feet of "Union Park," so called, in the city of Chelsea; and *provided further* that this act shall not authorize the Eastern Railroad Company to lay a double track upon any part of the so called Saugus Branch Railroad, from Malden to Lynn.

Provisos.

May straighten
road in Salem.

SECTION 2. Said Eastern Railroad Company is hereby authorized to straighten its railroad in the city of Salem, between the tunnel and Beverly Bridge, by diverging northerly from the line of said railroad as it is now laid, not exceeding two hundred feet, and adding the intervening land to their present location; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in the sixty-third chapter of the General Statutes.

May make solid
portion of bridge
over Miller's
River.

SECTION 3. Said railroad company is hereby authorized to render that portion of their pile structure over Miller's River, between the extension of the southerly line of the Fitchburg Railroad as located in accordance with chapter two hundred fifty-nine of the acts of the year eighteen hundred fifty-five, and the main land in the town of Somerville, more safe and convenient by filling up and making said bridge solid. And the Fitchburg Railroad Company is authorized to fill up and make solid that portion of its loca-

Fitchburg Com-
pany may make

tion between the easterly end of its solid bridge over Miller's River and the west side of said Eastern Railroad bridge: *provided*, that the improvements named in this section shall be done under the direction and with the approval of the harbor commissioners: and compensation shall be made for tide-water displaced by such filling, according to the provisions of the act of the year eighteen hundred sixty-six, chapter one hundred forty-nine, section four.

solid portion of its bridge over said river.
 Proviso: harbor commissioners to approve.

SECTION 4. The said Eastern and Fitchburg Railroad Companies are also jointly authorized to locate and construct a connecting track between their railroads near their present intersection in the city of Charlestown, and shall pay all damages therefor according to law: *provided, however*, that such connection shall be located and constructed as may be directed by the harbor commissioners appointed under chapter one hundred forty-nine of the acts of the year eighteen hundred sixty-six.

Eastern and Fitchburg companies may connect at Charlestown.

Proviso: harbor commissioners to approve.

SECTION 5. Nothing contained in this act shall be so construed as to permit either the Eastern or Fitchburg Railroad Companies to apply to the supreme judicial court to appoint commissioners under the provisions of the statutes of the Commonwealth, or to authorize either of said companies to use the road of the other.

Construction of act defined.

Approved June 1, 1867.

AN ACT REQUIRING THE BOSTON AND PROVIDENCE RAILROAD COMPANY TO ERECT A STATION HOUSE IN ROXBURY.

Chap. 336

Be it enacted, &c., as follows:

SECTION 1. The Boston and Providence Railroad Company is hereby required to erect a new station house and to maintain the same on said railroad on New Heath Street, so called, in the city of Roxbury, reasonably commodious for the use of passengers, together with sufficient platforms, and containing a ticket office and separate apartments for men and women; and said company is hereby authorized to take such land as may be necessary for the erection of said station house with proper approaches thereto, under the provisions of the statutes authorizing railroad corporations to take land for the construction of railroads; and said company is further authorized to remove its present Roxbury station to a point at or near Ruggles Street in said Roxbury.

Shall erect and maintain on New Heath Street for use of passengers.

Requirements.

May take land for purpose.

May remove present station.

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

Approved June 1, 1867.

Chap. 337 AN ACT TO PROVIDE FOR THE MAINTENANCE OF THE NEWBURYPORT BRIDGE.

Be it enacted, &c., as follows :

Treasurer of Commonwealth may accept bridge of proprietors and release corporation from support of same when charter expires.

Proviso: shall have certificate that bridge is in good repair.

Bridge not delivered in good repair, attorney-general to file complaint to compel corporation to duty.

Shall require same of Eastern Railroad Company.

Upon acceptance of act mayor and aldermen of Newburyport shall appoint trustees of bridge.

Term of office.
Vacancies.

Selectmen of Salisbury shall appoint one.

Treasurer of Commonwealth upon notice to, may execute quitclaim deed to trustees.

SECTION 1. The treasurer and receiver-general, in the name, and to the use of this Commonwealth, is hereby authorized to accept the bridge and franchise now claimed by the Proprietors of the Newburyport Bridge, which by the terms of the charter, shall on the expiration thereof, revert to and become the property of the Commonwealth, and be surrendered by the proprietors for the time being in good repair, and to release said corporation from all further liability for the maintenance of said bridge: *provided*, that said bridge, at the time of its delivery, shall be in good repair, and shall be so certified by the mayor and aldermen of the city of Newburyport, and the selectmen of the town of Salisbury, or a majority thereof. And if at the expiration of the time limited in the charter, the bridge shall not be delivered up in good repair, a bill of complaint shall be filed by the attorney-general, in the name of the Commonwealth, in the supreme judicial court for the county of Essex, against said corporation and its officers, to compel a specific performance of their duty, in this regard, to the Commonwealth. And it shall be the duty of the attorney-general, in like manner, to compel a specific performance on the part of the Eastern Railroad Company of their duties and liabilities in respect to said bridge.

SECTION 2. In the event that this act shall be accepted by the city of Newburyport and the town of Salisbury, as hereinafter provided, the mayor and aldermen of the city of Newburyport, on or before the day of the year when the said charter expires, and in the month of February of each succeeding year, so long as this act shall remain in force, shall appoint two trustees of the bridge, who shall remain in office until their successors shall be duly appointed; and in case of a vacancy from any cause, the same shall be filled for the remainder of the term by a similar appointment. The selectmen of the town of Salisbury shall have a similar authority, to be executed in a like manner, to appoint one trustee of the bridge.

SECTION 3. As soon as the bridge shall have been delivered up as aforesaid, and the treasurer and receiver-general of the Commonwealth shall have received due notice of the appointment of such trustees, he is authorized to execute to said trustees, in the name and under the seal of the Commonwealth, a deed of quitclaim of the bridge and the fran-

- chise to said trustees and their successors, to be held by them in trust upon the following conditions, viz.:
- First.* Said trustees shall cause the said bridge to be kept in good repair, and at all times safe and convenient for the passage of travellers. Trustees may hold.
- Second.* Said trustees shall cause to be kept and maintained a convenient draw for the passing and repassing of vessels, by day and by night. Conditions: shall keep bridge in repair.
- Third.* Said trustees, to defray the expenses of repairs, may levy a toll not exceeding the rates now prescribed by law, and enforced by the proprietors of the Newburyport Bridge. But this right to levy a toll shall be subject to the approval of the mayor and aldermen of Newburyport, and of the selectmen of Salisbury, and shall be within the control of the legislature. The trustees shall erect, at the place where the tolls are collected, a sign which shall expose to view conspicuously the required tolls. Foot passengers shall be exempt from the payment of any toll. Shall maintain draw.
- Fourth.* Said trustees shall on the first day of January of each year, present to the city council of Newburyport and the selectmen of Salisbury, an account of moneys by them received, and expenses incurred, which account shall be made up to the first day of December next preceding; and copies of said accounts, when allowed, shall be published by the city of Newburyport, three times successively, in some daily newspaper printed in Newburyport. Shall not increase present toll.
- Fifth.* If the receipts of said bridge shall be found in any year to have been insufficient to pay the expenses, the deficiency shall be made up by the city of Newburyport and the town of Salisbury, Newburyport being liable to the trustees for two-thirds, and the town of Salisbury for one-third thereof. Right to levy, by whom controlled.
- Sixth.* If the receipts of any year shall exceed the expenses, such excess shall be invested as a contingent fund, and shall be allowed to accumulate until the same shall reach the sum of twenty-five thousand dollars, after which time the tolls shall cease, and the income from said fund may be applied to the maintenance of the bridge, and if need be, the principal. In the event that the cost of maintaining the bridge shall reduce said fund to twenty thousand dollars, the trustees may again levy toll, until said fund shall amount to twenty-five thousand dollars. Shall exhibit rates, exempting foot passengers.
- Seventh.* The city of Newburyport and the town of Salisbury shall be liable in an action of tort for any accident which may be caused to passengers by any defect in said bridge, to the same extent in which towns are or shall be Shall make annual report of receipts and expenses.
- Accounts allowed; copies to be published.
- Receipts less than expenses, deficiency how supplied.
- Receipts exceeding, contingent fund to be created.
- When tolls shall cease. Income how then to apply.
- Liability of Newburyport and Salisbury for defects in bridge.

Actions for damages.

liable for defects in town ways; Newburyport being liable for two-thirds, and Salisbury for one-third thereof. In all actions for damages, the city of Newburyport and the town of Salisbury shall be made defendants, and the execution, which shall issue may be satisfied against either defendant, who may compel a contribution by the other; but in no event shall any part of the tolls received be applied to the payment of damages.

Toll shall not be used to pay.

Performance of conditions of deed, how enforced.

SECTION 4. The supreme judicial court, upon the information of the attorney-general, shall have full jurisdiction to enforce the performance of the trusts and conditions of said deed; but this shall not impair the rights or remedies of any person who may be injured by the conduct of any party in the premises, nor the authority of the grand jury to proceed by indictment against any party for any wrongful act or omission.

Act in force when voters of Newburyport and Salisbury accept.

SECTION 5. This act shall not take effect unless the legal voters of the city of Newburyport and of the town of Salisbury, respectively, shall accept the same at a legal meeting called for the purpose, by a majority of the voters present and voting thereon, which meeting shall be held in said city and town respectively on the third Monday of August next; and the vote shall be expressed by a written or printed ballot, yea or nay, and the check list shall be used as in the election of town officers. Should the city of Newburyport and the town of Salisbury not accept this act, the governor and council shall, until further legislation is had, keep said bridge open for public travel, as a free or toll bridge.

Meetings.

If not accepted, governor and council to control bridge.

Approved June 1, 1867.

Chap. 338

AN ACT CONCERNING BERKELEY STREET, ON THE BACK BAY.

Be it enacted, &c., as follows:

Part on Commonwealth lands to be conveyed to city of Boston.

SECTION 1. The commissioners on public lands shall convey to the city of Boston that part of Berkeley Street that is situate on the Commonwealth's lands in the back bay as the same is now located and completed sixty feet wide; and the said city is authorized to widen the roadway of the said street when authorized so to do by the governor and council, to the width of eighty feet, without any claim for damages by the abutters on said street.

City, with consent of governor, may widen roadway, without claim for damages by abutters.

Approved June 1, 1867.

Chap. 339

AN ACT CONCERNING RAILROADS.

Be it enacted, &c., as follows:

Shall give to all persons equal transportation and use of buildings and grounds.

SECTION 1. Each railroad corporation within the Commonwealth shall give to all persons or companies reasonable and equal terms, facilities and accommodations for the transportation of themselves, their agents and servants, and of any merchandise and other property, upon any railroad

owned or operated by such corporation, and for the use of the depot and other buildings and grounds of such corporation; and at any point where its railroad shall connect with any other railroad, reasonable and equal terms and facilities of interchange.

Also, facilities at connections.

SECTION 2. Every railroad corporation offending against the provisions of this act, shall be liable to a penalty not exceeding two hundred dollars, to be recovered by indictment, and to the party aggrieved, in an action for damages.

Penalty for violation.

Approved June 1, 1867.

AN ACT FIXING THE SALARIES OF THE COUNTY COMMISSIONERS.

Chap. 340

Be it enacted, &c., as follows:

SECTION 1. The commissioners and special commissioners of the several counties of the Commonwealth shall receive from the county treasuries of their several counties, in equal semi-annual payments in January and July, in full payment for all their services and travel payable as now provided by law, the following annual salaries: For the county of Barnstable, thirteen hundred dollars. For the county of Bristol, twenty-five hundred dollars. For the county of Berkshire, seventeen hundred dollars. For the county of Dukes county, two hundred and fifty dollars. For the county of Essex, four thousand dollars. For the county of Franklin, twelve hundred dollars. For the county of Hampden, seventeen hundred dollars. For the county of Hampshire, twelve hundred dollars. For the county of Middlesex, forty-eight hundred dollars. For the county of Norfolk, three thousand dollars. For the county of Plymouth, twenty-five hundred dollars. For the county of Worcester, four thousand dollars.

Shall be paid from county treasuries, in January and July in full for services and travel.

SECTION 2. All the foregoing salaries shall be paid from the first day of January last.

Shall be from January, '67.

SECTION 3. All acts inconsistent with this act are hereby repealed.

Repeal.

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

Approved June 1, 1867.

AN ACT TO CHANGE THE PLACE OF MEETINGS OF THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX, AND FOR OTHER PURPOSES.

Chap. 341

Be it enacted, &c., as follows:

SECTION 1. The meeting of the county commissioners for Middlesex county now required to be held on the first Tuesday of June in each year at Concord, shall hereafter be held at Cambridge in said county.

Shall be at Cambridge on first Tuesday of June.

Jail at Concord discontinued.

SECTION 2. The county jail at Concord is hereby discontinued.

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

Approved June 1, 1867.

Chap. 342

AN ACT CONCERNING THE BOSTON AND WORCESTER RAILROAD CORPORATION AND THE EASTERN AND THE FITCHBURG RAILROAD COMPANIES.

Be it enacted, &c., as follows :

Boston and Worcester corporation may vary location on Chelsea Creek under acts 1866 ch. 278.
Line authorized.

SECTION 1. The Boston and Worcester Railroad Corporation is hereby authorized and empowered to vary the location and direction of any part of that portion of the railroad which said corporation was authorized to locate, construct and maintain by chapter two hundred and seventy-eight of the acts of the year eighteen hundred and sixty-six, which is thereby authorized to be located on the southerly side of Chelsea Creek, or between said creek and the commissioners' line of Boston harbor, and to locate, construct and maintain a railroad from said Chelsea Creek to said commissioners' line where and as said corporation shall deem expedient, except upon the lands of the Eastern Railroad Company, and may locate, maintain and construct the same on, along and over Orleans Street, in East Boston, or any part thereof longitudinally or otherwise, if and as said corporation shall desire, and run cars and engines moved by steam power on, along and over said street, subject, however, to the right of the board of aldermen of the city of Boston to make at all times all such rules and regulations as to the rate of speed, the security of the streets and of the crossings and the mode of use of tracks in streets in East Boston as in their opinion public safety and convenience may require: *provided, however,* that said Boston and Worcester Railroad Corporation shall also have the right to vary the direction and location of any other portion of said railroad authorized by chapter two hundred and seventy-eight of the acts of the year eighteen hundred and sixty-six as provided by the General Statutes of the Commonwealth, and subject to the conditions of said chapter last named and the restrictions of this act. And the location heretofore filed by said corporation of said railroad between Deatur and Marginal Streets in East Boston is hereby discontinued, to which the Boston and Worcester Railroad Corporation assent; but said Boston and Worcester Railroad Corporation shall not be required to pay any damages occasioned by locating on or taking lands on that part of said location so discontinued, except an indemnity for any injury actually suffered between the filing of such location and the passage of this act; and said Eastern Railroad

Use of road in East Boston. how regulated.

Proviso: Boston and Worcester road may also change other locations under same act.

Former location.

Liability for damages.

Company shall indemnify and save harmless said Boston and Worcester Railroad Corporation against all claims of any persons or corporations for damages occasioned by such taking or by such part of said location.

SECTION 2. The Eastern Railroad Company is hereby authorized and empowered to locate, construct and maintain a railroad from a point in its present location near the Salem turnpike road in Chelsea upon and over what is or was formerly the location of the Grand Junction Railroad Company to the present location of the Eastern Railroad near to the Boston and Maine Railroad, in the town of Somerville: *provided, however*, that in locating, constructing and maintaining said railroad, said Eastern Railroad Company shall not use, interfere with or affect any location, franchise or right of the Boston and Worcester Railroad Corporation, which is, or may be, prior to the filing by the Eastern Railroad Company of the location hereby authorized, acquired under said chapter two hundred and seventy-eight of the acts of the year eighteen hundred and sixty-six, or otherwise, without its consent in writing. Either of said corporations may enter with its road upon, and unite the same with, and use any part lying in Somerville, Charlestown, Malden, Chelsea or East Boston, of any railroad located, constructed and maintained by the other, at any such point or points as it shall deem expedient, and may draw its cars with its own engines over the same for such compensation or toll as shall be fixed, if said corporations cannot agree, by commissioners to be appointed as provided by section one hundred and seventeen of chapter sixty-three of the General Statutes, and subject to such reasonable regulations as the Eastern Railroad Company shall prescribe as to its railroad, or as to any railroad located, constructed and maintained between the Salem turnpike road in the city of Chelsea and the Boston and Maine Railroad in the town of Somerville on the said location now or formerly of the Grand Junction Railroad; and as the Boston and Worcester Railroad Corporation shall prescribe as to its own railroad elsewhere: *provided*, that if either corporation shall object that the said regulations or any part thereof are, or is unreasonable, the same may, on the application of such corporation, be revised and altered at any time, or from time to time, by commissioners appointed as aforesaid; and *provided further* that this provision as to regulation shall not impair any right, title or interest, or claim to compensation or damages of either; and *provided further* that if and whenever either shall provide a suitable and sufficient track over or by the side of any part or parts

Eastern company, liability of.

Eastern company may construct road from Chelsea to Somerville.

Proviso: shall not affect rights of Boston and Worcester company without consent.

Either corporations may unite with road constructed by other.

Compensation, upon disagreement, how fixed.

Regulations.

Proviso: may be revised, if objected to.

Not to impair claims for damage. Use of tracks.

Side tracks, turn tables and depots, use of. of its railroad for the use of the other, then the right of such other to use the remaining tracks of the former shall, so far as said independent tracks extend, cease and determine; and *provided further* that neither corporation shall have the right to use the side tracks, turn-tables, or depot accommodations of the other without its consent in writing.

Union Park, Chelsea.

SECTION 3. No location shall be made under this act within twenty feet of Union Park, so called, in Chelsea.

Lands in Somerville, certain. Act of 1866, ch. 278, not to authorize taking by Boston and Worcester company.

SECTION 4. Nothing contained in the two hundred and seventy-eighth chapter of the acts of the year eighteen hundred and sixty-six shall be construed to authorize the taking or holding by the Boston and Worcester Railroad Corporation of any lands or property situated southerly of a line extending from Milk or Bridge Street in Somerville to a point opposite the Asylum Wharf, and drawn parallel to and five feet distant northerly from the north rail of the north track of the Fitchburg Railroad, as it now lies, and nothing therein, nor in any former acts shall be construed to authorize the taking or holding of any portion of the two main tracks of the Fitchburg Railroad, or of any part of the land necessary for running trains thereon, as they are now used.

Nor certain tracks.

Connecting tracks of the Boston and Lowell, the Fitchburg and the Grand Junction railroad companies.

And the connecting track between the Boston and Lowell, the Fitchburg and the Grand Junction Railroad tracks, crossing the Grand Junction Railroad track with switches, shall not in any way be altered, obstructed or impaired, but shall be owned, maintained and used as is provided in chapter one hundred and twenty-eight of the acts of the year eighteen hundred and fifty-seven. And the present abutments of the bridge at the intersection of the Boston and Lowell Railroad with the Fitchburg Railroad shall remain unchanged, and in their present position.

Abutments of bridge; Boston and Lowell and Fitchburg roads.

Locations of Boston and Worcester company, under Act 1866, if inconsistent to be void.

SECTION 5. Any portion of the location made by the Boston and Worcester Railroad Corporation under the provisions of chapter two hundred and seventy-eight of the acts of the year eighteen hundred and sixty-six, inconsistent with the provisions of section four of this act, is hereby declared void: *provided*, that the Boston and Worcester Railroad Corporation shall not be called upon to pay for any part of said location which may be declared void. But no right or remedy which the Fitchburg Railroad Company now have under the provisions of chapter two hundred and ninety-six of the acts of the year eighteen hundred and fifty-six and chapter one hundred and twenty-eight of the acts of the year eighteen hundred and fifty-seven and chapter two hundred and seventy-eight of the acts of the year eighteen hundred

Proviso.

and sixty-six, shall be in any way impaired or affected by the provisions of this section.

SECTION 6. In the exercise of the powers granted by this act, and in the construction of its provisions, the Boston and Worcester Railroad Corporation and the Eastern Railroad Company shall have all the rights and privileges and be subject to all the duties, liabilities and restrictions provided by the General Statutes relating to railroad corporations, and all special statutes not expressly modified by this act.

B. and W. and Eastern Co.'s, powers defined.

SECTION 7. Said Boston and Worcester Railroad Corporation and the Eastern Railroad Company may make the locations mentioned in the first and second sections of this act any time within one year from the passage hereof.

Locations by Boston and Worcester and Eastern companies hereunder, to be made in year.

SECTION 8. The Eastern Railroad Company is hereby required to widen the bridge on the Salem turnpike road in the city of Chelsea, where it is crossed by the tracks of the Eastern and Grand Junction Railroads, so that said bridge shall be of uniform width with said turnpike road at that point; and said work shall be done in a manner satisfactory to the county commissioners for the county of Middlesex: the expense thereof shall be borne in the following proportions by the following parties, viz.: the Eastern Railroad Company shall contribute one-half thereof, the Boston and Worcester Railroad Corporation two-sixths thereof, and the Boston and Chelsea Railroad Company one-sixth thereof; and when completed, said bridge shall be maintained in equal proportions by the Eastern and Boston and Worcester Railroad Companies. If, upon the completion of said work in the manner above prescribed, either the Boston and Worcester Railroad Corporation, or the Boston and Chelsea Railroad Company shall, upon demand by the Eastern Railroad Company, refuse or neglect to pay its proportion of the cost of widening said bridge as aforesaid, the Eastern Railroad Company may recover the same from said corporations, or either of them, in default, with costs, in an action of contract in the supreme judicial court or the superior court for either of the counties of Suffolk or Middlesex.

Eastern company shall widen bridge in Chelsea.

County commissioners to approve.

Expense, how borne.

Bridge, how maintained.

Expense of widening, how to be borne.

SECTION 9. Nothing in this act shall be construed as authorizing either of the railroad corporations named in this act to take or use any flats or lands of the Commonwealth below high-water mark, or to fill up or erect any structure below high-water mark on any land of its own, or of any person, or in any way to interfere with navigation.

Act how construed, as to use of certain flats and lands.

SECTION 10. This act shall take effect upon its passage.

Approved June 1, 1867.

Chap. 343 AN ACT TO AUTHORIZE THE CITY OF ROXBURY TO PROCURE A SUPPLY OF WATER.

Be it enacted, &c., as follows:

May contract with Boston or Charlestown for supply, hold necessary estate and erect works.

SECTION 1. The city of Roxbury is hereby authorized to contract with either the city of Boston or the city of Charlestown for a supply of water, and to take by purchase or otherwise, and hold such land, real estate or water-rights, and erect and maintain such works and structures as may be necessary for the introduction of water either from said city of Boston or from said city of Charlestown, or from any ponds or other sources of supply within the limits of the county of Norfolk, except Jamaica Pond, and the distribution thereof in said city of Roxbury.

May lay pipes, make hydrants and regulate use of water.

SECTION 2. For the purposes of distribution, said city of Roxbury 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 prices of rents to be paid for the use thereof.

May carry works over or under ways and water-courses and open streets.

And the said city may, for the purposes aforesaid, carry and conduct any aqueducts or other works by them to be made and 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; and may enter upon and dig up any such land, street, road or way as may be necessary for the purposes of laying down said aqueducts or other works, and for maintaining or repairing the same.

Commissioners to superintend works, appointment and direction of.

SECTION 3. Three commissioners shall be appointed by the city council, who shall, during their continuance in office, execute and perform, 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 three 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

Terms of office and removals.

concurrent vote of two-thirds 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 appointment of another commissioner, in manner aforesaid, who shall hold his said office for the residue of the said term of three 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.

Vacancies, how filled.

Quorum.

Shall report quarterly.

SECTION 4. Before the appointment of the commissioners aforesaid, the city council shall establish and fix the salaries, or 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, respectively, in said office.

Salaries of commissioners, how fixed.

SECTION 5. Whenever the said office of commissioners shall cease, either by the expiration of the said term of three years from the original appointment, or by the completion of the aqueducts and works mentioned in the preceding sections of this act, all the rights, powers and authority given to the city of Roxbury 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.

Office ceasing, powers of to vest in city.

SECTION 6. The said city of Roxbury 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 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 damages 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 the 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

City shall be liable for damage to persons.

Party may apply for assessment within three years to superior court.

Proviso.

Petition, when may be filed.

Issue and return of summons.	to the city of Roxbury, returnable, if issued in vacation, to the then next term of the said court, and if in term time, returnable on such day as the said court shall order, to
Service of.	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
Court may appoint assessors.	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
Award, accepted by court, to be final.	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
Proviso: party may have jury.	issued thereon for the prevailing party, with costs, unless one of the said parties shall claim a trial by jury, as herein-after provided.
Party failing to proceed under § 6, city may commence after three months.	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 Roxbury, according to the provisions of this act, for the space of twelve months, it shall be lawful for the city of Roxbury 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, and they shall be forever barred from recovering any damages under this act.
Person not appearing, to be barred.	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 regard to proceedings relating to the laying out of highways.
Verdict, when accepted by court 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,
Damages for water-rights.	

until the water shall be actually withdrawn or diverted by the said city, under the authority of this act.

SECTION 10. In every case of a petition to the superior court for the assessment of damages, as provided in the sixth, seventh, eighth and ninth sections of this act, the city of Roxbury, 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 afterwards; and the said city shall be entitled to recover its costs afterwards, unless the complainant shall recover greater damages than were so offered.

City, upon petition of party, may tender sum to or bring same into court.

Petitioner not accepting, how may be entitled.

Costs of city.

SECTION 11. For the purpose of defraying all the costs and expenses of such lands, estates, waters 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 Roxbury," 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 the 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.

City council may issue \$500,000 of "water scrip" to pay cost of works.

Interest on and payment of principal.

City may sell or pledge scrip.

May issue scrip for payment of interest.

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 Roxbury with pure and wholesome water, under and by virtue of this act: *provided*, such by-laws and ordinances are not incon-

May pass by-laws and ordinances for protection of works.

Proviso.

May organize management. sistent 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.

Shall establish water rates. 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 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.

Occupants and owners shall be liable for payment. 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.

Suit for unauthorized use of water. SECTION 15. The said city of Roxbury is also authorized to supply with water for the extinguishment of fires or for other purposes, the city of Boston, and the towns through which the line of aqueduct may pass, and for this purpose may erect and maintain such structures as may be requisite and necessary therefor : *provided*, that such supply to Boston shall not deprive the towns on the line of the aqueduct of a sufficient supply of water.

Penalty for maliciously diverting or corrupting water or injury to works. SECTION 16. Said city of Boston or said city of Charlestown is hereby authorized to extend its works into and through said city of Roxbury, for the purpose of supplying the latter with pure water ; and to this end, shall have all the rights and privileges, and be subject to all the duties, restric-

Further liability for. Proviso.

City may supply Boston and other towns with water. Cities of Boston or Charlestown may extend works and supply Roxbury. Privileges and restrictions.

tions and liabilities which it now has and to which it is now subject under the several acts authorizing it to supply itself with water ; subject, however, to such terms and conditions, not inconsistent with the provisions of said several acts, as may be agreed upon between either of said cities and said city of Roxbury.

SECTION 17. The provisions of this act shall be void, unless submitted to and approved by the voters of said city of Roxbury, at meetings held simultaneously for that purpose in the several wards, within three years from the passage of this act, upon notice duly given at least seven days from the time of holding said meetings.

SECTION 18. If within three years from the passage of this act the territory of the city of Roxbury shall be annexed to and made a part of the city of Boston, then the city of Boston shall succeed to all the rights and privileges hereby granted to the city of Roxbury.

SECTION 19. This act shall take effect upon its passage.

Approved June 1, 1867.

AN ACT TO REGULATE FISHERIES.

Be it enacted, &c., as follows :

SECTION 1. The commissioners of fisheries appointed under chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-six, in addition to their powers and duties under said act, are hereby authorized to examine all the dams upon rivers in this Commonwealth over and around which the proprietors are now required by law to keep and maintain fish-ways, and said commissioners shall determine whether said fish-ways are suitable and sufficient for the passage of such fish as are found in said rivers ; and if, after inspection, the said commissioners shall find said fish-ways are unsuitable or insufficient for the passage of fish, or are out of repair, or are not kept open at suitable times, they shall give notice to the proprietors of said dams of any defect in their fish-ways, or that the fish-ways are not kept open the proper time. And said commissioners shall further, in writing, prescribe the times for keeping open and unobstructed said fish-ways, and what repairs may be necessary, and what changes, if any, should be made for improving said fish-ways.

SECTION 2. Any person or corporation who shall neglect or refuse to keep open or maintain any fish-way at the times prescribed by the commissioners under this act, shall forfeit the sum of fifty dollars for each day's neglect or refusal so to keep open or maintain said fish-way, to be recovered by

Conditions.

Act void unless approved by voters of Roxbury within three years.

City of Boston to succeed to rights and privileges if Roxbury be annexed thereto within three years.

Commissioners under acts of '66 shall inspect dams where fish-ways are by law kept.

If unsuitable, shall notify proprietors.

Shall direct as to maintenance of fish-ways.

Penalty for failure to maintain.

How recovered.

Chap. 344

indictment in the county where said dam, or any part thereof, is situated, one-half to the use of the complainant, and the other half to the use of the Commonwealth.

Appropriation authorized to re-stock rivers and ponds with fish.

SECTION 3. There shall be appropriated and paid out of the treasury of the Commonwealth a sum not exceeding ten thousand dollars, to defray the expenses of the commissioners, first, in re-stocking the rivers of Massachusetts with shad, salmon and alewives; second, in re-stocking the ponds in this Commonwealth, for the purpose of propagating black bass and other fish.

Approved June 1, 1867.

Chap. 345

AN ACT FIXING THE SALARIES OF SHERIFFS.

Be it enacted, &c., as follows :

Shall be paid from county treasuries quarterly.

SECTION 1. The sheriffs of the several counties of the Commonwealth, hereinafter named, shall receive annual salaries, payable quarterly from the treasury of their respective counties, as follows: of Barnstable, five hundred dollars; of Berkshire, thirteen hundred dollars; of Franklin, eight hundred and fifty dollars; of Bristol, twelve hundred dollars; of Essex, eighteen hundred dollars; of Hampden, twelve hundred and fifty dollars; of Hampshire, one thousand dollars; of Middlesex, twenty-two hundred dollars; of Norfolk, twelve hundred dollars; of Plymouth, nine hundred dollars; of Worcester, two thousand dollars; and the said salaries shall be paid from the first day of January last.

Shall be from January, '67.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith, are hereby repealed.

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

Approved June 1, 1867.

Chap. 346

AN ACT AUTHORIZING THE SHEFFIELD RAILROAD COMPANY TO LEASE ITS ROAD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

May lease to New York and Harlem, and Salisbury Co.'s, or first Co., or allow former to operate road.

SECTION 1. The Sheffield Railroad Company is hereby authorized, either in connection with the Salisbury Railroad Company or otherwise, to contract with the New York and Harlem Railroad Company to lease its road to said last named company, or to allow said company to operate the road of said Sheffield Railroad Company.

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

Approved June 1, 1867.

Chap. 347

AN ACT CONCERNING CLAM-BAIT.

Be it enacted, &c., as follows :

"Barrel" of, size and contents prescribed.

SECTION 1. When clam-bait is sold by the barrel, it shall be construed to mean a fish barrel, of not more than twenty-nine gallons, nor less than twenty-eight, and shall contain twenty-six gallons of clams and not over three gallons of

pickle. If a disagreement arises between the purchaser and seller respecting its quantity, either party may call on an inspector of fish and have it measured, and if it does not contain the number of gallons of clams aforesaid, the seller shall receive pay for only the number of gallons each barrel contains, and shall pay the expense of measuring and cooperating; otherwise the purchaser shall pay the expense.

Buyer and seller failing to agree, either may call inspector.

Expense.

SECTION 2. Section sixty of chapter forty-nine of the General Statutes is hereby repealed.

G. S. 49 § 60 repealed.

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

Approved June 1, 1867.

AN ACT IN RELATION TO THE TRANSMISSION OF DISPATCHES BY TELEGRAPH COMPANIES AND ASSOCIATIONS.

Chap. 348

Be it enacted, &c., as follows:

Telegraph companies and associations shall, under the provisions of section ten of chapter sixty-four of the General Statutes, receive, compute and transmit dispatches received at their offices from other telegraph companies, or by mail, at the same rates of charge as for dispatches received for transmission from individuals, in person, at the same offices, bearing date of the day and at the place of the office where the same is received. For every wilful neglect or refusal to comply with the foregoing provisions by a telegraph company or association, it shall forfeit a sum not exceeding one hundred dollars, to be recovered in an action of tort, by the person, company or association sending or desiring to send the dispatch.

Shall receive from other companies and through mail, and transmit at same rates as when taken from person.

Penalty for refusal or neglect.

Approved June 1, 1867.

AN ACT TO INCREASE THE SALARIES OF DISTRICT-ATTORNEYS, AND OF THE CONSTABLE OF THE COMMONWEALTH.

Chap. 349

Be it enacted, &c., as follows:

SECTION 1. The annual salaries of the district-attorneys for the northern, eastern, south-eastern, southern, middle and western districts shall hereafter be fifteen hundred dollars each; for the north-western district, one thousand dollars; for the Suffolk district, thirty-five hundred dollars, and of the assistant district-attorney for the Suffolk district, twenty-one hundred dollars; to be paid to them, respectively, out of the treasury of the Commonwealth in quarterly payments, and in that proportion for any part of a year, and from the first day of January last.

District-attorneys, salaries.

Shall be paid quarterly, and from Jan. '67.

SECTION 2. The annual salary of the constable of the Commonwealth shall be three thousand dollars, payable from the first day of January last, out of the treasury of the Commonwealth, as now provided by law.

Constable of Commonwealth.

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

Approved June 1, 1867.

Chap. 350 AN ACT TO INCORPORATE THE NEW BEDFORD AND BOSTON TELEGRAPH COMPANY.

Be it enacted, &c., as follows:

Corporators.	SECTION 1. Jonathan Bourne, junior, Andrew G. Pierce, William W. Crapo, their associates and successors, are hereby made a corporation by the name of the New Bedford and Boston Telegraph Company, for the purpose of constructing, maintaining and using for hire a line of telegraph connecting the city of Boston with the city of New Bedford, and any other places on the southern coast of the Commonwealth; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws that now are or hereafter may be in force relating to such corporations.
Purpose.	
Privileges and restrictions.	
May hold estate.	SECTION 2. Said corporation may hold such real and personal estate as may be necessary for the purpose aforesaid, not exceeding the amount of its capital; but the whole capital stock shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and it shall incur no liability till twenty per cent. of its capital stock has been paid in, in cash.
Capital stock and shares.	
Condition of incurring liability.	

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

Approved June 1, 1867.

Chap. 351 AN ACT CONCERNING THE CARRYING OF THE MAILS OF THE UNITED STATES BY RAILROAD CORPORATIONS.

Be it enacted, &c., as follows:

When postmaster-general, or agent, request, corporation shall carry.	SECTION 1. Every corporation owning or operating any railroad in this Commonwealth shall when requested by the postmaster-general of the United States, or by any authorized agent of the post-office department of the United States, carry the mails of the United States at such times and upon such trains as may be desired by the postmaster-general, or by such agent, upon the terms provided in this act.
May notify by mail of objection to terms offered, and shall be absolved from contract after three months, unless United States apply to supreme judicial court for commissioners.	SECTION 2. If the railroad corporations aforesaid, or any of them, shall be unable to agree with the postmaster-general or other proper officer of the United States, as to the compensation to be paid for such transportation, any such railroad corporation may notify the postmaster-general of its unwillingness to carry such mails upon the terms proposed by him; and after such notice, deposited in any post-office in this Commonwealth, addressed to the postmaster-general, such railroad shall be absolved from the duty of carrying the mails, as provided in this act, after the expiration of three months from the depositing of such notice, unless the postmaster-general, or some officer or agent of the post-office department of the United States shall, within that time, file

a petition in the supreme judicial court of this Commonwealth, in any county, praying for the appointment of three commissioners to fix the price to be paid for such service by such corporation; and the court, upon due notice to such railroad corporation, shall appoint three commissioners to hear and determine the compensation to be paid by the United States for such service, the award of a major part of whom being made to and confirmed by said court shall be final as to all past service, and for the period of two years after the confirmation of such award.

May be so adjusted for past service and for two years after award.

SECTION 3. On application of either party to such proceeding, at any time after the expiration of two years from the confirmation of such award, the matter may, on petition to the court by either party, be re-opened, and the same or other commissioners shall rehear the parties, and the award of the major part of said commissioners made to and confirmed by the court, shall be binding on the parties for other two years, when like proceedings may be had on petition of either party.

Upon expiration of term, same proceedings may be had for other two years.

Approved June 1, 1867.

AN ACT TO ESTABLISH AND DEFINE THE BOUNDARY LINE BETWEEN
TAUNTON AND LAKEVILLE.

Chap. 352

Be it enacted, &c., as follows:

SECTION 1. The boundary line between the city of Taunton and the town of Lakeville, determined by the commissioner appointed by his excellency the governor, under the act passed the sixteenth day of March in the year eighteen hundred and sixty-six, entitled "An Act to appoint a commissioner to establish and define the boundary line between Taunton and Lakeville," and reported by the said commissioner to this legislature, is declared to be, and the same shall constitute a part of the boundary line between said city of Taunton and the town of Lakeville, as follows, to wit: Beginning at an old stone monument twenty-three feet north-westerly from the northerly end of the small stone bridge over Baiting Brook; thence running on the north-westerly side of the road or way in a line twenty-five feet distant from the centre of the way as now travelled, about sixty-two rods, until coming to a point opposite the dwelling-house of William Paul on the opposite side of the road; thence a distance of about three and one-third rods to a new stone post, in the range of the fence, with the letter T marked on the north-westerly side, and the letter L on the opposite side; thence in a straight line ranging about with the fence on the north-westerly side of the road, a distance of about nineteen and two-thirds rods to a new stone post in an angle of

Line determined by commissioner under act of 1866 confirmed and established.

Bounds defined.

the fence, marked T on the north-westerly side and L on the opposite side ; thence in a straight line on the north-westerly side of the road about twenty-four rods, to a small stone pitched in the ground, an old monument, marked with the letter T on the north-westerly side, and the letter L on the opposite side ; thence in a straight line about thirty rods to an old stone monument anciently marked T on the northerly side, and M on the opposite side ; thence in a straight line on the northerly side of the meeting-house about fifty-five rods, to a tall stone post anciently marked M on the southerly side and T on the northerly side, standing two rods southerly of a large buttonwood tree in the corner formed by two roads, one leading by Myrick's Station to Assonet Village, in the town of Freetown, and the other directly to the city of Taunton ; thence on the north-westerly side of the road, a distance of forty-three and one-fourth rods in a straight line to a corner formed by two walls ; thence by the wall and fence on the north-westerly side of the way about sixty-six and three-fourths rods, to a new stone post set in the ground, in the line of the wall, with the letter L marked on the north-easterly side or end, and the letter T on the opposite side or end ; then crossing the road to a new stone post set in the ground in the line of the wall on the south-easterly side of the road, with the letter L marked on the north-easterly side or end, and the letter T on the opposite side or end ; thence by the wall and fence on the south-easterly or southerly side of the road, a distance of three hundred rods to a stone post newly set on the south-easterly side of the wall or fence, marked L on the south-easterly side, and T on the opposite side ; thence in a straight line to a long stone pitched in the ground on the southerly side of the road leading from Myrick's Station, aforementioned, to Baiting Brook. All the territory on the north-westerly and northerly side of said line shall belong to and be in the city of Taunton ; and all the territory on the south-easterly and southerly side of said line shall belong to and be in the town of Lakeville.

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

Approved June 1, 1867.

Chap. 353

AN ACT IN ADDITION TO AN ACT TO ENABLE THE CITY OF BOSTON TO ABATE A NUISANCE THEREIN, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

Be it enacted, &c., as follows :

SECTION 1. The city of Boston is hereby authorized to lay railway tracks through any street or streets of said city, and to maintain them so long as it may be necessary to enable

City may lay railway tracks through streets for transporta-

them to transport earth and other material to fill up the Church Street district, so called, and to abate the nuisance existing therein, under the provisions of the act entitled "An Act to enable the city of Boston to abate a nuisance therein, and for the preservation of the public health in said city," passed at this present session.

tion of materials to Church Street district.

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

Approved June 1, 1867.

AN ACT FOR THE IMPROVEMENT OF THE HARBOR OF BOSTON AND THE COMMONWEALTH'S FLATS THEREIN.

Chap. 354

Be it enacted, &c., as follows:

SECTION 1. The board of harbor commissioners is hereby authorized and empowered to contract with any responsible person or persons for the construction of a continuous sea-wall upon the flats of the Commonwealth in Boston harbor, as hereinafter described. They are also authorized and empowered to contract for the dredging and deepening of such flats as are in front of said sea-wall, for the purpose of filling so much of the flats of the Commonwealth as may be included within a line behind said wall, and parallel therewith, such filling to be extended inwardly only so far as may be necessary to support the sea-wall, and upon the following terms and conditions. The sea-wall shall be commenced at or near the point of intersection of the line marked A on the commissioners' line, established by chapter three hundred and eighty-five of the acts of the year one thousand eight hundred and fifty-three, with the easterly line of Fort Point Channel, and shall be built from that point, and within and parallel with the exterior line to the point known as Slate Ledge, as laid down on the plan for the occupation of the flats owned by the Commonwealth in Boston harbor, approved by the legislature in the eighty-first chapter of the resolves of the year one thousand eight hundred and sixty-six, or upon any modifications of said plan hereafter made.

Harbor commissioners may contract for sea-wall, and for deepening of flats.

SECTION 2. The board of harbor commissioners shall have authority to modify the line between point A and the point where the curve strikes the exterior line recommended by the United States commissioners on Boston harbor, and the sea-wall shall be built in accordance with the line so modified.

Location of wall defined.

Commissioners may modify certain line.

Wall shall be so built.

SECTION 3. An engineer shall be appointed by the governor, whose duty it shall be to prepare plans and specifications for proposals and contracts for the construction of said sea-wall, dredging and filling. He shall consult with the harbor commissioners, and shall locate said wall and decide

Engineer to be appointed by governor: duties.

Plans of engineer for contracts; governor and council to approve; also to accept proposals.

Engineer to superintend works.

Compensation.

Authority to Boston Wharf company, under § 1 ch. 455, 1853, to further extend pier, revoked.

Exception.

Engineer to make hydrographical surveys.

Appropriation for works.

upon the amount of dredging and width of filling behind the sea-wall, having due regard for economy and strength, as well as the proper direction of the currents in Boston harbor. All plans and specifications for contracts prepared by said engineer, shall be submitted to the governor and council; and if approved by them, the commissioners shall advertise for proposals for the work; which proposals shall be submitted to the governor and council; and when any proposals are approved and accepted by them, the commissioners shall sign such contract as the representatives of the Commonwealth. The engineer shall have the superintendence of all the works to be done in pursuance of this act, under the direction of the board of harbor commissioners. The compensation of the engineer shall be fixed by the governor and council.

SECTION 4. All license and authority to the Boston Wharf Company to extend their wharf over so much of the territory referred to in section one of chapter four hundred and fifty-five of the acts of the year eighteen hundred and fifty-five, as lies between lines marked A and B, described in chapter three hundred and eighty-five of the acts of the year eighteen hundred and fifty-three, are hereby revoked, except so far as substantial structures may have been erected by said company thereon.

SECTION 5. It shall be the duty of the engineer appointed under this act, to cause hydrographical surveys to be made from time to time, for the purpose of determining the effect upon the harbor of the structures and filling in connection with the dredging herein authorized, and in case it shall appear that the same injuriously affect the harbor, by reason of the displacement of tide-water, compensation shall be made therefor, in such manner and to such an extent as the legislature shall hereafter determine.

SECTION 6. For the works to be done under this act, the sum of two hundred thousand dollars is hereby appropriated, and shall be allowed and paid.

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

Approved June 1, 1867.

Chap. 355 AN ACT CONCERNING THE MUNICIPAL COURT OF THE CITY OF BOSTON.
Be it enacted, &c., as follows:

Judge of mar, in absence of judge of probate, commit to certain lunatic hospitals.

SECTION 1. Any judge of the municipal court of the city of Boston may, in the absence of the judge of probate for the county of Suffolk and not otherwise, commit to the state lunatic hospital at Taunton, and the Boston lunatic hospital, any insane person, who, in their opinion, is a proper subject

for its treatment or custody, in accordance with the provisions of chapter two hundred and twenty-three of the acts of the year one thousand eight hundred and sixty-two, and the acts in addition thereto.

SECTION 2. Sections seven, eight, nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-nine, forty, fifty-nine, sixty, sixty-one, seventy-one and seventy-eight, of chapter one hundred twenty-nine of the General Statutes shall apply to civil actions before said court: *provided, however*, that answers in compliance with said chapter shall be filed only when required by rules and orders of said court.

Sections of ch. 129 G. S., to apply to civil actions in said court.

Proviso.

SECTION 3. No writ or process, issued by said court in civil actions or proceedings, shall run into or be served in any county other than Suffolk county, except as provided in section seven of chapter one hundred and twenty, and in section seventy-seven of chapter one hundred and forty-two of the General Statutes. And in all civil actions in said court wherein the writ or process is served upon the defendant in any county other than Suffolk county, except as above provided, if the plaintiff finally recovers a sum not exceeding twenty dollars, for debt or damages, he shall be entitled to no costs, except as provided in the following section; but the defendant shall recover the costs to which he would have been entitled if he had been the prevailing party.

Writ or process by, not to be served in other county, except under G. S. 142 § 7.

If served in civil action out of county, except as cited, and recovery less than \$20, except as in § 4, plaintiff's costs.

Defendant's right to costs.

SECTION 4. If the plaintiff's claim in a writ served upon the defendant out of Suffolk county, as established on the trial, exceeds twenty dollars, and is reduced to that amount or less or overbalanced by set-offs which could not have been proved in payment, it shall be considered for the purposes of the preceding section as having exceeded twenty dollars, and the party who finally recovers judgment in the suit shall be entitled to his costs.

Plaintiff's claim; when construed to exceed \$20.

SECTION 5. Original writs issued by said court for civil business, shall be served not less than seven and not more than sixty days before the day on which they are returnable; but in all cases where service is made in any county other than Suffolk, said service shall be made at least fourteen days before the day on which they are returnable.

Writs in civil business; when may be served.

SECTION 6. The clerk of said court for civil business may, subject to the approval of the justices of said court, or a majority of them, appoint an assistant-clerk, who shall be removable at his pleasure, and for whose doings he shall be responsible, and who shall be qualified and give bond in the

Clerk for civil business may appoint assistant; justices to approve.

Salary of assistant. same manner as is now provided by law for the assistant-clerks appointed by the clerk of said court for criminal business. He shall receive an annual salary of twelve hundred dollars, to be paid or retained in the same manner as is now provided by law for the assistant-clerks appointed by the clerk of said court for criminal business.

Approved June 1, 1867.

Chap. 356 AN ACT CONCERNING THE SALARIES OF CERTAIN CLERKS OF THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Clerk for civil business, salary. SECTION 1. There shall be retained out of the fees received by the clerk for civil business of the municipal court of the city of Boston, which he is required by law to account for, an annual salary of two thousand five hundred dollars for his official acts and services: *provided*, that he shall receive no other compensation for any official acts and services; and *provided, further*, that the amount received by him from the state treasury for the first quarter of the present year shall be deducted therefrom; and there shall be retained out of the fees received by the clerk for criminal business of said municipal court and paid to the first assistant-clerk for criminal business of said court, an annual salary of two thousand dollars; to the second assistant-clerk for criminal business, one thousand eight hundred dollars; and to the third assistant-clerk for criminal business, one thousand five hundred dollars, deducting all amounts due or paid them for salaries from the state treasury to the first day of June, in the year eighteen hundred and sixty-seven: *provided, however*, that no other fees shall be received by said clerks for services performed by them.

Provisos. Clerk for criminal business, assistants. SECTION 2. Such salaries shall be allowed and paid from the first day of January last; and all acts and parts of acts inconsistent herewith are hereby repealed.

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

Payment. Repeal. Approved June 1, 1867.

Chap. 357 AN ACT FIXING THE SALARIES OF JUDGES, REGISTERS AND ASSISTANT-REGISTERS OF PROBATE AND INSOLVENCY, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Salaries established. SECTION 1. Judges, registers and assistant-registers of probate and insolvency shall receive from the treasury of the Suffolk. Middlesex. Essex. For the county of Suffolk, the judge and register, each three thousand dollars, and the assistant-register, fifteen hundred dollars. For the county of Middlesex, the judge, twenty-five hundred dollars, the register, two thousand dollars, and the assistant-register, fifteen hundred dollars. For the county of Essex,

the judge, twenty-five hundred, the register, two thousand dollars, and the assistant-register, fifteen hundred dollars. For the county of Worcester, the judge, twenty-five hundred dollars, the register, two thousand dollars, and the assistant-register, fifteen hundred dollars. For the county of Norfolk, the judge, two thousand dollars, the register, fifteen hundred dollars, and the assistant-register, eight hundred dollars. For the county of Bristol, the judge, fifteen hundred dollars, and the register, thirteen hundred dollars. For the county of Hampden, the judge, thirteen hundred dollars, and the register, twelve hundred dollars. For the county of Plymouth, the judge, thirteen hundred dollars, and the register, twelve hundred dollars. For the county of Berkshire, the judge, twelve hundred dollars, and the register, twelve hundred dollars. For the county of Hampshire, the judge, nine hundred dollars, and the register, nine hundred dollars. For the county of Barnstable, the judge, nine hundred dollars, and the register, nine hundred dollars. For the county of Franklin, the judge, nine hundred dollars, and the register, nine hundred dollars. For the county of Nantucket, the judge, five hundred dollars, and the register, six hundred dollars. For the county of Dukes county, the judge, five hundred dollars, and the register, six hundred dollars. And all such salaries shall be paid from the first day of January last.

SECTION 2. No person holding the office of register of bankruptcy under the laws of the United States, shall at the same time hold any judicial office, except that of justice of the peace, nor the office of clerk or assistant-clerk of any court, nor register or assistant-register of probate, or of probate and insolvency, under the laws of this Commonwealth.

U. S. register of bankruptcy shall not hold certain offices.

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

Approved June 1, 1867.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 358

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury 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 :

Appropriations authorized.

In the resolve, chapter seventy, in favor of Sarah J. Davidson, the sum of forty-eight dollars.

S. J. Davidson.

In the resolve, chapter seventy-one, in favor of Mary Maguire, the sum of thirty-six dollars.

M. Maguire.

- N. C. Stearns. In the resolve, chapter seventy-two, in favor of Nathaniel C. Stearns, the sum of ninety-five dollars and sixty-seven cents.
- H. M. Needham. In the resolve, chapter seventy-four, in favor of Hannah M. Needham, the sum of one hundred and twenty-eight dollars.
- Second regiment cavalry. In the resolve, chapter seventy-six, in favor of the Massachusetts second cavalry, a sum not exceeding eleven thousand dollars.
- Herman Haupt. In the resolve in favor of Herman Haupt, the sum of twenty-two thousand eight hundred and fourteen dollars.
- Eliz. Maloney. In the resolve in favor of Elizabeth Maloney, the sum of fifty-six dollars.
- T. Connolly. In the resolve in favor of Timothy Connolly, the sum of three hundred and twenty-five dollars.
- E. K. Williams. In the resolve in favor of Eliza K. Williams, the sum of one hundred and thirty-two dollars.
- Printing Provincial laws. In the resolve in relation to the publication of the provincial laws, a sum not exceeding ten thousand dollars, payable on properly approved vouchers filed with the auditor.
- Legislature and council, pay of members and officers. In the resolve establishing the compensation of the members, assistant-clerks and chaplains of the senate and house of representatives, and of the executive council, a sum not exceeding one hundred and thirty-eight thousand dollars, in addition to the amounts heretofore appropriated.
- Judges and registers probate and insolvency. In the resolve establishing the compensation of the door-keepers, messengers and pages of the senate and house of representatives, a sum not exceeding six thousand two hundred dollars, in addition to the amount heretofore appropriated.
- Flats at South Boston. In the resolve establishing the salaries of the judges, registers and assistant-registers of probate and insolvency, a sum not exceeding nine thousand five hundred dollars, in addition to the amount heretofore appropriated.
- F. E. Coggin. In the resolve relating to the Commonwealth flats at South Boston, a sum not exceeding five thousand dollars, payable upon properly approved vouchers filed with the auditor.
- Elizabeth Evans. In the resolve in favor of Francis E. Coggin, the sum of one hundred and forty-four dollars.
- Sarah F. Ames. In the resolve in favor of Elizabeth Evans, the sum of thirty-two dollars and sixty-six cents.
- Secretary board of education. In the resolve in favor of Sarah F. Ames, the sum of two thousand five hundred dollars.
- In the act, chapter two hundred and seventy-six of the present year, establishing the salary of the secretary of the

board of education, a sum not exceeding five hundred dollars, in addition to the amount heretofore appropriated.

For expenses of the legislative committee on prisons, a sum not exceeding one hundred and thirty-five dollars and eighty-five cents.

Committee on
prisons, expenses.

In the act establishing the salaries of the clerks of the senate and house of representatives, and of the serjeant-at-arms, a sum not exceeding nine hundred dollars, in addition to the amounts heretofore appropriated.

Clerks of senate
and house.
Serjeant-at-
arms.

In the act establishing the Haverhill police court, a sum not exceeding nine hundred dollars, for the salaries of the justice and clerk of said court, for the balance of the present year.

Police court,
Haverhill, sala-
ries.

In the act establishing the salaries of certain clerks of the municipal court of the city of Boston, a sum not exceeding one thousand four hundred dollars, in addition to the amount heretofore appropriated.

Clerks municipal
court, Boston.

In the act establishing the salaries of the district-attorneys, and of the constable of the Commonwealth, a sum not exceeding three thousand five hundred dollars, in addition to the amounts heretofore appropriated.

District-attor-
neys.
State constable.

In the act relating to certain works on the Commonwealth flats in Boston harbor, a sum not exceeding five thousand dollars, for the compensation and expenses of the engineer therein provided for.

Engineer Boston
harbor.

The following sums shall be allowed and paid :

For expenses of the state commissioner on the Antietam and Gettysburg national cemeteries, for the present year, a sum not exceeding one hundred and fifty dollars.

Commissioner
national ceme-
teries.

For certain expenses incurred by the superintendent of the state almshouse at Bridgewater, for the executive council, and tuition of children, a sum not exceeding sixty dollars.

Superintendent
almshouse,
Bridgewater.

For the support of the Dudley Indians, a sum not exceeding two hundred dollars, in addition to the amount heretofore appropriated ; and for necessary repairs of the house occupied by said Indians, a sum not exceeding two hundred dollars.

Dudley Indians.

For such furniture and fixtures as the auditor may find necessary, in connection with the change authorized in his department by order of the present legislature, a sum not exceeding five hundred dollars.

Auditor, furni-
ture for office.

For furniture, painting, and such other improvements, in addition to those authorized in resolve chapter eighty-four of the present session of the legislature, as the commissioners named in said resolve may deem necessary, a sum not exceeding twenty thousand dollars.

State house im-
provements.

House journal,
copying.

For copying and superintending the printing of the journal of the House, in accordance with an order of the same, a sum not exceeding one hundred dollars.

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

Approved June 1, 1867.

Chap. 359

AN ACT TO UNITE THE CITIES OF BOSTON AND ROXBURY.

Be it enacted, &c., as follows:

Roxbury annexed to Boston and made part of Suffolk county.

SECTION 1. All that territory now comprised within the limits of the city of Roxbury, in the county of Norfolk, with the inhabitants and estates therein, is hereby annexed to and made part of the city of Boston, in the county of Suffolk, and shall hereafter constitute a part of the county of Suffolk, subject to the same municipal regulations, obligations and liabilities, and entitled to the same immunities in all respects, as the said city of Boston: *provided, however*, that until constitutionally and legally changed, said territory shall continue to be, for the purpose of electing members of the house of representatives, part of the county of Norfolk, constituting the third and fourth representative districts thereof; for the purpose of electing a senator, part of the first Norfolk senatorial district; for the purpose of electing a councillor, part of council district number three, and for the purpose of electing a representative in congress, part of congressional district number three, as the same are now constituted.

Proviso: for civil elections shall continue as now until changed.

Duties pertaining to elections transferred to Boston.

All the duties now required by law to be performed by the mayor and aldermen and city clerk, of the city of Roxbury, or either of them, pertaining to the election of representatives in congress, state councillors, senators and members of the house of representatives, shall in like manner devolve upon, and be performed by the board of aldermen and city clerk of the city of Boston.

Duties of ward officers in new wards erected.

It shall be the duty of the ward officers of the several wards, that shall be erected out of said territory as herein-after provided, to make return of all votes that may be cast therein, from time to time, for representatives in congress, state councillors, senators, members of the house of representatives, and for all other national, state, district, county, municipal and ward officers, to the city clerk of the city of Boston.

Public property of city, and municipal rights, liabilities and functions, to vest in Boston.

SECTION 2. All the public property of the said city of Roxbury shall be vested in and is hereby declared to be the property of the city of Boston; and said city of Boston shall succeed to all the rights, claims, causes of action, rights to uncollected taxes, liens, uses, trusts, duties, privileges

and immunities of said city of Roxbury. The city treasurer of the city of Roxbury shall, on or before the second Monday of January, in the year eighteen hundred and sixty-eight, under the direction of the mayor and aldermen of said city of Roxbury, who shall, for this purpose, and for all other purposes necessary to carry into full effect the provisions of this act, continue to hold their offices over, transfer, deliver, pay over and account for to the city treasurer of the city of Boston, all books, papers, moneys and other property in his possession as city treasurer of said city of Roxbury, when this act shall take effect; and the city of Boston shall become liable for and subject to all the debts, obligations, duties, responsibilities and liabilities of said city of Roxbury. All actions and causes of action which may be pending, or which shall have accrued at the time this act shall take effect, in behalf of or against the city of Roxbury, shall survive and may be prosecuted to final judgment and execution, in behalf of or against the city of Boston.

SECTION 3. The several courts within the county of Suffolk, after this act shall take effect, shall have the same jurisdiction over all causes of action and proceedings in civil causes, and over all matters in probate and insolvency, which shall have accrued within said territory hereby annexed, that said courts now have over like actions, proceedings and matters within the county of Suffolk: *provided, however*, that the several courts within the county of Norfolk shall have and retain jurisdiction of all actions, proceedings and matters, that shall have been rightfully commenced in said courts prior to the time when this act shall take effect; and the supreme judicial court and the superior court within the county of Suffolk, after this act shall take effect, shall have the same jurisdiction of all crimes, offences and misdemeanors, that shall have been committed within the said territory, that the supreme judicial court and superior court within the county of Norfolk now have jurisdiction of: *provided*, proceedings shall not have been already commenced in any of the courts within the county of Norfolk, for the prosecution of said crimes, offences and misdemeanors; in which case the said courts within the county of Norfolk shall have and retain jurisdiction of the same for the full, complete and final disposition thereof. All suits, actions, proceedings, complaints and prosecutions; and all matters of probate and insolvency which shall be pending within said territory, before any court or justice of the peace, when this act shall take effect, shall be heard and determined as though this act had not passed.

Treasurer of Roxbury to deliver over books papers and property.

Mayor and aldermen to hold over for same and for certain other acts.

Boston shall assume liabilities.

Pending actions and causes.

Jurisdiction of courts in Suffolk and Norfolk counties.

Police court of Roxbury to be municipal court southern district of Boston.

SECTION 4. Said territory shall continue a judicial district under the jurisdiction of the police court of the city of Roxbury, which shall continue to exist, and shall hereafter be designated and known by the name of the municipal court for the southern district of the city of Boston. Said court shall have the same civil and criminal jurisdiction in said district and the same civil jurisdiction in the county of Suffolk as the police courts, other than that of the city of Boston, have by law in their respective districts and counties.

Jurisdiction defined.

Appeals.

Appeals shall be allowed from all judgments of said court, in like manner and to the same courts that appeals are now allowed from the judgments of the municipal court of the city of Boston. All acts and duties, (if any,) now incumbent upon the city council of the city of Roxbury, or either branch thereof, relating to the said court of the city of Roxbury, shall hereafter devolve upon and be performed by the city council of the city of Boston. All fines and forfeitures, and all costs in criminal prosecutions in said court, and all fees and charges received in said court in civil proceedings, shall be accounted for and paid over, in the same manner as is now provided for the municipal court within the city of Boston.

Municipal duties as to court.

Fines in and fees of court.

City council of Boston shall divide annexed territory into wards.

SECTION 5. The city council of the city of Boston shall, as soon as may be after the fifth day of November in the year eighteen hundred and sixty-seven, divide the said territory into three wards, one of which shall comprise the same territory now comprised in said fourth representative district, and the other two shall be so constituted as to contain as nearly as practicable an equal number of legal voters; and the wards thus established shall so remain until the alteration of the ward limits of said city of Boston provided by law. And the clerks of the said wards shall for the purposes mentioned in section eleven of the eighth chapter of the General Statutes of this Commonwealth assemble at such places as are or shall be required by law. And the board of aldermen are hereby authorized to designate such places, whenever such designation shall by law become necessary or proper, and said board shall succeed to all the powers and duties in reference to the same which are now vested in the county commissioners of the county of Norfolk. And each of the wards so established shall be entitled to all the municipal and ward officers which each of the other wards of said city of Boston is entitled to. And the board of aldermen of said city of Boston shall, in due season, issue their warrants for meetings of the legal voters of said wards respectively, to

Clerks of wards, where to assemble.

Aldermen to designate, and have powers now vested in county commissioners.

Shall issue warrants for election of officers.

be held on the second Monday of December in the year eighteen hundred and sixty-seven, at some place within said wards respectively, which shall be designated in said warrants, there first to choose a warden, clerk, and five inspectors of elections for each of said wards, who shall hold their offices until the first Monday of January in the year eighteen hundred and sixty-eight, and until others shall be chosen and qualified in their stead ; second, to give in their ballots for the several municipal and ward officers for the year eighteen hundred and sixty-eight, for which they shall be entitled to vote by virtue of the provisions of this act.

Tenure of officers chosen.

The voters of each of said wards shall designate, by their ballots cast at said meetings, the term of service for which each of the six school committee men, who shall be chosen in each of said wards, shall serve, so that two of the number chosen in each ward shall serve for three years, two for two years, and two for one year. The board of aldermen of the city of Boston shall prepare lists of all the legal voters in said wards respectively, to be used at said meetings, and shall do all other things which they are now by law required to do in respect to like elections in the other wards in the city of Boston ; and at said meetings, any legal voter of said wards respectively may call the citizens to order, and preside until a warden shall have been chosen and qualified.

School committee, voters shall designate terms.

Lists of voters to be prepared.

All ward officers whose election is provided for in this section shall be qualified according to law. The citizens of the territory by this act annexed to the city of Boston, shall have the same right to vote for municipal officers, at the annual municipal election of the city of Boston, in the year eighteen hundred and sixty-seven, as they would have had if said territory had formed part of the city of Boston for more than six months next before said election.

Ward meetings, how organized, *pro tempore*.

Ward officers shall be sworn. Residence of voters to be valid in Boston for election of 1867.

SECTION 6. All provisions of law requiring an election of municipal and ward officers for said city of Roxbury on the second Monday of December in the year eighteen hundred and sixty-seven, for the municipal year then next ensuing, are hereby repealed.

Repeal of law for election in city of Roxbury in December, '67.

SECTION 7. After the present municipal year, the board of aldermen of the city of Boston shall consist of twelve members, and the common council of the city of Boston shall consist of sixty members. The number of wards of said city, including the wards to be formed out of the territory hereby annexed, shall be fifteen.

Aldermen and councilmen of Boston, numbers of after '67.

Wards.

SECTION 8. The several police officers and watchmen that may be in office in the city of Roxbury when this act shall take effect, shall thereafter continue in the discharge of their

Police officers and watchmen of Roxbury to continue as of Boston.

respective duties, in the same manner as if they were police officers and watchmen in the city of Boston, until others shall be appointed in their stead.

Interest of Roxbury in county property to be released.

Balance of indebtedness to county, Boston to pay.

S. J. court to have equity jurisdiction over, in case of suit.

Act not to impair contracts.

Proviso: person required to pay towards present debt of county may recover same.

Act not to take full effect unless accepted by voters of said cities.

Meetings for purpose.

Polls.

Ward officers *pro tempore* may be chosen.

SECTION 9. All the interest which the city of Roxbury now has in the public property of the county of Norfolk, is hereby released and acquitted to said county of Norfolk. Such proportion of the debts and obligations of the county of Norfolk, existing when this act shall take full effect, over and above the value of all the property belonging to said county as should proportionally and equitably be paid by the inhabitants and property owners of the territory by this act annexed to the city of Boston, shall be paid by said city of Boston to said county of Norfolk; and the supreme judicial court shall have jurisdiction in equity to determine the amount of such proportion, (if any,) and enforce the payment of the same upon a suit in equity, in the name of said county, to be brought therefor within six months after this act shall go into full operation, by the county commissioners of said county of Norfolk, if they shall deem such suit for the interest of said county; but no such suit shall be instituted after said six months.

Nothing contained in this act shall impair the obligation of contracts; and the property and inhabitants of the territory by this act annexed to the city of Boston shall continue liable to the existing creditors of the county of Norfolk, in like manner as if this act had not been passed: *provided*, that if any person, by reason of his being an inhabitant of, or owning property in, said territory, shall be compelled to pay any part of an existing debt or obligation of the county of Norfolk, the amount of such payment shall constitute a debt to him from said county as hereafter to be constituted, exclusive of said territory, and may be recovered in like manner as other debts against the county of Norfolk.

SECTION 10. This act shall not take full effect, unless accepted by a majority of the legal voters of each of said cities, present and voting thereon by ballot, at meetings which shall be held in the several wards of said cities, respectively upon notice duly given, at least seven days before the time of said meeting. Meetings for that purpose shall be held simultaneously in said cities on the second Monday of September next. And the polls shall be opened at nine o'clock in the forenoon of said day, and shall be closed at six o'clock in the afternoon.

In case of the absence of any ward officer, at any ward meeting, held in either city for the purpose aforesaid, a like officer may be chosen *pro tempore*, by hand vote, and shall

be duly qualified and shall have all the powers and be subject to all the duties of the regular officer, at said meetings. Said ballots shall be "Yes" or "No" in answer to the question, "Shall an act passed by the legislature of the Commonwealth in the year eighteen hundred and sixty-seven, entitled 'an act to unite the cities of Boston and Roxbury' be accepted?" Such meeting shall be called, notified and warned by the mayor and aldermen of the city of Roxbury, and the board of aldermen of the city of Boston, respectively, in the same manner in which meetings for the election of municipal officers in said cities, respectively, are called, notified and warned. The ballots given in shall be assorted, counted and declared, in the wards in which they are given, in open ward meeting, and shall also be registered in the ward records. The clerk of each ward in the city of Boston shall make return of all ballots given in, in his ward, and the number of ballots in favor of the acceptance of this act, and the number of ballots against said acceptance, to the board of aldermen of the city of Boston, and like returns by the clerks of the several wards in the city of Roxbury shall be made to the mayor and aldermen of the city of Roxbury. All of said returns shall be made within forty-eight hours of the close of the polls.

Ballots.

Meetings respectively, how warned.

Voting to be made of record.

Clerks of wards shall return votes in Boston to aldermen and in Roxbury to mayor and aldermen.

Time.

It shall be the duty of the board of aldermen of the city of Boston, and of the mayor and aldermen of the city of Roxbury, respectively, to certify and return as soon as may be the ballots cast in their respective cities, and the number of ballots in favor of the acceptance of this act and the number of ballots against said acceptance, in their respective cities, to the secretary of the Commonwealth. And if it shall appear that a majority of the votes in each of said cities is in favor of the acceptance of this act, the said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

Said boards shall certify to secretary of Commonwealth.

Act being accepted, secretary to so certify and publish.

SECTION 11. So much of this act as authorizes and directs the submission of the question of acceptance of this act to the legal voters of said cities, respectively, provided for in the tenth section of this act, shall take effect upon its passage.

Act may be submitted to voters upon passage.

SECTION 12. If this act shall be accepted as herein provided, it shall take effect on the fifth day of November, in the year eighteen hundred and sixty-seven, so far as to authorize, legalize and carry into effect the acts and provisions of the fifth, sixth and seventh sections of this act; but for all other purposes (except as mentioned in section eleven of this act,) it shall take effect on the first Monday of January, in the year eighteen hundred and sixty-eight.

If accepted by voters, when to be in force.

Proceedings in
case S. J. court
declare balloting
void.

SECTION 13. If any election or balloting upon the question of the acceptance of this act, by either of said cities, shall within two months thereafter be declared void by the supreme judicial court, upon summary proceedings, which may be had in any county on the petition of fifty voters of either city, the question of accepting said act shall be again submitted to the legal voters of said city, and meetings therefor shall within thirty days thereafter be called, held and conducted, and the votes returned and other proceedings had thereon, in like manner as herein before provided. But no election or balloting shall be held void for informality, in calling, holding or conducting the election, or returning the votes, or otherwise, except upon proceedings instituted therefor and determined within sixty days thereafter, as aforesaid.

Approved June 1, 1867.

RESOLVES,

GENERAL AND SPECIAL.

RESOLVE IN FAVOR OF INCREASE N. EMERTON.

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-two dollars.

Approved February 6, 1867.

Chap. 1.
Allowance of \$52 authorized.

RESOLVE IN FAVOR OF HERRING POND PLANTATION.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the Herring Pond Plantation, the sum of five hundred dollars, to be expended under his direction in the erection of a school-house for the use of the inhabitants of said Herring Pond Plantation.

Approved February 12, 1867.

Chap. 2.
Allowance of \$500 for erection of school-house.

RESOLVE IN FAVOR OF THE GUARDIAN OF THE PUNKAPOG TRIBE OF INDIANS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the guardian of the Punkapog tribe of Indians, for the benefit of the following members of said tribe, the following sums, to wit: For Sally Burr of Cambridge, one hundred dollars; for Sally Burr of Boston and her son James Burr, one hundred dollars; for Rebecca Davis of Boston, one hundred dollars; for Polly Crowd, fifty-two dollars, in addition to the annuity now allowed; for Isaac Williams, fifty-two dollars, in addition to the annuity now allowed, and for Charlotte E. Myers, one hundred dollars.

Approved February 19, 1867.

Chap. 3.
Allowance to for benefit of sundry persons of the tribe.

RESOLVE CONCERNING THE STATE PRINTING.

Resolved, That the secretary of the Commonwealth, the chairman of the committee on printing of the senate, and the chairman of the committee on printing of the house of representatives, the clerk of the senate, and the clerk of the house of representatives, be and they are hereby authorized

Chap. 4.
Contract authorized for five years from first July, 1867.

and directed to contract for the execution of all the printing for the several departments of the state government for a term not less than two nor more than five years from the first day of July in the year eighteen hundred and sixty-seven, at such rates as said officers shall decide to be equitable between employer and employed, and for the best interest of the Commonwealth; and said contract shall be subject to all the restrictions contained in the existing contract with the state printers: *provided*, that bonds satisfactory to the above-named officers, to the amount of ten thousand dollars, be given by the parties to whom the contract shall be awarded, for the faithful performance of their contract.

Proviso: contracting party to give bonds.

Approved February 27, 1867.

- Chap. 5.* RESOLVE TO PAY THE TOWNS OF OXFORD AND RANDOLPH THEIR PROPORTION OF THE SCHOOL FUND FOR THE YEAR EIGHTEEN HUNDRED AND SIXTY-SIX.

Sums forfeited by in '66 to be reserved for said towns.

Resolved, That there be reserved out of the present year's income of the school fund, for the benefit of the towns of Oxford and Randolph, a sum equal to what said towns would have received from the income of the same for the last year, if the returns of said towns had been received within the time allowed by law to the school committees of the towns and cities in the Commonwealth for making returns; and that the sum so reserved be added to the share, if any, to which the said towns of Oxford and Randolph may be entitled from the present year's income of said fund.

Same to be added to share of '67.

Approved March 2, 1867.

- Chap. 6.* RESOLVE IN RELATION TO THE ISSUE OF ARMS TO THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Governor may issue, in discretion.

Resolved, That his excellency the governor be authorized to issue to the president and faculty of the Massachusetts Institute of Technology, such arms for the use of that institution as in his judgment may be so issued without detriment to the militia service: *provided*, the said president and faculty shall be held personally responsible for the same.

Proviso.

Approved March 2, 1867.

- Chap. 7.* RESOLVE MAKING APPROPRIATIONS FOR THE MONEYS TO BE REFUNDED FROM THE TREASURY UNDER CHAPTER FORTY-SEVEN OF THE ACTS OF THE PRESENT YEAR.

Sum of \$54,966.13 appropriated.

Resolved, That the sum of fifty-four thousand nine hundred and sixty-six dollars and thirteen cents be and the same hereby is appropriated for the payment of the moneys to be refunded from the treasury under the forty-seventh chapter of the acts of the present year.

Approved March 14, 1867.

RESOLVE TO PROVIDE FOR IMPROVEMENTS AT THE STATE PRISON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding fifty thousand dollars, for the purpose of extending the west wing of the state prison, providing additional cells, and furnishing the same; fitting up a store-room and putting new windows into the hospital. The said improvements and expenditures to be made under the direction of the governor and council, and all payments to be made upon properly approved vouchers filed with the auditor.

Approved March 15, 1867.

Chap. 8.

Expenditure of \$50,000 authorized, under direction of governor and council.

RESOLVE IN FAVOR OF THE MARSHPEE SCHOOLS.

Resolved, That the sum of seventy-five dollars be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes for the present year, to the treasurer of the district of Marshpee for the support of schools in that district; the same being in addition to the sums now allowed for the support of said schools, and on 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; and the said treasurer shall, on or before the first day of October next, make a report to the board of education in relation to the expenditure of said money and the condition of the schools.

Approved March 16, 1867.

Chap. 9.

Additional allowance of \$75 for current year.

Condition.

Treasurer to report.

RESOLVE IN FAVOR OF SCHOOLS AMONG THE INDIANS OF GAY HEAD.

Resolved, That there be allowed and paid, out of the moiety of the income of the school fund applicable to educational purposes, to John Mayhew of Edgartown, the sum of one hundred and forty-nine dollars, to be applied to the support of schools among the Indians of Gay Head, during the year eighteen hundred and sixty-seven; and said Mayhew shall make a return of the expenditure of this money and the condition of the schools to the board of education, previous to the next session of the legislature.

Approved March 16, 1867.

Chap. 10.

Allowance of \$149 from school fund, for support.

Report required.

RESOLVE IN FAVOR OF BARNARD C. MARCHANT, GUARDIAN OF CERTAIN INDIANS IN DUKES COUNTY.

Resolved, For reasons set forth in the petition of Barnard C. Marchant, guardian of the Christiantown and Chappquiddic tribes of Indians, that there be allowed and paid out of the treasury of the Commonwealth, to said guardian, the sum of two hundred dollars, or as much of the same as may be necessary for the support of certain members of the

Chap. 11.

Allowance of \$200 for certs in Christiantown Indians.

Also, \$104 in aid of schools.

Christiantown tribe mentioned in said petition: also, that there be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, to the guardian of said tribes, 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-seven. And the said guardian shall on or before the first day of October next make a report to the board of education in relation to the expenditure of said money for schools and of the condition of the schools. *Approved March 16, 1867.*

Chap. 12.

Allowance of \$144.67 for support of certain paupers of Marshpee.

RESOLVE IN FAVOR OF THE CITY OF NEW BEDFORD.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to the city of New Bedford the sum of one hundred and forty-four dollars and sixty-seven cents, in full for the support of Clarissa Casey and Sarah Dennis, paupers belonging to the district of Marshpee, between the years eighteen hundred and sixty-one and eighteen hundred and sixty-six. *Approved March 16, 1867.*

Chap. 13.

Allowance of \$230.

RESOLVE IN FAVOR OF ALONZO BOND.

Resolved, For reasons set forth in the petition of Alonzo Bond, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner the sum of two hundred and thirty dollars. *Approved March 16, 1867.*

Chap. 14.

Allowance of \$50.

RESOLVE IN FAVOR OF PHILIP DOHERTY.

Resolved, For reasons set forth in the petition of Philip Doherty, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner the sum of fifty dollars. *Approved March 16, 1867.*

Chap. 15.

Allowance of \$169.50.

RESOLVE IN FAVOR OF GEORGE W. COPELAND.

Resolved, For reasons set forth in the petition of George W. Copeland, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner the sum of one hundred and nine dollars and fifty cents. *Approved March 18, 1867.*

Chap. 16.

Allowance of \$50 for medical attendance on a state pauper.

RESOLVE IN FAVOR OF HENRY H. CHILDS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of fifty dollars to Henry H. Childs of Pittsfield, in full compensation for his services as surgeon and physician in attending J. Stafford, a state pauper. *Approved March 23, 1867.*

Chap. 17.

Allowance of \$255, to be paid

RESOLVE IN FAVOR OF PRISCILLA FREEMAN.

Resolved, For reasons set forth in the petition of Priscilla Freeman, an Indian of the Deep Bottom Tribe, 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 said Priscilla Freeman, residing in said town, the sum of two hundred and fifty-five dollars.

Approved March 23, 1867.

RESOLVES PROVIDING FOR THE PUBLICATION AND SALE OF THE SUPPLEMENT TO THE GENERAL STATUTES.

Chap. 18.

Resolved, That the secretary of the Commonwealth purchase for the state, if the price shall be satisfactory to him, the stereotype plates of the Supplement to the General Statutes, edited by William A. Richardson and George P. Sanger, for the years eighteen hundred and sixty to the year eighteen hundred and sixty-six, both inclusive, and that hereafter the publication of said Supplement with future additions thereto upon the same plan, be continued by the Commonwealth under the supervision of said Richardson and Sanger as editors thereof.

Purchase of stereotype plates authorized.

Publication of Supplement to be by state.

Resolved, That copies of said Supplement, with future additions thereto and numbers thereof, be sold to the public, at the expense of paper, press-work and binding, to be ascertained and fixed by the secretary of the Commonwealth, from time to time, as editions or parts thereof may be required, public notice of which and of the place of sale shall be given by him until otherwise ordered.

Shall be sold at price to be fixed by secretary.

Notice to be given.

Approved March 27, 1867.

RESOLVE IN AID OF THE PERKINS INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND.

Chap. 19.

Resolved, That there be allowed and paid from the treasury of the Commonwealth the sum of four thousand dollars to the Perkins Institution and Massachusetts Asylum for the Blind, to meet the necessary current expenses of that institution, in addition to the amount already appropriated.

Further allowance of \$4,000, for expenses.

Approved March 28, 1867.

RESOLVE FOR THE PAYMENT OF MONEY DUE TO DANIEL FLYE, DECEASED.

Chap. 20.

Resolved, That the adjutant-general be directed to make a pay-roll for three hundred and twenty-five dollars in the case of Daniel Flye, a member of company K, seventeenth regiment, Massachusetts infantry volunteers: this amount to be paid in the manner prescribed by law, for the payment of state bounties to soldiers and their representatives.

Adjutant-general to make pay-roll for \$325 and money to be paid as for bounties.

Approved March 29, 1867.

Chap. 21. RESOLVE TO AUTHORIZE ELVIRA M. EMERSON TO TAKE CARE OF THE PROPERTY OF WILLIAM H. EMERSON.

May have power as guardian; giving bond, returning inventory, and accounting when required by judge of probate.

Resolved, That for reasons set forth in her petition, Elvira M. Emerson, wife of William H. Emerson of Royalston, be authorized to collect and preserve the effects of said William H. Emerson, and generally, during his absence from the Commonwealth, to manage and take care of his estate, and out of the same to pay any debts of the said William H., and to provide for the expenses of his family, with like power and authority to that which may now be exercised by guardians of minors, insane persons and spendthrifts; the said Elvira M. first giving bond, with one or more sureties satisfactory to the judge of probate for the county of Worcester, that she will, within three months, make and return into the probate court of said county a true inventory of all the property of said William H., and account for the same, when required by said judge, to the person or persons who shall be legally authorized to receive the same.

Approved April 2, 1867.

Chap. 22.

Additional allowance of \$200, for assistance and expenses.

RESOLVE IN AID OF THE STATE LIBRARY.

Resolved, That a sum not exceeding two hundred dollars per annum be allowed and paid out of the treasury of the Commonwealth, in addition to the amount now authorized, for assistance and incidental expenses in the state library, to be expended under the direction of the trustees and librarian.

Approved April 3, 1867.

Chap. 23. RESOLVE IN FAVOR OF SOLOMON C. HOWLAND, TREASURER OF THE DISTRICT OF MARSHPEE.

Allowance of \$750 for road laid out by commissioners of Barnstable county.

Resolved, For reasons set forth in the petition of the selectmen of the district of Marshpee, that there be allowed and paid from the treasury of the Commonwealth to Solomon C. Howland, treasurer of the district of Marshpee, seven hundred and fifty dollars, the same to be expended by said treasurer, or so much thereof as may be necessary for the completion of a road, laid out by the county commissioners of the county of Barnstable: *provided*, that said Howland shall make a return of the expenditure of this money in his next annual report to the legislature; and *provided further*, that no part of this appropriation shall be paid until a certificate signed by said county commissioners to the effect that said road has been completed and accepted by them, shall be filed with the treasurer of the Commonwealth.

Provisos: treasurer to report expenditure.

Completion and acceptance of road to be certified by county commissioners.

Approved April 3, 1867.

RESOLVE IN FAVOR OF THE BOSTON AND WORCESTER RAILROAD CORPORATION. *Chap. 24.*

Resolved, That for reasons set forth in the petition of the Boston and Worcester Railroad Corporation, there be allowed and paid out of the treasury of the Commonwealth to said corporation, the sum of three hundred and eighty-one dollars and sixty cents.

Allowance of
\$381.60.

Approved April 3, 1867.

RESOLVE TO AUTHORIZE AMOS A. LAWRENCE, GUARDIAN, TO LEASE CERTAIN REAL ESTATE. *Chap. 25.*

Resolved, That Amos A. Lawrence, of Brookline, in the county of Norfolk, guardian of his five infant children under the age of twenty-one years, to wit: Amory Appleton Lawrence, William Lawrence, Susan Mason Lawrence, Hetty Sullivan Lawrence and Harriet Dexter Lawrence, be and hereby is empowered by the direction of the supreme judicial court sitting in equity, to be signified by an order to be made in a summary way upon the petition of said infants or of their said guardian, to make such lease or leases of any land and real estate lying in Boston in the county of Suffolk, of which said infant children or any of them may be seized or possessed or entitled to, or of any part thereof, according to his or her interest therein, and the nature and tenfure of their respective estates, for such term or terms of years, (notwithstanding it may exceed the minority of said infants,) and subject to such rent and covenants as the said court shall direct; and said court is hereby empowered to give effect to the provisions of this resolve.

May lease by direction of S. J. court upon petition.

Approved April 9, 1867.

Court may give effect to resolve.

RESOLVE IN FAVOR OF THE WASHINGTONIAN HOME. *Chap. 26.*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the 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 six thousand dollars. The directors shall report to the legislature in the month of January next, a detailed account of the amount contributed by individuals, the total income and expenses of the institution, the number of patients admitted, the average time each remains, the average cost per week of each, the number that pay or contribute towards the expenses of the institution, the amount each pays per week, and the result of their treatment so far as can be ascertained.

Allowance of
\$6,000 for general support.

Directors to report to legislature.

Approved April 10, 1867.

RESOLVE IN FAVOR OF JOSEPH MITCHELL, ADMINISTRATOR. *Chap. 27.*

Resolved, That the treasurer of the Commonwealth is hereby authorized and directed to pay to Joseph Mitchell of

Treasurer of Commonwealth to pay \$300 for

stolen coupons of estate of John W. Barrett.

Nantucket, administrator of the estate of John W. Barrett, the amount of three hundred dollars, the value of ten coupons of ten Massachusetts bonds (union fund,) belonging to said estate and numbered respectively fifteen hundred, fifteen hundred and one, fifteen hundred and two, fifteen hundred and three, fifteen hundred and twenty-one, one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and fifty-three, and two hundred and sixty, payable on the first day of January in the year one thousand eight hundred and sixty-six, alleged to have been stolen from the mail in December in the year one thousand eight hundred and sixty-five; said Mitchell furnishing to said treasurer satisfactory security for the repayment of the above amount, upon demand of said treasurer, made at the request of any person establishing to the satisfaction of said treasurer a legal right to the same.

Security for repayment to be given to treasurer.

Approved April 10, 1867.

Chap. 28.

Allowance of \$100 for medical service to pauper Indians, by Henry E. McCollum, deceased.

RESOLVE IN FAVOR OF EUNICE H. MCCOLLUM.

Resolved, For reasons set forth in the petition of Eunice H. McCollum, that there be allowed and paid to her out of the treasury of the Commonwealth, the sum of one hundred dollars, in full payment for medical services rendered to pauper Indians, in the district of Marshpee, during the year eighteen hundred and sixty-six, by her husband, Henry E. McCollum, now deceased.

Approved April 10, 1867.

Chap. 29.

Allowance of \$5,000, for current year.

Report required.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Resolved, That the sum of five thousand dollars be allowed and paid from the treasury of the Commonwealth to the Massachusetts Charitable Eye and Ear Infirmary, to be expended during the present year, under the direction of the trustees thereof, for the charitable purposes of said infirmary; and the said trustees shall report to the legislature in the month of January next a detailed account of the manner in which this appropriation has been expended.

Approved April 12, 1867.

Chap. 30.

Allowance of \$2,500.

Like sum to be realized by private donations.

RESOLVE IN AID OF THE TEMPORARY ASYLUM FOR DISCHARGED FEMALE PRISONERS AT DEDHAM.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of twenty-five hundred dollars to the Temporary Asylum for Discharged Female Prisoners at Dedham: *provided,* that a like sum shall be realized during the current year by private donations; a sworn certificate of which shall be deposited with the auditor

of the Commonwealth before said sum of twenty-five hundred dollars shall be paid from the treasury. The managers of said asylum shall report to the next legislature an account of its receipts and expenditures for the current year.

Report required.

Approved April 12, 1867.

RESOLVE IN AID OF THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH.

Chap. 31.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Massachusetts School for Idiotic and Feeble-Minded Youth at South Boston, the further sum of six thousand dollars, to meet the necessary current expenses of that institution; and for the purpose of building an infirmary for said institution the sum of seven thousand dollars; said last amount to be paid upon properly approved vouchers.

Additional allowance of \$6,000 for current expenses, and \$7,000 for building infirmary.

Approved April 12, 1867.

RESOLVES IN RELATION TO THE REPUBLICATION OF THE REPORT ON THE INVERTEBRATE ANIMALS OF MASSACHUSETTS.

Chap. 32.

Resolved, That it is expedient to complete the republication of the Report on the Invertebrate Animals of Massachusetts authorized by chapter forty-four of the resolves of the year eighteen hundred and sixty-five, left unfinished by the death of the late Dr. Gould; that the same be done, under the direction of such person or persons as the governor and council may appoint, in accordance with the plans and views of the original author as nearly as possible; and that the appropriation made by chapter two hundred and eighty-two of the acts of the year eighteen hundred and sixty-five be reaffirmed and continued for this purpose.

Completion declared expedient.

Governor to appoint editors.

Appropriation in ch. 282, acts 1865, renewed.

Resolved, That two hundred copies of the report be given to the family of the late Dr. Gould; that fifty copies be placed at the disposal of the governor and council for such gratuitous distribution as they may think proper; that the officers and members of, and the reporters in regular attendance on, the present legislature have one copy each; that every college, normal school, public and town library in the state, have one copy each; that this distribution be made instead of that provided in the resolves to which these are additional; that the remainder of the edition be at the disposal of a future legislature; and that the future copyright be and remain the property of the Commonwealth.

Distribution of portion of copies prescribed.

Remainder of edition. Copyright.

Approved April 12, 1867.

RESOLVE IN FAVOR OF THE SPRINGFIELD HOME FOR FRIENDLESS WOMEN AND CHILDREN.

Chap. 33.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two thousand dollars

Allowance of \$2,000.

Provisos. to the Springfield Home for Friendless Women and Children : *provided*, that said sum shall be expended for the benefit of discharged female prisoners therein ; and *provided further*, that the said institution shall, during the current year, realize a like sum from private donations, a sworn certificate of which shall be deposited with the auditor of the Commonwealth before said sum of two thousand dollars shall be paid from the treasury. The managers of said home shall report to the next legislature an account of its receipts and expenditures for the current year. *Approved April 13, 1867.*

Chap. 34.

RESOLVE IN FAVOR OF GEORGE P. CROSS.

Allowance of \$100 authorized.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to George P. Cross of Lawrence, the sum of one hundred dollars. *Approved April 13, 1867.*

Chap. 35.

RESOLVE FOR THE PAYMENT OF EXPENSES INCURRED IN SUPPORT OF THE STATE NORMAL SCHOOLS, IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-SIX ABOVE THE APPROPRIATION THEREFOR.

Board of education may apply \$527.11 of balance for state scholarships.

Resolved, That the board of education be and they are hereby authorized to apply the sum of five hundred and twenty-seven dollars and eleven cents, from the unexpended balance of the appropriation for the support of state scholarships in the year eighteen hundred and sixty-six, to the payment of the expenses incurred in support of the state normal schools during said year over and above the appropriation therefor. *Approved April 22, 1867.*

Chap. 36.

RESOLVE FOR THE DISTRIBUTION OF THE ANNUAL REPORTS TO PUBLIC LIBRARIES.

Secretary, upon application, to furnish public series.

Resolved, That after the current year it shall be the duty of the secretary of the Commonwealth to furnish each public library, organized under the laws of this Commonwealth, on the application of the librarian thereof, with the annual reports described in the General Statutes as the "Public Series." *Approved April 22, 1867.*

Chap. 37.

RESOLVE ON THE PETITION OF WILLIAM R. LAWRENCE AND EDWARD S. RAND, JUNIOR, TRUSTEES UNDER THE WILL OF SARAH B. FOSTER.

Certain conveyances confirmed.

Resolved, For the reasons set forth in the said petition that the several conveyances in the said petition mentioned, made by the said Lawrence and Rand, trustees as aforesaid, to Charles R. Alley by deed dated the twentieth day of December in the year eighteen hundred and sixty-four, recorded in Suffolk registry of deeds, lib. eight hundred and fifty-two, folio one hundred and sixty-four, to Julia M. Jordan, by deed dated the first day of September, in the year eighteen hundred and sixty-six, recorded in the said registry, lib.

eight hundred and eighty-five, folio one hundred and ninety-five, and to Charles R. Alley, by deed dated the tenth day of October, in the year eighteen hundred and sixty-six, recorded in the said registry, lib. eight hundred and eighty-six, folio one hundred and ninety-seven, be and the same are hereby confirmed; and that the said Lawrence and Rand be, and they are hereby authorized to make, execute and deliver such deeds confirmatory of the titles of the said respective grantees as may be just and proper, and that the said Rand as guardian of the minor children of the said Sarah B. Foster be authorized to release to the said grantees any right, title and interest, legal or equitable, which his said wards may have in the premises conveyed by the said Lawrence and Rand, trustees as aforesaid, by the deeds aforementioned.

Deeds.

Powers to guardian.

Approved April 22, 1867.

RESOLVE IN RELATION TO THE SUPPORT OF STATE LUNATIC PAUPERS.

Chap. 38.

Resolved, That there be allowed and paid to the several lunatic hospitals for the board of insane State paupers for the current year, a sum not exceeding three dollars and fifty cents per week, for each of said paupers.

Board per week, \$3.50 for current year.

Approved April 25, 1867.

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Chap. 39.

Resolved, That the treasurer and receiver-general be, and he hereby is, authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rate of interest as shall be found necessary, and that he repay any sum he may borrow as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury.

May borrow for necessary payments.

Re-payment of loans.

Approved April 25, 1867.

RESOLVE AUTHORIZING CERTAIN IMPROVEMENTS NEAR THE ARSENAL IN THE CITY OF CAMBRIDGE.

Chap. 40.

Resolved, That for reasons set forth in the petition of Charles W. Homer and others there be allowed and paid out of the treasury of the Commonwealth the sum of three hundred dollars towards laying out a public square in front of the arsenal grounds in the city of Cambridge: *provided however,* that said sum shall not be paid until such improvement has been made to the satisfaction of the quartermaster-general, and proof to the auditor that said square has been dedicated to public use.

Allowance of \$300 for public square.

Proviso.

Approved April 26, 1867.

- Chap. 41.** RESOLVE CONCERNING THE FIRST BAPTIST CHURCH IN DORCHESTER.
Resolved, That the First Baptist Church in Dorchester is hereby authorized to fill the vacancy in the board of trustees connected with said church, occasioned by the decease of Jacob Bacon, Jacob Flinn and William Pierce.

May fill vacancy
in board of trustees.

Approved April 26, 1867.

- Chap. 42.** RESOLVE IN FAVOR OF JAMES R. PETTENGILL.
Resolved, That for reasons set forth in the petition of James R. Pettengill there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of seventy-five dollars.

Allowance of
\$75.

Approved April 26, 1867.

- Chap. 43.** RESOLVE IN FAVOR OF MEMBERS OF COMPANY A, FOURTH REGIMENT OF INFANTRY, MASSACHUSETTS VOLUNTEER MILITIA.

Allowance of
\$6 to each member.

Resolved, For reasons set forth in the petition of Ira Drake and others, that there be allowed and paid out of the treasury of the Commonwealth, to Charles E. Bootman, of Canton; Michael Barnes, of Canton; Augustus A. Capen, of Canton; John Carr, of Canton; Charles Carr, of Canton; Albert Crossman, of Stoughton; James E. Donahue, of Stoughton; Charles Eaton, of Stoughton; Barzilla Field, of Stoughton; Jarvis G. Fairbanks, of Stoughton; George H. Gay, of Sharon; Edgar M. Hixon, of Sharon; Otis C. Hodgdon, of Sharon; Melicent Horn, of Sharon; Berthea W. Holmes, of Stoughton; Francis M. Howes, of Canton; Benjamin W. Jewell, of Canton; Paul W. Jackson, of Canton; Adelbert Linfield, of Stoughton; Augustus A. Leach, of Stoughton; John Lynch, of Stoughton; John H. Meade, of Stoughton; Patrick Murphy, of Stoughton; Henry A. Monk, of Stoughton; Charles Patridge, of Stoughton; George Palmer, of Stoughton; Henry Packard, of Stoughton; Lewis C. Richards, of Sharon; Sylvester W. Russell, of North Bridgewater; George H. Smith, Alden A. Seeley, of Stoughton; Jabez E. Talbot, of Stoughton; Adoniram J. White, junior, of Stoughton, the sum of six dollars each.

Approved April 30, 1867.

- Chap. 44.** RESOLVE IN FAVOR OF COMPANY F, NINTH REGIMENT OF INFANTRY, MASSACHUSETTS VOLUNTEER MILITIA.

Allowance of pay
for duty in May,
1866.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to such members of company F, ninth regiment infantry, Massachusetts volunteer militia, as were returned to the adjutant-general as having performed military duty on the last Wednesday in May in the year eighteen hundred and sixty-six, and in accordance with a pay-roll to be made by him, the several sums they

would have been entitled to receive under chapter two hundred and nineteen, section one hundred and forty-six, of the laws of the year eighteen hundred and sixty-six, if the return and pay-roll had been made by their commanding officer according to law: the amount to be paid from the appropriation for military bounty for the year eighteen hundred and sixty-six.

How paid.

Approved May 2, 1867.

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT MONSON.

Chap. 45.

Resolved, That for reasons set forth in the petition of the inspectors of the state almshouse at Monson, there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand dollars for the purpose of erecting suitable hospital buildings for the accommodation of the inmates of said almshouse; and also the sum of five hundred dollars for the purpose of moving and repairing an old building for a play-house for the boys of said institution: *provided*, that properly approved vouchers for these expenditures shall be filed with the auditor.

Allowance of \$4,000 for hospital buildings.

Also \$500 for play-house.

Proviso.

Approved May 2, 1867.

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT TEWKSBURY.

Chap. 46.

Resolved, That there be allowed and paid from the treasury of the Commonwealth the sum of two thousand six hundred dollars to the inspectors of the state almshouse at Tewksbury for the purchase of land for the use of said institution.

Allowance of \$2,600 for purchase of land.

Approved May 2, 1867.

RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT NORTHAMPTON.

Chap. 47.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the state lunatic hospital at Northampton a sum not exceeding three thousand dollars, for the purpose of building fence and making other necessary repairs; the same to be payable upon properly approved vouchers filed with the auditor.

Allowance of \$3,000 for fence and repairs.

Approved May 6, 1867.

RESOLVE IN FAVOR OF PHILIP SEXTON, OTHERWISE CALLED PHILIP SAXON.

Chap. 48.

Resolved, That the adjutant-general be directed to make a pay-roll for two hundred and seventy-five dollars in the case of Philip Sexton, otherwise called Philip Saxon, a member of company E, second regiment heavy artillery, Massachusetts volunteers; the amount to be paid in the manner prescribed by law for the payment of state bounties.

Adjutant-general to make pay-roll for \$275.

Payment.

Approved May 6, 1867.

Chap. 49.Allowance of
\$72 for state aid.

RESOLVE IN FAVOR OF WINIFRED GAHEGAN.

Resolved, For reasons set forth in the petition of Winifred Gahegan of Milford, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of seventy-two dollars for state aid. *Approved May 6, 1867.*

Chap. 50.

County taxes.

RESOLVE GRANTING TAXES TO 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 collected and applied according to law, viz.: Barnstable, ten thousand dollars; Berkshire, twenty-seven thousand dollars; Bristol, sixty-three thousand dollars; Essex, one hundred and twenty thousand dollars; Dukes, four thousand dollars; Franklin, twenty thousand dollars; Middlesex, one hundred and forty thousand dollars; Hampshire, twenty-five thousand dollars; Norfolk, eighty thousand dollars; Hampden, forty-four thousand dollars; Plymouth, thirty-five thousand dollars; Worcester, eighty thousand dollars. *Approved May 8, 1867.*

Chap. 51.Allowance of
\$15,000 for heat-
ing apparatus.

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT BRIDGEWATER.

Balance of for-
mer one, how
may be used.

Resolved, For reasons set forth in the petition of the inspectors of the state almshouse at Bridgewater, that there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars for the purpose of putting apparatus into said institution to heat the same by steam, and that said inspectors be allowed to use any unexpended balance appropriated for current expenses of the almshouse for making permanent improvements or for purchasing land for the benefit of said institution; the same to be payable upon properly approved vouchers filed with the auditor. *Approved May 9, 1867.*

Chap. 52.Allowance of
\$600 for society
purposes.

RESOLVE IN FAVOR OF THE NEW ENGLAND FEMALE MORAL REFORM SOCIETY.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to the treasurer of the New England Female Moral Reform Society, six hundred dollars, to be expended for the charitable purposes of the institution. *Approved May 9, 1867.*

Chap. 53.Allowance of
\$1,000 for cur-
rent expenses.

RESOLVE IN FAVOR OF THE BOSTON STATION HOME.

Proviso.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the treasurer of the Boston Station Home towards defraying its current expenses, the sum of one thousand dollars: *provided*, that at least a like amount be obtained for the same purpose by private subscription. *Approved May 9, 1867.*

RESOLVE TO AUTHORIZE THE SALE OF THE PROPERTY OF THE HOWARD STREET SOCIETY IN SALEM.

Chap. 54.

Resolved, That James Kimball, Allen W. Dodge and Benjamin C. Perkins be, and are hereby authorized to sell, by public or private sale, and to make, execute and deliver a deed or deeds, or bills of sale, to convey the whole, or any part of the property, including real and personal estate, belonging to the Howard Street Society in Salem: *provided*, that previous to such sale the pews in the meeting-house of said society, and other property belonging to said society, shall be appraised by the above-named persons, or by any three disinterested persons appointed by them; and after such sale, and the payment of all debts and liabilities of said society and the expenses of said sale, the net proceeds thereof shall be distributed among the pew-owners in proportion to the appraised value of the several pews.

Certain persons may give deed and bills of sale.

Proviso.

Distribution of proceeds.

Approved May 9, 1867.

RESOLVE IN FAVOR OF S. D. BUTLER AND CHENEY HAMILTON.

Chap. 55.

Resolved, For reasons set forth in the petition of said Butler and Hamilton, that there be allowed and paid out of the treasury of the Commonwealth to the said petitioners the sum of one hundred and seven dollars and fifty cents.

Allowance of \$107.50.

Approved May 9, 1867.

RESOLVE IN FAVOR OF ROBERT COWDIN.

Chap. 56.

Resolved, That for reasons set forth in the petition of Robert Cowdin, there be allowed and paid him out of the treasury of the Commonwealth, the sum of fifty-four dollars and forty-two cents.

Allowance of \$54.42.

Approved May 9, 1867.

RESOLVE IN FAVOR OF SARAH F. K. FRANCIS.

Chap. 57.

Resolved, For reasons set forth in the petition of Sarah F. K. Francis of Fairhaven, that there be allowed and paid out of the treasury of the Commonwealth, to said petitioner, the sum of one hundred and twenty-eight dollars for state aid, and that on and after the first day of May in the year eighteen hundred and sixty-seven, said petitioner be taken and deemed to be entitled to receive the same amount of state aid that she would have been entitled to receive had her husband been credited to the quota of Massachusetts.

Allowance of \$128 for state aid.

After May 1, '67, how entitled to aid.

Approved May 9, 1867.

RESOLVE IN FAVOR OF ROBERT MAYBEY.

Chap. 58.

Resolved, That for reasons set forth in the communication of the adjutant-general, there be allowed and paid out of the treasury of the Commonwealth to Robert Maybey, the sum of forty dollars.

Allowance of \$40.

Approved May 9, 1867.

Chap. 59. RESOLVE IN FAVOR OF EDWARD PENDLETON AND ROBERT W. WILLIAMS.

Adjutant-general to make pay-rolls for.

Resolved, That the adjutant-general be directed to make pay-rolls for eighty dollars in the case of Edward Pendleton of company G, twenty-seventh regiment, Massachusetts volunteers, and for sixty dollars in the case of Robert W. Williams of company I, fifty-seventh regiment, Massachusetts volunteers; said sums to be paid in the manner prescribed by law for the payment of state bounties.

Payment.

Approved May 9, 1867.

Chap. 60. RESOLVE ON THE PETITION OF JOHN J. WILLIAMS, TRUSTEE.

May execute mortgage for \$25,000 on estate in Fall River.

Resolved, For the reasons set forth in the said petition, that John J. Williams, trustee, be and he hereby is authorized to make, execute and deliver a mortgage for a sum not exceeding twenty-five thousand dollars on the estate he owns and holds in trust in the city of Fall River, bounded northwardly by Spring Street, eastwardly by Second Street, southwardly by land formerly of one Moriarty, and westwardly by land now or lately of Abiathar Hall, containing about seventy-seven square rods: *provided*, that the said Williams shall pay and discharge three several mortgages now existing upon said estate, and amounting in the aggregate to the sum of twenty-eight thousand dollars; and such mortgage so made, executed and delivered by the said Williams, shall be a valid lien upon the said estate for the payment of the said mortgage.

Proviso.

Approved May 14, 1867.

Chap. 61. RESOLVE IN FAVOR OF HENRY A. DAVIS.

Allowance of \$200 for office rent.

Resolved, For the reasons set forth in the petition of Henry A. Davis that there be allowed and paid to him from the treasury of the Commonwealth the sum of two hundred dollars for office rent, in full to the end of the present year.

Approved May 15, 1867.

Chap. 62. RESOLVE IN FAVOR OF THE MUSEUM OF COMPARATIVE ZOOLOGY.

Allowance of \$10,000, to be expended by trustees.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to the Museum of Comparative Zoölogy, the sum of ten thousand dollars, to be expended under the direction of the trustees of said institution.

Approved May 16, 1867.

Chap. 63. RESOLVE IN AID OF THE DISCHARGED SOLDIERS' HOME.

Allowance of \$10,000 to be expended by directors.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of Discharged Soldiers' Home, located in Springfield Street, in the city of Boston, to be expended by the directors of the institution in temporarily caring for and aiding disabled and destitute

soldiers who have been honorably discharged from the service of the United States, a sum not exceeding ten thousand dollars; said payment to be made, from time to time, in such sums as may be applied for by the president and two vice-presidents of said institution: *provided*, that soldiers who have served in Massachusetts regiments shall have the preference in the benefits of the same; that no part of the money shall be expended for the support of soldiers who can be admitted to the National Tugus Spring Hospital at Augusta in the state of Maine, and who, in the judgment of the executive committee of the Boston Soldiers' Home, may be properly and humanely removed to the said national hospital; and *provided also*, that the governor shall have power to appoint two trustees of the Boston Soldiers' Home. The officers of this institution 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 expenses of the institution, and the number of persons admitted and relieved during the year.

Payment.

Provisos: condition of expenditure.

Governor may appoint two trustees.

Officers shall report to legislature.

Approved May 16, 1867.

RESOLVE IN FAVOR OF HARRIET L. WHITCOMB.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Harriet L. Whitcomb, of Concord, widow of Reverend William C. Whitcomb, the sum of one hundred and twenty-eight dollars for state aid; and that on and after the first day of May, in the year eighteen hundred and sixty-seven, said Harriet L. Whitcomb be taken and deemed to be entitled to receive the same amount of state aid that she would have been entitled to receive had her husband been credited to the quota of Massachusetts.

Chap. 64.

Allowance of \$128 for state aid.

After first May, '67, how entitled.

Approved May 16, 1867.

RESOLVE IN RELATION TO COMMITTING JUVENILE OFFENDERS TO PRIVATE INSTITUTIONS.

Resolved, That the subject of additional provision for the care and reform of juvenile offenders be referred to the board of state charities, with instructions to inquire into the condition of the private charitable institutions within the Commonwealth, with special reference to the expediency of committing juvenile offenders to such institutions; and said board shall report to the next general court.

Chap. 65.

Subject referred to board of state charities with instructions.

Report of board.

Approved May 18, 1867.

RESOLVE IN RELATION TO THE MERCANTILE SAVINGS INSTITUTION.

Resolved, That the Mercantile Savings Institution of Boston is hereby so far relieved from the payment of the taxes

Chap. 66.

Taxation upon capital stock reduced.

assessed upon its capital stock under the provisions of chapter two hundred and eight of the acts of the year eighteen hundred and sixty-four, and of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, as may be requisite to reduce the taxation upon the capital stock of said institution, for the years eighteen hundred and sixty-four, eighteen hundred and sixty-five and eighteen hundred and sixty-six, to the same rate imposed upon other corporations, excepting banks of issue and of deposit, organized under the laws of this Commonwealth.

Approved May 18, 1867.

Chap. 67.

Allowance of \$500 for introduction of water.

Payment.

RESOLVE CONCERNING THE ARSENAL AT CAMBRIDGE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, for the introduction of Fresh Pond water at the arsenal at Cambridge as a protection against fire; the same to be paid upon properly approved vouchers filed with the auditor.

Approved May 20, 1867.

Chap. 68.

Allowance of \$15,000 for payment of debts.

RESOLVE IN FAVOR OF THE WORCESTER LUNATIC HOSPITAL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Worcester Lunatic Hospital the sum of fifteen thousand dollars, to be applied to the payment of the debts of the hospital.

Approved May 20, 1867.

Chap. 69.

Allowance of \$128 for state aid.

After first May, '67, how entitled.

RESOLVE IN FAVOR OF KATIE PALMER.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Katie Palmer of Fall River, widow of George L. Palmer, the sum of one hundred and twenty-eight dollars, for state aid; and that on and after the first day of May, in the year eighteen hundred and sixty-seven, said Katie Palmer be taken and deemed to be entitled to receive the same amount of state aid that she would have been entitled to receive had her husband been credited to the quota of Massachusetts.

Approved May 20, 1867.

Chap. 70.

Allowance of \$48 for state aid.

RESOLVE IN FAVOR OF SARAH J. DAVIDSON.

Resolved, For reasons set forth in the petition of Sarah J. Davidson, widow of Robert C. Davidson, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of forty-eight dollars for state aid.

Approved May 27, 1867.

Chap. 71.

Allowance of \$36 for state aid.

RESOLVE IN FAVOR OF MARY MAGUIRE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Mary Maguire of Boston,

mother of Thomas Maguire, the sum of thirty-six dollars for state aid, and that on and after the first day of May in the year eighteen hundred and sixty-seven, said Mary Maguire be taken and deemed to be entitled to receive the same amount of state aid that she would have been entitled to receive had her son received his disability within the limit of time prescribed by the law granting state aid.

After May 1, '67,
how entitled.

Approved May 27, 1867.

RESOLVE IN FAVOR OF NATHANIEL C. STEARNS.

Resolved, For reasons set forth in the petition of Nathaniel C. Stearns, there be allowed and paid to him from the treasury of the Commonwealth the sum of ninety-five dollars and sixty-seven cents.

Approved May 27, 1867.

Chap. 72.

Allowance of
\$95.67.

RESOLVE AUTHORIZING THE PAYMENT OF CERTAIN MONEYS TO THE EXECUTORS OF JOSEPH WILLARD.

Resolved, That the clerk of the superior court for civil business for the county of Suffolk, be, and he is hereby authorized and directed to pay out of the excess of fees received by him which by law are payable into the treasury of said county, to Susannah H. Willard and Joseph Willard, executors of the will of Joseph Willard, late of Boston, deceased, the sum of fourteen hundred and fifty-three dollars and thirty-two cents, being the amount expended by them for extending and completing the records of the superior court, in the county of Suffolk, after the death of said Joseph Willard, deceased, who was clerk of said court in said county.

Clerk of superior
court in Suffolk
to pay \$1,453.32
from excess of
fees payable to
county.

Approved May 31, 1867.

Chap. 73.

RESOLVE IN FAVOR OF HANNAH M. NEEDHAM.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Hannah M. Needham, of Lawrence, widow of Sumner H. Needham, the sum of one hundred and twenty-eight dollars, for state aid; and that on and after the first day of May, in the year eighteen hundred and sixty-seven, said Hannah M. Needham be taken and deemed to be entitled to receive the same amount of state aid that she would have been entitled to receive had her husband been credited to the quota of Massachusetts.

Approved May 31, 1867.

Chap. 74.

Allowance of
\$128 for state
aid.

After May first,
'67, how entitled.

RESOLVE FOR THE PAYMENT OF MONEY DUE TO FRANK WHEELER, DECEASED.

Resolved, That the adjutant-general be directed to make a pay-roll for two hundred and fourteen dollars and sixty-six cents in the case of Frank Wheeler, a member of company K, thirtieth regiment of infantry, Massachusetts vol-

Adjutant-gen-
eral to make pay-
roll.

Chap. 75.

Payment.

unteers; to be paid in the manner prescribed by law for the payment of state bounties to soldiers and their representatives.

Approved May 31, 1867.

Chap. 76.

Res. 88 of '66 construed in favor of bounty to members.

RESOLVE IN RELATION TO COMPANIES E, F, L AND M, OF THE SECOND MASSACHUSETTS CAVALRY.

Resolved, That chapter eighty-eight of the resolves of the year eighteen hundred and sixty-six, relative to companies E, F, L and M, of the second Massachusetts cavalry, be so construed as to pay the bounty of fifty dollars to each member of said companies or his heirs.

Approved May 31, 1867.

Chap. 77.

Allowance of \$22,814 on account of Troy & Greenfield R. R. & Hoosac Tunnel.

RESOLVE IN FAVOR OF HERMAN HAUPT.

Resolved, That in consideration of moneys paid on account of interest and other matters connected with the Troy and Greenfield Railroad and Hoosac Tunnel by Herman Haupt and Company, and in full therefor and of all claims against the Commonwealth, the attorney-general is hereby authorized and directed to discharge all executions now held by the state against Herman Haupt, and there shall be allowed and paid to said Herman Haupt the sum of twenty-two thousand eight hundred and fourteen dollars: *provided,* that a full release, satisfactory to the attorney-general, of any and all claims in relation to the west shaft of the Hoosac Tunnel shall have been made to the Commonwealth.

Approved June 1, 1867.

Chap. 78.

Allowance of \$32.66 for state aid.

RESOLVE IN FAVOR OF ELIZABETH EVANS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Elizabeth Evans, the sum of thirty-two dollars and sixty-six cents, for state aid.

Approved June 1, 1867.

Chap. 79.

Allowance of \$144.

RESOLVE IN FAVOR OF FRANCES E. COGGIN.

Resolved, That for reasons set forth in the petition of Frances E. Coggin, widow of Charles H. Coggin, of company H, thirteenth regiment Massachusetts infantry, there be allowed and paid to her out of the treasury of the Commonwealth, the sum of one hundred and forty-four dollars.

Approved June 1, 1867.

Chap. 80.

Allowance of \$132.

RESOLVE IN FAVOR OF ELIZA K. WILLIAMS.

Resolved, That for reasons set forth in the petition of Eliza K. Williams, widow of Watson S. Williams, of company G, thirty-fifth regiment Massachusetts infantry, there be allowed and paid to her, out of the treasury of the Commonwealth, the sum of one hundred and thirty-two dollars.

Approved June 1, 1867.

RESOLVE IN FAVOR OF ELIZABETH MALONEY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Elizabeth Maloney, of Boston, widow of John P. Maloney, the sum of fifty-six dollars for state aid.

Approved June 1, 1867.

Chap. 81.

Allowance of \$56 for state aid.

RESOLVE IN FAVOR OF TIMOTHY CONNELLY.

Resolved, For reasons set forth in the petition of Timothy Connelly, that there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of three hundred and twenty-five dollars for state bounty.

Approved June 1, 1867.

Chap. 82.

Allowance of \$325 for state bounty.

RESOLVE IN FAVOR OF WILLIAM INGALLS, EXECUTOR.

Resolved, That William Ingalls, executor of the last will and testament of Enoch H. Rust, late of Boston, deceased, be, and he hereby is, authorized and empowered to invest in personal or other securities, at his discretion, certain moneys which by said will, the said Rust directed to be laid out in the purchase of a house for the use of Lucy R. Stedman and her children ; also to invest in personal or other securities at his discretion, certain moneys, which by said will the said Rust directed to be laid out in the purchase of a house, or other real estate for the benefit of the children of said William Ingalls ; all said property to remain to the same uses and ultimate disposal, and for the benefit of the same persons, as the said moneys would have been if invested in real estate, agreeably to the provisions of said will : *provided*, that the said executor shall first give bond, with sufficient sureties to the judge of probate for the county of Suffolk, to the acceptance of said judge, conditional that said executor shall faithfully and according to his best judgment, execute the authority hereby conferred, and render from time to time, as the said judge may order, true and just accounts of said trust.

Approved June 1, 1867.

Chap. 83.

Powers of, under will of Enoch H. Rust defined.

Proviso: shall give bond to judge of probate.

RESOLVE IN RELATION TO IMPROVEMENTS AND REPAIRS OF THE STATE HOUSE.

Resolved, That it is expedient to make certain alterations, improvements and repairs in the state house, substantially in accordance with the views of the joint committee in their report on this subject to the present legislature and such other improvements as the commissioners may deem necessary ; and the president of the senate and speaker of the house are hereby appointed commissioners with full power to carry out the purposes of this resolve : *provided*, that said improvements shall not be commenced until a contract shall

Chap. 84.

President of senate and speaker of the house appointed commissioners.

Contract, and conditions of.

have been made, with sureties satisfactory to the commissioners, that they can be completed for the sum of one hundred and fifty thousand dollars.

Approved June 1, 1867.

Chap. 85.

Governor to ascertain if Mass. Historical Society have property of State in custody.

May determine title, and restore to state library. Report.

RESOLVE CONCERNING THE "HUTCHINSON PAPERS."

Resolved, That the governor be requested to ascertain whether any books, manuscripts or other documents now in possession of the Massachusetts Historical Society, are the property of the Commonwealth, and to take such measures as he may deem proper to determine the question of title and procure the restoration of the same to the library of the Commonwealth; and that he report to the next general court the results of his action under this resolve.

Approved June 1, 1867.

Chap. 86.

Sum of \$100,000 from coast defence fund allowed.

Commissioners appointed by governor to expend.

May construct sea-wall or dike across East Harbor Creek.

Expenditure declared to belong to United States.

Copies of resolves to be sent U. S. senators and representatives.

RESOLVES CONCERNING CAPE COD HARBOR AT PROVINCETOWN.

Resolved, That there be allowed and paid out of the coast defence fund a sum not exceeding one hundred thousand dollars, and the same is hereby appropriated, for the protection and preservation of Cape Cod Harbor at Provincetown from the dangers which threaten it; the same, or such part thereof as may be needed for that purpose, to be expended under the direction of a board of three commissioners, to be appointed by the governor, upon plans approved by the governor and council. And such commissioners are hereby authorized to construct a sea-wall, dike or other solid and permanent structure across the opening of East Harbor Creek, near the present highway bridge across that creek, and to do any other acts which may appear to them necessary and expedient for the protection, preservation and security of said Cape Cod Harbor.

Resolved, That the appropriation hereby made, is in anticipation of a duty and obligation which manifestly belongs to the general government of the United States, and which is now assumed by Massachusetts in the present exigency, relying upon ultimate re-imbusement therefor.

Resolved, That his excellency the governor be requested to communicate a copy of these resolves to the senators and representatives from Massachusetts in congress; and that they be earnestly desired to urge and secure re-imbusement by the United States of whatever may have been, or hereafter may be expended by this Commonwealth for the security of Cape Cod Harbor.

Approved June 1, 1867.

Chap. 87.

Governor may cause certain laws and orders

RESOLVES CONCERNING THE PRINTING OF THE PROVINCIAL LAWS.

Resolved, That the governor with the consent of the council be authorized to cause to be prepared for publication

the acts and laws of the late province of Massachusetts Bay, with such of the laws and orders recorded in the general court record as are of legal and historical importance, from the arrival of the province charter in the year sixteen hundred and ninety-two, to the seventeenth day of June, in the year seventeen hundred and seventy-four, and to contract for the printing of one volume of the same during the present year, to be distributed according to the provisions of chapter three, section two, of the General Statutes.

prepared for press and print one volume, to be distributed under G. S. 3, § 2.

Resolved, That the sum of ten thousand dollars is hereby appropriated for the publication of said laws, of which sum not above three thousand dollars shall be expended during the present year.

Appropriation, and expenditure present year.

Approved June 1, 1867.

RESOLVE AUTHORIZING THE PURCHASE OF A BUST OF ABRAHAM LINCOLN.

Chap. 88.

Resolved, That there be allowed and paid to Mrs. Sarah F. Ames, out of the treasury of the Commonwealth, the sum of twenty-five hundred dollars for a marble bust of Abraham Lincoln.

Allowance of \$2,500 for work in marble.

Approved June 1, 1867.

RESOLVE CONCERNING THE SALARIES OF THE JUSTICES OF THE SUPERIOR COURT.

Chap. 89.

Resolved, That the salaries of the chief justice and associate justices of the superior court, as established by the present legislature, shall be paid from the first day of January last.

Shall be paid under act of '67, from first January.

Approved June 1, 1867.

RESOLVE IN RELATION TO REPAIRS OF THE STATE HOUSE.

Chap. 90.

Resolved, That in case it shall be found that improvements upon the state house, as contemplated by a resolve of the present session, cannot be completed within the sum therein provided, the commissioners appointed to make said improvements shall be authorized to complete so much thereof as relates to the re-seating of the representatives' hall, and the warming and ventilation of the rooms, and to use so much of the appropriation as may be needed for that purpose.

Sum in Res. 84, '67, being found insufficient for work, shall be used on house of representatives, etc.

Approved June 1, 1867.

RESOLVE IN RELATION TO THE COMPENSATION OF THE DOOR-KEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Chap. 91.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to each of the door-keepers and assistant door-keepers, and to the messengers of the senate and house of representatives, five dollars per day, and to each of the pages of the two branches the sum of three dollars and fifty cents per day, for each day's service of the

Allowances for service.

present session, and to the chief door-keeper of the senate and house of representatives, one hundred dollars each, in addition.

Approved June 1, 1867.

Chap. 92. RESOLVE FIXING THE COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, THE CHAPLAINS AND THE MEMBERS OF THE EXECUTIVE COUNCIL AND OF THE ASSISTANT-CLERKS OF THE LEGISLATURE.

Pay of senators and representatives.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to each of the members of the senate and house of representatives, the sum of five dollars per day, for each day's attendance during the present session; to Benjamin C. Dean, assistant-clerk of the senate, and William A. Crafts, assistant-clerk of the house of representatives, each the sum of seven hundred and fifty dollars for their services at the present session of the legislature; to the chaplains of the two branches four hundred dollars each, for the session; to the lieutenant-governor the sum of ten dollars, and to each of the members of the executive council the sum of five dollars per day, for each day's attendance during the present year.

Approved June 1, 1867.

Chap. 93. RESOLVES IN RELATION TO THE COMMONWEALTH FLATS NEAR SOUTH BOSTON.

Joint committee of legislature, with approval of governor and council, to sell certain flats.

Resolved, That a joint committee consisting of three members on the part of the senate with six members on the part of the house of representatives be appointed, with full authority, subject to the approval of the governor and council, to release for money or such other valuable consideration, and upon such terms and conditions as they shall think fit, the right, title and interest of the Commonwealth in and to the whole or any part of the land and flats in Boston harbor, which lie northerly of South Boston and easterly of Fort Point Channel, and within the exterior line on the plan for the occupation of the flats owned by the Commonwealth in Boston harbor, approved by the legislature in the eighty-first chapter of the resolves of the year one thousand eight hundred and sixty-six, and on any modification of said plan hereafter made; and said committee may sit in the recess of the legislature.

May contract for filling, building wharves, making streets, etc., and pay cost with portions of flats or rights upon.

Resolved, That said committee may contract with any person or persons, or the city of Boston, for the filling of any portion of said flats or for building wharves, or making docks, basins, streets, bridges or sewers, dredging or doing any other work upon or in relation to said flats, and to pay for the same by conveyances of any portions of said flats or the granting of any rights or privileges therein, and for laying out and building streets and sewers to and over said flats

or any part thereof, reserving and laying out channels, and they may authorize any corporations or persons to lay and use railroad tracks over any parts of said flats for the purpose of transporting materials for filling up the said flats, and of any other work in relation thereto, and shall have full power to determine and settle, by agreement, arbitration or process of law, the relative rights and interests of the Commonwealth and all other parties in and to and over said flats and any parts thereof; and said committee shall have power to enter into any contracts in regard to the occupation and improvement of said flats which said committee think best: *provided*, that every conveyance made, and the terms thereof, every contract entered into, every authority given for laying railroad tracks and otherwise, every plan for the occupation of said flats and building docks, basins, wharves, streets and sewers thereon adopted by said committee, and all acts of said committee in relation to said flats, shall be submitted to the governor and council, and shall not be binding on the Commonwealth and shall not have any force or effect until the same have been approved by the governor and council; and that nothing herein contained shall authorize said committee, by any stipulation or contract, to require the payment of money from the treasury of the Commonwealth. And all moneys received under and by virtue of these resolves, other than moneys hereinafter applied to the compensation fund, shall be paid to the treasurer of the Commonwealth, to be applied to the sinking fund, as provided for by section three of chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five.

May authorize laying of railroad tracks.

May settle public and private rights.

May improve flats.

Proviso: all acts to be approved by governor and council.

No money to be paid from state treasury.

Moneys received hereunder, except certain, to go into treasury for sinking fund, under Act 1865, 122, § 3.

Resolved, That the said committee may make any contracts which they think judicious with any of the riparian proprietors in South Boston, for the purchase of any of their flats, or rights or interest therein: *provided*, that no such contract shall be binding on the Commonwealth until the same has been approved by the governor and council, and that no such contract shall require the payment of any money from the treasury of the Commonwealth beyond the amount received under this act.

Committee may make contracts with riparian owners.

Proviso: shall be approved by executive; payment of money.

Resolved, That said committee shall neither fill nor make any contract for the filling of any portion of said flats, nor allow the same to be filled by any person or persons, without first providing for such compensation for tide-water displaced as may be necessary for the protection and preservation of the harbor of Boston, the amount of such displacement to be ascertained, and the amount and nature of the compensation

Displaced tide-water, compensation for to be provided as condition precedent.

Committee shall consult harbor commissioners and be approved by executive.

Commissioners to direct work, if done; money in lieu to be paid into treasury, under Act 1866, 149 § 4.

Committee to estimate sum of cost and method of pay for filling whole area, and report.

Shall appoint hearing for parties in interest, and give notice.

Shall suggest needful law.

Account of services and expenses of committee, to be submitted to governor and council.

Tenure of committee.
Majority act.

necessary to be made therefor, or the worth of the same in money, to be determined by said committee, after consultation with the board of harbor commissioners and the advisory council of said board, and subject to the approval of the governor and council; and such work shall be done under the direction of the board of harbor commissioners, or the money received in lieu thereof shall be paid into the treasury, in the manner provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and shall be applied to making compensation, in such manner as the legislature shall hereafter determine. The committee shall estimate the cost of compensation necessary to be made for filling the whole area herein authorized to be filled, and shall inquire into the best method of making such compensation, and report all the facts with their recommendations to the next legislature.

Resolved, That said committee shall appoint a time and place for hearing of all parties interested in the premises, on all matters preliminary to the execution of their commission, and shall give at least ten days' notice thereof, by publication in three or more newspapers printed in the city of Boston; and it shall be their duty to suggest for consideration any new enactments of law which they may think needful for the purpose of carrying into full effect any agreements made or contemplated by them, and of securing the public objects aforesaid in the future improvement of said land and flats conformably to said plan; and they shall keep an account of all their actual services and of all expenses attending the execution of their commission, to be duly audited and allowed by the governor and council, and paid by warrants upon the treasury duly drawn for that purpose by the governor, who is hereby authorized to draw the same.

The authority of said committee shall continue until the action of the next legislature thereupon. The act of the major part of the committee shall be taken to be the act of the committee.

Approved June 1, 1867.

The General Court of 1867 passed three hundred and fifty-nine Acts and ninety-three Resolves, which received the approval of the Governor.

The Acts may be classified as follows: General Statutes, and Acts of a public character, ONE HUNDRED AND THIRTY-FOUR; Special Acts, relating to private rights, persons and corporate bodies, TWO HUNDRED AND TWENTY-FIVE.

R E S O L V E

RELATIVE TO AN AMENDMENT OF THE CONSTITUTION OF THE
UNITED STATES.

Whereas, the legislature has received official notification of the passage by both houses of the thirty-ninth congress of the United States, at its first session, of the following proposition to amend the constitution of the United States, by a constitutional majority of two-thirds thereof, in words following, to wit :

JOINT RESOLUTION, PROPOSING AN AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States, as an Amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as a part of the Constitution, namely :

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crimes, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of such citizens, twenty-one years of age, in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or Elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an Executive or Judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims, shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

Therefore, resolved, That the said proposed amendment to the constitution be, and the same is hereby ratified by the legislature of the Commonwealth of Massachusetts.

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the governor to the president of the United States, to the presiding officer of the United States senate, and the speaker of the United States house of representatives. [*Passed in the House of Representatives on March 15, and in the Senate, March 20, 1867.*]

INAUGURAL ADDRESS

OF

HIS EXCELLENCY ALEXANDER H. BULLOCK.

At twelve o'clock on Friday, the fourth 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, met the Senate and House of Representatives, in Convention, and delivered the following

A D D R E S S .

*Gentlemen of the Senate and
of the House of Representatives :*

In the name of the people we have convened in this hall of our fathers to take the oaths of office and duty. The place of our assembling has been consecrated for two generations by the sacrifices and the blessings of free government. It is fit and proper, as it is also in accordance with the custom of our ancestors, that we should give one hour to review, before we proceed in our spheres of labor. Surely, and first of all, we owe devout gratitude to the Father of mercies, that He has, through another year, granted to our beloved Commonwealth a term of health and prosperity; that He has inspired her citizens with the same principles of integrity and courage which have kept her institutions unsullied in the past; and that He has brought us together, her chosen representatives, under no regret for any delinquency of those who have come and gone before us, but only responsible, and anxious, lest our exertions

shall be less worthy than theirs of the approval of Him who is the stay and trust of Massachusetts.

In the discharge of my part in this duty of our Convention, I propose, in accordance with ancient usage, to discuss, with whatever information I possess, the condition of the local interests of the Commonwealth, and also to speak frankly and fully of her relations as a member of the federal Union.

LIABILITIES OF THE COMMONWEALTH.

The funded debt of the State on the first day of the present year was	\$24,399,224 25
And the unfunded debt was	2,947,963 16
	<hr/>
Amounting in the aggregate to	\$27,347,187 41
This statement presents an apparent increase of the former during the year, of	5,267,789 25
And a decrease of the latter, of	1,043,473 84

This increase in the funded debt, which includes the loans to various railroad corporations, has accrued chiefly from the absorption of the temporary loans outstanding on the first day of January, 1866; from the investment of more than \$1,500,000 of cash belonging to the various funds in the purchase of the Bounty Fund and Massachusetts War Fund scrip; and from the addition of the difference between \$4.44 and \$4.84 per pound on the sterling bonds loaned to the Western Railroad and the Troy and Greenfield Railroad corporations; these bonds having been originally computed at \$4.44, while their redemption must be provided for at \$4.84 per pound sterling.

The unfunded debt, at present existing, has arisen mainly from advances in excess of the issue of scrip to meet expenses incurred on account of the Troy and Greenfield Railroad and Hoosac Tunnel; from the re-imbursements to cities and towns of amounts paid to families of volunteers; and from unexpected expenditures authorized by Acts of special legislation in excess of previous estimates.

Of the funded debt, before stated, the sum of \$6,826,196 is absorbed in loans made to railroad corporations, which are secured by bonds, mortgages, sinking funds, and collaterals. This, however, includes the amount issued on account of the Troy and Greenfield Railroad and Hoosac Tunnel, the redemption of which has since been assumed by the Commonwealth. But this fact strengthens the security, since the

title has become absolute in the State. Of the remainder of the funded debt, the payment of \$22,005,568 is amply and with certainty provided for by sinking funds, established, pledged, and supplied each year for that purpose; and the sum of \$2,393,656.25, including the Coast Defence Loan, (\$888,000,) and the Three Years Loan, (\$1,055,656.25,) has accrued without any special provision for its redemption other than the ordinary resources of the Treasury.

In connection with this subject, it may be stated that the accumulations of the Debt Extinguishment Fund from the increased value of its securities, of the Union Loan Sinking Fund, and perhaps of some other funds, promise largely to exceed the amount necessary for the redemption of scrip for which they are pledged; thus furnishing means for the liquidation of loans for which no provision has yet been made, whenever, in the judgment of the Legislature, it shall seem desirable to make such reservation. It may be added, also, that the Treasury has now upwards of two millions of dollars in hand with which to retire the seven per cent. Temporary Loan soon to commence its maturity, and to liquidate other portions of the unfunded loans and floating liabilities.

MASSACHUSETTS WAR EXPENSES.

Of the aggregate expenditure of Massachusetts on account of the war, amounting to more than \$50,000,000 including that of her municipalities, the sum thus far paid and payable directly from the State Treasury is not less than \$30,000,000. Of this last named amount, the sum of \$3,532,092.78 has been charged to the United States Government, under the provisions of the Acts of Congress authorizing partial indemnification for expenses incurred by the loyal States. During the past year, an additional allowance of \$621,435.53 has been received from the United States, making, with the amounts previously received, a total re-imbusement thus far of \$2,555,749.74 on this account. Of the unadjusted balance of \$976,343.04, about \$30,000, included in our final account, remains to be submitted to the proper department at Washington. Of the remainder, the sum of \$919,573.18 is suspended for explanation and information now nearly ready to be forwarded with our final account; leaving less than \$27,000 of the whole account thus far actually disallowed. It is but just and reasonable to claim and to expect from the General Government a full re-imbusement for expenses thus incurred.

FINANCE FOR THE PRESENT YEAR.

The estimate of ordinary revenue for the year, which I make from the best materials at my command, amounts to the sum of about \$1,200,000 00

The estimate of the expenditures can scarcely fall short of 5,000,000 00

In this I allow for aid to disabled soldiers and the families of the slain, under the Act of 1866, the sum of 1,800,000 00

The returns from the towns have not yet been received and added, but it is scarcely probable that the total can be less than I have estimated. This sum, when ascertained, should be provided for by tax, and I see no reason to doubt that it will constitute nearly or quite one-half of the whole amount necessary to be raised by taxation.

In these estimates I have made no account of additional appropriations for the prosecution of the work at the Tunnel. The Legislature for the last few years has permitted the appropriation for this object to be provided for by temporary loans, which afterwards are transferred to the funded debt.

By an order adopted by the Governor and Council, after mature deliberation, and under the provisions of chapter 122 of the Acts of 1865, establishing the War Fund, the Treasurer has already issued five-twenty six per cent. currency bonds amounting to \$2,113,000, of which the larger part has been applied in retiring the temporary indebtedness. In the opinion of the Treasurer, approved by the Executive Department, this was deemed to be the best policy of finance which can now be adopted. Already, in the period of four years and a half, the purchase of gold coin for the payment of interest has drawn from the Treasury the sum of \$1,292,516.77.

EDUCATION.

The returns made to the office of the Board of Education exhibit a year of unexampled interest and progress. The increase in the number of pupils of all ages in the schools is shown to be nearly ten thousand, while the average attendance has increased more than eleven thousand and five hundred. No feature of the returns is more satisfactory and encouraging than the marked advance in the wages paid to teachers. The amount raised by taxes for schools during the year is \$1,993,177.39, showing an excess of \$210,552.77 over the preceding year. When to this we add the sum

received from funds and other sources, both for public and private schools, we have the result of \$2,574,974.49 expended on schools; which is equal to the sum of \$10.09 for every person in the State between five and fifteen years of age. I know not any more inspiring cause for hope, nor any higher proof of the determination of the people to add to the security of government the power and grace of intelligence, than is furnished by this unprecedented aggregate of contributions, made in a year of also unprecedented severity of other taxation to discharge the burdens imposed by public war.

All the towns have raised the amount required by law as a condition of receiving their share from the State fund, and sixteen only have failed to raise double this sum; a fact which has not occurred in any former year. The experience which in this respect makes up the record of the last year and of preceding years, establishes, almost beyond doubt, the practical wisdom and the working efficiency of a State education fund, large but limited, and taking effect rather as an incentive to popular appropriations than as a leading source of supply.

I advert to another item from the voluminous returns, which takes a place comparatively obscure among the decimals of arithmetic, but if carried forward, will take a prominent place in the intelligent growth of the State. The percentage of the valuation of 1865 appropriated for public schools in the last year was one mill and ninety-eight hundredths, (\$.001.98,)—an increase on the preceding of twenty-one hundredths of a mill, (\$.00.21.) A delicate ratio when expressed to the eye or the ear; but if it shall be maintained hereafter, at the close of a decade the sum appropriated to public schools will exceed the amount of \$6,000,000 per annum.

It appears that a large and constantly increasing percentage of female teachers, both in summer and in winter, is kept in charge of the department of education. In the last educational year thirteen hundred and seventy-seven (1,377) male teachers, and ten thousand eight hundred and eighty-five (10,885) female teachers were placed over the public schools. I deem it proper to state, also, that the Normal School at Framingham has been put under the superintendence of a woman, by the unanimous approval of the members of the Board of Education, with whose judgment it was my pleasure to concur. It also appears that the average wages of female teachers is considerably less than one-half of that of male teachers. It would be justly a cause of

regret, if it should prove that the reason of the predominant number of female teachers is only or chiefly the cheaper price of their services ; nor is it believed that this is generally true. The facilities and felicities which woman brings to the scope, and range, and adaptations of instruction, are well established by philosophy and experience in the field of education, and ought to absolve the preference which is given to her in the schools of Massachusetts from the hypothesis of mere mercenary advantage to be derived from her employment. Her mission in the progression and elevation of the coming generations of youth is part of a higher philosophy, and a juster judgment, in the realm of modern civilization. I must therefore again ask permission to urge upon the people of the Commonwealth the policy, the wisdom, and the duty of a continued advance in the compensation of the labor of those to whose influence the character of the State is so largely committed. It is not the ordinary question of economic supply and demand. It is rather a condition of the public benefit and destiny, which must be met by a spirit of large liberality and of comprehensive benevolence to the generations which are to succeed us.

PUBLIC INSTITUTIONS.

The charities of Massachusetts are among her most cherished institutions. By her efforts and sacrifices for their establishment, maintenance, and advancement, she has won an enviable name. On this subject her citizens are peculiarly sensitive. Colonial records, provincial laws, and State enactments give ample proof that the straitened means of an infant people and the gathered wealth of a prosperous State have contributed in full proportion to the relief of the needy, and the cure or care of those stricken of God and afflicted.

As a riper experience and a better knowledge have gradually developed the true relations and the actual needs of her dependent classes, she has never faltered in word or work. True alike to instinct and tradition, the Legislature, sustained by her tax-paying people, has preferred rather to exceed, by a liberal provision, than fail to meet the requirements of humanity, as interpreted by the spirit of the age, and the results of scientific investigation. Statutes centuries old, the substance of which is incorporated into our present laws, provided for her poor. A generation ago, the blind, the deaf mute, and the lunatic received her care, and were not forgotten in the generous benefactions of her sons and daughters. And while provision was made for all,

caution and sound judgment marked the steady and harmonious progress of her charities, till their course was suddenly and rudely interrupted.

Origin of the State System.

It pleased God to afflict another people with pestilence and famine, thereby opening a way, through the consequent immigration, for the development of our latent resources, and their own material and social advancement.

But with the advantages gained, the seaboard States were compelled, while all unprepared for it, to encounter the inevitable results from the influx of a sickly and poverty-stricken population. In Massachusetts, the effect was speedily manifest in the crowding of the local almshouses, the hospitals and jails, with paupers, invalids and lunatics.

The unequal distribution of this burden, which bore most heavily on the cities and towns adjoining the sea-coast and the railway lines, created an urgent appeal for relief to the Legislature. This body, finding itself helplessly encumbered by their pecuniary claims, not one-half of which could be examined in an ordinary session, superseded its long-standing committee on accounts by creating the bureau of the State Auditor. It also intrusted to its most sagacious and far-seeing members the investigation of the whole subject, in the hope of immediate relief and future protection. Hence the establishment of the present State system, which went into operation in 1854; but not until the penalty of more than a million of dollars had been incurred for the absence of protective statutes, and the inefficient execution of existing enactments. For the sick immigrants, the hospital at Rainsford Island was refitted and reopened. For the paupers, State almshouses were built, and for the lunatics another hospital was erected, to which, in four years, was added a third. These buildings and their equipment alone have up to this date cost the State over \$900,000. There was further entailed upon our people, for the support of these institutions, an annual expenditure of a quarter of a million, and I am informed that a large part of the present outlay for our charities is due to the dependent survivors of this early immigration.

Board of Alien Commissioners.

As an indispensable part of the system, the Legislature created the Board of Alien Commissioners, whose province it was to guard the State by land and sea against the influx of those likely to become a public charge, without ample

guarantees for their support or removal. Several years elapsed before this Board was suitably organized; but as early as 1857 its activity became manifest. In the next six years it sent from the State 12,000 paupers and lunatics, legally and equitably chargeable to other communities. By this system of prompt removal, it stayed the increase of public charitable institutions, to which no addition has been necessary since that date. It turned back the tide of vagrants penetrating every hamlet of the State. It gave such ample protection by sea, that the commutation money collected was sufficient to support all immigrants thus entering the State who became a public charge within five years after their arrival, to pay the expenses of collection and leave a liberal surplus. It had succeeded, too, in reducing the expenses of State pauperism to \$200,000 per annum, when the outbreak of civil strife deranged its plans, by introducing new classes of dependants.

Board of State Charities.

But in the State system, there existed abuses which the Alien Commissioners had not the power to abate. In the judgment of the Legislature the time had come for the creation of a central board with larger powers, and a more extended supervision, yet retaining all that was valuable in the old organization. Accordingly it established the Board of State Charities, in the faith that the study of learned and thoughtful men, combined with the experience of practical philanthropists, might simplify our cumbrous system, relieve the friction of local boards, and point the way to a reduction of pauperism and crime by exposing, and suggesting means to remove, their causes.

By a happy coincidence there are associated upon this Board the good physician, who has given eyes to the blind, and whose living sympathy with humanity is recognized in either hemisphere; and the legislator of judicial experience, to whose practical sense and legal acumen the State is mainly indebted for the statutes that have mitigated the intolerable burdens of the former years. With such guarantees for sincerity and impartiality of investigation, the opinions of the Board are entitled to your confidence and their suggestions to the test of actual experiment. So much at least is due to their liberal expenditure of time and labor, and the uncompensated services of all the members, save its executive officers.

Cost of the Board of Charities.

The entire cost of the Board proper for 1866, including the compensation and expenses of their agent for visiting indentured and adopted children, is \$1,900, from an appropriation of \$2,500; of the office of the secretary, \$8,000; of that of the General Agent, \$12,000. The latter officer has collected from immigrant head-money and other sources, and paid into the treasury, more than \$30,000,—thus covering the entire expenses of the department and leaving a surplus of nearly \$9,000. Referring you to the Annual Report of the Board for the details of its complicated business, I mention one item, of too much importance to our tax-payers to be omitted here.

While the State has supported during the past year an average of 2,375 paupers and lunatics, at a cost of \$300,000, the Board of Charities has removed from our limits, or fully provided for two thousand more, who would otherwise have been supported at the public expense. The same agency has removed 17,000 of this class since 1857. The enormous outlay not only for annual support, but for buildings and equipment thus legally and honorably avoided, sufficiently indicates our duty, as well as our policy, for the future.

Merely adding that the recommendations of the Board, adopted by your predecessors, have already produced most gratifying results, I proceed to speak of the several classes of institutions.

The Lunatic Hospitals.

These institutions are supervised by unpaid Boards of Trustees, whose personal character assures the faithful performance of their duties.

I have visited them in company with the Executive Council, and can commend their general appearance and management. Their relation to the Commonwealth consists in the reception and treatment of State pauper lunatics at a rate of board fixed by the Legislature and approximating to the actual cost of the support. It is now three dollars and twenty-five cents per week.

The number thus supported on the 30th of September, 1865, was 478; on the same date, the present year, 548. This increase is due to the inadequate means of the Board of Charities for their examination and removal. As this increase involves an additional expense of over \$13,000 per annum, for as many years as they may continue to be inmates, it is simply justice to our tax-payers to appropriate the small sum necessary to dispose of them as justice and humanity require.

I have caused a careful computation to be made of the aggregates of the annual increase for the past nine years, and find it to be 1,053, all but 70 of whom, excepting those who have died, have been removed through the officers of the charities. This is an average of 117 a year, enough, after allowing for the mortality, to require the establishment of an additional hospital once in four years, unless the laws of the State are rigidly executed. To the fact that the laws have been thus executed is due our exemption from an otherwise intolerable burden. Nearly all these parties are entire strangers. There is no reason why Massachusetts should assume their support, and I am confident that the interests of humanity will be best subserved by adherence to the principle at present adopted, that every community shall maintain the classes of dependants for which it is legally liable.

The cost of these institutions to the State, for the current year, has been \$103,000.

The State Almshouses.

The past year has witnessed an important change in two of these establishments. In compliance with the recommendation of the Board of Charities, the last Legislature adopted a new system of classification. Heretofore, the young and the old, the reputable and the vicious, the sane and the insane, have mingled indiscriminately in the same institutions. This admixture has been as revolting to the feelings as prejudicial to good morals. It was, therefore, provided that a State Workhouse should be established on the premises of the Commonwealth at Bridgewater, to which should be committed on long sentences such inmates of the State Almshouses as should be convicted before a trial justice of vagrancy or of leading idle and dissolute lives; and further, that the State Almshouse at Monson should be converted into a Primary School, to which should be transferred, for discipline and instruction, such children as appeared likely to be chargeable to the State for a period longer than six months. From these children were removed all the disabilities of pauperism, and provision was made for placing them as soon as possible in suitable families. A visiting agent was appointed by the Board of Charities to insure a constant knowledge of their treatment and a fulfillment of the conditions on which they were so placed.

This action is a virtual abandonment of two of the State Almshouses as such, except for the reception of the few temporary inmates supplied by the districts in which they

are located. It seems to be a measure of economy and humanity, and I am informed that it promises to be a complete success. Since the first of October, ninety inmates have been sentenced to the State Workhouse, and the effect is already apparent in the diminution of admissions to the State Almshouses.

The Primary School at Monson contains 445 pupils, and will compare favorably with the majority of our district schools.

There are a few hundred paupers remaining at Bridgewater and Monson, who will be nearly all removed in the coming spring, when each institution will assume more completely its distinctive character.

The institution at Tewksbury, under the policy adopted by the Legislature, will eventually be the only State Almshouse. The elimination of the vicious and criminal elements will relieve it in great measure of the repulsive features that have hitherto so disfigured the Almshouses, and render it a more suitable home for the deserving poor. It is under the charge of a kind-hearted and conscientious Superintendent. Its medical department, now involving a great increase of labor and responsibility, through the opening on its premises of a receptacle for the harmless and apparently incurable insane, has been recently placed under the care of a physician of high character and acknowledged ability. Its successful management under the new arrangement will demand financial skill, executive force and promptness, and a banishment of undue timidity. Let us hope that both its Superintendent and its Board of Inspectors will coöperate sincerely and efficiently with the Board of Charities in that policy which seeks not only an economical administration, but a better knowledge of the principles that should control the treatment and support of the insane and the indigent. Its inmates, including about 150 pauper lunatics, now number 780, and the aggregate population of the three establishments is about 1,800, less by ten per cent. than at the same date in 1865. The sum actually drawn from the Treasury for their maintenance is for the current year \$170,000, or somewhat less than \$2 per week for each person supported.

Rainsford Hospital.

It remains to speak of the Hospital at Rainsford Island, which, as it has recently been discontinued in part, requires a somewhat extended notice. This island was purchased in 1736 for hospital purposes. A careful examination of the

legislation from that date to 1775, shows that it was intended and used only for persons ill with contagious diseases, who might arrive by sea or reside "in or near Boston." The selectmen of that town were its supervising board. It afterwards passed entirely under the control of that city, though the title remained vested in the State. The increase of immigration between 1845 and 1852, and the consequent sickness, caused the State to resume its direct control and refit the island for hospital purposes, for which it was re-opened in 1854. But sanitary measures applied to the immigrant ships soon removed the sickness, and since that date its patients have been mainly the vicious poor of Boston and vicinity, who would be more appropriately committed to the excellent hospitals of the State Almshouses. To maintain so costly an institution for this class, many of whom under various pretexts would linger for months after their recovery, seemed only bestowing a premium on vice, and great efforts were made to reduce its numbers and expenditures. These were resolutely opposed by the local officials, and extraordinary means were used to secure patients—or rather inmates—till the passage of the excellent Act of 1865, providing that the sick poor not able to be moved to a State Almshouse should be cared for at their own homes, the expense to be borne mainly by the State. This of course rendered any further occupancy of the island entirely needless except as a quarantine station. The few remaining patients were therefore removed and the officers and attendants relieved from duty. The island is now under the charge of a keeper, and will be used strictly hereafter for its original purpose. Thus has been terminated a troublesome controversy, and a needless expenditure of some thirty thousand dollars per annum. I have yet to learn that by reason of this action any sick person has suffered, or any increase in numbers has occurred in a single State institution.

I deem it proper to say that the above action was taken deliberately and advisedly by the Executive Department in view of the heavy and needless expenditure of the Hospital. Its average number of inmates for the year ending September 30, 1866, was 125; its cost for the same time for expenses and repairs, \$35,000; its cost, since it was re-opened in 1854, not less than \$407,000.

I must add that an establishment called the Military Barracks was found on the island, supported without color of law from the pauper appropriation, and containing some forty discharged soldiers. Having ascertained that numbers of these were of dissolute character, and that all the deserving

could be comfortably and legally cared for in the "Discharged Soldiers' Home," for which a liberal appropriation had been made, and of which the State was not availing itself, by the advice of the Executive Council I directed them to be removed.

For an account of the School for Idiotic and Feeble-Minded Youth, the Asylum for the Blind, and the various Institutions of Reform and Correction, especially of the State Prison, which I am happy to learn is again about to become nearly or quite self-supporting, I must refer you to their elaborate and interesting Annual Reports.

PROVISION FOR DEAF-MUTES.

For successive years the deaf-mutes of the Commonwealth; through annual appropriations, have been placed for instruction and training in the Asylum at Hartford. While, in the treatment of these unfortunates, science was at fault and methods were crude, in the absence of local provisions, this course, perhaps, was justifiable; but with the added light of study and experience, which have explored the hidden ways and developed the mysterious laws by which the recesses of nature are reached, I cannot longer concur in this policy of expatriation. For I confess that I share the sympathetic yearnings of the people of Massachusetts towards these children of the State, detained by indissoluble chains in the domain of silence. This rigid grasp we may never relax; but over unseen wires, through the seemingly impassable gulf that separates them from their fellows, we may impart no small amount of abstract knowledge and moral culture. They are wards of the State. Then, as ours is the responsibility, be ours also the grateful labor. And I know not to what supervision we may more safely intrust this delicate and intricate task, than to the matured experience which has overcome the greater difficulty of blindness superadded to privation of speech and hearing. To no other object of philanthropy will the warm heart of Massachusetts respond more promptly. Assured as I am, on substantial grounds, that legislative action in this direction will develop rich sources of private beneficence. I have the honor to recommend that the initial steps be taken to provide for this class of dependants within our own Commonwealth. Should this policy be adopted, I have every reason to believe that it would eventually result in a permanent decrease of the present annual expenditure for their support.

PRODUCTIVE ENERGIES OF MASSACHUSETTS.

In accordance with the Act of 1865, providing for a Statistical Return of the Industry of the Commonwealth, the Secretary of State has compiled and published, in a volume of more than eight hundred pages, an enduring memorial of the capacity, activity and enterprise of our people. This is the Fourth Decennial Report on the same subject which has been prepared in compliance with our laws.

In this connection it is interesting to recall the fact, that when, thirty years ago, in the commercial metropolis of the world, her capitalists consulted the great statesman of Massachusetts as to the intrinsic value of the scrip of the Commonwealth, then for the first time offered in a foreign market, his answer was the presentation of a copy of the First Report of her productive industry. The maturity of that scrip is immediately approaching; and no better evidence can be furnished of the far-reaching wisdom of his reply, than a perusal of this latest record of her material prosperity and power. Whatever increase of her indebtedness may have since been demanded by the enterprises of peace, or the exigencies of war, the increase of her wealth and productive capacity in a yet greater ratio demonstrates, by the most convincing proof, her ability to meet these added obligations. For, with gratified pride I am enabled to announce to every holder of a Massachusetts Bond, whether at home or abroad, the fact, that while the First Report indicated an annual product of eighty-six millions of dollars, the Second of one hundred and twenty-four millions, and the Third of two hundred and ninety-five millions,—the Fourth and last exhibits an aggregate of five hundred and seventeen millions (\$517,000,000.) And this result is yet more gratifying, and no less remarkable, when it is remembered that the increase of seventy-two per cent. on production in the last decade, has been attained with an increase of only three per cent. in our population.

In reviewing this subject I cannot forget that the inventive genius of our people, developed by their necessities, has induced a variety of pursuits and a division of labor, which by relieving a too intense competition tends with greater certainty to the success of every man in his chosen department of toil. In this last published abstract of our industry I find enumerated more than two hundred distinct classifications of pursuits, of which many are themselves susceptible of sub-division, while many others are omitted from the statement from a failure of the interrogatories propounded by law to keep pace with the ingenuity of our people. We

may well doubt whether within the limits of any other nation, a community can be found so completely illustrating the power and the results of intelligence as applied to industry, in the vital force, the material wealth and the nobler advancement of mind and soul, developed by this combination.

These results have been achieved by a people numbering about twelve hundred and seventy thousand. The returns of the census of 1865 are now in process of compilation in the office of the Secretary; but an examination of the tables foreshadows the above conclusion. The ratio of increase for the last period of five years has scarcely exceeded one-third of the ratio of the five years preceding. But when we consider how great have been the disturbing causes since 1860, our surprise is rather awakened by this steadiness of popular growth. During the same period of five years, from 1860, the valuation of property has increased from \$897,000,000 to \$1,009,000,000, notwithstanding all the while the constant and extraordinary waste of war. Thus it appears, from results which are neither conjectural nor illusory, but which are derived from our admirable method of statistics, and are wholly trustworthy, that the Commonwealth is constantly advancing in all the ways of public strength.

Nor are these energies and forces of wealth and power limited to the uses of mere local aggrandizement. Alike in time of strife or tranquillity, for maintaining the dignity of the Government, and cultivating the arts of peace, their proportion of the national burden has far transcended their ratio of population. The best blood of Massachusetts has been freely shed on land and sea, for the integrity of our empire, and the great idea of universal freedom; but no less profusely, and with no less heroic sacrifice, have her people poured out their treasures to further the accomplishment of the same high purposes. Whether as voluntary offerings, or the necessary imposts of war, their contributions have been made with the same spirit of firm resolve and cheerful alacrity.

By the courtesy of the Commissioner of Internal Revenue and the several Collectors, I have been enabled to ascertain that for the last fiscal year, the people of Massachusetts have paid in the form of internal revenue, specific and general, the sum of \$34,989,208.33. Nor do these figures express the full amount of their payments; for, estimating our proportional expenditure for stamps and other items not necessary to be recounted here, this amount will be at least

\$37,000,000, of an aggregate revenue of \$311,000,000. This is 12 per cent. of the entire receipts of that Department from the whole country,—a result in marked disproportion to the comparative area and population of this Commonwealth, and illustrating the energy and patriotism of its people. If the influence of States in the national councils shall be commensurate with their contributions to the national support, the day is distant when in a public crisis the voice of the people of Massachusetts, speaking through their chosen representatives, shall be lightly regarded.

SAVINGS BANKS.

The first report of the Commissioner of Savings Banks will exhibit a large annual increase in this class of investments. The whole amount of deposits is shown to be \$67,717,947.80; an increase for the year of \$7,781,465.28. It is now thirty-two years since this class of returns was made, and each year has shown an advance in the amount of deposits. That of the last year has far exceeded every other. It is now fifty years since the first Savings Bank was incorporated in the town of Boston, and the present amount of deposits in one hundred and two institutions furnishes a proof that the original purpose of the system has at least been successful. Not only have the number of institutions and the aggregate amounts of the deposits been swollen to the present condition shown by the report of the Commissioner, but the average amount of deposits to each depositor has very largely and constantly increased. I commend these facts, and the suggestions of the Commissioner relating to them, to the consideration of the Legislature.

It is certainly a fit source of pride that the thrift and forethought of the people is represented in the facts of this great success; and it is equally worthy of consideration, in the present development and magnitude of the system, whether, with reference to possible financial exigencies, a larger discretion and power may not wisely and safely be conferred upon the managers of these institutions. Under the present ratio of this investment but a few years will elapse before this capital will amount to one hundred millions of dollars. Those who are vested with its control ought to be also clothed with a discretion sufficient for the general safety in a contingency of public panic.

COLLECTION OF STATE TAXES.

Great embarrassment and delay have been experienced in collecting the assessments under the corporation tax laws of

1864 and 1865, by reason of the inadequate methods provided. Many of the corporations withhold payment, and the number of these increases, by the influence of example, from year to year. The number of cases now delinquent is large, and the amount in dispute is more than \$100,000.

In cases of the refusal of corporations to pay the tax assessed upon them under the law, the statute authorizes suits to be brought against them in the name of the Commonwealth. This course has been adopted. But in these suits the questions of law which arise must await the decision of the Supreme Judicial Court; which decision, in consequence of the large business before that tribunal, can only be obtained after considerable lapse of time. In the meanwhile these corporations do not pay their tax, and others, because of the pendency of the questions of law, refuse to pay theirs. And, in addition, some of these cases may be carried upon writs of error to the Supreme Court of the United States, where in the ordinary course of the docket a decision may not be had before the second or third year after its entry. A large number of corporations may unite to carry any one representative cause into that court,—as, in the year just closed, a large number in a body refused for a common reason to pay the tax assessed upon their capital,—and it is easy to perceive that the operations of the government may in this way be seriously embarrassed.

Besides, this embarrassment reaches the individual towns. Under the fifteenth section of chapter 283 of the Acts of 1865, to which I ask your attention in connection with this subject, as often as the corporations refuse to pay the tax, the accounts of the State Treasurer with the towns in which the stock of the delinquents is held, are kept open and unsettled, and the proper credit and re-imbusement to the towns must be held back until the final adjudication.

In my opinion this is a state of things which is not in accordance with the dignity, necessity, or convenience of the State. The Commonwealth goes as a plaintiff seeking among the courts for its revenue, while any one of its municipalities may enforce the payment of its own taxes against the citizen by quick and summary process. I am of the opinion, reinforced by constant complaints of embarrassment from the Treasury, that a remedy should be provided against this condition.

I recommend that if a tax of the State remains unpaid, after notice, and after a sufficient time, the Treasurer be empowered to issue his warrant, directed to some appropriate officer, for the collection of such tax, in a manner

analogous to that in which the towns are now authorized to proceed against delinquent tax-payers. This should be a remedy in addition to those now provided by law.

Of course any party aggrieved should have its remedy. If such tax should be decided illegal, perhaps the party of whom it has been collected in the manner proposed, might have an action at common law against the officer issuing the warrant, or against the persons assessing the tax. Such actions would be a public inconvenience and ought to be avoided. I recommend, therefore, that in lieu of any other form of action, and in exclusion of any other, such tax-payer be authorized to commence proceedings in the Supreme Judicial Court against the Commonwealth by a petition in the nature of a petition of right.

HARBOR COMMISSIONERS.

A law establishing a board of Harbor Commissioners was enacted April 12, 1866. Under this Act I made early appointments, and the commission has been actively engaged in its responsible work. I beg leave to commend to the two houses a thoughtful consideration of the report of this board, composed of gentlemen who are eminent citizens, and whose recommendations may be safely received as the result of the mature judgment of disinterested and impartial officers. I anticipate from their deliberations and conclusions new guarantees of security to the commerce and the wealth of the State. If this board had been established twenty-five years before, many private rights, which by legislative grant have since accrued against the public interests, might have been wisely prevented. From those many Acts, which cannot now be revoked without an infraction of the public faith, let us take admonition for the future, respect and reasonably sustain the judgment of the commissioners, and receive their suggestions as the expression of a watchful jealousy against every encroachment of private interest upon the public safety and property. I repeat my former assurance, that every measure of safeguard to the harbor of Boston should receive the approval of the representatives from all parts of the State, since it furnishes equally to their own local constituencies the promise of their growth and prosperity. The experience of the few months during which this board has been in existence, has shown the necessity of some improvements in the law.

A Resolve, passed in the year 1859, (chap. 103,) among other things, empowers the Governor and Council to authorize riparian proprietors to build wharves on their own and

the Commonwealth's flats, and to fix the terms on which such wharves may be built, and the price to be paid to the Commonwealth. This part of the resolve, which is in reality an important law, was not embraced in the General Statutes enacted in 1860, and has not since been repealed.

The powers thus given to the Governor and Council seem to fall appropriately within the sphere of the Harbor Commissioners, and can be more conveniently exercised by them in connection with analogous powers already conferred on them.

The fourth section of the Act establishing the board suggests the form of the new powers and duties to be transferred to the Harbor Commissioners, if the Legislature shall concur with me in the opinion that this change ought to be made.

I think the Harbor Commissioners ought to have the power of selling and of leasing any of the Commonwealth's flats, except the South Boston flats, and of adjusting the lines of flats between the Commonwealth and riparian proprietors, subject to approval by the Governor and Council.

FISHERIES IN THE MERRIMACK AND CONNECTICUT RIVERS.

I invite your attention to the report of the Commissioners of Fisheries, who were appointed under the Act of last year relating to this subject. These gentlemen have engaged zealously in the work of the commission, and their report presents gratifying results. This subject was first brought to the attention of the General Court, by complaint of the State of New Hampshire, that valuable migratory fish were excluded from that State by dams on the Merrimack and Connecticut, which stopped these fish on the way from the sea. The objects aimed at by the commission are, to open a free passage for these fish from the mouths of these rivers to their head waters; to hasten the re-stocking of these waters; to so regulate the time and manner of taking fish as to insure their certain propagation and supply,—and, by every practicable measure, to maintain the river water free of pollution.

The Commissioners have already progressed so far, that, in the next spring, the Merrimack will be free from its mouth to head waters—by means of fishways over all the high dams, both in Massachusetts and New Hampshire. It remains to place the Connecticut in as good condition at the Holyoke and Turner's dams; and this work also will probably be completed in the course of the next season. The Commissioners of New Hampshire have coöperated with our own in re-stocking the waters of the Merrimack, and this

part of the work will be still further prosecuted. For the effectual regulation of the taking of fish from these rivers, and for keeping them in a reasonable state of purity, additional Acts of positive and restrictive legislation, and a further appropriation, will be essential.

I deem the several measures recommended in the report of the Commissioners worthy of your approval. The States of Connecticut, New Hampshire and Vermont, are acting earnestly and in harmony with us, and a liberal policy on the part of the General Court is due not more to the importance of the enterprise itself than to comity towards these several States. As hitherto the people of Vermont and New Hampshire have not prevented the application of the large and valuable reservoir water powers lying within their limits to the support of the numerous manufactories situate below them, and owned by our own citizens, reciprocity on our part is justice towards them. The example of experiments elsewhere, undertaken and resulting in accordance with the established facts of natural history, warrant an expectation of profitable results here, if only the work be continued with thoroughness.

BOUNTIES PAID—THE PAYMASTER'S DEPARTMENT.

I have received and shall transmit to the legislature the final report of Brigadier-General J. F. B. Marshall, the late Paymaster-General. The labors of this department have been so far reduced that the services of this officer are no longer required. A perusal of this able and comprehensive report, which may justly be regarded as a document affecting the historical renown of the Commonwealth, will vindicate the title of this department to grateful consideration for its faithful labor, for its efficiency as an instrument of war administration, and for the scrupulous integrity which has marked the whole of its management in receiving, holding, and disbursing many millions of money.

It will also prove deeply interesting as a statement of the vast amount which the people, acting here through their representatives, have paid for the preservation of the government. You will observe by reading the report that the amount of State bounties paid since the beginning of the war, including a considerable sum already made up on the pay rolls but as yet unpaid, exceeds the figures of \$13,000,000. If to this I could add,—that which I am unable definitely to ascertain, and of which my mind has only a general estimate,—the amount of bounties paid locally by individual citizens and by the several municipalities of the State,—it

would be demonstrated beyond the possibility of cavil that in the late national struggle the people of this Commonwealth have exhibited a measure and heroism of pecuniary sacrifice not surpassed by any other people on the globe.

By the mustering out of the twenty-fourth and thirtieth regiments during the past year the payment of monthly bounties to Massachusetts volunteers has ceased. And yet there are those, numbering from two hundred to three hundred, who enlisted in the regular service of the United States and on the quota of the State, the payment of whose bounties under the Act of 1863 will not terminate until April, 1868. In addition to this current business of the paymaster's office, there will be the payment of old bounties, not yet called for, estimated as amounting to \$40,000 or \$50,000 for the present year. Then there is apparently due, of full and advance bounties, on pay rolls heretofore made, a sum of more than \$130,000, the consideration of which comprises the questions of doubtful, disputed or forfeited cases, for desertion and all other valid reasons.

Applications from this class are constantly received, sometimes from the friends of soldiers, but frequently from bounty brokers and speculators. For a just decision of them I deem the assistance of the paymaster's department highly important. Not the Treasury, nor any other department, can properly and sufficiently scrutinize these claims. In further addition I consider it vitally important that the records of the paymaster's department should be made in a concentrated form for future reference, which shall be a safeguard against all claims for bounties hereafter to be made, whether coming from ignorance of former payment, or from the fraudulent intent or speculative interest of professionalists and brokers. Thus far, every appeal from the refusal of payment, whether made to my predecessor or to myself, or to the Legislature from his decision or mine, has fully sustained the original judgment of the paymaster. I accordingly, early in last year, directed the officers of this department to make up a complete index of its whole work. The index has been commenced, and I invite the General Court, or its committee, to inspect it. When completed it will present at a glance, a history, now becoming accessible, as when finished it will be conclusive and perfect, of all the cases for bounty, comprising the entire period of this legislation and all the facts touching the rights of soldiers numbering some forty-two thousand (42,000.) I have thought this to be the only safe course, for justice to all deserving soldiers and for the interests of the State.

To accomplish these objects, and to leave the work of this department in a state which shall be entitled to confidence for the future, I have appointed as Paymaster Mr. W. H. Porter, one of the only two clerks remaining. He will need but a single assistant in closing the labors of the office. At an expense which is trivial compared with the large pecuniary interests involved, I recommend the small appropriation which will be needed.

STATE AGENCY AT WASHINGTON.

By authority derived from an appropriation made by the last Legislature for the purpose, I have continued the Agency at Washington, under the active and commendable conduct of Lieutenant-Colonel Gardiner Tufts, whose report for the year will accompany that of the Surgeon-General. I am aware that it may be asked why this office should be continued since the war has ended, and regiments have been mustered out, and hospitals have been closed. But the effects and the relations of war reach over into the period of peace. I have not acted alone; ten other States still retain their agencies at the Capital. Though by the termination of its duties in field and hospital the expense of the agency has been reduced more than one-half, yet its work has been regarded as important to the soldiers and their friends, and to the military history of the State.

You will learn from the report that the year at the office shows a correspondence comprising more than seven thousand letters, relating to the correction of rolls, questions of relief from disability, discharge of minors from service, fate of missing soldiers, burial and removal of the dead of Massachusetts, claims, and miscellaneous subjects.

More than three thousand claims of our soldiers for pensions, areas of pay, and bounties have passed through this agency to the General Government. The agent has collected in the year for Massachusetts soldiers more than \$103,000. The business of the office is such that in my judgment it ought not to be discontinued at present. This accumulation of business comes from the Acts of Congress increasing pensions and granting new bounties to soldiers, and from our own legislation of last year relating to the disabled and the families of the slain. In all questions relating to arrears for pay, pensions, and claims made under the late Act of Congress for the equalization of bounties, it appears to me that the State ought, by so slight expense, to aid its own soldiers and to protect them from the exorbitant charges of private and professional claim agents. Under

the recent Act of Congress for the equalization of bounties, alone, more than two thousand (2,000) claims have been properly filed by the State Agent. This is without charge and cost to the claimant. If the same claims were to pass through the intervention of professional agents the whole amount of the cost of maintaining this agency would be many times repeated.

I do not hesitate to recommend, that as a measure alike of economy and humanity to our soldiers and their representatives, the General Court shall by a moderate but reasonable appropriation authorize the Executive, in his discretion, to continue this agency, which has already more than accomplished the beneficent design with which it was originated.

THE STATE CONSTABULARY.

I shall have the honor to communicate a copy of the report made to me by Major Edward J. Jones, the Constable of the Commonwealth. In the document itself will be found a full detail of the operations of the department under the direction of this officer, whose services I cannot too highly commend. The experience of a second year has proved the utility and efficiency of this new organization of the civil force. It has demonstrated that the representative of the power of the Commonwealth commands a respect and attains results, which the municipal officer, embarrassed by local influences and associations, has failed to secure.

I regret that the local police have not in all cases cordially coöperated with the constabulary of the State; and that in some instances they have manifested a disposition to impede rather than to assist this department of the executive power. I suggest such legislation as shall prevent a continuance of this impediment. The whole people is interested in the detection and punishment of crime, be it in one municipality or another. Hence no officer of police should be permitted to remain in commission, who has obstructed the action of those to whom in the largest sense is intrusted the duty of detection and prosecution.

THE MILITIA—ORDNANCE.

Under the Militia Act of 1866, I thought it expedient to order the whole force under one division only, which was further organized under two brigades. The corps of Independent Cadets was detached from the division and retained subject to the orders of the Commander-in-Chief. The first encampments which were ordered under the Act

were by brigades, in September last. As this was the first public and organized appearance of the militia of the State since the opening of the war in 1861, it became my pleasure, as it was equally my duty, to be present and to observe the condition of the organization.

The whole force, including officers and privates, was represented by the number of five thousand six hundred and fifty-three men, of whom only seven hundred and twenty-six were absent. A large proportion of the force present on duty was composed of those who had served with honor in the recent war. The general appearance in the drill and parade was such as would reflect credit upon the best organized militia of any State. It is an organization worthy of your continued support and appropriation; suggestive of safety in time of peace, and of power and strength for the exigencies of war. It can only be kept up by a considerable expenditure; but that expenditure, in my opinion, becomes reasonable, and even cheap, in the presence of the memorials of the last six years, and in view of the vicissitudes which may at any time betide us in the future. I felicitate the gentlemen of the Legislature, and the people of the Commonwealth, that after a war of more than four years' duration, before whose pageantry and power military organizations in peace are too apt to strike the senses as tame and unnecessary, we can so soon count in the three days' duty of camp and drill nearly six thousand of our citizens, willing to meet the irksome duties of peace as they are ready to respond to the calls of war. I trust that it is now settled, that by the liberality and encouragement of legislation, a reasonably large and sufficiently organized militia is one of the leading adjuncts and supports of the power of Massachusetts. Permit me to commend it to the patronage of the Government and to the favor of the people.

I shall avail myself of the authority conferred by law to ask the counsel of officers upon military questions relating to the organization of the militia, and may have occasion to communicate during your session further suggestions of practical methods. I shall especially inquire as to the expediency of so changing a portion of the muskets now in store at the arsenal, that they shall conform to the standard which may be adopted by the federal government.

AGRICULTURE—THE AGRICULTURAL COLLEGE.

The intelligent and active interest which the people of this Commonwealth have taken in Agriculture, has not abated during the last year. The season has been auspicious, and

the careful husbandman has received an ample reward for his labor. The markets for agricultural products of every description have continued to increase, as manufactures and the mechanic arts have enlarged our cities and multiplied our thriving villages. Wherever the land is devoted to any specific branch of agriculture, for the supply of the home market, its increase in value indicates an encouraging prosperity in the art; and calls our attention to the farms of Massachusetts as the substantial foundation of much of her wealth.

The intellectual efforts which have, in various ways, been made for the advancement of agricultural science are also worthy of notice. The State Board of Agriculture has discharged its duties with commendable assiduity; and by its connection with the local agricultural societies it has stimulated investigation, and has laid before the community an attractive volume, filled with valuable results of practice and the most ingenious and suggestive speculations.

The Agricultural College, an important ally of the Board in the work of diffusing a knowledge of farming among the people, is rapidly advancing to complete organization, and will undoubtedly be ready during the present year to receive those young men who desire to bring to the work of the farm not only sound practical information, but the best scientific principles. By an Act of the Legislature, approved May 26, 1866, an immediate connection is created between these two institutions; and there seems to be no doubt, that with the influence of the Board binding it to every agricultural society in the State, and thus also to almost every farm, the college may become not only the receptacle of a great amount of useful practical knowledge, but also the source whence the highest light of science may be shed to guide the farmer in his calling. For more than three-quarters of a century Massachusetts has been awakened to the necessity of agricultural education, by the thought and effort of some of her ablest thinkers and wisest statesmen; and she is entitled to a well organized agricultural college, which shall form a part of her great system of University education,—which shall combine and direct all her efforts for agricultural improvement,—and shall be the special object of her kindest and most generous care, as an important instrument in the work of popular cultivation. Under its present management, which is pervaded with harmony, earnestness, and a wise spirit of economy, I predict the success of the institution.

LIFE INSURANCE COMPANIES.

I recommend for your consideration the expediency of so altering the period of life insurance returns that it shall conform to the financial year of the companies, which in most cases, ends on the thirty-first day of December. The adoption of this rule by us would probably lead to a uniformity in this particular throughout the country. It is wise policy to aid these companies by all reasonable facilities for the transaction of their business. This interest has already attained a magnitude which will surprise those not familiar with it; and because it is destined still further to increase, and because it encourages the beneficent principle of saving, it is deserving liberal but intelligent legislation. The companies doing business in this Commonwealth are even now represented by three hundred and forty thousand members, upon whose lives is insured the sum of more than \$900,000,000; and their assets are accumulating upon a present amount of \$100,000,000. During the past year they have distributed \$6,000,000 among the families of deceased members. In the same time their increase in the amount insured has been \$380,000,000, expressed by one hundred and thirty thousand policies. While the Legislature should make sure all possible safeguards for the holders of policies, care should also be exercised to facilitate the operations of the companies whose objects are so intimately connected with social economy and benevolence. I think that the form of the statement required of them might also be modified, and that in establishing it much may safely be left to the discretion of the State Commissioner.

THE WORLD'S EXHIBITION AT PARIS.

Complying with a Resolve of the Legislature, I have appointed a Commissioner and agents, who have in charge the interests of Massachusetts contributors to the exhibition of industry, art and science which is shortly to be open at Paris. The preparation for our own part in this rivalry of the genius and skill of all countries, has derived an added importance and dignity from the sanction of national legislation. We are not apt to over-estimate the influence of such institutions, aided and patronized by nations. They are universal educators. They become instruments of international pacification, more potential and more benevolent than the cunning of diplomacy.

The action of Congress for the promotion of this object was consummated so late, and the general business of the

country has been so active for the local demand, as to warrant the apprehension of some deficiency in the variety and quality of our part in the contribution. I am assured, however, that the interests of the Commonwealth will be creditably represented.

By the American representative at Paris, and by men of public spirit in our own and other States, my attention has been called to the eminent propriety of presenting in some representative form our system of public schools. A strong desire has been expressed that we should contribute a Massachusetts school-house, with teachers and pupils. The whole of this has been thought to be impracticable. But at least a form of model school-houses, sufficiently large and well constructed to illustrate the general arrangement, with furniture and appliances, for the purpose of representing some of the visible parts of our mode of free education, is awaited by many of our friends on the continent.

To accomplish this end an appeal has recently been made by the agent to liberal citizens in this vicinity and has met with cordial response. But I think it is the better opinion that the honor of the State will be best promoted, and that the object of the exhibition will be best secured, if the Legislature shall make an appropriation for this expenditure. I take pleasure in recommending an early appropriation of \$3,500, which shall enable the Governor and Council to cancel private subscriptions and at once to give effect to the object.

THE STATE BRIDGES.

I ask the attention of the General Court to the system now in force as to the supervision exercised over the Charles River and Warren Bridges, the immediate care of which, since the office of agent of these bridges was abolished by chapter 186 of the Acts of 1859, has been vested in their draw-tenders. These officers are required to make a quarterly statement of their receipts and expenditures to the Governor and Council; and this is the only supervision vested in any body over them; with the exception of the Annual Report to the Legislature which is also required of them. The expenditures for these bridges for the past year appear to be largely in excess of the appropriations, which were:—

For the Charles River Bridge,	\$4,625 00
the Warren Bridge,	4,820 00
	<hr/>
	\$9,445 00

While the expenditures have been,—

For the Charles River Bridge (to Oct. 1.)	. \$8,100 25
the Warren Bridge (to Oct. 1.)	. . 6,053 03
	<hr/>
	\$14,153 28
Estimating the expense of the last quarter by	
adding 20 per cent., 2,830 65
	<hr/>
	\$16,983 93
	9,445 00
	<hr/>
Leaving a deficiency of \$7,538 93

for which no appropriation has been made.

The approval of the Governor and Council is required before the draw-tenders can lease “any building, privilege, or other property, not thus appropriated, which belongs to their respective bridges;” and I suggest in view of the large deficiency referred to, that some further legislation is called for, which shall provide that no expenditures upon this property shall hereafter be made without the antecedent consent of the Governor and Council.

TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

The two hundred and ninety-third chapter of the Acts of 1866 imposed upon the Governor and Council the general supervision of the work upon the Troy and Greenfield Railroad and Hoosac Tunnel, and the duty of visiting and inspecting the same at least once in each year. In the discharge of this duty, immediately after the adjournment of the Legislature, in company with the Executive Council, I passed over the entire line of the road from Greenfield to its western terminus, and visited and inspected the works at the Tunnel. This visit has since been twice repeated by the Governor and Council.

By the same Act, the Governor and Council were directed to appoint some competent and experienced person as a consulting engineer, whose duty it should be to examine and report to them upon all matters relating to the prosecution of the work upon the Railroad and the Tunnel. Accordingly the appointment was conferred upon Benjamin H. Latrobe, of Baltimore, whose approved reputation as an engineer, and whose large experience in the construction of Railroad Tunnels eminently fit him for this position. This officer has frequently visited the line of the road and inspected the work at the Tunnel.

The same Act directed the Commissioners to construct the said road, provided they could make a lease of the same which should be advantageous to the Commonwealth; such lease to be approved by the Governor and Council. The Fitchburg and the Vermont and Massachusetts Railroad Companies proposed to lease the road from Greenfield to the eastern portal of the Tunnel, at an annual rent of thirty thousand dollars; this lease to continue in force till the completion of the Tunnel, unless the work should be stopped by competent authority. This lease was afterwards executed. After making several slight improvements in the line and location of the road, the Commissioners, with the approval of the Governor and Council, and by the advice of the consulting engineer, placed the same under contract, to be completed for \$545,000. This does not include the cost of depot buildings, turn-tables, or engineering expenses, which altogether, it is believed, will not exceed the further sum of \$45,000. It is therefore confidently expected that the whole cost will be not more than \$600,000, upon which the annual rent will pay an interest of five per cent. By the contract the road is to be opened to Shelburne Falls by November fifteenth of the present year, and to the Tunnel by July fifteenth of the year succeeding.

I invite the attention of the Legislature to the present condition and prospects of this great enterprise. The progress in the work of the Tunnel, during the year, has been twelve hundred and forty-six (1,246) feet, being four hundred and forty (440) feet in excess of that last year. The course of the work has been retarded by the introduction and experimental use of automatic drills, in the eastern opening. This machinery having been constructed at a large expense, and deemed by competent mechanics and engineers to promise success, the Commissioners thought it expedient to give it a thorough trial. For a short time after its introduction, the expectations entertained seemed likely to be fulfilled. But by reason of constant breakage, cost of replacement, and delay of the work, these machines have failed to answer their design and have been discarded. Another invention is now under test, upon the same heading, of the success of which high hopes are entertained. But the present inadequate number of the new machines will require their removal from the Tunnel, and the continuance of the experiment upon the exterior of the mountain. The consequence is, that a greater advance would have been made if the employment of hand labor had not been interrupted. New explosive agents have been employed and

promise favorable results. The process of blasting by simultaneous explosions by means of electricity has proved successful.

At the West Shaft the old pumps have recently given out, and the water has so rapidly gained upon the miners, that work at this point has been for the time discontinued; but new pumps have already been secured, and not many days should elapse before the work will be resumed and successfully prosecuted. Under a contract, made by the Commissioners with the approval of the Executive, operations in the decomposed rock at the West End have been, during the past season, slowly but successfully progressing. There is no reason to doubt that this portion of the work, hitherto deemed almost insurmountable, will be surely but at great expense accomplished, and that its completion will be in advance of that of the other leading parts of the Tunnel. The Central Shaft is progressing satisfactorily, having now reached a depth of about 400 feet, leaving 630 feet yet to be completed. Such is the present condition of this work.

I desire fairly and fully, and in the light of the best information I can command, to present to the two Houses the future prospect of the time and cost necessary for the completion of this great undertaking. I have already adverted to the success of the present operations at the West End, under a contract with private parties. In the judgment of the Commissioners and of the consulting engineer, which, if the Council shall concur with me, will be approved by the Executive Department, the interest of the Commonwealth will be promoted if other sections of the Tunnel shall also be placed under contract. The reasons for this opinion are too obvious to practical men to require statement in detail. In the able and exhaustive report of the consulting engineer, which I have recently received, a copy of which I shall transmit to you, trusting that it will receive your attentive perusal, you will find the amount of excavation yet to be made, definitely expressed by cubic yards, and prices stated, at which, according to his knowledge and experience, responsible contractors will undertake the work. By his estimate the aggregate of future cost, exclusive of interest, will be \$3,633,640. It will be perceived that the Commissioners, in their report, have formed estimates not varying essentially from his. It will be further perceived that the maximum of time requisite for the completion of the Tunnel is fixed by the Commissioners at twelve years from this date; while by the consulting engineer the same event is estimated to occur in July, 1875, eight and one-half years from the present

time. This discrepancy is explained, in large part at least, by the apparent omission of the Commissioners to take into account the facilities for excavation that will be afforded by the completion of the Central Shaft, which, in the judgment of the engineer, will occur thirty-two months hence, thus presenting two additional headings for the operations of the miners. These estimates are predicated upon the continued employment of hand labor, and do not include any advantages to be expected from the use of new agencies in blasting.

In presenting to you these results of professional investigation, I do not forget that the disappointments of the past must cast some shadow of doubt over the exactness of predictions for the future; but the value of the lessons they have taught us are not to be lightly regarded; and the causes that have produced them, especially in the matter of outside expenditures, are not likely to occur again.

But, granting that the estimates both of time and cost may be exceeded, the probability of a successful issue, and its momentous effect on the material interests of the Commonwealth and her relative consequence in the circle of the States, will not, in my judgment, permit this enterprise to be abandoned. The value of great public works, conceived in the necessities of States, looking not to the specific returns of remunerative interest for a single year, or a limited number of years, but rather to the compensation of internal commerce through successive generations, cannot be computed by the rules that govern private investment, based on the promise of immediate profit. The finance of individuals comes within the limitations of present and personal interest; the investment of States looks for a return in their complete development and in their enduring destiny. So have judged the great commercial and manufacturing Commonwealths of New York and Pennsylvania; and so they have builded their success on the partial forgetfulness of immediate expectations, and on a confidence in the longer and grander future. While I defer to the wisdom of the Legislature, to whose judgment this whole question is now committed, I may be permitted to express my individual belief, that if this work of tunnelling a mountain, for the purpose of connecting the granaries of the West with the local wants and the broad commerce of New England, shall possibly transcend the calculations of the engineer and the Commissioners, the next generation of merchants, manufacturers and yeomen, will pardon errors of computation and cheerfully accept their proportion of the burden.

The various appropriations in aid of this enterprise amount to \$3,900,000, including \$200,000 for the purchase of the Southern Vermont Railroad. Of this amount there has been actually allowed and paid the sum of \$3,201,220.15, including interest and exchange on scrip issued,—which leaves an unexpended balance of \$698,779.85. The cost of the completion of the road already under contract, and the current expenditures upon the Tunnel itself before April, will exhaust this balance.

In the meantime, since several years must elapse before the completion of this new avenue to the West, the commerce of the East requires every practicable measure of relief from present obstacles. This is not more the demand of the metropolis of our trade, than of the people who derive through it and from it their supplies of life. It will be my duty to coöperate with you in every act which your inquiries may suggest, in aid of the commercial freedom of the people, whose present inconvenience demands our thoughtful care and our prompt action.

THE NATIONAL POLICY.

I have received from the Honorable William H. Seward, Secretary of State, and shall communicate to the Legislature, an attested copy of a Resolution of Congress, proposing to the legislatures of the several States a fourteenth Article to the Constitution of the United States. Prominent among the provisions of this Article of amendment, I notice great principles of government, long recognized by the people of this Commonwealth, and endeared to them by the sanctions of their own history and usage.

The first section guarantees to all persons born or naturalized in the United States, and subject to its jurisdiction, the right of citizenship and of civil equality before the law; and it protects them from any State legislation which might abridge their privileges, or deprive them of life, liberty or property, without due legal process. To this cardinal principle of a republican government I am unable to see how any citizen can reasonably object, who is himself in sincerity of belief a supporter of the Democratic idea. As an abstract proposition, it is so manifestly an axiom of free government as to preclude the necessity of argument. In its special application to the condition of the insurgent States, its adoption by Congress was designed to give certain and enduring effect to the provisions of the Act, commonly called the Civil Rights Bill, passed at its last session, by the constitutional majority, notwithstanding the objections of the Presi-

dent. Whatever reasons existed at the time for the enactment of that bill, apply with redoubled force to the incorporation of its provisions into the organic law. The denial of its benefits and immunities to a large class of citizens in those States, rendering emancipation to a great extent a nullity, now demands its affirmation in the most solemn form, to the end that neither the Executive nor the judicial power, nor the local authorities, may render inoperative the deliberate verdict of the people.

The second section provides that the denial of suffrage to any of the male inhabitants of a State, twenty-one years of age, and citizens of the United States, or the abridgment thereof, except for participating in rebellion or other crime, shall exclude all such disfranchised persons from forming a part of the basis of representation in the national relation. In the light of justice and the analogies of law, this proposition is a necessary corollary to that policy which has released a race from servitude, and admitted them to an equality of civil rights; since otherwise, their full enumeration in making up the basis of representation, displacing the reduced ratio now provided by the Constitution, would add to the political power of the seceding States and make this advantage of their rebellion a premium on treason.

Perhaps a leading inducement to the action of Congress in proposing this section, was the expectation that the natural desire to obtain the full representation of their inhabitants and a resulting influence in the national councils, would develop in Southern communities a sentiment in favor of universal suffrage, and raise up political organizations in its support. This theory is attractive in itself, and is supported by the teachings of experience and the tendencies of human action. To the adoption of this section the objection has been raised, that it recognizes the right of the South to disfranchise the colored race. While I am not insensible to the plausibility of this suggestion, as a question of casuistry, I am unable to feel its practical force. In my judgment, the adoption of the section recognizes, not a right, but an existing fact; and affixes to its continuance a political disability. In no event should any one of these States be admitted till this amendment has, by the requisite assent of three-fourths of the States, become a part of the Constitution itself. And further,—should the representatives elect of any such States, in virtue of the adoption of the amendment, apply for admission to Congress, it would become a question for that body seriously to consider whether such application should not be denied, unless they shall have been

elected in full accordance with its conditions. For I can see only inconsistency in admitting to Congress the representatives of the South, elected in violation of the very principle, the adoption of which is made the condition of their admission.

The third section disqualifies for certain offices a specified class of participants in the rebellion, until the disability be removed by two-thirds of each House of Congress. This provision is in accord with reason and justice, and is sanctioned by the example of other governments, which have in like manner recognized a necessity for self-protection.

The fourth section, by an inviolable and enduring guarantee, secures from all question hereafter the payment of the public debt, in any manner incurred in the late war for the preservation of the National Union; and declares all public debts or claims of rebel States forever void. If there can be any objection to this section, it must come from its unnecessary re-affirmation of the inviolability of the public faith of this government. I have yet to learn that, in any quarter of the globe, any question has arisen touching the ability, or the disposition, of the United States to discharge the last dollar of its indebtedness.

The fifth section gives effect to the entire amendment by conferring upon Congress the authority to enforce its provisions.

This article of amendment was adopted by Congress, at its last session, in the public interest and in good faith to all classes and sections, whether representing the positive loyalty of the North or the reluctant acquiescence of the South. It is a fact, not without its interest to us, that both of the senators and all the representatives of Massachusetts gave to it by their votes the preliminary sanction of the Commonwealth. A similar verdict has since been pronounced by the voters of loyal States across the continent. By their action I think we and our constituents may safely abide. If in a matter of such gravity, I may be permitted to offer counsel, the amendment is worthy of your adoption.

But the events and the developments which have occurred since the amendment was proposed to the country, and which have profoundly impressed themselves upon the questions of our policy, our duty, and our safety, now challenge the public attention and action. This article was proposed by Congress to the States nearly seven months ago. The proposition was made in a spirit of magnanimity, conciliation and amity, and with a reasonable expectation on the part of Congress that it would in like manner be accepted.

I have not heretofore doubted, and do not now doubt, that if this expectation had been realized, the seceding States would have been received back by representation in the Senate and House of Representatives. In the meantime all of the Southern States referred to, whose Legislatures have convened since the passage of the Resolution in Congress,—six in number,—have with remarkable unanimity rejected the amendment. I discern no evidence on their part of an intention or a disposition to accept it. We are compelled to interpret their action as equivalent to a declaration of their settled purpose. Since these States have thus declined to become parties to this method of imperial adjustment, it only remains for the States now legitimately constituting and carrying on the government,—acknowledged for the last six years, at home and abroad, as the United States of America,—to resume and complete the process of reconstruction, on a basis consistent with national justice and national safety. For the States of the South are not the only States which have an interest in the early restoration of the relations of unity and nationality; all the States, and the whole people of America, have a common interest in the disposal of this question. The issues are of the greatest import; and starting from the basis of justice and humanity they pervade the whole fabric of foreign relations, national finance and commercial credit. The present condition of things cannot be permitted much longer to continue. For every reason affecting our domestic condition and international connections, we cannot afford that the future of the country should remain in uncertainty.

Again, while under any circumstances the perils of the general welfare, impending just so long as the social compact remains disorganized, would demand a speedy exercise of the authority of government over the whole, in the present instance this demand immediately becomes paramount. Over a large part of the section recently in rebellion, barbarous provisions of local codes, which, it was supposed, were abandoned under emancipation, are still retained and enforced in disregard of the national law. In numerous instances the rights of citizens of other States are either denied, or made worthless by the ban of public reproach; the mutualities of production and exchange, the base of the common prosperity, are weakened and interrupted; the laws of the National Congress are too often defied.

If this situation shall continue, Congress must soon be brought, in the course of events, to consider whether the interest of all shall not require of the General Government

for those States a uniform policy of control and administration. As States which levied war against the Government, and were defeated on the issue of their own choice, they ought not to expect to dictate the terms of settlement, since they fall within the historical analogies of other wars. The victory of arms carries the right to future security. Having seceded from Congress, their ineffectual appeal to force entitles them to re-admission upon such terms only as the victor party may deem essential to the general welfare. And because, while they remain in the condition of their forfeiture, deprived of those representative rights which they themselves abandoned, our necessities and their own require, for us and for them, not merely the maintenance of law and order, but the unrestricted enjoyment by every citizen of every State, of whatever race or color, of the privileges and immunities defined and guaranteed by national legislation, it rests with the Congress of the United States to re-organize, re-construct, and, if need be, re-create.

With the assumption that Congress must encounter this grave responsibility, it is evident that its system of reconstruction must be based on such principles of justice, and be strengthened by such considerations of expediency arising from the national exigency, as will commend themselves to the judgment and the conscience of our own people, and command the approval of enlightened and patriotic statesmen of other nations. And not this only. They must be such as will endure the test of time, and secure the verdict of impartial history. To attain this end, it is of the first importance that we should be consistent with ourselves. The great fundamental idea of the American polity is the consent of the governed, through the ballot, to the accession of their rulers to power, and to their administrative measures. The necessity of the limitation of this principle, in our past experience, has expired with the compromises that imposed it. It is the opportunity of this generation to atone for hereditary wrong, to efface the reproach of the past, and to vindicate American ideas by enfranchising a race of men. An enviable opportunity—to place ourselves right before mankind, and to repudiate a responsibility incurred with no assent of ours, but which we must assume and forever bear if faith and courage fail us in this ordeal of the century. A Providential opportunity—not to be generous, but to be just. Apart then from all other considerations, believing that, now as always, Right is wisdom, and Justice is expediency, I avow my solemn conviction that the strait and

narrow path to national safety and national renown, is Universal Suffrage.

But, even in the presence of this grand, overshadowing truth, we must not forget that for the immediate concession of this right to the colored race there are other reasons of public obligation and political necessity. At least two hundred thousand men of African descent have borne arms in the defence of the Union. They have passed the test of manhood,—the surest title to the rights of man. Their courage and constancy have never been doubted; and the memories of Port Hudson, Wagner and Pillow are inwoven in our martial history. They have toiled with the white man through forest and fastness, through swamp and bayou, and breasted the shock of charging battalions. Their martyrs and ours sleep, side by side, in the equality of death. It is surely then the basest ingratitude to deny to the survivors of the conflict a voice in the administration of that government they have aided to save. Nay, more,—to expose them to the vindictive rage of baffled traitors, re-installed in political power. The national honor forbids it. The conscience of the people disowns it.

In the chosen ways of Providence, and in its own good time, the folly of treason and secession has evolved Emancipation; and Emancipation has imposed new duties towards a crushed, and long-suffering, but docile race. Producers of that wealth which in time they themselves must share; to a considerable extent the future owners of the soil; henceforth, as in the past, by an inevitable law, the chief reliance of the South for that labor which sustains and enriches, they are drifting on the irresistible current of events toward a better destiny. The relations of labor and capital, the duties of social life, the interests of progressing civilization, the claims of humanity, demand for them that protection, guidance and instruction, they are so anxious and so prepared to receive. This high mission has been accepted by Congress and the people; and by formal and solemn enactments they have invested them with the rights and immunities not of freedmen, but of freemen. But their duty ends not here. The word of a nation is spoken. Promise must be performance. Theories of limitations, prejudices of caste, must fall before the exigency. For that pledge will remain unfulfilled, before earth and Heaven, till, as the last and surest guarantee of our sincerity, and for their own safety and progression, they are invested with the right of suffrage.

Any plan for reconstruction by Congress must include a thorough consideration, in a fraternal spirit, of reciprocal duties and responsibilities. And this is especially necessary and desirable when, as in the present instance, national loss and sectional ruin are distinctly traceable to a false political system, which, affecting all the strata of society, and reacting with formidable power on individual interests, elevating the few at the expense of the many, subverts the cardinal principle that the greatest good of the greatest number constitutes the true prosperity of a State. I share the general conviction that this concentration of all political power in the hands of a few is still potent for mischief in repressing the latent loyalty of the South, and for preventing a cordial acquiescence in safe and honorable conditions of settlement. To develop and encourage this loyal spirit, is no less a duty than a necessity. And how can it be effected more easily than by introducing a new political element, evoking safe competition and free discussion? Before these agencies old fabrics will melt away, and the South will awaken to a new life, and become indeed a part of a homogeneous nation. It is the judgment of her most loyal and patriotic sons, in which I heartily concur, that the antidote to existing wrongs, and a safe and certain hope for the future, is to be found in Universal Suffrage.

A degree of education, as a condition of suffrage, is not without its advocates. The prevalence of this idea is no matter of surprise or regret; so clearly is it traceable to the influence of the common schools and colleges of the Free North, to which is undoubtedly due its incorporation into the Constitution of Massachusetts. But vital questions of national import are not to be measured and settled by considerations affecting local policies. Broad as civilization itself, they should be met in that liberal spirit that can comprehend and weigh the changing conditions of time, and place and circumstance. To the colored race, held in ignorance by local laws in regions where district schools are unknown and public education scarcely exists in any form, with the law and the purse in the hands of determined opponents, suffrage thus limited would be practically unattainable. Hence, in my judgment, unrestricted suffrage, by conferring a measure of power on those animated by the strongest incentives to acquire education for themselves and their children, will prove the surest method of elevating the race and establishing the institutions of the South on a basis of intelligent patriotism.

And, in our efforts to grasp and settle this mighty issue we are not alone. Free thought, free speech, the rights of labor, and the dignity of the individual man, are the themes which throughout the world compel the attention of philosophers and statesmen, and find utterance in the general call for universal suffrage. The greatest and wisest sovereign of Europe was the first to recognize its power, and made haste to secure his seat by the general ballot of his people. The Reformers of England are clamoring for an extended franchise. The suffrage of Prussia approaches, in its liberality, to that of a pure Democracy. In re-united Italy it is a royal hand that recalls the ancient plebiscit; and the Emperor of Austria, it is said, will soon summon his subjects to the ballot-box.

It is not in accordance with our mission to learn lessons in statesmanship from the monarchies of Europe. In the practical application of the true idea of Liberty it is the duty of this Republic to lead the way. It is therefore my earnest hope that the Congress of the United States, having conceded the principle in the case of the District of Columbia, will complete the work so auspiciously begun, by establishing Universal Suffrage as the irreversible law of the land.

Senators and Representatives :

By a singular felicity in the requirement of our law, here, on the threshold of duty, we have pledged allegiance and service to the twofold jurisdiction and the sublime unity of Massachusetts and the Union. The same conscience binds us to both. Destiny and Events, God and History, have given to us the same love and veneration for both. It is well that the greater part of time in these chambers is expended in that deliberation and discussion which pertains to local legislation. But no thought, or measure, or policy, of our own, ought to stand in preference to the welfare of the whole Union, with which ours is blended;—in preference to the duty which we, in common with all our countrymen, are drawn by fraternity, and love, and loyalty, to perform towards the race of man.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE, DURING THE ANNUAL SESSION.

[To the Senate, January 8.]

Constitution, of
United States.
Proposed amend-
ment.

I have the honor to transmit to the legislature a communication from the Secretary of State of the United States, enclosing an attested copy of a Resolution of Congress, proposing to the legislatures of the several States a Fourteenth Article to the Constitution of the United States.

[To the House of Representatives, January 11.]

South Carolina,
communication
from.

I have the honor to transmit for the information of the legislature, a letter from the Governor of South Carolina, acknowledging the receipt of the Resolve, chapter 44 of the year 1866.

[To the House of Representatives, January 11.]

Hours of labor.
Report of com-
missioners on.

I have the honor to submit, for the information of the General Court, the Report of the Commissioners on the Hours of Labor, appointed under chapter 92 of the Resolves of 1866.

[To the House of Representatives, January 14.]

Navy Yard,
Charlestown.

I have the honor to transmit a Communication this day received from the Secretary of the Navy, asking a cession of the jurisdiction of the Commonwealth over certain lands purchased by the United States to enlarge the entrance to the Navy Yard at Charlestown. I also transmit the plan and description of the premises, and would ask the early attention of the legislature to the request of the Secretary of the Navy.

[To the House of Representatives, January 30.]

Provincetown
Harbor.

I have the honor herewith to transmit for the information of the General Court, a report upon the defences of Provincetown Harbor, by the Commission appointed under chapter 70 of the Resolves of 1865.

[To the House of Representatives, February 11.]

In compliance with the request of the House of Representatives, I have the honor to communicate from the files of this department, copies of the opinions of the Attorney-General and of the Justices of the Supreme Judicial Court relative to the powers and duties of the Auditor of Accounts.

Powers and duties of Auditor of Accounts.

[To the Senate, February 13.]

Under a Resolve of 1866, chapter 87, by the Executive appointment of the Honorable John H. Clifford to act with the President of the Senate and the Speaker of the House of Representatives, those gentlemen became Commissioners to inquire and report concerning the whole subject of remodelling or rebuilding the State House.

Report commissioners on the state house.

The able and comprehensive Report of the Commissioners is herewith transmitted to the legislature.

The large plans and drawings made by the architects, I have retained in one of the rooms of the executive department, for the obvious reason of inconvenience which would apply to their transmission. They may be kept where they now are, accessible at all times to the members of the legislature; or I will direct them to be placed in any other part of the building which the General Court shall designate.

[To the House of Representatives, March 7.]

I have the honor to transmit for the information of the General Court, the report of a board of officers convened for the purpose of considering and reporting upon certain military questions submitted to them.

Military.

[To the House of Representatives, April 18.]

I have the honor herewith to transmit in compliance with the request of the House of Representatives, copies of papers relating to the protection of Provincetown Harbor, being such as are now on file in this department, and not yet made public.

Protection Provincetown Harbor.

[To the Senate, April 22.]

It is my duty to inform the legislature that the Honorable Chester I. Reed has communicated to me his resignation of the office of Attorney-General of the Commonwealth. A vacancy therefore exists in that office, to be supplied by election by the Senators and Representatives in accordance with the provisions of the Constitution.

Attorney-General, resignation.

[To the House of Representatives, April 29.]

I have the honor to transmit herewith two communications from the Secretary of War and one from the Secretary of the Treasury, asking the cession of jurisdiction of the Com-

Request of U. S. for cession of jurisdiction.

monwealth over certain premises needed for the national defence and for the use of the lighthouse establishment of the United States.

[To the House of Representatives, May 7.]

Claims of Herman Haupt and Company.

In response to the request of the House of Representatives, communicated to me on the third instant, I herewith transmit a copy of the Report of the Commissioners appointed under the provisions of chapter ninety-six of the Resolves of eighteen hundred and sixty-six, to examine the claims of Herman Haupt and Company. By the terms of the Resolve, if the Commissioners should deem any of these claims equitable and just, for labor, service, machinery, materials and land damages, or any payments and expenditures in the construction of the Troy and Greenfield Railroad and Hoosac Tunnel, the governor and council were empowered, upon the approval of the same, to provide for their payment. The Commissioners having reported that no part of these claims is equitable and just, I conclude that no further duty pertaining to the subject remains for the executive.

The Order of inquiry adopted by the House of Representatives further requests me to communicate such information, connected with the subject-matter, and not already in the possession of the legislature, as may be deemed expedient. In reply I have the honor to say that the only information relating to these claims, which is in the possession of this department, is contained in the Report of the Commissioners.

[To the Senate, May 13.]

Request of U. S. for premises on Gallop's Island and Point Allerton.

I have the honor to transmit herewith a communication from the Secretary of War, asking the cession of the jurisdiction of the Commonwealth over certain premises on Gallop's Island and Point Allerton, in Boston Harbor, needed for the purposes of national defence.

[To the House of Representatives, May 14.]

State Constabulary.

I have had the honor to receive from the House a copy of the following Order:—

Ordered, That His Excellency the Governor be requested to communicate to the House any information which he may deem proper relative to the present number of the State Constabulary; what increase of the force, if any, has been made under the legislation of the present year; what further appropriation, if any, will become necessary therefor; and any other information which he may think fit in regard to the administration, government and efficiency of the corps."

That I might be enabled to reply properly to this Order of inquiry, I have obtained from the Constable of the Com-

monwealth the necessary information, which is embodied in this communication.

As to the first point of inquiry, I am informed by the Chief Constable that the present number of the State Constabulary is sixty-eight. This force, as now distributed, is stated by counties, as follows:—Suffolk, 30; Essex, 7; Middlesex, 5; Worcester, 5; Norfolk, 4; Plymouth, 3; Bristol, 3; Hampden, 2; Barnstable, 2; Hampshire, 2; Berkshire, 2; Franklin, 2; Dukes, 1. Total, 68.

In response to the inquiry what increase of the force has been made under the legislation of the present year, I reply that none has yet been made. The action of the Executive Department in this particular, should, doubtless, be influenced by the judgment of the State Constable as to the needed force, and must also have reference to the appropriation made by the legislature. As the amount already appropriated for this purpose for the present year will be absorbed by the existing force, I shall not feel at liberty to authorize any addition to the number until further appropriation shall have been made by the General Court.

In reply to that part of the Order which inquires what further appropriation will be necessary, I am enabled to communicate the estimate of the Chief Constable. According to his judgment, the addition of forty men to the present force will answer the requirements of the public service, which would make necessary the further appropriation of forty thousand three hundred and twenty dollars (\$40,320,) for the remaining seven months, commencing with the first of June.

The concluding clause of the Order of the House calls for “any other information (which may be thought fit) in regard to the administration, government and efficiency of the corps.” The degree of “efficiency” of the force is, perhaps, sufficiently shown by the reports made by the chief officer. For the year 1866 his report is already in possession of the legislature. For the four months of the present year, ending May 1st, his special report, made to me since the adoption of the Order by the House, exhibits the following results:—

Liquor prosecutions,	1,784	
All other,	575	
	<hr/>	2,359
Seizures of gaming and lottery implements,		38
Liquor seizures,		476
Fines paid,		\$38,574 66

In this report the Constable states that the amount of fines paid since January 1st, exceeds all expenditures on account of the force in the same period by the sum of eight thousand two hundred fifty-six dollars and ninety-two cents, (\$8,256.92.) In relation to the "administration and government of the corps," I can only say that, since that is intrusted to the Chief Constable, I believe it is exercised in accordance with his rules and regulations with rigor and effect.

I have hesitated whether I should or should not construe the words of the Order of the House—"administration and government of the corps"—as possibly intended to comprise instructions for the administration and government of the force, supposed to proceed from the Executive Department of the Commonwealth. And I deem the apparent uncertainty of this language justly to demand from me a definition of the relations of the Governor with the Constabulary, as understood and practised by me at all times since I have been in this office.

The Act of 1865, establishing a State police, after defining the powers of the Chief Constable and his deputies, provides, that they "shall at all times obey all orders of the Governor in relation to the preservation of the public peace, or the execution of the laws throughout the Commonwealth; and it shall be *their* duty to see that the laws of the Commonwealth are observed and enforced; and *they* shall especially use their utmost endeavors to repress and prevent crime, by the suppression of liquor-shops, gambling places and houses of ill-fame." I have judged that it was simply the purpose of this provision to provide for the more efficient execution of the laws against the offences therein referred to; and, that as the ultimate means of accomplishing this purpose, the Act recognizes and affirms the existence of a power in the Governor, to issue explicit orders, in case of need, to the Constable and his deputies, or that it creates such power, if it did not exist before.

It does not follow from this that it is any part of the ordinary duty of the Governor to see or advise in regard to the execution of the laws for the punishment of these or any other crimes, in particular instances. This would impose upon him a degree of attention to matters of detail in administration which would be quite inconsistent with the proper discharge of his other duties. And accordingly, suitable officers are provided, upon whom in the first instance this duty rests.

This is manifest also from another consideration. The Act already alluded to refers specially to three kinds of offences, all of which are in the General Statutes classed alike as nuisances, namely: The maintaining of liquor-shops, gambling places, and houses of ill-fame. These three offences stand alike under the Constabulary Act of 1865; and any construction of this statute which would make it the Governor's duty personally to supervise the execution of the laws for the suppression of one of these kinds of nuisances, would apply equally to both of the others. That is to say, if under this statute it is the duty of the Governor personally to supervise the execution of the laws for the suppression of liquor-shops, the same duty rests upon him in regard to gambling places and houses of ill-fame. I respectfully submit my opinion that the legislature could never have intended to impose these duties upon the Governor. The more reasonable construction is, that in case of marked neglect by the proper officers to enforce the laws relating to these or other offences, the Governor has power to intervene and direct the same to be enforced.

It is likewise apparent that the power of the Governor under this Act is only to enforce, and not in any instance to suspend, the execution of the laws. The power of pardoning offences is indeed given to him by the constitution to be exercised with the consent of Council. But this power cannot be exercised before the conviction of the offender. Nor is it consistent either with the spirit or the letter of the constitution, that the Governor should interpose to stay the execution of the laws, or to shield any class of offenders from the consequences of their acts, otherwise than by the exercise of the pardoning power. On the contrary, it is expressly provided in the Declaration of Rights, (Article 20,) that "the power of suspending the laws, or the execution of the laws, ought never to 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." In my opinion, it was not the intention of the legislature, by chapter 249 of 1865, to confer upon the Governor the power to suspend the execution of the statutes against maintainers of the nuisances therein referred to. On the other hand, for the more faithful and complete execution of those statutes, new officers were created, before unknown in this Commonwealth, whose special duty it is to repress and prevent crime, by the suppression of liquor-shops, gambling places and houses of ill-fame. And it is not in conformity with the spirit of the

constitution that the power to suspend the execution of the laws should exist in any officer, even in the Governor himself, unless clearly bestowed. If laws which are deemed unwise are found upon the statute book, they must nevertheless be enforced, impartially and faithfully, by all the officers of the government, until amended or repealed by the legislature, with whom alone rests the power of making and repealing the laws. It is not for the chief executive magistrate to assume, in his discretion, in one instance to enforce, and in another instance to suspend, existing laws. For this would be virtually to exercise legislative power. But all laws should be executed impartially, to the end, (in the emphatic language of the Declaration of Rights,) that the Government of the Commonwealth "may be a government of laws, and not of men."

In short, it has seemed to me, that with the details of the execution of the laws for the punishment of crimes, the Governor in the first instance has nothing whatever to do. Proper officers are provided for this duty, upon whom the responsibility in the first instance rests. If these should neglect their duty, in a manner so conspicuous that the Governor, in the exercise of a sound discretion, should feel called upon to interfere and require the enforcement of the laws, the power to do so is vested in him. But until such marked neglect shall occur, his duty is well discharged by exercising such general supervision over them as he is called to exercise over the other officers and departments of the government of the Commonwealth. In justice to the Chief Constable, and the administration of his force, I may add that thus far I have seen no good reason to interfere.

Such has been my construction, and such has been my practice, in the discharge of my duty under the Act of 1865. If persons desiring to call attention to the violation of the laws in particular instances, or if others interested in seeking a relaxation of the laws, shall continue during my term of office to apply for the intervention of the Executive, I shall consider that my duty has been discharged by referring all such, as I have heretofore referred them, to the recognized and responsible officer. In consideration of the reasonable degree of dignity with which the constitution has invested the office of chief magistrate, and equally in justice to the people of the Commonwealth, who, I must suppose, have an interest in requiring the character of the office to be maintained, I must decline to undertake to exercise the duties which properly belong to a subordinate. I may add, that the late Attorney-General and the present Attorney-

General of the Commonwealth have, when consulted, expressed their concurrence with me in this construction of the statute.

[To the Senate, May 25.]

I have the honor to transmit herewith a Communication from Mr. L. B. Schwabe, who proposes to present to the Commonwealth his gallery of portraits of soldiers and sailors of the Union, principally from Massachusetts, who have fallen during the recent war of the rebellion. I commend Mr. Schwabe's offer to the consideration of the General Court.

L. B. Schwabe.

[To the House of Representatives, June 1.]

I feel constrained to return without my approval, the bill entitled "An Act fixing the salaries of Judges, Registers and Assistant-Registers of Probate and Insolvency, and for other purposes."

Salaries of judges and registers of probate and insolvency.

This bill provides, in section 2, that no judge of probate and insolvency shall hold any office under the authority of the United States, or any law thereof, except that of Commissioner appointed by the Circuit Courts of the United States, under the Act of February 20th, 1812; and the acceptance of any such office, or the discharge of its duties, unless the said judge of Probate and Insolvency shall resign his office of Register of Bankruptcy before this Act shall take effect, shall be held to be a resignation of his office of Judge.

The necessary effect of this bill is to render the office of judge of probate of wills incompatible with any office under the authority of the United States, or any law thereof, except that of commissioner.

The Constitution of Massachusetts establishes the office of judge of probate of wills; specifies certain other offices with which it shall be incompatible; and provides that judges of probate shall hold their office during good behavior, unless removed upon the address of both houses of the legislature.

It is not within the power of the legislature to provide that judges of probate shall be removed, otherwise than in accordance with the Constitution. This bill provides for a compulsory resignation of judges of probate, which is equivalent to a removal, on grounds which seem to me insufficient to justify such a requirement.

The Constitution provides but two modes of vacating the commissions of judicial officers against their will: *First*, by impeachment; *second*, by removal by the Governor, with consent of the Council, upon the address of both houses of the legislature. But this Act purports to create a third mode, viz.: by declaring the office vacant, under certain

contingencies, against the will of the incumbent, by mere force of ordinary legislative enactment.

In addition to this ground of objection, which applies only to the office of judge of probate, there is an incongruity in the phraseology of the second section, which would compel me to withhold my assent to it in its present form. This section provides that the acceptance of any office under the authority of the United States, or any law thereof, shall be held to be a resignation of the office of judge, register or assistant-register of probate and insolvency, unless said judge, register or assistant-register of probate and insolvency shall resign his office of Register of Bankruptcy. The last clause of this provision seems to assume that the office which is now to become incompatible with the other offices named, must necessarily be the office of Register of Bankruptcy, while the earlier clause of the same provision is *general*, and applies to *all* offices under the authority of the United States.

[To the House of Representatives, June 1.]

Boston harbor
and Common-
wealth's flats.

An Act has been laid before me for my revision, entitled "An Act for the improvement of the harbor of Boston and the Commonwealth's Flats therein."

Reaching me only during these closing hours of the session of the General Court, I am unable, without delaying your final adjournment, to give such consideration as under other circumstances I should desire, to objections which suggest themselves to certain provisions therein contained.

I refer to section four of said Act, whereby certain license and authority, heretofore conferred on the Boston Wharf Company, is revoked.

I entertain doubts of the constitutional right of the General Court to effect this revocation.

I have not the opportunity, at this hour of the session, to inform myself concerning these doubts sufficiently to enable me to return the Act, with my objections in writing, to the General Court.

As said company may obtain protection from the Supreme Judicial Court against unconstitutional legislation; and as the other sections of the Act contain provisions of great public importance, to which I have no objection, I have therefore signed the Act.

But I consider that the circumstances under which I have thus affixed to it my signature, require me to make this official statement of them to the House of Representatives, in which the Act originated.

[To the Senate, June 1.]

I feel constrained to return without my approval the Bill entitled "An Act to unite the cities of Boston and Roxbury." Cities of Boston and Roxbury, to unite.

So far as I can learn from the legislative papers officially before me, the reasons assigned for this Act are the supposed necessities of Boston. Certain benefits to the people of Roxbury, and financial benefits to the Commonwealth, are incidentally urged. But the motives for annexation are, in chief: first, protection of the wealth and business of non-residents of Boston from injudicious municipal legislation by a resident population, a large majority of whom may feel but lightly the burdens of taxation or the responsibilities of power; and second, the enhancement of the consideration, convenience and importance of Boston by increase of territory and population.

I respectfully submit for the reconsideration of the legislature whether those reasons should avail thus to merge one municipality in another without the first ascertained consent of at least the municipality to be extinguished. And such consent by Roxbury has not been ascertained either by vote of its inhabitants or by vote of its City Council. The same may be said of Boston. In considering this subject I beg leave to suggest that New England, and not least Massachusetts, owes too much of happiness and renown to the system of local independent municipalities, not to regard it with peculiar reverence.

Once as religious corporations, although that function now has passed away; and now as political bodies, exercising all functions of government not delegated or prohibited by the constitution;—our Massachusetts municipalities have performed duties and sustained burdens that have trained the people in democratic habits and principles. As educational institutions, organizing public schools; as charitable institutions, caring for the sick and the poor; as judicial institutions, maintaining local magistrates; as police institutions, providing constabulary, fire and watch departments; as sanitary institutions, regulating sewerage, distributing water, and guarding the public health; as commercial institutions, supporting highways, and townways, and bridges, and supervising certain branches of trade; and as financial institutions, raising and employing the money needful to all these forms of corporate life and activity:—the municipalities of the Commonwealth have always had, each, an individuality of its own. So have had equally the cities, into which, since the adoption of the constitutional amendment

proposed by the Convention of 1820, several of the larger towns have developed. I confess to an unwillingness, derived from their relations and their history, to give my assent to the abolishment of any one of these municipalities without at least first trying the will of its people.

And through all the experience of two centuries this individuality and independence of the townships have been consistent with mutual harmony and strength. The towns of Roxbury and Boston were organized almost simultaneously. For two hundred and thirty-seven years the lines of their municipal history have been parallel. Each has independent traditions and associations. Boston as the birthplace of Franklin; Roxbury as the birthplace of Warren. Boston holds the ashes of John Winthrop; Roxbury reveres the memory of John Eliot. Each is a mature civil and political organization, that would still exist complete in all its various functions, if the other should disappear from existence altogether. Each has its perfect system of schools, of almshouses, of courts, of police, of fire departments, of roads, and of finance, peculiar to itself and differing perhaps from the other; but not inconsistent with the other. If there are features of administration in which harmony of action between the cities is needful to the welfare of both or of either, it is within the power of the legislature to interpose by special legislation if either city should withhold concurrence with the other. But I cannot think that any such lack of harmony prevails between the two cities as to render it essential to extinguish the independence of either of them without ascertaining the will of the people.

And I submit to the General Court whether it is even expedient, or just, without the consent of the people of a town or city first formally ascertained, to put an end to it for any less cause; to destroy its individuality consecrated by history and tradition, and exercised in all the manifold forms of civic life, and to obliterate it out of existence altogether.

That the annexation of Roxbury would add to the consideration and importance of Boston, I cannot bring myself to believe is a just and sufficient reason to annex it against the possible desire of its people to remain independent.

I notice that in the report of the Committee of the legislature the annexation of Roxbury seems to be recommended as a first step towards the absorption also of Winthrop, Chelsea, Somerville, Charlestown, Cambridge, Brighton, Brookline and Dorchester. Lest I may misapprehend the report, I quote its precise language.

The Committee say :

“Not only should the territory of Roxbury be added [to Boston,] but her borders extended across the waters to the surrounding mainland, and to the highlands beyond, that she may hereafter embrace within her corporate limits the population, wealth and civilization that legitimately belong to her.”

In considering this prospect my apprehension is excited by the peril of the present precedent when the first step towards its consummation is thus made without taking the sense of the community to be absorbed,—serving thus as a precedent for merging with Boston in like manner no less than three other cities and five towns besides, comprising altogether a population not much inferior in numbers to that of the metropolis itself,—all of them, having traditions, history and institutions of their own, perfect in themselves, and independent of Boston, and all of them severally entitled to be consulted.

My paramount objection, then, to the bill now before me, is, that, the consent of the people of the two cities to be united, and especially of Roxbury, is neither required nor permitted. The consent of Boston is not required or permitted, which by the act is made to assume the debt of Roxbury;—nor the consent of Roxbury, whose part in the debt of Boston is made compulsory: whose rights, traditions, and sentiments, as of a municipality of two hundred and thirty-seven years, are disregarded without the proffer of an opportunity to its people to pronounce the willing or the unwilling word.

This has not been Massachusetts doctrine or Massachusetts practice. This appears to me, to be not only without any precedent, but against all precedents.

After the most careful search of our annals of legislation which I have had the time to make since this bill has been laid before me, I have found for this act no parallel, nor analogy, nor precedent.

There is a class of cases to be found in our statutes, beginning in the days following the provincial necessities, and quite common in later time, in which the boundary lines of towns have been changed by setting off persons and property from one town to another, without calling for the vote of the parties especially in interest.

This has been for obvious reasons, the necessity in those cases. But these cases have not reached the thought of obliterating a municipality without first taking the sense of its people. In every case in which this thing has been attempted, so far as I can learn, the consent of the inhabitants has been made the condition. In the case of Dighton

and Wellington in 1825, of Charlestown and Boston in 1854, of Chelsea and Boston in 1856, of Salisbury and Amesbury in 1864, the provision for submitting the question to the vote of the citizens was incorporated in the acts. And in the whole history of the agitation of the question of uniting Boston and Roxbury, prior to this date, the propriety and fitness of the same provision has been observed. In the bills providing for the union of these very cities, reported severally in 1859, in 1860, and in 1865, the act was conditioned upon the consent of the inhabitants to whom was given the opportunity of voting upon the question. In my judgment it is a demand of high public policy that this line of precedents, founded on broad grounds of justice and equity, should not be broken. Under the necessity for equality of representation our system has been so changed that now less than half of our towns have members in the House of Representatives. The small towns are thus rendered powerless against absorption and annihilation, unless the historical sense of justice which has characterized these precedents of the past shall be observed in the future ; for they have not in half the years even the voice of a member through which to protest on the floor of either branch. And I cannot regard it as of light consideration that the sovereign power of the legislature over the towns should be at all times exercised in the spirit of a parental power, to the end that all legislation affecting their very existence should command their respect and approval.

The only objection to the provision of submitting this question to the people of Boston and Roxbury known to me, is, that it would be unconstitutional and therefore would render the act null and void. After careful reflection, and upon a review of the authorities of law, legislation and construction, I am brought to the conviction that this objection is without any just foundation. I am not aware that it has ever even been raised in this class of cases until now. In no one of the bills of this kind which have been reported in the last forty years has any such apprehension even been entertained.

And I invite the attention of the general court to the published opinion of the late Chief Justice Shaw, in the case of Charlestown and Boston, in which he so fully recites the clause submitting the act to the vote of the people as to make it morally certain that if this objection had possessed any force it would not have been passed by without mention. I have taken the opinion of my legal adviser, the Attorney-General of the Commonwealth, upon this specific question, and the same is in writing appended to this communication.

That officer has given to the examination of this objection the thought and research which its importance demands; and I respectfully submit to the legislature that his conclusion rests upon infrangible authorities and reasoning.

While therefore I should readily have given to the bill my approval if it had provided that the act should take effect only with the consent of the people chiefly interested, in the absence of that provision I deem it my duty to adhere to the policy which has become historical in the legislation of this Commonwealth.

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, in their respective Counties.]

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1866.			
February 26,	Frederica Howes Briggs,	Lilian Frederica Briggs,	Boston.
March 5,	Carrie Thacher Briggs,	Carrie Briggs Sargent,	Boston.
June 18,	Frances Alice Bacon,	Alice Frances Anna Murch,	Cambridge.
October 1,	Charles Chase,	Frederick William Herchenroder,	Boston.
November 5,	Chas. Henry Wheelwright Chamberlain,	Charles Wheelwright Chamberlin,	Boston.
December 17,	Susan Elizabeth Clark,	Elizabeth Tyler Clark,	Boston.
August 6,	Samuel M. Druff,	Samuel Whitebone,	Boston.
April 9,	Marietta Flaherty,	Marietta Martis,	Bridgewater.
March 12,	Nelson Hollis Fisher,	Nelson Edgar Hollis,	Boston.
January 29,	Nancy Anna Harriman,	Anna Norris Philbrook Drake,	Boston.
" 29,	Winfield Scott Harriman,	Winfield Scott Drake,	Boston.

CHANGE OF NAMES.

April 9,	Laura Amelia Hathaway,	Carrie Amelia Fairfield,	Taunton.
December 24,	Isaac Humphrey Houston,	Frank Key Houston,	Boston.
June 4,	James Molony,	James William Taylor,	Boston.
" 4,	Mary Louisa Molony,	Mary Louisa Taylor,	Boston.
August 6,	Eunice Fry Mincard,	Annie Tyler,	Chelsea.
November 26,	Eliza Marshall,	Anice Belle Hinckley,	Boston.
January 1,	Emma Giles Merrill,	Emma Giles Cormier,	Boston.
August 20,	Zillah Marina Stacy,	Zillah Marina Andrews,	Boston.
May 21,	Mary Jessie Tubbs,	Mary Jessie Allison,	Boston.
" 21,	Charlotte Elizabeth Tubbs,	Charlotte Elizabeth Allison,	Boston.
April 23,	Mary Ellen Webb,	Mary Ellen Dinsmore,	Portland, Me.
October 1,	Sarah Elizabeth Williams,	Lizzie Wood Allyn,	Danvers.

ESSEX COUNTY.

January 9,	Margaret Carr,*	Winnie Margaret Burns,	Lawrence.
" 9,	Lottie Clark,*	Lizzie Lord Perkins,	Andover.
February 6,	Jonathan Waldo, junior,	John Waldo,	Andover.
" 6,	—— Leavitt,*	Carrie Augusta Swett,	Swampscott.
April 3,	Francis Crohan,	Francis Dixie,	Marblehead.

* Minor: name changed by reason of adoption.

CHANGE OF NAMES.

ESSEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1866.			
April 3,	Franklin Porter Currier Cole,*	William Henry Lovell,	Newburyport.
" 3,	Andrew Ward Spence,	Andrew Ward,	Salem.
May 15,	Mary Ann Lloyd,*	Mary Ann Bickerton,	Lynn.
June 5,	Ema Frances Burnham,*	Emily Burnham Agge,	Haverhill.
" 5,	Annie Laura Martin,*	Annie Laura Taylor,	Lynn.
" 12,	Harry Lawrence Millett,*	Harry Millett Eames,	Andover.
July 3,	Mary Ward Burelmore,	Mary Ward Rowell,	Salem.
" 3,	Sarah Clifton Burelmore Ross,	Sarah Clifton Whitmore,	Salem.
" 3,	Anna White Kimball,*	Anna Kimball Copeland,	Haverhill.
August 7,	Martha McGovern,	Martha Dana,	Saugus.
" 7,	William Edward Smith,*	John Albert Smith,	Ipswich.
October 9,	George Alphonso Coffin,*	George Albert Grafian,	Salem.
November 6,	Warren Ayres Fisk,*	Warren Fowler,	Lynn.
December 4,	Edward Poole Stevens,	James Edward Poole Stevens,	Andover.

CHANGE OF NAMES.

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MIDDLESEX COUNTY.

February 13,	Margaret Hegarty,*	Annie Margaret Floyd,	Weston.
" 13,	(A male infant)	James Durno Maitland,	Cambridge.
March 13,	Florence M. Mansur,*	Nellie Florence Whittenmore,	Groton.
" 13,	Joseph W. Morrison,*	Joseph Morrison Wilson,	Draut.
April 10,	Laura Belle Arnold,*	Laura Belle Bartlett,	Groton.
" 10,	Oliver Hazard Benson,*	Charles Calvin Leland,	Natick.
" 10,	Lucy Frances Benson,*	Jennie Wolcott Leland,	Natick.
May 22,	Louisa Ann Howe,	Annie Louisa Howe,	Marlborough.
June 5,	Joseph H. D. Hayes,*	Joseph Henry Douglass Hayes,	Lowell.
" 5,	Helen E. Clarke,	Helen Eliza Cowdrey,	Acton.
" 26,	Dudley Taylor Kidder,	Dudley Cotton Redpath,	Malden.
" 26,	Charles Wellington,	Charles Wellington Cragin,	Ashby.
" 26,	Francis Evans,*	Frank Bean,	Marlborough.
August 14,	Minnie Brennan,*	Lilian Louisa Lancey,	Newton.
" 14,	Mary Emma Sleeper,*	Mary Emma Brooks,	Cambridge.
" 14,	George Edward Sleeper,*	Edward Brooks,	Cambridge.
" 14,	Evelina Sleeper,*	Evelina Brooks,	Cambridge.
" 14,	Angus Horn Morrow,*	Arthur Horn Bradford,	Boxborough.

* Minor: name changed by reason of adoption.

CHANGE OF NAMES.

MIDDLESEX—Concluded.

Date of Decree.	Original Name.	Name Deceed.	Residence.
1866.			
August 14,	George Young Morrow,*	George Young Hutchins,	Acton.
“ 14,	William Trow Morrow,*	William Trow Mason, .	Acton.
“ 14,	Mary Frances Mansfield,*	Mary Mansfield Morse,	Natick.
September 4,	Sally W. Wetherbee, .	Sally Whitcomb Green,	Ashby.
“ 11,	Robert Conant Chafin,	Robert Chafin Conant,	Lowell.
“ 11,	Charles Ira Eaton,*	Charles Ira Ellis, . . .	Stoneham.
“ 11,	Carrie Chandler Fish,*	Carrie Chandler Paul, .	Newton.
“ 25,	Julia Lucius,*	Julia Abbott,	Lowell.
October 9,	Agnes Isabella Meldrum,	Susan Cooke Meldrum,	Cambridge.
November 27,	Elmira Gillespie, . . .	Elmira Morse,	Waltham.
“ 27,	Emily Louisa Gillespie,	Emily Louisa Morse, . .	Waltham.
“ 27,	George Washington Gillespie,	George Washington Morse,	Waltham.
“ 27,	Carrie Augusta Gillespie,	Carrie Augusta Morse, . .	Waltham.

* Changed by reason of adoption.

CHANGE OF NAMES.

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WORCESTER COUNTY.

January 2,	Hannah C. Stratford,	Hannah C. Holbrook,	Blackstone.
February 6,	James Morrow,	George Damon Parker,	Phillipston.
“ 6,	Emma Frances Frary,	Ida Mabel Thompson,	Holden.
“ 6,	William Henry Frary,	Charles P. Leavitt,	Holden.
March 6,	Etta Woodcock,	Etta Elizabeth King,	Phillipston.
“ 6,	(Unknown,)	Clara Winnie Gates,	Fitchburg.
April 3,	Lewis Mills Larned,	Lewis Mills Learned,	Worcester.
“ 3,	John Joseph Rutherford,	John Joseph McDonald,	Worcester.
May 1,	Daniel Bliss,	Daniel J. Bliss,	Warren.
“ 1,	Sarah Nellie Hodgden,	Sarah Nellie Holbrook,	Leicester.
“ 1,	Ellen M. McLaughlin,	Nellie A. Rice,	Westminster.
“ 23,	Frederick Scaver,	Frederick Scaver Madden,	Milford.
June 5,	Lizzie C. Duntun,	Lizzie C. Wyma,	Phillipston.
May 17,	Nellie J. Duntun,	Nellie Jennette Ward,	Athol.
August 7,	Lillian Grace Collins,	Nellie Fisher,	Milford.
“ 7,	Stella Isabell Wetherbee,	Stella Isabell Cooley,	Holden.
“ 7,	Cora F. Woodcock,	Cora Florence Haskins,	Worcester.
April 3,	Mary Spencer,	Hattie May Ruggles,	Upton.

WORCESTER COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1866.			
September 4,	Grace Leland Gleason,	Mabel Caroline Knox,	Worcester.
October 2,	Elisabeth Lavinia Flagg,	Lizzie Lavinia Parker,	Templeton.
“ 16,	Harriet F. Pratt,	Harriet Frances Johnson,	Milford.
“ 18,	Charlie Levi Bryan,	Charlie Edward Levi Cross,	Royalston.
November 6,	Ida S. Sutherly,	Ida Elizabeth Heredeen,	Charlton.
December 4,	J. Elisabeth Lyon,	J. Lizzie Potter,	Southbridge.
“ 4,	Sarah Helen Webster,	Flora Italia Young,	Templeton.
“ 4,	(Unknown),	John Eddie Thomas,	Holden.
“ 4,	Ella Maria Gates,	Ella Maria Foshay,	Spencer.
“ 4,	Nettie Houghton,	Nettie Houghton Hale,	Fitchburg.
“ 4,	Mary Elisabeth Bergen,	Mary Elisabeth Newhall,	Leicester.

HAMPSHIRE COUNTY.

May 1,	Martha L. Clapp,	Martha Louisa Abell,	Northampton.
“ 1,	George Alanson Cushman,	George Alanson Kelley,	Worthington.
“ 1,	William Eugene Robbins,	William Eugene Canterbury,	Belchertown.

June 5,	Clarence Merton Chamberlain,	Clarence Merton Russell,	Hadley.
" 5,	Johnnie Francis Chamberlain,	John Francis Marshall,	Amherst.
July 3,	Eveline E. Lovett,	Eveline E. Fish,	Amherst.
May 8,	Anna Lee Bishop,	Anna Lee Clark,	Belchertown.
August 7,	Anna W. Taylor,	Anna W. Robinson,	Ware.
September 4,	Lula Orpha Hanson,	Emma Frances Burley,	Williamsburg.
October 9,	Gilbert Damon,	Louis Fabacher Bridgman,	Belchertown.
" 2,	Emma L. Crandall,	Emma Luella Smith,	Belchertown.
November 7,	Charles Hanks,	Charles Church,	Granby.
" 9,	Ada Augusta Fuller,	Ada Augusta Montague,	Amherst.
" 9,	Charles Frederic Fuller,	Charles Frederic Montague,	Amherst.

HAMPDEN COUNTY.

1865.			
December 5,	Ernest L. Paine,*	Albert Henry Brierly,	Springfield.
1866.			
June 5,	Arthur Hale,	Arthur Milo Nye,	Blandford.
July 3,	Emma Fry,	Emma Sabine Leppens,	Chicopee.
November 7,	Anton J. Andersen,	John Frederick Almqvist,	Springfield.
" 7,	Freddie Woodford Tinker,	William Edson Fiske,	Chester.

* "Omitted from former return by error, certificate not having been taken at time of last return, and record not having been made in probate office."

HAMPDEN COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1866.			
December 4,	Emma N. Towne,	Clara Bell Merrill,	Springfield.
“ 8,	Louis Maynard Manning,	Oliver Louis Wolcott,	Longmeadow.
August 7,	Armadilla Holcomb,	Martha Jane Buttles,	Granville.
FRANKLIN COUNTY.			
February 13,	Minnie M. Warner,	Minnie M. Whitney,	Buckland.
May 15,	Cora Lincoln Blodgett,	Cora Lincoln Lee,	Conway.
July 10,	Sarah Eliza White,	Sarah Eliza Kenney,	Northfield.
“ 10,	Alonzo P. Wales,	Alonzo Granger,	Charlemont.
August 7,	Emma Estella Phillips,	Hattie Estella Woods,	Whately.
September 4,	Emory Pike,	Emory White,	New Salem.
“ 4,	Ellen E. Johnson,	Ellen E. White,	New Salem.
December 4,	Charles Sumner Crosby,	Charles Cutler Smith,	Whately.
“ 14,	Frank Hosmer,	Frank Dunbar Harrington,	Orange.

BERKSHIRE COUNTY.

April 25,	John Benjamin,	Hugh M. Briggs,	Clarksburg.
July 17,	Charles A. Robbins,	Charles A. Weatherly,	Pittsfield.
" 17,	Margaret Mohanna,	Alice Maggie Brown,	Williamstown.

NORFOLK COUNTY.

January 2,	Newell Francis Onion,	Newell Francis Ashton,	Medway.
" 2,	Susan Margaret Onion,	Susan Margaret Ashton,	Medway.
" 2,	Florence Hastings Onion,	Florence Hastings Ashton,	Medway.
" 2,	Ella Stanley Onion,	Ella Stanley Ashton,	Medway.
" 2,	Alfred Onion,	Alfred Ashton,	Medway.
February 3,	John Welch,	John Eldredge Welch,	Needham.
June 16,	Charles Heber MacBurney,	Charles MacBurney,	Roxbury.
April 14,	Capitola Connell,*	Capitola Maria Belcher,	Randolph.
" 14,	Edmund Connell,*	Edmund Belcher,	Randolph.
May 12,	Jesse Robertson,*	Jesse Robertson Humphrey,	Weymouth.
August 18,	Mary Caroline Barrett,*	Carrie Mabel Swett,	Roxbury.
" 18,	Adelaide Harwood Mineaid,*	Aldie Florilla Beal,	Cohasset.

* Changed by reason of adoption.

NORFOLK COUNTY—Concluded.

Date of Decree.	Original Name.	Name Deceed.	Residence.
1866.			
August 18, . . .	Susan Augusta Mineaid,*	Susie Almema Beal, . . .	Colasset.
“ 25, . . .	Mary Madock Mineaid,*	Mary Emma Lescur, . . .	Milton.
December 22, . . .	Henry Hitch Johnson, . . .	Laurence Henry Hitch Johnson, . . .	West Roxbury.

* Changed by reason of adoption.

BRISTOL COUNTY.

March 2, . . .	George Franklin Perry, . . .	George Parker Jordan, . . .	Taunton.
July 3, . . .	Thomas Warring, . . .	Thomas Briggs Warring, . . .	Fall River.
December 21, . . .	Hannah Attante Field, . . .	Hannah Wilbur, . . .	Raynham.
February 21, . . .	Mary Jenkins Fisher, . . .	Mary Jenkins Iyers, . . .	Charleston.
April 6, . . .	Alice M. Hatch, . . .	Alice M. Cotton, . . .	Fall River.
“ 20, . . .	Arabella H. Wharton, . . .	Arabella Wharton Barrows, . . .	Taunton.
November 16, . . .	Louisa Adelaide Briggs, . . .	Louisa Adelaide Wade, . . .	Taunton.

PLYMOUTH COUNTY.

January 8,	Thomas Herrick Wadsworth,	Thomas Wadsworth Herrick,	Duxbury.
April 9,	Albert E. Darling,	Albert Elmer Caswell,	Plymouth.
March 12,	Irene Allen White,	Irene Alfen Estes,	Duxbury.
April 9,	Mary Lizzie Thayer,	Lizzie Lena Ellis,	Duxbury.
June 11,	Robert Matthews,	Robert Richardson,	Plymouth.
" 25,	Sarah J. Lucas,	Nettie Reed,	Duxbury.
August 27,	Albert Webster Sprague,	Arthur Loring Jacobs,	Hingham.
October 8,	Annie Maria Pearson,	Annie Maria Thrasher,	Plymouth.
December 24,	Lucy Ann Hersey,	Lucy Ann Field,	East Bridgewater.

BARNSTABLE COUNTY.

January 9,	Albert C. Smith,	Albert C. Vincent,	Dennis.
May 15,	Clara B. Fisher,	Clara B. Blackington,	Sandwich.
August 14,	Flora H. Crowell,	Flora H. Nickerson,	Harwich.

DUKES COUNTY.

The Judge of Probate for Dukes County makes the following statement :

“ Return of the following change of name should have been made for December, 1865. It was discovered too late to be published in the Statutes of that year.”

Date of Decree.	Original Name.	Name Decreed.	Residence.
June 5, 1865, . . .	Harry H. Ferguson, . . .	Harry Adams Norton, . . .	Edgartown.

No application for change of name has been made to the Judges of Probate for the Counties of Dukes and Nantucket.

THE
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR

1867.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
ALEXANDER H. BULLOCK,
GOVERNOR.

HENRY WARE, *Private Secretary.*

HIS HONOR
WILLIAM CLAFLIN,
LIEUTENANT-GOVERNOR.

COUNCIL—(BY DISTRICTS.)

I.—JOHN S. BRAYTON.
II.—LEVI L. GOODSPEED.
III.—THOMAS RICE, Jr.
IV.—CHARLES F. DANA.

V.—BENJAMIN EVANS.
VI.—THOMAS TALBOT.
VII.—CHARLES ADAMS, Jr.
VIII.—CHARLES A. STEVENS.

OLIVER WARNER,
SECRETARY OF THE COMMONWEALTH.

CHARLES W. LOVETT, *1st Clerk.* ALBERT L. FERNALD, *2d Clerk.*

JACOB H. LOUD,
TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.* ARTEMAS HARMON, *2d Clerk.*

CHARLES ALLEN,
ATTORNEY-GENERAL.

JAMES C. DAVIS, *Clerk.*

HENRY S. BRIGGS,
AUDITOR OF ACCOUNTS.

JULIUS L. CLARKE, *1st Clerk.* EDWARD S. DAVIS, *2d Clerk.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1866.

SENATE.

President—JOSEPH A. POND.

District.	Name of Senator.	Residence.
First Suffolk, . .	Frank B. Fay, . . .	Chelsea.
Second " . .	Martin Griffin, . . .	Boston.
Third " . .	A. O. Allen, . . .	Boston.
Fourth " . .	A. M. McPhail, jr., . . .	Boston.
Fifth " . .	S. G. Bowdlear, . . .	Boston.
Sixth " . .	Sumner Crosby, . . .	Boston.
First Essex, . .	George H. Sweetser, . . .	Saugus.
Second " . .	Benjamin C. Perkins, . . .	South Danvers.
Third " . .	Charles J. Noyce, . . .	Haverhill.
Fourth " . .	Albert W. Stevens, . . .	Newburyport.
Fifth " . .	Frederick W. Choate, . . .	Beverly.
First Middlesex, . .	Moses A. Dow, . . .	Charlestown.
Second " . .	George O. Brastow, . . .	Somerville.
Third " . .	Joseph A. Pond, . . .	Brighton.
Fourth " . .	George L. Sawin, . . .	Natick.
Fifth " . .	Charles M. Howe, . . .	Marlborough.
Sixth " . .	George P. Elliot, . . .	Billerica.

SENATE.

District.	Name of Senator.	Residence.
Seventh Middlesex, .	Joshua N. Marshall, . . .	Lowell.
First Worcester, .	Lucius W. Pond, . . .	Worcester.
Second " .	George S. Ball, . . .	Upton.
Third " .	Luther Hill, . . .	Spencer.
Fourth " .	John G. Mudge, . . .	Petersham.
Fifth " .	John H. Loekey, . . .	Leominster.
First Hampden, . .	Henry Alexander, jr., . .	Springfield.
Second " . . .	Hinsdale Smith, . . .	Agawam.
Hampshire, . . .	Edmund H. Sawyer, . . .	Easthampton.
Franklin, . . .	Christopher A. Stebbins, . .	Deerfield.
Berkshire, . . .	S. W. Bowerman, . . .	Pittsfield.
Berksh'e & Hampshire,	Joseph Tucker, . . .	Lenox.
First Norfolk, . . .	R. M. Morse, jr., . . .	West Roxbury.
Second " . . .	Charles Endicott, . . .	Canton.
Third " . . .	Elisha C. Monk, . . .	Stoughton.
First Plymouth, . . .	Everett Robinson, . . .	Middleborough.
Second " . . .	William L. Reed, . . .	Abington.
Norfolk & Plymouth, .	Benjamin F. Pratt, . . .	Weymouth.
First Bristol, . . .	Caleb Swan, . . .	Easton.
Second " . . .	Edwin L. Barney, . . .	New Bedford.
Third " . . .	S. Angier Chace, . . .	Fall River.
Cape, . . .	Chester Snow, . . .	Harwich.
Island, . . .	Erasmus Gould, . . .	Falmouth.

STEPHEN N. GIFFORD, *Clerk.* CHARLES E. REED, of Malden, *Chaplain.*
 JOHN MORISSEY, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—JAMES M. STONE.

COUNTY OF SUFFOLK.

District.	Wards.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Edwin Wright, . Wesley A. Gove, . Samuel Small, .	Boston. " "
2d,	Boston, Ward 2,	{ Michael D. Collins, . James B. Reed, . John Miller, .	Boston. " "
3d,	Boston, Ward 3,	{ Avery Plumer, . Horace H. Coolidge, Lyman S. Hapgood,	Boston. " "
4th,	Boston, Ward 4,	{ Hiram S. Shurtleff, . Dexter S. King, . Charles J. Paine, .	Boston. " "
5th,	Boston, Ward 5,	{ Clement Willis, . John A. Daly, . David Thayer, .	Boston. " "
6th,	Boston, Ward 6,	{ Harvey Jewell, . Francis J. Baxter, . Charles L. Mitchell,	Boston. " "
7th,	Boston, Ward 7,	{ Hugh A. Madden, . Richard J. Fennelly, Thomas J. Fay,	Boston. " "
8th,	Boston, Ward 8,	{ Moses Kimball, . Ira L. Moore, . Noah M. Gaylord, .	Boston. " "
9th,	Boston, Ward 9,	{ Newell A. Thompson, Wm. E. Underwood,	Boston. "
10th,	Boston, Ward 10,	{ Alvah A. Burrage, . James A. Fox, .	Boston. "

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—Concluded.

District.	Towns or Wards.	Name of Representative.	Residence.
11th,	Boston, Ward 11, . . .	{ Charles Demond, . Samuel J. Tuttle, . Hubbard W. Tilton, .	Boston. " "
12th,	Boston, Ward 12, . . .	{ Albert J. Wright, . Warren Partridge, .	Boston. "
13th,	{ Chelsea, North Chelsea, . . . Winthrop,	{ Edward H. Rogers, . Rufus S. Owen, . William T. Hall, .	Chelsea. " North Chelsea.

COUNTY OF ESSEX.

1st,	{ Salisbury, Amesbury, West Newbury, . . .	{ Amos Buswell, . . . Addison A. Sawyer,	Salisbury. Amesbury.
2d,	{ Haverhill, Bradford,	{ David Boynton, . . . Francis J. Stevens, . Charles B. Emerson.	Haverhill. " Bradford.
3d,	{ Lawrence, Methuen,	{ Wm. H. P. Wright, . . Henry M. McIntire, Albert Blood, . . .	Lawrence. " "
4th,	{ Andover, North Andover, . . .	{ Edward Taylor, . . .	Andover.
5th,	{ Georgetown, Groveland, Boxford,	{ Joseph C. Staey, . . .	Groveland.
6th,	{ Newburyport, Newbury,	{ Eben F. Stone,* . . . Rufus Adams, Geo. W. Woodwell, . .	Newburyport. " "
7th,	{ Ipswich, Rowley,	{ J. Scott Todd, . . .	Rowley.
8th,	{ Gloucester, Essex,	{ Gorham P. Low, . . . Addison Center, . . . Joseph L. Andrews,	Gloucester. " "
9th,	Rockport,	{ Benjamin Hale, . . .	Rockport.

* Mr. STONE resigned his seat on the 3d of April, and the vacancy was not filled.

HOUSE OF REPRESENTATIVES.

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COUNTY OF ESSEX—Concluded.

District.	Towns or Wards.	Name of Representative.	Residence.
10th,	{ Beverly, . . . } { Manchester, . . . } { Hamilton, . . . }	John W. Raymond, . George B. Dodge, .	Beverly. Hamilton.
11th,	{ Danvers, . . . } { Wenham, . . . }	Simeon Putnam, .	Danvers.
12th,	South Danvers, .	John W. Stevens, .	South Danvers.
13th,	{ Salem, Wards 1, 2 } { and 3, . . . }	J. H. Batchelder, . George H. Peirson, .	Salem. “
14th,	Salem, Wards 4 and 6,	George B. Loring, .	Salem.
15th,	{ Marblehead, and } { Ward 5, Salem, . }	Knott V. Martin, . William B. Brown, .	Marblehead. “
16th,	{ Lynn, Ward 4, and } { Nahant, . . . }	Edwin Patch, . .	Lynn.
17th,	Lynn, Wards 2 and 5,	Rufus Kimball, .	Lynn.
18th,	{ Lynn, Ward 3, and } { Swampscott, . }	Eben N. Wardwell,	Swampscott.
19th,	{ Lynn, Wards 1, 6 } { and 7, . . . }	John C. Houghton, .	Lynn.
20th,	{ Saugus, . . . } { Lynnfield, . . . } { Middleton, . . . } { Topsfield, . . . }	Sebastian S. Dunn, .	Saugus.

COUNTY OF MIDDLESEX.

1st,	Charlestown, Ward 1,	Winsor Wright, .	Charlestown.
2d,	Charlestown, Ward 2, }	James M. Stone, . Rufus A. White, .	Charlestown. “
3d,	Charlestown, Ward 3, }	Charles E. Rogers, . Edwin G. Walker, .	Charlestown. “
4th,	{ Somerville. . . . } { Malden, }	James Pierce, . . David M. Bean, . John A. Hughes, .	Malden. “ Somerville.
5th,	Medford, . . .	Benjamin H. Davis,	Medford.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—Continued.

District.	Towns or Wards.	Name of Representative.	Residence.
6th,	{ Arlington,* . . } { Winchester, . . }	Joseph S. Potter, .	Arlington.
7th,	{ Cambridge, Ward 1, } { " " Ward 5, }	Richard H. Dana, jr.,	Cambridge.
8th,	{ Cambridge, Ward 2, } { " " Ward 4, }	Hamlin R. Harding, John Livermore, John S. March, .	Cambridge. " "
9th,	Cambridge, Ward 3,	Anson P. Hooker, .	Cambridge.
10th,	{ Newton, . . . } { Brighton, . . }	David H. Mason, . Edmund Rice, .	Newton. Brighton.
11th,	{ Watertown, . . } { Belmont, . . . }	Henry M. Clarke, .	Belmont.
12th,	Waltham, . . .	Emory W. Lane, .	Waltham.
13th,	Natick, . . .	Alfred S. Hartwell, .	Natick.
14th,	{ Holliston, . . } { Sherborn, . . }	James H. Leland, .	Sherborn.
15th,	{ Hopkinton, . . } { Ashland, . . . }	L. H. Bowker, .	Hopkinton, .
16th,	Framingham, . .	Constantine C. Esty,†	Framingham.
17th,	Marlborough, . .	Nahum Witherbee, .	Marlborough.
18th,	{ Hudson, . . . } { Stow, . . . } { Boxborough, . . } { Littleton, . . }	Joseph S. Bradley, .	Hudson.
19th,	{ Acton, . . . } { Sudbury, . . . } { Wayland, . . }	Luther Conant, .	Acton.
20th,	{ Concord, . . . } { Lincoln, . . . } { Weston, . . . }	George Heywood, .	Concord.

* Name of West Cambridge was changed to Arlington April 13, 1867.

† Mr. Esty resigned his seat March 9, and Mr. THEODORE C. HURD was chosen in his place.

COUNTY OF MIDDLESEX—Concluded.

District.	Towns and Wards.	Name of Representative.	Residence.
21st,	{ Lexington, . . . } { Bedford, . . . } { Burlington, . . . } { Carlisle, . . . }	William A. Stearns,	Bedford.
22d,	Woburn, . . .	Joseph G. Pollard, .	Woburn.
23d,	{ Stoncham, . . . } { South Reading, . . . } { Melrose, . . . }	James F. Mansfield, John Botume, jr., .	So. Reading. Stoncham.
24th,	{ Reading, . . . } { North Reading, . . . } { Wilmington, . . . }	William E. Gowing,	Wilmington.
25th,	{ Chelmsford, . . . } { Billerica, . . . } { Tewksbury, . . . }	Richard Tolman, .	Tewksbury.
26th,	{ Lowell, Ward 1, . . . } { " Ward 2, . . . } { " Ward 6, . . . }	Charles A. Stott, . Andrew F. Jewett, .	Lowell. "
27th,	Lowell, Ward 3, .	Oliver W. Smith, .	Lowell.
28th,	Lowell, Ward 4, .	John F. Manahan, .	Lowell.
29th,	Lowell, Ward 5, .	Edward F. Sherman,	Lowell.
30th,	{ Dracut, . . . } { Tyngsborough, . . . } { Dunstable, . . . } { Westford, . . . }	Ebenezer Swan, .	Tyngsborough.
31st,	{ Groton, . . . } { Pepperell, . . . }	Daniel Needham, .	Groton.
32d,	{ Townsend, . . . } { Ashby, . . . } { Shirley, . . . }	Noah Wallace, .	Townsend.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } { Winchendon, . . . }	George E. Fisher, .	Ashburnham.
2d,	{ Royalston, . . . } { Athol, . . . }	Alpheus Harding, jr.,	Athol.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—Continued.

District.	Towns and Wards.	Name of Representative.	Residence.
3d,	{ Gardner, . . . } { Templeton, . . . }	George P. Hawkes, .	Templeton.
4th,	{ Petersham, . . . } { Dana, . . . } { Phillipston, . . . } { Hubbardston, . . . } { Barre, . . . } { Hardwick, . . . } { New Braintree, . . . }	Addison H. Holland, Lyman Woodward, .	Barre. Hubbardston.
5th,	{ Westminster, . . . } { Fitchburg, . . . } { Lunenburg, . . . } { Leominster, . . . }	Porter G. Barton, . . Alfred Miller, . . Franklin Wyman, . .	Fitchburg. " Westminster.
6th,	{ Lancaster, . . . } { Bolton, . . . } { Harvard, . . . }	J. Milton Whitney, .	Harvard.
7th,	{ Clinton, . . . } { Berlin, . . . } { Northborough, . . . }	Walter Gale, . . .	Northborough.
8th,	{ Sterling, . . . } { West Boylston, . . . } { Boylston, . . . }	Ezra Sawyer, . . .	Sterling.
9th,	{ Rutland, . . . } { Holden, . . . } { Princeton, . . . } { Oakham, . . . }	Samuel Warren, . .	Holden.
10th,	{ Worcester, Ward 1, } { " " Ward 2, } { " " Ward 3, } { " " Ward 8, } { Paxton, . . . }	P. Emory Aldrich, . George R. Peckham, . John C. Bigelow, .	Worcester. " Paxton.
11th,	{ Worcester, Ward 4, } { " " Ward 5, } { " " Ward 6, } { " " Ward 7, }	George A. Brown, . Jonathan C. French, Aury G. Coes, . . .	Worcester. " "
12th,	{ Grafton, . . . } { Shrewsbury, . . . }	John McClellan, . .	Grafton.
13th,	{ Westborough, . . . } { Southborough, . . . }	Henry S. Wheeler, .	Southborough.

HOUSE OF REPRESENTATIVES.

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COUNTY OF WORCESTER—Concluded.

District.	Towns.	Name of Representative.	Residence.
14th,	{ Northbridge, . . . } { Upton, . . . }	Jonathan C. Taylor,	Northbridge.
15th,	{ Milford, . . . } { Mendon, . . . } { Blackstone, . . . } { Uxbridge, . . . }	George W. Staey, . James H. Putnam, . John S. Needham, .	Milford. " Blackstone.
16th,	{ Douglas, . . . } { Webster, . . . } { Dudley, . . . } { Oxford, . . . } { Sutton, . . . } { Millbury, . . . }	Solomon D. King, . Benjamin A. Corbin, Henry E. Rockwell,	Sutton. Webster. Millbury.
17th,	{ Auburn, . . . } { Leicester, . . . } { Spencer, . . . } { Charlton, . . . } { Southbridge, . . . }	A. J. Bartholomew, Dexter Bullard, .	Southbridge. Spencer.
18th,	{ Sturbridge, . . . } { Brookfield, . . . } { North Brookfield, . . . } { West Brookfield, . . . } { Warren, . . . }	James S. Montague, Charles E. Smith, .	Brookfield. W. Brookfield.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . } { Huntington, . . . } { Northampton, . . . } { Southampton, . . . } { Westhampton, . . . }	Lewis J. Dudley, . Isaac Parsons, .	Northampton. Southampton.
2d,	{ Chesterfield, . . . } { Cummington, . . . } { Goshen, . . . } { Middlefield, . . . } { Plainfield, . . . } { Worthington, . . . }	Calvin A. Packard, .	Goshen.
3d,	{ Hadley, . . . } { Hatfield, . . . } { Williamsburg, . . . }	Levi Stockbridge, .	Hadley.
4th,	{ Amherst, . . . } { South Hadley, . . . }	William S. Clark, .	Amherst.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPSHIRE—Concluded.

District.	Towns and Wards.	Name of Representative.	Residence.
5th,	{ Belehertown, . . . } { Granby, . . . } { Pelham, . . . }	Joshua G. Longley, .	Belehertown.
6th,	{ Enfield, . . . } { Greenwich, . . . } { Prescott, . . . } { Ware, . . . }	John T. Warner, .	Greenwich.

COUNTY OF HAMPDEN.

1st,	{ Monson, . . . } { Brimfield, . . . } { Holland, . . . } { Wales, . . . }	George A. Converse,	Monson.
2d,	{ Palmer, . . . } { Wilbraham, . . . }	James G. Allen, .	Palmer.
3d,	{ Springfield, Ward 1, } { " " Ward 2, } { " " Ward 3, }	B. C. English, . Thomas W. Wason, .	Springfield. "
4th,	{ Springfield, Ward 4, } { " " Ward 6, }	Daniel L. Harris, .	Springfield.
5th,	{ Springfield, Ward 5, } { " " Ward 7, } { " " Ward 8, }	Titus Amadon, .	Springfield.
6th,	{ Holyoke, . . . } { Chicopee, . . . } { Ludlow, . . . }	Edwin H. Ball. Enoch V. B. Holcomb,	Holyoke. Chicopee.
7th,	{ Granville, . . . } { Southwick, . . . } { Agawam, . . . } { West Springfield, . . . } { Longmeadow, . . . }	Abel H. Calkins, . Joseph Bedortha, .	Longmeadow. Agawam.
8th,	Westfield, . . .	Charles Dickerman, .	Westfield.
9th,	{ Chester, . . . } { Blandford, . . . } { Montgomery, . . . } { Russell, . . . } { Tolland, . . . }	Berijah H. Kagwin,	Montgomery.

COUNTY OF FRANKLIN.

District.	Towns.	Name of Representative.	Residence.
1st,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . }	Andrew J. Clark, .	Orange.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	William W. Thayer,	Montague.
3d,	{ Greenfield, . . . } { Colrain, . . . } { Leyden, . . . } { Bernardston, . . . } { Gill, . . . } { Northfield, . . . } { Erving, . . . }	Anson K. Warner, Silas N. Brooks, .	Greenfield. Bernardston.
4th,	{ Deerfield, . . . } { Shelburne, . . . } { Whately, . . . } { Conway, . . . } { Ashfield, . . . } { Hawley, . . . }	George Sheldon, . Austin Rice, . . .	Deerfield. Conway.
5th,	{ Buckland, . . . } { Charlemont, . . . } { Heath, . . . } { Rowe, . . . } { Monroe, . . . }	Geo. D. Crittenden,	Buckland.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	William H. Lapham,	Hancock.
2d,	{ Adams, . . . } { Cheshire, . . . } { Clarksburg, . . . } { Florida, . . . } { Savoy, . . . }	Jonas A. Champney, Shepard Thayer, .	Adams. "
3d,	{ Dalton, . . . } { Pittsfield, . . . } { Richmond, . . . }	John V. Barker, . John E. Merrill, .	Pittsfield. "

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE—Concluded.

District	Towns and Wards.	Name of Representative.	Residence.
4th,	{ Becket, . . . } Hinsdale, . . . } Peru, . . . } Washington, . . . } Windsor, . . . }	Benjamin F. Peirce,	Peru.
5th,	{ Lenox, . . . } Stockbridge, . . . } West Stockbridge, . }	Wm. C. Spaulding, .	W. Stockbridge.
6th,	{ Lee, . . . } Monterey, . . . } Otis, . . . } Tyringham, . . . }	John Branning, .	Lee.
7th,	{ Alford, . . . } Egremont, . . . } Great Barrington, . }	Egbert Hollister, .	Gt. Barrington.
8th,	{ New Marlborough, . }	Zacheus Cande, .	Sheffield.
	{ Sandisfield, . . . }		
	{ Sheffield, . . . }		

COUNTY OF NORFOLK.

1st,	Dedham, . . .	Addison Boyden, .	Dedham.
2d,	West Roxbury, .	William J. R. Evans,	West Roxbury.
3d,	{ Roxbury, Ward 2, . }	John Carruthers, .	Roxbury.
	{ " Ward 3, . }	J. Wilder May, .	"
	{ " Ward 4, . }	Augustus Parker, .	"
	{ " Ward 5, . }		
4th,	Roxbury, Ward 1, .	Alvin G. Bartlett, .	Roxbury.
5th,	Dorchester, . . . }	Daniel B. Stedman, .	Dorchester.
		Samuel Atherton, .	"
6th,	Quincy, . . .	George L. Gill, .	Quincy.
7th,	Braintree, . . .	Edward Avery, .	Braintree.
8th,	Weymouth, . . . }	Elias Richards, .	Weymouth.
		J. Murray Whitcomb,	"
9th,	Randolph, . . .	J. Winsor Pratt, .	Randolph.

COUNTY OF NORFOLK—Concluded.

District.	Towns.	Name of Representative.	Residence.
10th,	Stoughton, . .	Thomas Wilson, .	Stoughton.
11th,	{ Canton, . . . } { Milton, . . . } { Walpole, . . . } { Sharon, . . . }	Francis W. Bird, . George Vose, . .	Walpole. Milton.
12th,	{ Foxborough, . . } { Wrentham, . . . } { Medway, . . . }	Fred'k K. Ballou, . Anson Daniels, .	Foxborough. Medway.
13th,	{ Franklin, . . . } { Bellingham, . . }	Alpheus A. Russegne,	Franklin.
14th,	{ Needham, . . . } { Medfield, . . . } { Dover, . . . }	Charles C. Sewall, .	Medfield.
15th,	Brookline, . .	George F. Homer, .	Brookline.

COUNTY OF BRISTOL.

1st,	Attleborough, . .	Joseph A. Perry, .	Attleborough.
2d,	{ Mansfield, . . . } { Norton, . . . }	Erastus M. Reed, .	Mansfield.
3d,	{ Easton, . . . } { Raynham, . . . }	Joseph Barrows, .	Easton.
4th,	Taunton, . . .	{ Nathan S. Williams, Walter S. Sprague, . Jeremy B. Dennett,	Taunton. " "
5th,	{ Seekonk, . . . } { Rehoboth, . . . } { Dighton, . . . } { Berkley, . . . }	James H. Coddling, .	Dighton.
6th,	{ Somerset, . . . } { Swanzey, . . . } { Freetown, . . . }	Thomas G. Nichols, .	Freetown.
7th,	Fall River, . . .	{ John B. Hathaway, . Abraham G. Hart, . Henry Diman, . .	Fall River. " "
8th,	Westport, . . .	Ezra P. Brownell, .	Westport.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL—Concluded.

District.	Towns and Wards.	Name of Representative.	Residence.
9th,	Dartmouth, . . .	George F. Howland,	Dartmouth.
10th,	{ New Bedford, Wards } { 1, 2 and 3, . . . }	Elijah H. Chisholm, Oliver H. P. Brown,	New Bedford. “
11th,	{ New Bedford, Wards } { 4, 5 and 6, . . . }	Joshua C. Stone, . . Isaac H. Coe, . . .	New Bedford. “
12th,	{ Fairhaven, . . . } { Acushnet, . . . }	Charles Bryant, . .	Fairhaven.

COUNTY OF PLYMOUTH.

1st,	{ Cohasset, . . . } { Scituate, . . . }	J. Q. A. Lothrop, . .	Cohasset.
2d,	{ Hingham, . . . } { Hull, . . . }	DeWitt C. Bates, . .	Hingham.
3d,	{ South Scituate, . . } { Hanover, . . . } { Hanson, . . . }	Edward Y. Perry, . .	Hanson.
4th,	{ Marshfield, . . . } { Pembroke, . . . } { Halifax, . . . }	Samuel Hall, . . .	Marshfield.
5th,	{ Duxbury, . . . } { Kingston, . . . }	Noah Prince, . . .	Kingston.
6th,	{ Plymouth, . . . } { Carver, . . . } { Plympton, . . . }	Charles H. Drew, . . Elisha M. Dunham, . .	Plymouth. Carver.
7th,	{ Wareham, . . . } { Marion, . . . }	Timothy F. Clary, . .	Wareham.
8th,	{ Mattapoisett, . . . } { Rochester, . . . } { Lakeville, . . . }	Lemuel Le Baron, . .	Mattapoisett.
9th,	Middleborough, . .	Andrew C. Wood, . .	Middleborough.
10th,	{ Bridgewater, . . . } { West Bridgewater, . . }	Edward Tisdale, . .	W. Bridgewater.
11th,	{ East Bridgewater, . . } { North Bridgewater, . . }	Jacob Bates, . . . Uriah Macoy, . . .	E. Bridgewater. N. Bridgewater.

HOUSE OF REPRESENTATIVES.

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COUNTY OF PLYMOUTH—Concluded.

District.	Towns.	Name of Representative.	Residence.
12th,	Abington, . . . }	George W. Reed, . . Serenio Howe,* . .	Abington. “

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . } { Sandwich, . . . } { Falmouth, . . . } { Yarmouth, . . . }	Isaac K. Chipman, . . George Marston, . . Heman B. Chase, . .	Sandwich. Barnstable. Yarmouth.
2d,	{ Dennis, . . . } { Harwich, . . . } { Brewster, . . . }	Solomon Thacher, . . Frederick Hebard, . .	Harwich. Dennis.
3d,	{ Chatham, . . . } { Orleans, . . . }	Edmund Flinn, . .	Chatham.
4th,	{ Eastham, . . . } { Wellfleet, . . . } { Truro, . . . } { Provincetown, . . }	Nathaniel H. Dill, . . Jesse S. Pendergrast,	Wellfleet. Truro.

DUKES COUNTY.

One.	{ Edgartown, . . . } { Tisbury, . . . } { Chilmark, . . . } { Gosnold, . . . }	David Davis, . . .	Edgartown.
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COUNTY OF NANTUCKET.

One,	Nantucket, . . .	William H. Waitt,† .	Nantucket.
------	------------------	----------------------	------------

WILLIAM S. ROBINSON, *Clerk.* | JOHN MORISSEY, *Sergeant-at-Arms.*
PLINY WOOD, *Chaplain.*

* Mr. HOWE resigned his seat May 13, and the vacancy was not filled.

† Mr. ANDREW WHITNEY, the member elect, declined to accept, and Mr. WAITT, chosen in his place, was qualified on the 29th of January.

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

GEORGE T. BIGELOW, *of Boston.*

ASSOCIATE JUSTICES.

EBENEZER R. HOAR, *of Concord.*

REUBEN A. CHAPMAN, *of Springfield.*

HORACE GRAY, JR., *of Boston.*

DWIGHT FOSTER,* *of Boston.*

JOHN WELLS,† *of Chicopee.*

SUPERIOR COURT.

CHIEF JUSTICE.

SETH AMES,‡ *of Boston.*

ASSOCIATE JUSTICES.

JULIUS ROCKWELL, *of Pittsfield.*

OTIS P. LORD, *of Salem.*

MARCUS MORTON, *of Andover.*

EZRA WILKINSON, *of Dedham.*

HENRY VOSE, *of Boston.*

JOHN P. PUTNAM, *of Boston.*

LINCOLN F. BRIGHAM, *of Boston.*

CHESTER I. REED,§ *of Taunton.*

CHARLES DEVENS, JR.,|| *of Worcester.*

* Vice JAMES D. COLT, resigned, August 15, 1866.

† Vice CHARLES A. DEWEY, deceased.

‡ Vice CHARLES ALLEN, resigned, April 2, 1867.

§ Vice SETH AMES, appointed Chief Justice, April 9, 1867.

|| Vice THOMAS RUSSELL, resigned, March 22, 1867.

JUDGES OF PROBATE AND INSOLVENCY.

ISAAC AMES, Boston,	SUFFOLK.
GEORGE F. CHIOATE, Salem,	ESSEX.
WILLIAM A. RICHARDSON, Cambridge,	MIDDLESEX.
HENRY CHAPIN, Worcester,	WORCESTER.
SAMUEL F. LYMAN, Northampton,	HAMPSHIRE.
WILLIAM S. SHURTLEFF, Springfield,	HAMPDEN.
CHARLES MATTOON, Greenfield,	FRANKLIN.
JAMES T. ROBINSON, (North) Adams,	BERKSHIRE.
GEORGE WHITE, Needham,	NORFOLK.
WILLIAM H. WOOD, Middleborough,	PLYMOUTH.
EDMUND H. BENNETT, Taunton,	BRISTOL.
JOSEPH M. DAY, Barnstable,	BARNSTABLE.
THEODORE G. MAYHEW, Edgartown,	DUKES.
EDWARD M. GARDNER, Nantucket,	NANTUCKET.

REGISTERS OF PROBATE AND INSOLVENCY.

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ABNER C. GOODELL, Jr., Salem,	ESSEX.
JOSEPH H. TYLER, Cambridge,	MIDDLESEX.
JOHN J. PIPER, Fitchburg,	WORCESTER.
LUKE LYMAN, Northampton,	HAMPSHIRE.
SAMUEL B. SPOONER, Springfield,	HAMPDEN.
CHESTER C. CONANT, Greenfield,	FRANKLIN.
ANDREW J. WATERMAN, Pittsfield,	BERKSHIRE.
JONATHAN H. COBB, Dedham,	NORFOLK.
DANIEL E. DAMON, Plymouth,	PLYMOUTH.
AUSTIN S. CUSHMAN, New Bedford,	BRISTOL.
JONATHAN HIGGINS, Orleans,	BARNSTABLE.
HEBRON VINCENT, Edgartown,	DUKES.
WILLIAM BARNEY, Nantucket,	NANTUCKET.

DISTRICT-ATTORNEYS.

GEORGE P. SANGER, Boston,	SUFFOLK.
ISAAC S. MORSE, Cambridge,	NORTHERN.
ALFRED A. ABBOTT, South Danvers,	EASTERN.
EDWARD L. PIERCE, Milton,	SOUTH-EASTERN.
GEORGE MARSTON, Barnstable,	SOUTHERN.
HARTLEY WILLIAMS, Worcester,	MIDDLE.
EDWARD B. GILLETT, Westfield,	WESTERN.
SAMUEL T. SPAULDING, Northampton,	NORTH-WESTERN.

SHERIFFS.

JOHN M. CLARK, Boston,	SUFFOLK.
HORATIO G. HERRICK, Lawrence,	ESSEX.
CHARLES KIMBALL, Lowell,	MIDDLESEX.
JOHN S. C. KNOWLTON, Worcester,	WORCESTER.
HENRY A. LONGLEY, Northampton,	HAMPSHIRE.
FREDERICK BUSH, Springfield,	HAMPDEN.
SAMUEL H. REED, Greenfield,	FRANKLIN.
GRAHAM A. ROOT, Sheffield,	BERKSHIRE.
JOHN W. THOMAS, Dedham,	NORFOLK.
CHARLES B. H. FESSENDEN, New Bedford,	BRISTOL.
JAMES BATES, Plymouth,	PLYMOUTH.
DAVID BURSLEY, Barnstable,	BARNSTABLE.
SAMUEL KENISTON, Edgartown,	DUKES.
JOSEPH McCLEAVE, Nantucket,	NANTUCKET.

CLERKS OF COURTS.

GEORGE C. WILDE, Boston, Supreme Judicial Court,	} SUFFOLK, and, by app't of Justices for COMMON'LTH.
JOSEPH A. WILLARD, Boston, Superior Court, Civil T.,	
FRANCIS H. UNDERWOOD, Boston, Criminal T.,	} SUFFOLK.
ASAHEL HUNTINGTON, Salem,	ESSEX.
BENJAMIN F. HAM, Winchester,	MIDDLESEX.
JOSEPH MASON, Worcester,	WORCESTER.
WILLIAM P. STRICKLAND, Northampton,	HAMPSHIRE.
GEORGE B. MORRIS, Springfield,	HAMPDEN.
EDWARD E. LYMAN, Greenfield,	FRANKLIN.
HENRY W. TAFT, Lenox,	BERKSHIRE.
ERASTUS WORTHINGTON, Dedham,	NORFOLK.
SIMEON BORDEN, Fall River,	BRISTOL.
WILLIAM H. WHITMAN, Plymouth,	PLYMOUTH.
JAMES B. CROCKER, Yarmouth,	BARNSTABLE.
RICHARD L. PEASE, Edgartown,	DUKES.
GEORGE COBB, Nantucket,	NANTUCKET.

MEMBERS OF THE FORTIETH CONGRESS.

SENATORS.

CHARLES SUMNER, *of Boston.*HENRY WILSON, *of Natick.*

REPRESENTATIVES.

District I.—THOMAS D. ELIOT, *of New Bedford.*II.—OAKES AMES, *of Easton.*III.—GINERY TWICHELL, *of Brookline.*IV.—SAMUEL HOOPER, *of Boston.*V.—BENJAMIN F. BUTLER, *of Gloucester.*VI.—NATHANIEL P. BANKS, *of Waltham.*VII.—GEORGE S. BOUTWELL, *of Groton.*VIII.—JOHN D. BALDWIN, *of Worcester.*IX.—WILLIAM B. WASHBURN, *of Greenfield.*X.—HENRY L. DAWES, *of Pittsfield.*

PILOT REGULATIONS.

REVISED RATES OF PILOTAGE, as approved by the Governor, with the advice of the Council, and proclaimed by publishment, under section seventeen, chapter one hundred and seventy-six of the Acts of eighteen hundred and sixty-two.

OCTOBER 23, 1866.

“ORDERED, That section sixteen of the ‘General Regulations for Pilotage,’ contained in chapter one hundred and seventy-six of the Acts of eighteen hundred and sixty-two, be amended so as to read as follows :

“SECT. 16. All national vessels, except those of the United States, both inward and outward, shall pay in all parts of the Commonwealth, when they shall employ a pilot, four dollars per foot for fifteen feet or less draught of water, and five dollars per foot for over fifteen feet draught of water.”

JANUARY 3, 1867.

“ORDERED, That section fifteen of the ‘General Regulations for Pilotage,’ contained in chapter one hundred and seventy-six of the Acts of eighteen hundred and sixty-two, be amended so as to read as follows :

“SECT. 15. All passenger steam vessels, regulated by the laws of the United States, *sailing under a coasting license*, and carrying a pilot, commissioned by United States Commissioners, are exempt from payment of compulsory pilotage.”

APRIL 24, 1867.

“ORDERED, That for the period of one year from and after the passage of this order, the rates for pilotage, as provided in chapter one hundred and seventy-six of the Acts of eighteen hundred and sixty-two, be so amended that the pilotage from the ports of New Bedford and Fairhaven to Clark’s Point Lighthouse, both inward and outward, shall be fifty cents per foot, instead of thirty-five cents, as is now provided, and that the pilotage from the sea, inward, to abreast of Clark’s Point Lighthouse, shall be two dollars and twenty-five cents per foot, instead of one dollar and ninety cents, as is now provided.”

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
August 1, 1867. }

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 herewith are transcripts of official records and returns in this Department.

OLIVER WARNER,
Secretary of the Commonwealth.

ERRATUM.

On page 594, chapter 171, in title of Act, for "Line" read "Time."

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