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Mass

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1868,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS,
Etc., Etc., Etc.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



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A CONSTITUTION
OR
FORM OF GOVERNMENT

FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

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

Objects of government.

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

Body politic, how formed.
Its nature.

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

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

PART THE FIRST.

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

Equality and natural rights of all men.

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

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession or sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Protection therein.

Amendment, Art. XI., substituted for this.

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

Legislature empowered to compel provision for public worship ;

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

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

and to enjoin attendance thereon.

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

Exclusive right of electing religious teachers secured.

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

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

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

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

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

Right of self-government secured.

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

Accountability of all officers, &c.

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

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

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and indefeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

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

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

Right of people to secure rotation in office.

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

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

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

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

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

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

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

Prosecutions regulated.

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

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

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

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

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

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

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

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

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth. Moral qualifications for office.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or Moral obligations of lawgivers and magistrates. Right of people to instruct representatives and petition legislature.

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

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never 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.

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

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

Frequent sessions, and objects thereof.

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

Taxation founded on consent.

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

Ex post facto laws prohibited.

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

Legislature not to convict of treason, &c.

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

Excessive bail or fines, and cruel punishments prohibited.

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

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

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

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

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

Judges of supreme judicial court.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave them-

Tenure of their office.

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

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

PART THE SECOND.

The Frame of Government.

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

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

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

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

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

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

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

See amendments, Art. I.

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

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

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

Courts, &c., may administer oaths.

General court may enact laws, &c.,

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

not repugnant to the constitution;

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

may provide for the election or appointment of officers;

prescribe their duties;

impose taxes;

duties and excises;

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

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

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

CHAPTER I.

SECTION II.

Senate.

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

Senate, number of, and by whom elected.

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

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

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

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

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

Manner and time of choosing senators and councillors.

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

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

Word "inhabitant" defined.

Selectmen to preside at town meetings.

Return of votes.

See amendments, Art. II.

Amendments, Art. X.

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

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

the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

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

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

Plantation meetings. See amendments, Art. X.

Assessors to notify, &c.

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

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

See amendments, Art. X.

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

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

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

Vacancies, how filled. viz. : The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

Qualifications of a senator. See amendments, Arts. XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seized in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate of the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to adjourn more than two days.

VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.

Shall choose its officers and establish its rules.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Shall try all impeachments.

VIII. The senate shall be a court, with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices: but, previous to the trial of every impeachment, the members of the senate shall, respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

Oath.

Limitation of sentence.

Quorum.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

CHAPTER I.

SECTION III.

House of Representatives.

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

Representation of the people.

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

Representatives, by whom chosen.

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

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

Proviso as to towns having less than 150 ratable polls.

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

Towns liable to fine in case, &c.

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

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

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

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

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

Qualifications of a voter.

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

Representatives, when chosen. See amendments, Arts. X. and XV.

[V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

House alone can impeach.

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

House to originate all money bills.

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

Not to adjourn more than two days at a time.

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

Quorum. See amendments, Art. XXI.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences.

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

Privileges of members.

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

Senate. Governor and council may punish. General limitation.

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

Trial may be by committee, or otherwise.

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

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

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

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

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

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this Commonwealth for the time being; and the governor, with the said councillors, or five of them, at least, shall, and may, from time to time, hold and keep a
Power of governor, and of governor and council.

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

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

See amendments, Art. X.

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

See amendments, Art. X.

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

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

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

Governor to be commander-in-chief.

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

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

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

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

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

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

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

Limitation.

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

But not before conviction.

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

Militia officers, how elected.

See amendments Art. V.

How commissioned.

Elections of officers.

Major-generals, how appointed and commissioned

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

Vacancies, how filled, in case, &c.

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

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

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

Adjutants, &c., how appointed.

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

Adjutant-general.

Army officers, how appointed.

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

Organization of militia.

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

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

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

Public boards and certain officers to make quarterly returns.

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

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

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

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

Salary of governor.

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

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged, if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

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

Lieutenant-governor; his title and qualifications.

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

How chosen.

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

President of council.

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

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

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

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

CHAPTER II.

SECTION III.

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

Council.

See amendments, Art. XVI.

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

Number; from whom, and how chosen.

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

Senators becoming councillors, seats vacated.

Rank of councillors.

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

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

No district to have more than two.

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

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

Register of council.

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

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

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

Elections may be adjourned until, &c.

Order thereof.

Amendments. Arts. XVI. and XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

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

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

Treasurer ineligible for more than five successive years.

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

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

CHAPTER III.

JUDICIARY POWER.

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

Justices of supreme judicial court to give opinions when required.

Justices of the peace; tenure of their office.

Provisions for holding probate courts.

Causes of marriage and divorce, how determined.

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

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

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

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

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

CHAPTER IV.

DELEGATES TO CONGRESS.

Delegates to congress.

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

CHAPTER V.

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

SECTION I.

The University.

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

Harvard College.

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

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

Property devised.

Gifts, grants, and conveyances confirmed.

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

Board of Overseers established by general court of 1642.

Overseers established by constitution.

Power of alteration reserved to the legislature.

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

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties ; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them ; especially the university at Cambridge, public schools, and grammar schools in the towns ; to encourage private societies, and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country ; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings ; sincerity, good humor, and all social affections, and generous sentiments, among the people.

CHAPTER VI.

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

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

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

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

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

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

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

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

See amendments,
Art. VI.

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

Oaths and affirmations, how administered.

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

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

See amendments,
Art. VIII.

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

Same subject.

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

Incompatible offices.

See amendments,
Art. VIII.

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

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

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

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

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require. Value of money ascertained. Property qualifications. See amendments, Art. XIII.

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

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

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

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

The enacting style.

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

Officers of former government continued until, &c.

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

Provision for revising constitution. Amendments, Art. IX.

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

Same subject.

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

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

Provision for preserving and publishing this constitution.

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

ARTICLES OF AMENDMENT.

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

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

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

General court empowered to charter cities.

Proviso.

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

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

Notaries public,
how appointed
and removed.

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

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

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

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

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

Militia officers,
how removed.

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

Who may vote
for captains and
subalterns.

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

Oath to be taken
by all officers.

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

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

Proviso: Quaker
may affirm.

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

Tests abolished.

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

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

Incompatibility of offices.

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

Amendments to constitution, how made.

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

Commencement of political year,

and termination.

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

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

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

Article, when to go into operation.

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

Inconsistent provisions annulled.

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

Religious freedom established.

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

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

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

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

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

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

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

Towns having less than 300 ratable polls, how, represented.

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

Fractions, how represented.

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

Towns may unite into representative districts.

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

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

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

New apportionment to be made once in every ten years.

Inconsistent provisions annulled.

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

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

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

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

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

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

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

Small towns, how represented.

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

Towns may unite into representative districts.

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

Basis of representation, and ratio of increase.

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

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

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

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

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

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

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

Freehold as a qualification not required.

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

Elections by the people to be by plurality of votes.

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

Time of annual election of governor and legislature.

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

Eight councillors to be chosen by the people.

Legislature to district State.

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

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

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

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

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

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

Qualification requisite.

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

School moneys not to be applied for sectarian schools.

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

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

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

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

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

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

See General Stat. chapter 20.

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

House to consist of 240 members; representatives to be apportioned upon basis of legal voters.

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August.

Proceedings.

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

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

Qualifications of representatives.

Districts to be numbered, described and certified.

One hundred members a quorum.

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

Census of voters and inhabitants to be taken.

Voters to be basis of apportionment of senators.

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

Proviso.

Qualifications of senators.

Sixteen members
a quorum.

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

Residence of two
years required of
naturalized citizen,
to entitle to
suffrage or make
eligible to office.
See amendment,
Art. XXVI.

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

Vacancies in the
senate.

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

Vacancies in the
council.

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

Twenty-third article
of amendments
annulled.

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

THE FRAMING AND POPULAR ADOPTION OF THE
CONSTITUTION.

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

ARTICLES OF AMENDMENT.

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

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

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

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

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

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

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

CONSTITUTION.

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

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

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

INDEX TO THE CONSTITUTION.

A.

	Page.
Adjutant-General, how appointed,	20
Adjutants of Regiments, how appointed,	20
Affirmations. See Oaths and Affirmations.	
Agriculture, Arts, Commerce, &c., encouragement of,	26
Amendments to the Constitution, how made,	33
Apportionment of Councillors,	37, 38
" of Representatives,	15, 35, 36, 37, 40
" of Senators,	11, 12, 36, 41
Armies, Standing, to be maintained only with consent of Legislature,	7
Arms, Right of People to keep and bear,	7
Articles of Amendment,	31
Attorney-General, how appointed,	19
" how elected,	38, 39
" Qualifications of,	39
" Vacancy in Office of, how filled,	38
Attorneys, District, how chosen,	39
Auditor, how chosen,	38, 39
" Qualifications of,	39
" Vacancy in Office of, how filled,	38

B.

Bail and Sureties, Excessive, not to be demanded,	8
Bills and Resolves, to be laid before the Governor for revisal,	9
" " to have the force of law, unless returned within five days,	10
" " to be void when not returned, if Legislature ad- journs within five days,	31
" " when vetoed, may be passed by two-thirds of each House,	10
Bills, Money, to originate in the House of Representatives,	16
Body Politic, how formed, and nature of,	3
Bribery or Corruption in obtaining an Election, to disqualify for Office,	29

INDEX TO THE CONSTITUTION.

C.

	Page.
Census of Inhabitants, when and how taken,	36, 40
“ of Legal Voters, when and how taken,	40, 41
“ of Ratable Polls, when and how taken,	35
Cities, General Court empowered to charter,	31
Civil and Military Officers, duties of, to be prescribed by Legislature, Commander-in-Chief. See Governor.	11
Commerce, Manufactures, Arts, &c., encouragement of,	26
Commissary-General, when and how nominated, &c.,	32
“ “ to make Quarterly Returns,	20
Commissioners of Insolvency, how chosen,	39
Commission Officers, Tenure of, to be expressed in Commission,	24
Commissions, how made, signed, countersigned, and sealed,	29
Congress, Delegates to, how chosen and commissioned,	24
“ “ may be recalled, and others commissioned,	24
“ what Offices may not be held by members of,	33
Constitution, Amendments to, how made,	33
“ Revision of in 1795, provided for,	30
“ to be enrolled, deposited in Secretary’s office, and printed with the laws,	30
Coroners, how appointed,	19
Corruption. See Bribery.	
Council, and the manner of settling Elections by the Legislature,	22
“ may exercise powers of Executive, when, &c.,	23
“ Members of, number, and how chosen,	22, 23, 37
“ Members of, to be sworn in presence of both Houses,	28
“ Powers and Quorum of,	22, 23
“ Rank and Qualifications of Members of,	22, 38
“ Register of, subject to the call of either House,	23
“ Resolutions and Advice of, to be recorded,	23
“ Vacancies in, how filled,	38, 42
Court, Superior, Judges of, prohibited from holding other Offices,	33
“ Supreme Judicial, Judges of, Tenure of Office, and Salary,	8, 21
Courts and Judicatories, may administer Oaths and Affirmations,	10
“ Clerks of, how chosen,	39
“ of Probate. See Probate.	
“ of Record and Judicatories, the General Court may establish,	10
Crimes and Offences, Prosecutions for, regulated,	6, 7

D.

Debate, Freedom of, in Legislature, affirmed,	8
Declaration of Rights,	4
Delegates to Congress, how chosen,	24
“ “ may be recalled, and others commissioned,	24
District-Attorneys, how chosen,	39
Districts, Councillor, how established and arranged,	12, 37, 38

	Page.
Districts, Representative, how formed,	40
“ “ Towns may unite in,	35, 36
“ Senatorial, how established and arranged,	12, 36, 41
Divorce and Alimony, causes of, how determined,	24
Duties of Civil and Military Officers, to be prescribed by Legislature,	11

E.

Elections, by Legislature, Order and adjournment of,	23
“ by the People, Plurality of votes to prevail in,	37
“ Freedom of, affirmed,	6
Election Returns, by whom examined, &c.,	13, 38
Enacting Style, established,	30
Encouragement of Literature,	26
Enrolment. See Constitution.	
Equality and Natural Rights, recognized,	4
Estates, Valuation of, when taken,	11
Executive Power,	17
“ not to exercise Legislative or Judicial Powers,	9
<i>Ex Post Facto</i> Laws, injustice of, declared,	8

F.

Felony and Treason, conviction of, by Legislature, forbidden,	8
Fines, Excessive, prohibited,	8
Freedom of Debate, in Legislature, affirmed,	8

G.

General Court, frequent sessions of, enjoined,	8
“ “ how formed,	9
“ “ may make Laws, Ordinances, &c.,	10
“ “ may provide for the establishing of Civil Officers,	10, 11
“ “ may prescribe the duties of Civil and Military Officers,	11
“ “ may impose Taxes, Duties and Excises,	11
“ “ may constitute Judicatories and Courts of Record,	10
“ “ may charter Cities,	31
“ “ may be prorogued by Governor and Council,	18
“ “ when to assemble, and when to be dissolved,	9, 18, 33
Government, Frame of,	9
“ Executive, Legislative and Judicial Departments of,	
“ limits defined,	9
“ Objects of,	3
“ Right of People to institute, alter, &c.,	3, 5
Governor, qualifications of,	17, 27, 32
“ Salary of,	21
“ when and how chosen,	17, 31, 34, 37
“ Official Title of,	17

	Page.
Governor to be sworn in presence of both Houses,	27, 28
“ the holding of other Offices by, prohibited,	28, 33
“ to be Commander-in-Chief of Military Forces of State,	18
“ may call Councillors together at his discretion,	17
“ and Council, may pardon Offences, after Conviction,	19
“ shall sign such Bills and Resolves as he approves,	9
“ shall return such Bills and Resolves as he does not approve,	9, 10
“ and Council may prorogue the Legislature,	18
“ “ shall examine Election Returns,	13, 38

H.

<i>Habeas Corpus</i> , benefit of, secured,	29
“ “ not to be suspended more than twelve months,	29
Harvard College, Powers, Privileges, Grants, &c., confirmed to,	25
“ “ who shall be Overseers of,	26
“ “ Government of, may be altered by Legislature,	26
House of Representatives,	15
“ “ Members of, how apportioned and chosen,	15, 16 34, 35, 36, 37, 40, 41, 42
“ “ qualifications of Members of,	15, 37, 41
“ “ qualifications of Voters for Members of,	15, 31, 39
“ “ to judge of the qualifications, &c., of its own Members,	16
“ “ to choose its own officers, establish its own Rules, &c.,	16
“ “ may punish Persons not Members, for disrespect, &c.,	16
“ “ may try and determine all cases involving its Rights and Privileges,	16
“ “ shall be the Grand Inquest to Impeach,	16
“ “ all Money Bills to originate in,	16
“ “ not to adjourn for more than two days,	16
“ “ Quorum of,	16, 41
“ “ Members of, exempt from arrest on Mean Process,	16
“ “ Towns may be fined for neglecting to return Members to,	15
“ “ Travelling Expenses of Members of, how paid,	15
“ “ Oaths or Affirmations of Members of, how taken and subscribed to,	27, 28, 32

I.

Impeachment, Limitation of Sentence for,	14
Impeachments, how made and tried,	14, 16
Incompatible Offices, enumeration of,	28, 33
“Inhabitant,” word defined,	12

INDEX TO THE CONSTITUTION.

49

	Page.
Inhabitants, Census of, when taken,	36, 41
Insolvency, Commissioners of, how chosen,	39
Instruction of Representatives and Petition to Legislature, Rights of, affirmed,	7

J.

Judicatories and Courts of Record, Legislature may establish, . . .	10
" " " may administer Oaths and Affirmations,	10
Judicial Department, not to exercise Legislative or Executive Powers,	9
" Officers, how appointed,	19
" " to hold Office during good behavior, except, &c., . . .	24
" " may be removed on Address of Legislature,	24
Judiciary Power,	24
Judges of Courts, what other Offices may not be held by,	33
Judges of Probate, shall hold Courts on fixed days, &c.,	24
" " Appeals from, how heard and determined,	24
" " what other Offices may not be held by,	33
Jury, Right of Trial by, secured,	7
Justices of the Peace, Tenure of Office of,	24
" " Commissions of, may be renewed,	24
" Supreme Judicial Court, Tenure of Office, and Salaries of, . . .	8, 21, 24
" " " " what other Offices may not be held,	28, 33
" " " " Opinions of, may be required by Executive or either branch of Legislature,	24

L.

Law-Martial, Persons not in Army or Navy, or Actual Militia Service, not to be subject to, but by authority of Legislature,	8
Laws, every Person to have remedy in, for injury to Person or Property,	6
" <i>Ex Post Facto</i> , unjust and inconsistent with Free Government, . . .	8
" not repugnant to Constitution, Legislature may make,	10
" of Province, Colony or State of Massachusetts Bay, not repugnant to Constitution, continued in force,	29
" power of suspending, only in Legislature,	8
Legal Voters, Census of, to be taken for representative apportionment,	35, 36, 40, 41
Legislative Department, not to exercise Executive or Judicial Powers,	9
" Power,	9
Legislature. See General Court.	
Lieutenant-Governor,	21
" " when and how chosen,	21, 31, 33, 34, 37
" " official title of,	21
" " qualifications of,	21

	Page.
Lieutenant-Governor, powers and duties of,	22
“ “ to be sworn in presence of both Houses,	28
Literature, Encouragement of,	26

M.

Magistrates and officers, accountability of,	5
Major-Generals, how appointed and commissioned,	20
Martial Law, persons not in the Army, Navy, or actual Militia service, not to be subject to,	8
Meetings, Plantation, provisions respecting,	13
“ Town, Selectmen to preside at,	12
Military Power, to be subordinate to Civil,	7
Militia Offices, vacancies in, how filled,	20
“ Officers, how elected and commissioned,	20, 32
“ “ how removed,	20, 32
Militia, organization of, into Brigades, Regiments and Companies, confirmed,	20
Money Bills, to originate in House of Representatives,	16
Money, how drawn from the Treasury,	20
“ value of, how computed,	29
Moneys raised for Support of Common Schools, not to be applied by Religious sects,	39
Moral Principles, necessity of observance in a Free Government,	7

N.

Notaries Public, how chosen,	23
“ “ how appointed, Tenure of Office, &c.,	32

O.

Oaths and Affirmations, Courts and Judicatories may administer,	10
“ “ Official, Forms of,	27, 32
“ “ how and by whom taken and subscribed,	27, 28, 32
Oaths, Affirmations substituted, in behalf of Quakers,	28, 32
Offences. See Crimes and Offences.	
Office, Right of People to secure Rotation in,	5, 6
“ Equal Right of all to, affirmed,	6
“ no person eligible to, who cannot read and write,	39
Offices, certain, incompatibility of,	28, 33
Officers, Civil, Legislature may provide for the naming and settling of,	10
“ Civil and Military, duties of to be prescribed by Legislature,	11
“ “ “ holding under Government of Massachu- setts Bay, continued in office,	30
Officers and Magistrates, accountability of,	5
Officers, Militia, how elected and commissioned,	20, 32
“ “ how removed,	20, 32

	Page.
Offices, Militia, vacancies in, how filled,	20
“ Incompatible,	28, 33
“ Plurality of, prohibited to Governor, Lieutenant-Governor, and Judges,	28, 33

P.

Pardon, Power of, vested in Governor and Council,	19
People, Right of, to keep and bear Arms,	7
Person and Property, Remedy for Injuries to, should be in the laws, .	6
Petition and Instruction, Right of, affirmed,	7
Plantations, Unincorporated, Tax-paying Inhabitants of, may vote for Councillors and Senators,	13
Plurality of Votes, election of Civil Officers by,	37
Political Year, when to begin and end,	33
Polls, Ratable, Census of, when taken,	35
Power, Executive,	17, 18
“ Judiciary,	24
“ Legislative,	9
Press, Liberty of, essential to Freedom,	7
Probate, Judges of, shall hold Courts on fixed days, &c.,	24
“ “ Appeals from, how heard and determined,	24
“ “ what other Offices may not be held by,	33
“ Registers of, how appointed,	19
“ “ Election of, to be prescribed,	39
Property, Private, not to be taken for Public Uses without Compens- ation,	6
Property Qualification for Office, may be increased by Legislature, .	29
“ “ “ partially abolished,	37
Prosecutions, for Crimes and Offences, proceedings in regulated, .	6
Public Boards and Officers, Returns of, how, when and to whom made,	20
“ Officers, Right of People with reference to,	5
“ Services, the only Title to particular and exclusive Privileges, .	5
“ Worship, the Right and Duty of,	4
“ “ Legislature may require provision for,	4
Punishments, Cruel and Unusual, prohibited,	8

Q.

Quakers, Affirmation of, as Public Officers,	28, 32
Qualifications of Governor,	17, 39
“ of Lieutenant-Governor,	21, 39
“ of Councillors,	37, 38, 39
“ of Senators,	14, 37, 39, 41
“ of Representatives,	15, 39, 41
“ of Secretary, Treasurer, Auditor, and Attorney-General,	38

	Page.
Qualifications of Voters,	12, 15, 31, 39, 42
" Moral, of Officers and Magistrates,	7
Qualification, Property, may be increased,	29
" " partial abolition of,	37
Quorum of Council,	17, 23
" of House,	16, 41
" of Senate,	14, 42

R.

Ratable Polls, Census of, when taken,	35
" " Towns having less than 300, how represented,	35
" " Towns having less than 150, how represented,	15
Reading and Writing, necessary to enable Persons to Vote or hold Office,	39
Register of Council, to be kept, subject to the call of either House,	23
Registers of Probate. See Probate.	
Religious Denominations, equal protection secured to all,	5, 34
" Societies, Right of, to elect their own Pastors, &c.,	5, 35
" " persons belonging to, Membership defined,	35
Representation, in Council, basis of,	37
" in House,	15, 35, 36, 37, 40, 41
" in Senate,	11, 36, 41
Representatives. See House of Representatives.	
Returns, Quarterly, how and by whom to be made,	20
Returns of Votes, by whom made, examined, &c.,	12, 13, 17
Revision of Constitution. See Constitution.	
Rights, Natural, Declaration of, &c.,	4

S.

Salaries, of Judges of Supreme Court,	8, 21
Salary, of Governor,	21
Schools, Money raised and appropriated for, how to be applied,	39
" Sectarian, appropriation of Money for, prohibited,	39
Search and Seizure, the Right of every Man to be secure from,	7
Secretary, Treasurer, Commissary, &c.,	23
Secretary of the Commonwealth, how chosen,	23, 38
" " " qualifications of,	39
" " " Duties of,	23, 39
" " " may appoint Deputies, &c.,	23
" " " vacancy in Office of, how filled,	32, 39
Selectmen, Duties of, in calling and conducting Elections,	12
Self-government, Right of, asserted,	5
Senate,	11
" Members of, number, and how chosen,	11, 12, 31, 36, 41
" " qualifications of,	14, 37, 39, 41, 42

INDEX TO THE CONSTITUTION.

53

	Page.
Senate, Members shall be sworn preliminary to trial of Impeachment,	14
“ “ exempt from arrest on Mean Process,	16
“ Quorum of,	14, 42
“ vacancies in, how filled,	14, 42
“ to be final judge of elections of its own Members,	13
“ not to adjourn more than two days,	14*
“ shall choose its own officers, and establish its own Rules, . .	14
“ shall try Impeachments,	14
“ may punish persons not Members, for disrespect, &c., . . .	16
“ may determine all cases involving its Rights and Privileges, .	16
Senators, apportionment of,	11, 36, 41
“ Oaths and Affirmations, how taken and subscribed by, . .	28
Senatorial Districts. See Districts.	
Services, Public, the only title to particular privileges,	5
Sheriff's, how appointed,	19
“ how elected,	39
Soldier, not to be quartered in any house without consent of owner, .	8
Solicitor-General, how appointed,	19
Standing Armies, without consent of Legislature, prohibited, . . .	7
Supreme Being, the Public Worship of, a Right and Duty, &c., . . .	4
“ Judicial Court, Tenure of Office and Salaries of Judges of, . .	8, 21
Sureties and Bail, excessive, not to be demanded,	8
Suspension of Laws, power of, only in Legislature,	8

T.

Taxation, should be founded on consent,	6, 8
Taxes, Excises, &c., Legislature may impose,	11
Tax, State or County, payment of, as qualification of Voter,	13, 31
Tests, Religious, abolished,	32
Title, of Governor,	17
“ of Lieutenant-Governor,	21
Town Meetings, Selectmen to preside at,	12
Towns, having less than 300 Ratable Polls, how represented,	35
“ having less than 150 Ratable Polls, how represented,	15
“ may unite in Representative District,	35, 36
Travel, Expenses of, to and from the General Court, how paid,	15
Treason and Felony, Legislature not to convict of,	8
Treasurer and Receiver-General, how chosen,	23, 38
“ “ qualification of,	39
“ “ eligibility limited to five years,	23
“ “ vacancy in Office of, how filled,	32, 38
Trial, by Jury, Right of, secured,	6, 7

U.

University at Cambridge, &c.,	25
---	----

V.

	Page.
Vacancies in Council, how filled,	38, 42
“ in Militia Offices, how filled,	20
“ in Offices of Secretary, Treasurer, Auditor and Attorney- General, how filled,	32, 38
“ in Senate, how filled,	14
Valuation of Estates, when taken,	11
Veto of Bills and Resolves, Power of, conferred upon Governor,	9
Vote, no person entitled to, who cannot read and write,	39
Voters, Legal, Census of, when taken,	40, 41
“ qualifications of,	12, 15, 31, 39, 42
Votes, all Civil Officers to be elected by a plurality of,	37
“ Returns of, by whom made, examined, &c.,	12, 13, 17, 38

W.

Worship, Public, the Right and Duty of all Men,	4
Writs, how made, issued, &c.,	29

Y.

Year, Political, when to begin and end,	33
---	----



General Statutes and Special Acts

OF

MASSACHUSETTS.

1868.

☞ The General Court of 1868 assembled on Wednesday, the first day of January. 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 third day of January, in presence of the two Houses assembled in convention.

ACTS,

GENERAL AND SPECIAL.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR. Chap. 1.

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

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-eight, to wit:

LEGISLATIVE DEPARTMENT.

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

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

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

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

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

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. Chaplains.

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

For the salary of the sergeant-at-arms, two thousand five hundred dollars. Sergeant-at-arms
1867, 305.

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.
1867, 167.

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

Witnesses' fees.

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.

Governor's sec-
retary.
1866, 298.

For the compensation of the private secretary of the governor, two thousand dollars.

Messenger.
1867, 167.

For the compensation of the messenger of the governor and council, one thousand dollars.

Assistant-mes-
senger.
1867, 167.

For the compensation of the assistant-messenger of the governor and council, eight hundred dollars.

Contingent ex-
penses and extra
clerks.

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

Agency for col-
lection of sol-
diers' bounties,
&c.

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 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.

SECRETARY'S DEPARTMENT.

Secretary of the
Commonwealth.
1866, 298.

For the salary of the secretary of the Commonwealth, two thousand five hundred dollars.

First clerk.
1866, 298.

For the salary of the first clerk in the secretary's department, two thousand dollars.

Second clerk.
1866, 298.

For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars.

Messenger.
1866, 298.

For the salary of the messenger in the secretary's department, one thousand dollars.

Additional clerks
G. S. 14, § 4.
1867, 167.

For such additional clerical assistance as the secretary may find necessary for the performance of the duties of the department, a sum not exceeding sixteen thousand six hundred dollars.

TREASURER'S DEPARTMENT.

For the salary of the treasurer and receiver-general, three thousand five hundred dollars.

Treasurer and receiver-general.
1866, 298.

For the salary of the first clerk in the treasurer's department, two thousand two hundred dollars.

First clerk.
1867, 167.

For the salaries of the first assistant-clerk and cashier in the treasurer's department, three thousand four hundred dollars.

Assistant-clerk and cashier.
1866, 298.

For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding two thousand six hundred dollars.

Additional clerks
1867, 167.

TAX COMMISSIONER'S BUREAU.

For the salary of the deputy tax commissioner, two thousand dollars.

Deputy tax commissioner.
1866, 298.

For the salary of the first clerk of the tax commissioner, one thousand seven hundred dollars.

First clerk.
1867, 167.

For the salary of the second clerk of the tax commissioner, one thousand five hundred dollars.

Second clerk.
1867, 167.

For such additional clerical assistance as the tax commissioner may find necessary, a sum not exceeding eight thousand six hundred and twenty dollars.

Additional clerks
1867, 167.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, two thousand five hundred dollars.

Auditor of accounts.
1866, 298; 1867, 167.

For the salary of the first clerk in the auditor's department, two thousand two hundred dollars.

First clerk.
1866, 298.

For the salary of the second clerk in the auditor's department, one thousand seven hundred dollars.

Second clerk.
1866, 298.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding seven thousand five hundred dollars.

Additional clerks
1867, 167.

ATTORNEY-GENERAL'S DEPARTMENT.

For the salary of the attorney-general, three thousand five hundred dollars.

Attorney-general
1866, 298.

For the salary of the clerk of the attorney-general, one thousand dollars.

Clerks.
G. S. 14, § 16.

COMMISSIONERS, ET AL.

For the salary of the commissioner of saving banks, three thousand dollars.

Commissioner of savings banks.
1866, 192.

For the salary of the insurance commissioner, two thousand dollars.

Insurance commissioner.
1866, 255.

- Clerk.
1866, 255. For the salary of the clerk of the insurance commissioner, one thousand five hundred dollars.
- Additional clerks
&c. The fees received as compensation for the valuation of life policies are hereby appropriated to be applied in accordance with the provisions of chapter two hundred and sixty-seven of the acts of the year eighteen hundred and sixty-seven, for the compensation of actuarial and clerical service employed in making such valuation.
- Constable of the
Commonwealth.
1865, 282. For the salary of the constable of the Commonwealth, two hundred and fifty dollars.
- Clerk of commis-
sioners of public
lands. For such clerical assistance as the commissioners on public lands may find necessary, a sum not exceeding one thousand two hundred dollars, payable from the moiety of the proceeds of sales applicable to improvements.
- Inspector of gas-
meters. For the salary of the inspector of gasmeters, three thousand dollars.

AGRICULTURAL DEPARTMENT.

- Secretary board
agriculture.
1867, 167. For the salary of the secretary of the board of agriculture, two thousand five hundred dollars.
- Clerks. For the salaries of the clerks to the secretary of the board of agriculture, two thousand dollars.

BOARD OF STATE CHARITIES.

- State charities.
Secretary.
1863, 240. For the salary of the secretary of the board of state charities, two thousand dollars.
- Clerks. For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding four thousand dollars.
- Agent.
1866, 298. For the salary of the agent of the board of state charities, two thousand dollars.
- Clerks. For such clerical and other assistance as the agent of the board of state charities may find necessary, a sum not exceeding four thousand dollars.
- Transportation
of state paupers. For the transportation of state paupers, to be expended by the agent of the board of state charities, a sum not exceeding seven 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 accounts 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, which shall be allowed and paid.
- Expense to be re-
ported to auditor
monthly.
- Removal of cer-
tain paupers.

EDUCATIONAL DEPARTMENT.

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

Board of education.
Secretary.
1865, 246.

For the salary and expenses of such agent or agents as the board of education may appoint, a sum not exceeding three thousand dollars, to be paid from the income of the Massachusetts school fund.

Agents.

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

Clerk and assistant-librarian.
1866, 298.

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

Additional clerks

MILITARY DEPARTMENTS.

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

Adjutant-general.
1866, 298.

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

First clerk.
1866, 298.

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

Additional clerks
1867, 167.

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

Surgeon-general.
1866, 298, 299.

For such clerical assistance as the surgeon-general may find necessary, a sum not exceeding four thousand six hundred dollars.

Clerks.

For the compensation of a messenger in the surgeon-general's bureau, a sum not exceeding one thousand dollars.

Messenger.

For the completion of the records of the paymaster's bureau, under the direction of the governor, a sum not exceeding two thousand dollars, which shall be allowed and paid.

Paymaster of State bounties.

For the salary of the assistant-quartermaster-general and master of ordnance, a sum not exceeding one thousand eight hundred dollars; and for the salary of his clerk, a sum not exceeding one thousand five hundred dollars.

Assistant-quartermaster-general.

Clerk.

For the compensation of employés at the state arsenal in Cambridge, a sum not exceeding three thousand dollars.

Employes at arsenal.

MISCELLANEOUS.

Under the resolve, chapter eighty-four of the resolves of the year eighteen hundred and sixty-seven, relating to improvements and repairs at the state house, a sum not exceeding one hundred and fifty thousand dollars.

Improvements and repairs of state house.

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

Approved January 31, 1868.

Chap. 2. AN ACT IN RELATION TO THE LYNN AND BOSTON RAILROAD COMPANY.

Be it enacted, &c., as follows :

May mortgage property.

SECTION 1. The Lynn and Boston Railroad Company is hereby authorized to mortgage its real and personal property, with power of sale, to secure payment of loans to the company, not exceeding at any time fifty thousand dollars in amount.

When to take effect.

SECTION 2. This act shall take effect when the same shall have been accepted by a vote of two-thirds in number and interest of the stockholders, at a legal meeting called for that purpose.

Approved February 6, 1868.

Chap. 3. AN ACT SUPPLEMENTARY TO AN ACT INCORPORATING THE TRUSTEES OF THE THEOLOGICAL SEMINARY OF THE METHODIST EPISCOPAL CHURCH.

Be it enacted, &c., as follows :

Name changed to "Boston Theological Seminary."

SECTION 1. The name of the corporation constituted by an act of the general court, in the year one thousand eight hundred and sixty-five, under the title of "Trustees of the Theological Seminary of the Methodist Episcopal Church," is hereby changed to "Boston Theological Seminary."

Corporation may confer degrees.

SECTION 2. The aforesaid corporation is hereby authorized and empowered to confer degrees in theology upon such graduates of the seminary and other clergymen as may be recommended by the faculty of the institution as suitable candidates for such degrees.

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

Approved February 6, 1868.

Chap. 4. AN ACT FIXING THE TIME FOR PAYING THE SALARIES OF DISTRICT-ATTORNEYS AND ASSISTANT DISTRICT-ATTORNEYS.

Be it enacted, &c., as follows :

Salaries to be paid monthly.

SECTION 1. The salaries of the district-attorneys and assistant district-attorneys shall be payable monthly on the first day of each month, beginning with the current year.

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

Approved February 7, 1868.

Chap. 5. AN ACT TO INCORPORATE THE SALEM LEAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. John Bertram, John H. Silsbee, William D. Pickman, Francis Brown, James B. Curwen, John C. Osgood, their associates and successors, are hereby made a corporation by the name of the Salem Lead Company, for the purpose of manufacturing lead, zinc and tin, in their various forms, paints, and other articles used in the manu-

Name and purpose.

facture thereof, at Salem, in the county of Essex; 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.

Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed three hundred thousand dollars, divided into shares of one hundred dollars each; and said corporation may hold real estate, necessary and convenient for its purposes, to the amount of one hundred and twenty-five thousand dollars: *provided, however*, that said corporation shall not go into operation or incur any liability until the sum of one hundred and fifty thousand dollars has been paid in, in cash.

Capital.

Shares.

Condition.

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

Approved February 7, 1868.

AN ACT TO INCORPORATE THE BROOKLINE HIBERNIAN ASSOCIATION.

Chap. 6.

Be it enacted, &c., as follows:

SECTION 1. Philip Duffy, Michael C. Hennessey, William I. Curry, Michael Driscoll, James Cusick, Nicholas Fitzgerald, their associates and successors, are hereby made a corporation by the name of the Brookline Hibernian Association, for the purpose of affording assistance to the members of said society and their families in cases of sickness and death, and of raising and holding a fund for said purpose.

Corporators.

Name and purpose.

SECTION 2. The said corporation may hold real and personal estate to an amount not exceeding twenty-five thousand dollars, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes.

Real and personal estate.

Powers and duties.

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

Approved February 7, 1868.

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

Chap. 7.

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-eight, to wit:

Appropriations authorized.

SUPREME JUDICIAL COURT.

- S. J. court, clerk.
G. S. 121. For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars.
- Assistant-clerk. For the salary of the assistant-clerk of said court, one thousand five hundred dollars.
- Reporter. For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars.
- Expenses. For expenses of said court, a sum not exceeding one thousand five hundred dollars.

SUPERIOR COURT.

- Superior court:
Judges' salaries. For the salary of the chief justice of the superior court, four thousand five hundred dollars.
- For the salaries of the nine associate justices of said court, thirty-seven thousand eight hundred dollars.

COURTS OF PROBATE AND INSOLVENCY.

- Courts of probate
and insolvency:
Suffolk. For the salary of the judge of probate and insolvency for the county of Suffolk, three thousand dollars.
- Middlesex. For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand five hundred dollars.
- Worcester. For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars.
- Essex. For the salary of the judge of probate and insolvency for the county of Essex, two thousand five hundred dollars.
- Norfolk. For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars.
- Bristol. For the salary of the judge of probate and insolvency for the county of Bristol, one thousand five hundred dollars.
- Plymouth. For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand three hundred dollars.
- Berkshire. For the salary of the judge of probate and insolvency for the county of Berkshire, twelve hundred dollars.
- Hampden. For the salary of the judge of probate and insolvency for the county of Hampden, one thousand three hundred dollars.
- Hampshire. For the salary of the judge of probate and insolvency for the county of Hampshire, nine hundred dollars.
- Franklin. For the salary of the judge of probate and insolvency for the county of Franklin, nine hundred dollars.
- Barnstable. For the salary of the judge of probate and insolvency for the county of Barnstable, nine hundred dollars.
- Nantucket. For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.

For the salary of the judge of probate and insolvency for the county of Dukes county, five hundred dollars. Dukes county.

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

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

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

For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars. Essex.

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

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

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

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

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

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

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

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

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

For the salary of the register of probate and insolvency for the county of Dukes county, six hundred dollars. Dukes county.

For the salary of the assistant-register of probate and insolvency for the county of Suffolk, one thousand five hundred dollars. Assistant-register
Suffolk.

For the salary of the assistant-register of probate and insolvency for the county of Middlesex, one thousand five hundred dollars. Middlesex.

For the salary of the assistant-register of probate and insolvency for the county of Worcester, one thousand five hundred dollars. Worcester.

For the salary of the assistant-register of probate and insolvency for the county of Essex, one thousand five hundred dollars. Essex.

For the salary of the assistant-register of probate and insolvency for the county of Norfolk, eight hundred dollars. Norfolk.

For certain expenses of courts of insolvency authorized by the General Statutes, a sum not exceeding two thousand dollars. Expenses of
courts.

DISTRICT-ATTORNEYS.

District-attorneys: Suffolk.	For the salary of the attorney for the county of Suffolk, three thousand five hundred dollars.
Assistant-attorney. Suffolk.	For the salary of the assistant-attorney for the county of Suffolk, two thousand one hundred dollars.
Eastern district.	For the salary of the attorney for the eastern district, one thousand five hundred dollars.
Northern district	For the salary of the attorney for the northern district, one thousand five hundred dollars.
Southern district	For the salary of the attorney for the southern district, one thousand five hundred dollars.
Middle district.	For the salary of the attorney for the middle district, one thousand five hundred dollars.
South-eastern district.	For the salary of the attorney for the south-eastern district, one thousand five hundred dollars.
Western district.	For the salary of the attorney for the western district, one thousand five hundred dollars.
North-western district.	For the salary of the attorney for the north-western district, one thousand dollars.

POLICE COURTS.

Police courts: Justices. Adams.	For the salary of the justice of the police court in Adams, eight hundred dollars.
Cambridge.	For the salary of the justice of the police court in Cambridge, one thousand five hundred dollars.
Charlestown.	For the salary of the justice of the police court in Charlestown, one thousand two hundred dollars.
Chelsea.	For the salary of the justice of the police court in Chelsea, one thousand three hundred dollars.
Chicopee.	For the salary of the justice of the police court in Chicopee, nine hundred dollars.
Fall River.	For the salary of the justice of the police court in Fall River, one thousand two hundred dollars.
Gloucester.	For the salary of the justice of the police court in Gloucester, eight hundred dollars.
Haverhill.	For the salary of the justice of the police court in Haverhill, one thousand two hundred dollars.
Lawrence.	For the salary of the justice of the police court in Lawrence, one thousand five hundred dollars.
Lee.	For the salary of the justice of the police court in Lee, five hundred dollars.
Lynn.	For the salary of the justice of the police court in Lynn, one thousand dollars.
Lowell.	For the salary of the justice of the police court in Lowell, two thousand two hundred dollars.

For the salary of the justice of the police court in Milford, Milford.
one thousand dollars.

For the salary of the justice of the police court in New New Bedford.
Bedford, one thousand five hundred dollars.

For the salary of the justice of the police court in New- Newburyport.
buryport, nine hundred dollars.

For the salary of the justice of the police court in Pitts- Pittsfield.
field, eight hundred dollars.

For the salary of the justice of the police court in Salem, Salem.
one thousand five hundred dollars.

For the salary of the justice of the police court in Spring- Springfield.
field, one thousand five hundred dollars.

For the salary of the justice of the police court in Williamstown.
Williamstown, three hundred dollars.

For the salary of the justice of the police court in Worces- Worcester.
ter, one thousand five hundred dollars.

For the salaries of the clerks of police courts, exclusive of Police courts:
Clerks.
clerks elected under chapter one hundred and sixteen of the
General Statutes, to wit :

For the salary of the clerk of the police court in Cam- Cambridge.
bridge, eight hundred dollars.

For the salary of the clerk of the police court in Charles- Charlestown.
town, five hundred dollars.

For the salary of the clerk of the police court in Fall Fall River.
River, six hundred dollars.

For the salary of the clerk of the police court in Haver- Haverhill.
hill, six hundred dollars.

For the salary of the clerk of the police court in Lawrence, Lawrence.
eight hundred dollars.

For the salary of the clerk of the police court in Lowell, Lowell.
one thousand dollars.

For the salary of the clerk of the police court in Lynn, Lynn.
hundred dollars.

For the salary of the clerk of the police court in New New Bedford.
Bedford, eight hundred dollars.

For the salary of the clerk of the police court in Newbury- Newburyport.
port, five hundred dollars.

For the salary of the clerk of the police court in Salem, Salem.
nine hundred dollars.

For the salary of the clerk of the police court in Worces- Worcester.
ter, nine hundred dollars.

MUNICIPAL COURTS.

For the salaries of the justices of the municipal court in Municipal courts
Boston.
Boston, nine thousand dollars.

For the salary of the clerk of the municipal court in Boston, for criminal business, two thousand five hundred dollars.

Taunton.

For the salary of the justice of the municipal court in Taunton, one thousand dollars.

For the salary of the clerk of the municipal court in Taunton, six hundred dollars.

Boston, southern district.

For the salary of the justice of the municipal court for the southern district of Boston, one thousand five hundred dollars.

For the salary of the clerk of the municipal court for the southern district of Boston, five hundred dollars.

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

Approved February 17, 1868.

Chap. 8. 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 specified, to wit:

Rogers book fund income.

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.

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.

The income of the Indian school fund shall be applied in accordance with provisions of chapter thirty-six of the General Statutes.

Agricultural college income fund.

The income of the agricultural college fund shall be paid in accordance with the provisions of chapter one hundred and eighty-six and chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-three.

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-eight, to wit:

Charles river bridge, repairs.

On account of the Charles River bridge—
For repairs on said bridge, and buildings belonging thereto, a sum not exceeding four thousand dollars.

Horse-keeping.

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

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

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

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

On account of Warren bridge— Warren bridge.

For repairs on said bridge and buildings belonging there-to, a sum not exceeding four thousand five hundred dollars.

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

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

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

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

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

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

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

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

For hoisting apparatus and repairs on draw, a sum not exceeding seven hundred dollars. Hoisting apparatus.

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

For incidental and contingent expenses, a sum not exceeding thirty dollars. Incidental expenses.

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

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

Approved February 17, 1868.

AN ACT TO REVIVE AND CONTINUE IN FORCE AN ACT INCORPORATING THE EQUITABLE MARINE INSURANCE COMPANY IN PROVINCETOWN, AND OTHER ACTS RELATING THERETO.

Chap. 9.

Be it enacted &c., as follows:

SECTION 1. The act of the year one thousand eight hundred and forty-five, entitled an "Act to incorporate the Equitable Marine Insurance Company," together with the act Charter revived and continued, without limitation of time.

Acts and contracts ratified and made legal.

of the year one thousand eight hundred and fifty-five, entitled an "Act to incorporate the Equitable Marine Insurance Company in Provincetown," and all other acts in addition thereto or in amendment thereof, are hereby revived and made valid, and shall remain and continue in force, from and after the ninth day of February, eighteen hundred and sixty-five; and all acts and contracts heretofore performed or executed by or with said company, or in the name thereof, by or with those acting or undertaking to act as the directors or agents of said company, are hereby ratified and made legal, 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 which are or may be in force relating to such corporations, in like manner and to the same effect, as if said act incorporating said company had contained no limitation of time.

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

Approved February 17, 1868.

Chap. 10. AN ACT TO INCORPORATE THE MASSACHUSETTS LIVE STOCK INSURANCE COMPANY IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. James H. Collins, George W. Messinger, John A. Nowell and Lyman S. Hapgood, their associates and successors, are hereby made a corporation by the name of the Massachusetts Live Stock Insurance Company, in the city of Boston, for the purpose of making insurance against losses by death, hazard of transportation, theft or otherwise, of all kinds of live stock; 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.

Purpose.

Powers and duties.

Capital stock and shares.

May increase capital stock.

Proviso.

When may commence business.

SECTION 2. Said corporation shall have a capital stock of one 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 five hundred thousand dollars: *provided*, that any increase of capital is paid in within five years from the passage of this act.

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

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

Approved February 17, 1868.

AN ACT TO INCORPORATE THE BUILDERS' MUTUAL FIRE INSURANCE COMPANY. Chap. 11.

Be it enacted, &c., as follows :

Henry L. Fearing, Charles E. Miles, J. C. Hoadley, S. A. Denio, George T. McLauthlin, their associates and successors, are hereby made a corporation by the name of the Builders' Mutual Fire Insurance Company, in the city of Boston, for the purpose of making insurance against losses or damage by fire or lightning, 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 are or may be in force relating to such corporations.

Corporators.

Purpose.
Powers and duties.

Approved February 17, 1868.

AN ACT GIVING JURISDICTION TO POLICE COURTS AND TRIAL JUSTICES IN CERTAIN CASES. Chap. 12.

Be it enacted, &c., as follows :

SECTION 1. Police courts and trial justices may, in their discretion, exercise jurisdiction over offences described in the twenty-seventh section of the fiftieth chapter of the General Statutes, and in such cases may impose a fine not exceeding fifty dollars.

Police courts and trial justices may take jurisdiction over offences described in G. S. 50, § 27.

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

Approved February 17, 1868.

AN ACT IN ADDITION TO AN ACT TO SUPPLY THE CITY OF CAMBRIDGE WITH PURE WATER. Chap. 13.

Be it enacted, &c., as follows :

SECTION 1. For the purpose of extending and enlarging the Cambridge water works, the city council of the city of Cambridge, shall have authority to issue scrip or bonds in addition to the scrip or bonds, the issue of which was authorized by chapter one hundred and fifty-three of the acts of eighteen hundred and sixty-five, to an amount not exceeding five hundred thousand dollars, bearing interest, not exceeding six per centum per annum, payable semi-annually, and the principal to be payable at periods not more than fifty years from the issuing of said scrip or bonds; and said city council shall have authority to sell said scrip or bonds, or any part thereof, from time to time, or pledge the same for money borrowed for the extension of said water works, on such terms and conditions as the said city council shall judge proper.

Cambridge may issue scrip or bonds to extend water works.

Principal and interest, when to be paid.

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

Approved February 17, 1868.

Chap. 14. AN ACT TO INCORPORATE THE LOWELL YOUNG MEN'S CHRISTIAN ASSOCIATION.

Be it enacted &c., as follows :

Corporators.

SECTION 1. Ithamar W. Beard, George C. Osgood, Artemas B. Woodworth, Aldis L. Waite, their associates and successors, are hereby made a corporation by the name of the Lowell Young Men's Christian Association, in the city of Lowell, for the purpose of providing for the physical, moral and spiritual welfare of young men ; 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.

Purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation shall have power to hold real and personal estate for the purposes aforesaid, not exceeding fifty thousand dollars in value.

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

Approved February 17, 1868.

Chap. 15. AN ACT TO INCORPORATE THE LADIES' CITY MISSION SOCIETY IN NEW BEDFORD.

Be it enacted &c., as follows :

Corporators.

SECTION 1. Eunice H. Blackler, Emily H. Bourne, Nancy V. Ellis and Lucy W. Hastings, their associates and successors, are hereby made a corporation by the name of the Ladies' City Mission Society in New Bedford, for the purpose of supporting a city missionary in said city, and affording religious instruction and charitable aid to the poor thereof ; with all the powers, and subject to all the duties and liabilities set forth in the sixty-eighth chapter of the General Statutes, or in any other general laws that are now or may hereafter be in force respecting similar corporations.

Purpose.

Powers and duties.

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.

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

Approved February 17, 1868.

Chap. 16. AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE MERCHANTS' AND FARMERS' MUTUAL FIRE INSURANCE COMPANY OF WORCESTER, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Charter continued without limitation of time.

SECTION 1. Chapter one hundred and eighty-six of the acts of the year one thousand eight hundred and forty-six, entitled " An Act to incorporate the Merchants' and Farmers' Mutual Fire Insurance Company," shall be continued and remain in force from and after the sixth day of April, in the year one thousand eight hundred and seventy-four ;

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 which are or may be in force relating to such corporations, in like manner and to the same effect as if said act incorporating said company had contained no limitation of time.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate to an amount not exceeding fifty thousand dollars.

Real and personal estate.

Approved February 17, 1868.

AN ACT TO AUTHORIZE THE BOSTON AND MAINE RAILROAD TO CHANGE THE LOCATION OF ITS ROAD IN NORTH ANDOVER AND BRADFORD, AND TO INCREASE THE AMOUNT OF ITS CAPITAL STOCK.

Chap. 17.

Be it enacted, &c., as follows :

SECTION 1. The Boston and Maine Railroad is hereby authorized and empowered to locate, construct and maintain a railroad between a point on its present road as now constructed, not less than five thousand feet northerly of the station in North Andover, and the southerly end of its bridge over the Merrimack River, between Bradford and Haverhill, or such portions of said line of railroad as it may find expedient, to furnish with portions of its present line a continuous railroad between said two points, and to discontinue such parts of its present road between said two points, as it may deem expedient; and such part of said new line of railroad as diverges from its present line shall in no case pass more than fifteen hundred feet from the present line; 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.

May locate and construct road in N. Andover and Bradford.

Privileges and restrictions.

SECTION 2. The said corporation is hereby authorized to increase its capital stock to five millions of dollars, by the issue of forty-five hundred new shares, of one hundred dollars each. Said new stock shall be issued at not less than its par value, under the direction of the stockholders of said corporation.

\$450,000 additional capital stock.

No shares to be issued at less than par value.

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

Approved February 17, 1868.

AN ACT TO CONTINUE IN FORCE AN ACT TO INCORPORATE THE COHASSET MUTUAL FIRE INSURANCE COMPANY.

Chap. 18.

Be it enacted, &c., as follows :

The act of the year one thousand eight hundred and forty-five, chapter one hundred and forty-four, entitled "An Act to incorporate the Cohasset Mutual Fire Insurance Com-

Charter continued without limitation of time.

pany," shall be continued and remain in force from and after the first day of March, in the year one thousand eight hundred and seventy-three; 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 which are or may be in force, relating to such corporations, in like manner and to the same effect as if said act incorporating said company had contained no limitation of time. *Approved February 17, 1868.*

Powers and duties.

Chap. 19. AN ACT TO AUTHORIZE THE FALL RIVER SAVINGS BANK TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted §c., as follows :

\$30,000 additional real estate.

SECTION 1. The Fall River Savings Bank is hereby authorized to hold real estate in addition to what is now authorized by law, to an amount not exceeding thirty thousand dollars.

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

Approved February 17, 1868.

Chap. 20. AN ACT TO AUTHORIZE THE BOSTON AND PROVIDENCE RAILROAD CORPORATION TO CHANGE THE LOCATION OF THE WEST MANSFIELD PASSENGER STATION.

Be it enacted, §c., as follows :

May move passenger depot in Mansfield.

SECTION 1. The Boston and Providence Railroad Corporation is hereby authorized to move its passenger station in Mansfield, known as the West Mansfield Station, to a point not more than one thousand feet south of its present location.

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

Approved February 17, 1868.

Chap. 21. AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE MYSTIC RIVER RAILROAD.

Be it enacted §c., as follows :

Time extended to 1870-71.

SECTION 1. The time allowed to locate the Mystic River Railroad is hereby extended to the first day of May, in the year eighteen hundred and seventy; and to construct the same, to the first day of May, eighteen hundred and seventy-one.

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

Approved February 17, 1868.

Chap. 22. AN ACT TO INCORPORATE THE GRAVES END BRANCH STREET RAILWAY COMPANY.

Be it enacted §c., as follows :

Corporators.

SECTION 1. Oliver Ramsdell, Jonathan Mansfield, Amos F. Breed, their associates and successors, are hereby made a corporation by the name of the Graves End Branch Street

Railway Company, for the purpose of constructing and using a street railroad from some convenient point in ward one of the city of Lynn to some convenient point in ward four in said city; 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 street railway corporations.

May construct street railroad in Lynn.

SECTION 2. The capital stock of said corporation shall not exceed fifteen thousand dollars.

Capital stock.

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

Approved February 17, 1868.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE MOUNT HOPE IRON COMPANY.

Chap. 23.

Be it enacted, &c., as follows:

SECTION 1. The Mount Hope Iron Company is hereby authorized to increase its capital stock by an amount not exceeding one hundred thousand dollars, by adding thereto from time to time, at its discretion, an additional number of shares, not exceeding one thousand shares of one hundred dollars each: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation.

\$100,000 additional capital stock.

No shares to be issued for less than par value.

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

Approved February 20, 1868.

AN ACT RELATING TO INCOMPATIBILITY OF CERTAIN OFFICES.

Chap. 24.

Be it enacted, &c., as follows:

SECTION 1. No person holding a judicial office under the laws of the United States shall hold any judicial office under the constitution and laws of this state, except those of trial justice and justice of the peace.

U. S. judicial officer not to hold similar office in state.

SECTION 2. Sections fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six and sixty-seven of chapter one hundred and forty-four of the General Statutes are hereby repealed.

G. S. 144, §§ 58-67 repealed.

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

Approved February 20, 1868.

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND PREVIOUS YEARS, AND FOR OTHER PURPOSES.

Chap. 25.

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.

CHARITABLE.

- State almshouse,
Monson. For the current expenses of the state almshouse at Monson, a sum not exceeding four thousand eight hundred and eighty-nine dollars.
- Primary school,
&c. For expenses incurred in connection with the establishment of the state primary school at Monson, a sum not exceeding three thousand eight hundred and fifty-one dollars eighty-two cents.
- Support of luna-
tic state paupers. For the support and relief of lunatic state paupers in state hospitals, a sum not exceeding two thousand dollars.
- Of state, by cities
and towns. For the support of state paupers by cities and towns, a sum not exceeding seven thousand dollars.

REFORMATORY AND CORRECTIONAL.

- Mass. nautical
school. For the current expenses of the Massachusetts nautical school, a sum not exceeding two thousand one hundred and thirty-five dollars twenty-nine cents.
- Industrial school
for girls. For the current expenses of the industrial school for girls, a sum not exceeding one thousand nine hundred and seventy-four dollars sixty-one cents.
- State police. For the contingent expenses of the state police, a sum not exceeding one thousand three hundred and twenty dollars fifty-one cents.

MILITARY.

- Record of officers
and soldiers. For printing the record of Massachusetts officers and soldiers, authorized by chapter ninety-eight of the resolves of eighteen hundred and sixty-six, a sum not exceeding five thousand dollars.
- Escort at recep-
tion of president
of U. S. For the compensation and expenses of the military escort ordered out for the reception of the president of the United States in the year eighteen hundred and sixty-seven, a sum not exceeding six thousand three hundred seventy-nine dollars and fifty cents, which shall be allowed and paid.
- Quartermaster's
supplies. The unexpended balance of the appropriation made in chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-seven, for quartermaster's supplies, is hereby made applicable for the same purpose during the present year.

MISCELLANEOUS.

- Sergeant-at-arms For books, printing and stationery ordered by the sergeant-at-arms for the legislature, a sum not exceeding sixty-two dollars and eighty cents.

For the compensation of the treasurer's extra clerks, a sum not exceeding thirty-two dollars and forty-three cents.

Treasurer's clerks.

For the expenses of the tax commissioner, a sum not exceeding four hundred and five dollars and seventy-one cents.

Tax commissioner.

For incidental expenses of the secretary's department, a sum not exceeding two hundred twenty-seven dollars and eighty cents.

Secretary's expenses.

For the contingent expenses of the insurance commissioner, a sum not exceeding nine hundred fifty-five dollars and fifty cents.

Insurance commissioner.

For the incidental expenses of the board of agriculture, a sum not exceeding sixty-six dollars and ninety cents.

Board of agriculture, incidentals.

For the personal expenses of the members of the board of agriculture, a sum not exceeding three hundred twenty-eight dollars and sixty cents.

Expenses of members.

For postage, printing and stationery for the board of education, a sum not exceeding nine hundred eighty-eight dollars and nine cents, payable from the income of the Massachusetts school fund, applicable to educational purposes.

Board of education.

For expenses of the Charles River and Warren bridges, a sum not exceeding two thousand seven hundred sixty-two dollars and eighty-six cents, payable from the Charles River and Warren bridge fund.

Charles river and Warren bridges.

For expenses of the Essex bridge, a sum not exceeding seven hundred twenty-seven dollars and eighty-three cents, payable from the Essex bridge fund.

Essex bridge.

For expenses incurred in the establishment of boundary lines at Gay Head, as authorized by chapter forty-two of the resolves of the year eighteen hundred and sixty-three, and chapter sixty-seven of the resolves of the year eighteen hundred and sixty-six, a sum not exceeding four hundred and forty-four dollars forty-five cents.

Establishing boundaries at Gay Head.

For expenses incurred in the sale of the agricultural college land scrip, a sum not exceeding one thousand two hundred and twenty-six dollars fifty-six cents, which shall be allowed and paid.

Agricultural college land scrip.

For the salaries of the justices of the superior court, the sum of one thousand and forty-five dollars.

Justices of superior court.

For the salary of the justice of the police court in Haverhill, the sum of forty-three dollars and thirty-three cents; and for the salary of the clerk of said court the sum of twenty-one dollars and sixty-seven cents.

Police court, Haverhill.

For sundry small items of expenditure due and unpaid in the year eighteen hundred and sixty-seven and previous years, a sum not exceeding one thousand dollars.

Sundry items.

Printing, &c.,
house and senate.

For printing and binding for the senate and house, a sum not exceeding four thousand eight hundred and six dollars seventy-seven cents.

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

Approved February 21, 1868.

Chap. 26. AN ACT TO INCORPORATE THE WAYLAND AND SUDBURY BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Horace Heard, Edward Pousland, James S. Draper, Charles A. Cutting, Henry D. Parmenter, Dexter C. Jones, Thomas P. Hurlbut, Samuel B. Rogers, John H. Dakin, J. C. Howe, their associates and successors, are hereby made a corporation by the name of the Wayland and Sudbury 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.

Powers and
duties.

Location.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, commencing either at a point at or near Mill Village, in the town of Sudbury, or at a point at or near the centre of said town: thence to the town of Wayland, and through said last named town and the town of Weston, to such convenient point as it may select at or near Stony Brook station on the Fitchburg Railroad.

Passenger and
freight stations
and turnouts.

SECTION 3. Said corporation shall erect and maintain one or more stations and turnouts for the accommodation of passengers and freight in each of the following named localities, viz.: In the town of Sudbury, in Wayland Centre, and in that part of said Wayland called "the Plain" at or near the point where said railroad shall intersect the "Concord Road," so called, and also in Weston.

May use Fitch-
burg railroad, or
sell franchise, &c.

SECTION 4. Said corporation may enter with its road upon and use the road of the Fitchburg Railroad Company, subject to the general laws relating to railroad corporations; or it may sell, assign and convey, or lease its road and franchise to the said Fitchburg Railroad Company.

Capital stock and
shares.

SECTION 5. The capital stock of said corporation shall be fixed by the directors thereof, at an amount not less than one hundred thousand dollars, nor more than two hundred thousand dollars; and said stock shall be divided into shares of one hundred dollars each.

Conditions of
validity of act.

SECTION 6. This act shall be void unless the said railroad be located within two years, and completed within three years from the passage hereof. *Approved February 21, 1868.*

AN ACT TO INCORPORATE THE NEW ENGLAND LIQUID FUEL *Chap. 27.*
COMPANY.

Be it enacted, &c., as follows :

SECTION 1. Henry R. Foote, Francis A. Osborn, Micah Dyer, junior, their associates and successors, are hereby made a corporation by the name of the New England Liquid Fuel Company, for the purpose of holding and dealing in the patent rights of said Foote for improved apparatus for generating and burning the vapor of hydro-carbon oils, and for divers other improvements relating to the use of liquid fuel, patented and to be patented by said Foote ; and also for the purpose of manufacturing and selling machines constructed under said patents, with any future improvements thereon, and for manufacturing and dealing in such fuel as is used in said machines ; and for these purposes shall have all the powers and privileges, and shall 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.

Name and purpose

SECTION 2. Said corporation shall have its principal office in the city of Boston, and may hold, for the purposes aforesaid, real estate not exceeding the value of fifty thousand dollars, and the capital stock shall not exceed two 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, not more than one-half of which shall be expended for the purchase of the patent rights named in the first section.

Principal office to be in Boston.

Capital stock.

Proviso.

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

Approved February 21, 1868.

AN ACT TO INCORPORATE THE TRUSTEES OF HOLYROOD SCHOOL. *Chap. 28.*

Be it enacted, &c., as follows :

SECTION 1. Theodore Edson, Charles Hovey, Benjamin C. Sargeant, their associates and successors, are hereby constituted a body corporate under the name of "The Trustees of Holyrood School," for the purpose of establishing and maintaining a boarding-school for the education of girls, to be located in the city of Lowell, or its vicinity ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.

Location in Lowell.

SECTION 2. Said board of trustees shall consist of not less than seven nor more than thirteen members, and shall have power to fill vacancies in their own number : *provided,*

Board of trustees

that no corporate business shall be transacted at any meeting of said board unless a majority of the trustees are present.

Real and personal estate.

SECTION 3. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars, to be devoted exclusively to educational purposes, as provided in this act.

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

Approved February 21, 1868.

Chap. 29. AN ACT TO INCORPORATE THE TRUSTEES OF THE HOWARD FUNDS IN WEST BRIDGEWATER.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Azel Howard, Benjamin Howard, Francis E. Howard, John E. Howard, Austin Packard, Otis Drury, Parndon Copeland, James Copeland, George D. Ryder, Jonathan C. Keith, John M. Lothrop, their associates and successors, are hereby made a corporation by the name of "The Trustees of the Howard Funds in West Bridgewater," for the purpose of holding in trust and administering the school fund, parochial fund, and lecture fund provided for by the will of the late Benjamin B. Howard, of West Bridgewater, proved and allowed in the probate court, held at Plymouth, in and for the county of Plymouth, on the thirteenth day of May, in the year one thousand eight hundred and sixty-seven; 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.

Name and purpose.

Corporation may take and hold real and personal estate.

SECTION 2. Said corporation is hereby authorized and empowered to take and hold, for the purposes therein set forth, all the estate bequeathed in trust by said will to the trustees herein named; and may take and hold any other estate, real or personal, which may be acquired by said corporation by gift, devise, purchase or otherwise, for the same purposes: *provided, however,* that the actual value of the estate by them held or possessed as aforesaid, shall not at any one time exceed the amount of two hundred thousand dollars.

Limitation.

Accounts of receipts and expenditures, to be kept.

SECTION 3. Said corporation shall cause accurate accounts to be kept of all the receipts and expenditures of each fund provided for in said will, in the same manner as if each of said funds was held by a separate corporation.

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

Approved February 21, 1868.

AN ACT TO EXTEND THE TIME FOR CONSTRUCTING THE BOSTON, BARRE AND GARDNER RAILROAD. *Chap. 30.*

Be it enacted, &c., as follows :

SECTION 1. The time for constructing the Boston, Barre and Gardner Railroad is hereby extended to the first day of July, in the year eighteen hundred and seventy-one. Time extended to 1871.

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

Approved February 21, 1868.

AN ACT TO INCORPORATE THE WASHBURN AND MOEN MANUFACTURING COMPANY. *Chap. 31.*

Be it enacted, &c., as follows :

SECTION 1. Ichabod Washburn, Philip L. Moen, William E. Rice, Charles Washburn, Charles F. Washburn, Henry Goddard, Dorance S. Goddard, their associates and successors, are hereby made a corporation by the name of the Washburn and Moen Manufacturing Company, for the purpose of making and working of iron, steel and other metals, and of manufacturing 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. Corporators.

SECTION 2. The capital stock of said corporation shall not exceed one million of 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 for the purposes set forth in this act, and shall not commence business until six hundred thousand dollars of its capital stock shall have been paid in. Name and purpose.

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

Approved February 24, 1868.

AN ACT TO CHANGE THE NAME OF THE TOWN OF SOUTH READING. *Chap. 32.*

Be it enacted, &c., as follows :

SECTION 1. The town of South Reading in the county of Middlesex, shall take the name of Wakefield. Capital stock and shares.

SECTION 2. This act shall take effect from and after the thirtieth day of June, in the year one thousand eight hundred and sixty-eight. Name of South Reading changed to Wakefield.

Approved February 25, 1868.

AN ACT CONCERNING THE TURNER'S FALLS BRANCH RAILROAD COMPANY. *Chap. 33.*

Be it enacted, &c., as follows :

SECTION 1. The time allowed the Turner's Falls Branch Railroad Company for locating and constructing its railroad is hereby extended two years. Time extended two years.

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

Approved February 25, 1868.

Chap. 34. AN ACT TO AUTHORIZE THE MILFORD AND WOONSOCKET RAILROAD COMPANY TO LEASE ITS ROAD.

Be it enacted, &c., as follows :

May lease road to Providence and Worcester Railroad Company.

SECTION 1. The Milford and Woonsocket Railroad Company is hereby authorized to lease its railroad, for a term of years, to the Providence and Worcester Railroad Company, upon such terms as may be agreed upon by the directors of said corporations, the same to be approved and accepted by a majority of the stockholders of said corporations respectively, at legal meetings thereof called for that purpose.

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

Approved February 25, 1868.

Chap. 35. AN ACT TO INCORPORATE THE EAST WALPOLE BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Francis W. Bird, William S. Tilton, Herbert W. Presby, their associates and successors, are hereby made a corporation by the name of the East Walpole 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.

Name and purpose.

Location.

SECTION 2. Said company is hereby authorized and empowered to locate, construct and maintain a railroad, with one or more tracks, from some convenient point on the Boston, Hartford and Erie Railroad, between the South Dedham and East Walpole station on said Boston, Hartford and Erie Railroad, in South Dedham, to some convenient point in East Walpole, near the post-office, and to enter with their railroad, by proper turnouts and switches, upon the Boston, Hartford and Erie Railroad, at the point aforesaid; and to use the same, or any part thereof, according to the provisions of law.

Capital stock and shares.

SECTION 3. The capital stock of said company shall not exceed two thousand shares, of one hundred dollars each, the number to be determined, from time to time, by the directors of said company; and said company may purchase and hold such real estate as may be necessary for the purposes of their incorporation.

No shares to be issued at less than par value.

SECTION 4. No shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.

Location within two years, and construction within three years.

SECTION 5. If the location of this road shall not be filed within two years, and if said railroad be not constructed within three years from the passage of this act, then this act shall be void.

SECTION 6. The said company are hereby authorized to extend their railroad hereby authorized, from its terminus in East Walpole, to unite with the Boston, Hartford and Erie Railroad, at some convenient point between East Walpole and Walpole Centre, and to enter upon the Boston, Hartford and Erie Railroad at the point aforesaid, and to use the same, according to the provisions of law; and for the purposes of this extension, the capital stock of this company may be increased, by adding thereto, not exceeding three hundred and fifty shares, of one hundred dollars each, for that purpose.

May unite with Hartford and Erie Railroad.

\$35,000 additional capital stock.

SECTION 7. If the extension authorized by the preceding section, shall not be located and built within three years from the passage of this act, then so much of this act as relates to such extension, shall be void.

Road to be located and built within three years.

SECTION 8. Said company is hereby authorized to make any contract with the Boston, Hartford and Erie Railroad Company, or its successors, for the sale, leasing or use and maintenance of the railroad hereby authorized.

May sell or lease to B., H. and E. Railroad Co.

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

Approved February 25, 1868.

AN ACT TO INCORPORATE THE PROSPECT HOTEL COMPANY.

Be it enacted, &c., as follows:

Chap. 36.

SECTION 1. Edward Appleton, Chauncey P. Judd and Nathan P. Pratt, their associates and successors, are hereby made a corporation by the name of the Prospect Hotel Company for the purpose of erecting a hotel to be located in Reading in the county of Middlesex, and of maintaining such hotel with all 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 are now, or may hereafter be in force and applicable to such corporation: *provided, however*, that said corporation shall not carry on the business of keeping a hotel or boarding-house.

Corporators.

Name and purpose.

Powers and duties.

Proviso.

SECTION 2. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may hold real and personal estate to the value of one hundred and 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 thirty-seven thousand five hundred dollars has been paid in in cash.

Capital stock and shares.

Proviso.

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

Approved February 28, 1868.

Chap. 37. AN ACT TO FIX THE TENURE OF THE OFFICE OF THE CLERK OF THE SENATE.

Be it enacted, &c., as follows :

Clerk of senate.

The clerk of the senate shall hold his office until his successor is chosen and qualified.

Approved February 28, 1868.

Chap. 38. AN ACT CONCERNING THE BOSTON AND HINGHAM STEAMBOAT COMPANY.

Be it enacted, &c., as follows :

\$100,000 additional capital authorized.

SECTION 1. The Boston and Hingham Steamboat Company is hereby authorized to increase its capital stock by an amount not exceeding one hundred thousand dollars, and to invest such increase in real and personal estate necessary and convenient for carrying on the business of said company: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum, to be actually paid in on each, than the par value of the shares in the present capital stock of said corporation.

Shares not to be issued at less than par value.

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

Approved March 3, 1868.

Chap. 39. AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE NEW ENGLAND MUTUAL MARINE INSURANCE COMPANY TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted, &c., as follows :

\$220,000 additional capital authorized.

SECTION 1. The New England Mutual Marine Insurance Company is hereby authorized to hold real estate, in addition to the amount now allowed by section two, chapter one hundred and twenty-nine of the acts of the year one thousand eight hundred and thirty-nine, not exceeding two hundred and twenty thousand dollars.

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

Approved March 3, 1868.

Chap. 40. AN ACT TO INCORPORATE THE ARLINGTON AND LEXINGTON STREET RAILWAY COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Samuel S. Davis, Moses Hunt, Addison Hill, James A. E. Bailey, their associates and successors, are hereby made a corporation by the name of the Arlington and Lexington Street Railway Company, for the purpose of constructing and using a street railroad from the terminus of the Arlington Horse Railroad near Academy Street in Arlington, through High Street, so-called, to a point known as the Foot of the Rocks; 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 be hereafter in force relating to street railway corporations.

Purpose.

Powers and duties.

SECTION 2. Said company is hereby authorized to lease its railway to or unite itself with the Arlington Horse 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 Arlington Horse Railroad Co.

SECTION 3. The capital stock of said company shall not exceed fifteen thousand dollars.

Capital stock.

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

Approved March 3, 1868.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE STATE ALMSHOUSES; THE HOSPITAL AT RAINSFORD ISLAND; THE STATE PRISON; THE REFORM SCHOOL AT WESTBOROUGH; THE MASSACHUSETTS NAUTICAL SCHOOL; THE SUPPORT AND RELIEF OF STATE LUNATIC PAUPERS, AND FOR OTHER PURPOSES.

Chap. 41.

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 specified, 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-eight, to wit:

Appropriations authorized.

CHARITABLE.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding twenty thousand dollars.

State almshouse: Tewksbury.

For the current expenses of the state almshouse and state primary school at Monson, a sum not exceeding twenty thousand dollars.

Monson.

For the current expenses of the state almshouse and state workhouse at Bridgewater, a sum not exceeding fifteen thousand dollars.

Bridgewater.

For expenses of the hospital at Rainsford Island, including expenses of transportation, a sum not exceeding fifteen hundred dollars.

Hospital, Rainsford Island.

For expenses of the general agent of the board of state charities, a sum not exceeding eight hundred and fifty dollars.

Agent state charities, expenses.

For the salary of the agent of the board of state charities, three thousand dollars, in lieu of any former appropriation the present year.

Salary.

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

Clerical assistance.

Secretary state charities.	For expenses of the secretary of the board of state charities, a sum not exceeding six hundred dollars.
Clerical assistance.	For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding five hundred dollars in addition.
Board of state charities; expenses.	For travelling and other expenses of the board of state charities, a sum not exceeding one thousand six hundred dollars, and the appropriations for said board may be drawn and disbursed by the general agent.
Lunatic paupers.	For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding thirty thousand dollars.
State paupers, transportation.	For the transportation of state paupers to almshouses, a sum not exceeding five hundred dollars.
Burial.	For the burial of state paupers, a sum not exceeding six thousand dollars.
Support by cities and towns.	For the support of state paupers by the cities and towns, a sum not exceeding twenty-five thousand dollars.
Coroners' inquests.	For the expenses of coroners' inquests, a sum not exceeding one thousand dollars.
State almshouse sinking fund.	To the state almshouse loan sinking fund for the redemption of scrip, the sum of six thousand dollars.
Asylum for the blind.	For the Perkins' institution and Massachusetts asylum for the blind, the sum of sixteen thousand dollars.
Idiotic and feeble-minded youth.	For the Massachusetts school for idiotic and feeble-minded youth, the sum of nine thousand dollars.
Asylums for the deaf and dumb.	For the support of Massachusetts beneficiaries in the asylum for deaf and dumb at Hartford, and the Clarke institution at Northampton, a sum not exceeding twenty-five thousand dollars.
Johonnot annuities.	For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Jhonnot, a sum not exceeding one thousand four hundred dollars.
Cases of bastardy	For expenses attending the management of cases of settlement and bastardy in eighteen hundred and sixty-eight and previous years, a sum not exceeding three thousand dollars.
Pensions.	For pensions, a sum not exceeding five hundred dollars.

REFORMATORY AND CORRECTIONAL.

State prison.	For the current expenses of the state prison, a sum not exceeding one hundred and five thousand dollars.
Reform school at Westborough.	For the current expenses of the state reform school for boys at Westborough, a sum not exceeding twenty 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.

For the current expenses of the Massachusetts nautical school, a sum not exceeding twenty thousand dollars. Nautical school.

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

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

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. Discharged convicts.

For the compensation of the state police, a sum not exceeding eight thousand dollars; for travelling expenses of the state police, a sum not exceeding sixteen hundred dollars; for clerical, incidental and contingent expenses of the constable of the Commonwealth, a sum not exceeding fifteen hundred dollars, which shall be allowed and paid. State police.

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 Massachusetts nautical school, 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. Constable of the Commonwealth.

For the transportation of state paupers, to be expended by the agent of the board of state charities, a sum not exceeding two thousand dollars: *provided*, the same shall be expended only in the transportation of state paupers from the several hospitals and almshouses, to be in addition to a former appropriation. Advances may be made from certain appropriations for expenses State almshouses &c.

SECTION 2. This act shall take effect upon its passage. Proceeds of sales, &c., to be paid into State treasury.

Approved March 3, 1868.

AN ACT TO INCORPORATE THE SOUTH WEYMOUTH SAVINGS BANK.
Be it enacted, &c., as follows:

Chap. 42.

SECTION 1. Benjamin F. White, Christopher C. Blanchard, Appleton Howe, their associates and successors, are hereby made a corporation by the name of the South Weymouth Savings Bank, to be located in the southerly part of Weymouth; 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 all other laws Corporators.

Powers and duties.

of this Commonwealth which now are or may hereafter be in force relating to institutions for savings.

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

Approved March 6, 1868.

Chap. 43. AN ACT TO UNITE THE MASSACHUSETTS SABBATH SCHOOL SOCIETY AND THE CONGREGATIONAL BOARD OF PUBLICATION.

Be it enacted, &c., as follows :

Name changed.

SECTION 1. The corporation heretofore established by the name of the Massachusetts Sabbath School Society, shall hereafter be known by the name of the Congregational Sabbath School and Publishing Society, and by that name shall have, hold and enjoy all its rights and privileges, and be subject to all its liabilities and obligations, to the same extent as if its name had not been changed.

May unite with the Congregational Board of Publication.

SECTION 2. The Congregational Board of Publication is hereby authorized to unite and form one corporation with said Massachusetts Sabbath School Society, and for said purpose to assign, transfer and convey all its rights, privileges, interests and property to said Massachusetts Sabbath School Society, upon such terms as may be agreed upon between said societies; and said Massachusetts Sabbath School Society is hereby authorized and empowered to accept and receive such transfer thereof, and take and hold the same; and said last named society shall thereupon, under said name of the Congregational Sabbath School and Publishing Society, have all the rights, powers and privileges which either of said corporations now have, and shall become and be liable for all the debts or liabilities of either of said societies, and may hold real and personal property to an amount not exceeding three hundred and fifty thousand dollars.

May publish and distribute books and tracts.

SECTION 3. Said Congregational Sabbath School and Publishing Society may publish, purchase, sell, circulate and distribute, in such manner as they shall deem expedient, any and all publications, books, tracts, papers or periodicals, calculated to promote good morals and pure Christianity and the spread and extension of the gospel of Jesus Christ; and may take, invest, hold and disburse any and all charitable funds contributed to it for the purposes aforesaid.

May hold gifts and legacies made to either society.

SECTION 4. Any gift, devise, bequest or legacy which has been or may hereafter be given or made to either of said societies under the name it has heretofore had, shall be held, enjoyed and appropriated by said Congregational Sabbath School and Publishing Society, in like manner and to the same purposes as it would have been by either of said societies if the same had not been united under this act.

SECTION 5. This act shall be void unless the same shall be accepted by each of said societies, at meetings thereof called for that purpose, or at the annual meeting thereof, held next after the passage of this act. *Approved March 6, 1868.*

Act to take effect if accepted by both societies.

AN ACT TO AUTHORIZE THE LYNN FIVE CENTS SAVINGS BANK, IN THE CITY OF LYNN, TO HOLD REAL ESTATE.

Chap. 44.

Be it enacted, &c., as follows :

SECTION 1. The Lynn Five Cents Savings Bank, in the city of Lynn, is hereby authorized to hold real estate to the amount of forty thousand dollars, to be invested in the purchase of a suitable building, to be used for banking purposes, or in the purchase of a site and the erection of a suitable building, for the same purposes ; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

May invest \$40,000 in a banking house.

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

Approved March 6, 1868.

AN ACT TO INCORPORATE FRIENDSHIP LODGE IN CAMBRIDGE.

Chap. 45.

Be it enacted, &c., as follows :

SECTION 1. Samuel W. Dudley, Ira Taylor, Samuel B. Gardner, their associates and successors, are hereby made a corporation by the name of the Friendship Lodge in Cambridge, for the purpose of erecting and maintaining a building in said Cambridge, which shall contain a hall or halls and other rooms which may be let or used for any lawful purpose ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws of the Commonwealth, which are or may be in force, so far as applicable to said corporation.

Corporators.

Name and purpose.

SECTION 2. Said corporation shall have a capital stock not exceeding twenty-five 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.

Capital stock and shares.

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

Approved March 6, 1868.

AN ACT TO INCORPORATE THE NEWTON HOUSE COMPANY.

Chap. 46..

Be it enacted, &c., as follows :

SECTION 1. Orrin Whipple, Ralph W. Holman, Royal Gilkey, their associates and successors, are hereby made a corporation by the name of the Newton House Company, for the purpose of erecting a hotel, to be located in the town of Newton, and maintaining such hotel, with the buildings, appurtenances and improvements connected therewith ; with

Corporators.

May build hotel in Newton.

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.

Capital stock and shares.

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.

Not to incur liability until \$50,000 is paid in.

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

Approved March 6, 1868.

Chap. 47. AN ACT TO AUTHORIZE THE ROXBURY GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows:

\$300,000 additional capital stock.

SECTION 1. The Roxbury Gas Light Company is hereby authorized to increase its capital stock, by an amount not exceeding three hundred thousand dollars; but no stock created under this act shall be issued contrary to the provisions of the ninth section of the sixty-eighth chapter of the General Statutes.

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

Approved March 6, 1868.

Chap. 48. AN ACT TO INCORPORATE THE LEXINGTON HOTEL COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. George W. Robinson, William A. Tower, James S. Munroe, their associates and successors, are hereby made a corporation by the name of the Lexington Hotel Company, for the purpose of erecting a hotel to be located in the town of Lexington, and maintaining such hotel, 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, 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.

May build hotel in Lexington.

Proviso.

Capital stock.

SECTION 2. The capital stock of said corporation shall not exceed seventy-five 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

Real and personal estate.

of seventy-five 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-five thousand dollars has been paid in in cash.

Not to incur liability until \$25,000 is paid in.

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

Approved March 6, 1868.

AN ACT IN RELATION TO THE PUBLICATION OF THE NAMES OF OFFICERS OF SAVINGS BANKS.

Chap. 49.

Be it enacted, &c., as follows:

SECTION 1. Section one hundred and thirty-eight of chapter fifty-seven of the General Statutes is hereby so amended that the person acting as clerk of any meeting of a savings bank for the election of officers, shall, within thirty days after such meeting, publish in some newspaper published within the county where the savings bank is situated, a list of all persons who accept the offices to which they are elected at such meeting.

List of officers of savings banks to be published within 30 days of election.

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

Approved March 6, 1868.

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

Chap. 50.

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-eight, to wit:

Appropriations authorized.

LEGISLATIVE DEPARTMENT.

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.

Senate and house printing and binding.

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

Senate stationery

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.

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.

House of Representatives, stationery.

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.

Sergeant-at-arms
books, &c.

For books, stationery, printing and advertising ordered by the sergeant-at-arms for the legislature, a sum not exceeding six hundred dollars.

Committees of
legislature.

For the authorized expenses of committees of the legislature, a sum not exceeding eight hundred dollars.

Clerical assist-
ance to commit-
tees.

For clerical assistance to committees authorized to employ the same, a sum not exceeding six hundred dollars, the same to include service rendered by any clerk in the employ of the state, without interference with his regular duties; and the auditor is hereby authorized to audit bills for such assistance, the same having been approved by the chairmen of such committees, or other members authorized by the committees to certify such accounts.

EXECUTIVE DEPARTMENT.

Governor and
council; print-
ing, stationery.

For postage, printing and stationery for the governor and council, a sum not exceeding eight hundred dollars.

Contingent ex-
penses.

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

STATE HOUSE EXPENSES.

State house; fuel
and lights.

For fuel and lights for the state house, a sum not exceeding seven thousand five hundred dollars.

Repairs, fuel and
lights, &c., for
1867.

For repairs, improvements and furniture of the state house, a sum not exceeding three thousand dollars; and for repairs, furniture, fuel and light for the state house, and for contingent expenses of the legislature, for the year eighteen hundred and sixty-seven, a sum not exceeding one thousand seven hundred sixty-two dollars and sixty-one cents.

Contingent ex-
penses of senate
and house.

For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, a sum not exceeding three thousand five hundred dollars: *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object for which an appropriation is otherwise made in this act, or in any act which may be subsequently passed.

STATE PRINTING.

Printing general
laws.

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 five thousand dollars.

Blue book.

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 four thousand five hundred dollars.

For the publication of the general laws and all other information intended for the public, a sum not exceeding four hundred dollars. General laws.

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. Registration blanks.

For printing the public series of documents in the last quarter of the year one thousand eight hundred and sixty-eight, 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. Public documents.

For term reports, a sum not exceeding five thousand five hundred dollars. Binding.

For the publication of bank returns, a sum not exceeding two hundred dollars. Term reports.

For assessors' books, a sum not exceeding two thousand dollars. Bank returns.

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

CONTINGENT AND INCIDENTAL EXPENSES.

For incidental expenses of the secretary's department, a sum not exceeding four thousand five hundred dollars. Railroad reports.

For incidental expenses of the treasurer's department, a sum not exceeding one thousand dollars. Incidental expenses, secretary.

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

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

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. Auditor.

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 dollars. Attorney-general library.

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. Fees, costs, &c.

For the incidental and contingent expenses of the insurance commissioner, a sum not exceeding five hundred dollars; Civil actions where state is a party.

Insurance commissioner.

Incidental expenses.

and a further sum not exceeding five hundred dollars, for the incidental expenses of said commissioner growing out of the valuation of policies of life insurance, to be paid from the fees received from the companies as compensation for such valuation.

MILITARY EXPENSES, ETC.

Adjutant-general; incidental expenses.

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

Surgeon-general, expenses.

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

Medical supplies.

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.

State aid to non-resident soldiers.

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

State aid; law expenses.

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; and for expenses attending the examination of disbursements of aid by cities and towns, a sum not exceeding two thousand dollars.

State aid to resident soldiers.

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 nine hundred thousand dollars, the same to be payable on the first day of December in the year eighteen hundred and sixty-eight.

Bounties to soldiers.

Of the bounty fund established by chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-four, there is hereby re-appropriated a sum not exceeding thirty 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 eighteen hundred and sixty-three.

Coast defence loan.

Of the coast defence loan authorized by the provisions of chapter one hundred and eighteen of the acts of the year eighteen 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.

Quartermaster-general, expenses

For incidental and contingent expenses of the bureau of the quartermaster-general and master of ordnance, a sum not exceeding six thousand five hundred dollars.

AGRICULTURAL DEPARTMENT.

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

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

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

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

MISCELLANEOUS.

For the compensation of the commissioners on public lands, a sum not exceeding two thousand five hundred dollars; and 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. Commissioners on public lands. Compensation. Expenses

For the compensation of the engineer appointed under the provisions of chapter three hundred and fifty-four of the acts of eighteen hundred and sixty-seven, relating to the Commonwealth's flats in Boston harbor, a sum not exceeding five thousand dollars. Engineer Boston harbor flats.

For the compensation and expenses of the harbor commissioners, a sum not exceeding ten thousand dollars, payable upon vouchers properly approved and filed with the auditor for his certificate. Harbor commissioners.

For expenses of the state commissioner on the Antietam and Gettysburg national cemeteries, a sum not exceeding one hundred and fifty dollars, which shall be allowed and paid. Commissioner on national cemeteries.

For the distribution of proclamations and blanks, and for making return of votes by the sheriffs of the several counties, a sum not exceeding five hundred dollars. Blanks for return of votes.

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. State library; books.

For expenses of the inspector of gasmeters, a sum not exceeding five hundred dollars; and the sum of three thousand dollars appropriated in chapter one of the acts of the year eighteen hundred and sixty-eight shall be held to include office rent and expenses for the present year. Inspector of gasmeters.

Emergency fund. 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.

Union loan sinking fund. To the union loan sinking fund, established under chapter two hundred and nine of the acts of the year eighteen hundred and sixty-one, 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.

Bounty loan sinking fund. 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.

Mass. war loan sinking fund. To the Massachusetts war loan sinking fund, established under chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five, the sum of one hundred and seventy-five thousand two hundred and fifty dollars.

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

Approved March 10, 1868.

Chap. 51. AN ACT TO PROVIDE FOR THE FUNDING OF THE UNFUNDED DEBT CREATED IN THE CONSTRUCTION OF THE TROY AND GREENFIELD RAILROAD AND THE HOOSAC TUNNEL. *

Be it enacted, &c., as follows:

Debt created in construction of Troy and Greenfield Railroad to be funded. SECTION 1. For the purpose of funding the unfunded debt which has been heretofore created, in the construction of the Troy and Greenfield Railroad and the Hoosac Tunnel, the treasurer of the Commonwealth is hereby authorized and instructed to issue scrip, or certificates of debt, in the name, and on behalf of the Commonwealth, and under his signature, and the seal of the Commonwealth, to an amount not exceeding three millions of dollars.

Not to exceed \$3,000,000.

Scrip or certificates of debt may be made payable in gold in London.

SECTION 2. Such scrip or certificates of debt may be expressed in the currency of Great Britain, and be made payable, in gold, to the bearer thereof in London, in not less than twenty, nor more than thirty years from the date thereof, as shall be determined by the governor and council, and as shall be expressed on the face of the same, bearing interest at five per cent., per annum, payable semi-annually, in London, in gold, on the first day of April, and the first day of October, with warrants for such interest, signed by the treasurer, attached thereto; or if the governor and council

Rate of interest.

shall so elect, said scrip or certificates of debt, may be issued in federal currency, payable in Boston, in lawful money of the United States, at the expiration of twenty years from date, and redeemable at any time after five years from date, at the option of the Commonwealth, with interest thereon at the rate of six per cent., per annum, payable semi-annually, on the first day of April, and the first day of October, in lawful money of the United States, at the office of the treasurer of the Commonwealth. Said scrip, or certificates of debt, shall be issued as registered bonds, or with warrants for interest attached thereto, signed by the treasurer, as the governor and council may elect. All scrip, or certificates of debt, issued by authority of this act, shall bear date on the first day of April or October, which shall last precede the issue of the same, and shall be issued in such denominations, as the governor and council shall direct; and the same shall be countersigned by the governor of the Commonwealth for the time being, and shall be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof.

May be made payable in federal currency in Boston.

Scrip to be issued in registered bonds.

To bear date first day of April or October.

SECTION 3. Whatever premium shall be received, from the sale of any of the scrip, or certificates of debt, issued under the authority of this act, beyond the cost of preparing and negotiating the same, shall be added to, and constitute a part of the sinking fund, created by the provisions of the two hundred and twenty-sixth chapter of the acts of eighteen hundred and fifty-four; and the sinking fund thus constituted is hereby made applicable to the redemption of the scrip, or certificates of debt, heretofore issued in aid of the construction of said Troy and Greenfield Railroad and Hoosac Tunnel, including that issued for the purchase of the Southern Vermont Railroad, and of the scrip, or certificates of debt, which may be issued by authority of this act.

Premium on sales of scrip to be added to sinking fund.

SECTION 4. The governor and council are hereby authorized to take all necessary measures for the preparation of said scrip, or certificates of debt, and for the sale or negotiation thereof, with authority to expend such sums of money, as may be necessary to carry into effect the purposes of this act; and the amount of such expenditures is hereby appropriated therefor.

Governor and council to carry into effect the provisions of this act.

SECTION 5. So much of the acts heretofore passed, in relation to the Troy and Greenfield Railroad and the Hoosac Tunnel, as authorizes the issue of scrip, or certificates of debt, in aid of the construction of the same, beyond the amount already issued, is hereby repealed.

Repeal.

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

Approved March 11, 1868.

Chap. 52. AN ACT CONCERNING THE WATER COMMISSIONERS OF THE CITY OF NEW BEDFORD.

Be it enacted, &c., as follows :

Water commissioners of New Bedford, elected under a city ordinance, to have powers as provided in chapter 163, 1863.

SECTION 1. The water commissioners of the city of New Bedford, elected under an ordinance of said city, passed to be ordained November twenty-first, in the year one thousand eight hundred and sixty-seven, are hereby invested with the same powers and authority in relation to the water works of said city, and are made subject to the same duties and restrictions, as the commissioners provided for by an act of the legislature entitled "An Act for supplying the city of New Bedford with pure water," approved April eighteenth in the year one thousand eight hundred and sixty-three.

Acts made valid.

SECTION 2. The acts of the commissioners elected under said ordinance, which have been done since their election and prior to the passage of this act, shall have the same validity as if subsequent to the passage hereof.

Approved March 11, 1868.

Chap. 53. AN ACT TO INCORPORATE THE LAWRENCE SAVINGS BANK.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Milton Bonney, William R. Spalding, F. E. Clarke, their associates and successors, are hereby made a corporation by the name of the Lawrence Savings Bank, to be located in the city of Lawrence; 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 this Commonwealth, relating to institutions for savings.

Powers and privileges.

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

Approved March 11, 1868.

Chap. 54. AN ACT TO INCREASE THE CAPITAL STOCK OF THE UNION RAILWAY COMPANY.

Be it enacted, &c., as follows :

Additional capital authorized.

SECTION 1. The Union Railway Company is hereby authorized to increase its capital stock until the same shall amount to three hundred thousand dollars.

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

Approved March 11, 1868.

Chap. 55. AN ACT TO INCORPORATE THE BOSTON CORN EXCHANGE.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. T. Albert Taylor, S. G. Bowdlear, E. W. Clap, their associates and successors, are hereby made a corporation by the name of the Boston Corn Exchange, for the purpose of promoting and increasing the facilities of trade in flour, grain and other produce in the city of

Purpose.

Boston and its vicinity; 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 such corporations: *provided*, that nothing in this act contained shall be construed to authorize said corporation to traffic in goods, wares or merchandise of any description.

Proviso.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars, to be devoted exclusively to the purposes of said corporation.

Real and personal estate.

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

Approved March 11, 1868.

AN ACT TO REPEAL THE TWO HUNDRED AND NINETY-THIRD CHAPTER OF THE ACTS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR, CONCERNING THE RIGHTS OF RAILROAD CORPORATIONS TO TAKE LAND.

Chap. 56.

Be it enacted, &c., as follows:

SECTION 1. The two hundred and ninety-third chapter of the acts of the year one thousand eight hundred and sixty-four, is hereby repealed.

Chap. 293, 1864, repealed.

SECTION 2. This act shall not affect existing rights under forfeitures already incurred; and the time within which proceedings may be commenced upon claims or dues mentioned in the act hereby repealed, and not now barred, is hereby extended one year from the passage of this act.

Rights under forfeitures incurred not affected.
Time extended for commencement of proceedings.

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

Approved March 12, 1868.

AN ACT TO INCORPORATE THE PROPRIETORS OF FOREST HILLS CEMETERY.

Chap. 57.

Be it enacted, &c., as follows:

SECTION 1. Alvah Kittredge, George Lewis, William C. Harding, proprietors of lots in Forest Hills Cemetery, their associates and successors, are hereby made a corporation by the name of The Proprietors of Forest Hills Cemetery; with all the powers and privileges, and subject to all the duties, liabilities and restrictions which now are or may hereafter be in force relating to such corporations, except as hereinafter is provided.

Corporators.

Name.
Powers and duties.

SECTION 2. Said corporation may purchase, acquire, receive and hold real estate in the town of West Roxbury, in the county of Norfolk, to the extent of three hundred acres; and said corporation may also hold personal estate to an amount not exceeding five hundred thousand dollars.

May hold real and personal estate in West Roxbury.

Owners of lots to be members.

SECTION 3. All persons now owning lots in said cemetery, or who shall hereafter become proprietors of lots therein, shall be and become members of said corporation.

Officers of the corporation.

SECTION 4. The officers of said corporation shall consist of seven trustees, a treasurer and a secretary, and such other officers as they may direct. The same person may hold the offices of secretary and treasurer. The secretary shall be clerk of the board of trustees. The five persons now commissioners of Forest Hills Cemetery under the provisions of an act passed in the year one thousand eight hundred and forty-eight, entitled "An Act relating to a public cemetery in the city of Roxbury," and the acts in addition thereto, shall respectively be and remain trustees under this act until three years after the expiration of their respective terms of service under the aforesaid acts; and at the first annual meeting of said corporation, two additional trustees of said corporation shall be chosen, one of whom shall hold his office for one year from the time of his election, and the other shall hold his office for two years from the time of his election. All vacancies in said board of trustees shall be filled by elections by ballot. At the annual meeting in the year eighteen hundred and sixty-nine, one trustee shall be chosen, who shall hold his office for the term of seven years. And at every annual meeting thereafter one trustee shall be chosen, to hold his office for the term of seven years after his election. And the said trustees shall have the general management, care and superintendence of the property, expenditures, business and prudential affairs of said corporation, and of the sales of lots in said cemetery, and shall make a report of their doings to the corporation at its annual meeting. The treasurer shall give such bonds as the trustees may direct.

Commissioners under Act of 1848 to be the trustees.

Trustees, how elected and vacancies filled.

Duties of trustees.

Vacancies, how filled.

In case of a vacancy in said board of trustees by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another trustee, who shall hold his office for the residue of the term for which such member, so deceased, resigned or removed, would have held the same. And such election may be made at any annual or special meeting of said corporation. Said trustees shall not receive any compensation for their services as such trustees.

No compensation for services.

Boston to convey all right in the property to this corporation.

SECTION 5. The city of Boston is hereby authorized and required to transfer and convey immediately after the organization of this corporation to said corporation, all the right, title and interest in the lands which have been purchased for the said cemetery, and in and to all other estate, property, and things purchased or otherwise obtained and acquired for

said cemetery, which said city acquired under and by virtue of the provisions of an act entitled "An Act uniting the cities of Boston and Roxbury," passed in the year eighteen hundred and sixty-seven, and any moneys standing to the credit of said cemetery upon the books of the treasurer of the city of Roxbury, at the time when the act of annexation above mentioned took effect, and all other interests, moneys and rights relating to said cemetery, which said city acquired under said act. And said corporation shall hold the said property and estate for the same uses and purposes, and charged with the same duties and liabilities, for and subject to which the same were formerly held by the city of Roxbury, and are now held by the city of Boston, and all rights which any persons have acquired in said cemetery shall remain to the same extent as if this act had not been passed.

Property to be held for same uses as formerly held by Roxbury.

SECTION 6. The annual meetings of said corporation shall be held on the fourth Monday of March in each year, at such place in the city of Boston as the trustees shall direct, and notices thereof, signed by the secretary, shall be published in two or more of the newspapers printed in Boston, at least seven days before the meeting; special meetings may be called by order of the trustees in the same manner. At all meetings of said corporation a quorum for business shall consist of not less than fifteen persons, and any business may be transacted, of which notice shall be given in the advertisements for the meeting, and all questions shall be decided by a majority of the members present and represented, and voting either in person or by proxy.

Annual meetings fourth Monday of March, in Boston.

Special meetings.

Quorum.

SECTION 7. As soon as said city of Boston shall have made the conveyance and transfer of said property as aforesaid, said corporation shall succeed to all the rights, powers and privileges, and be subject to all the duties, obligations and liabilities in respect to the same, which said city of Boston had or was liable to before such conveyance, and the trustees herein provided for shall have all the rights, powers, authorities, trusts, immunities and privileges which the said commissioners under the said act, entitled "An Act relating to a public cemetery in the city of Roxbury," and the acts in addition thereto had, and after such conveyance the last-named commissioners shall cease to have any power or authority under the said act, but shall have and hold their power and authority under this act. And said trustees shall have the authority to grant and convey to any person or persons by deeds duly executed the sole and exclusive rights of burial and of erecting tombs, cenotaphs and other monuments in any of the designated lots or subdivisions of said

Corporation to succeed to all powers and duties as soon as property is conveyed by Boston.

Trustees may convey exclusive rights of burial and of erecting tombs.

cemetery, upon such terms and conditions as they by their rules and regulations shall from time to time prescribe ; and said trustees may from time to time make such rules and regulations in regard to the mode and manner in which the proprietors shall exercise the rights granted to them in their respective lots or subdivisions of land in said cemetery as to them shall seem fit, the same not being inconsistent with this act or the laws of this Commonwealth, and such rules and regulations shall be binding upon all proprietors in the same.

May prescribe rules how proprietors may exercise their rights.

Purposes for which grants or bequests of property in trust may be applied.

SECTION 8. Said board of trustees are hereby authorized to take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof for the improvement or embellishment of said cemetery, or for the creation, repair, preservation or renewal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner or form, consistent with the purposes for which said cemetery is established, according to the terms of such grant, donation or bequest ; and whenever any such grant, donation or bequest, or any deposit of any money shall be made by the proprietor of any lot in said cemetery, for the annual repair, preservation or embellishment of such lot and the erections thereon, the said trustees may give to such proprietor or his representative, an agreement or obligation in such form and upon such conditions as they may establish, binding themselves and their successors to preserve and keep in repair said lot forever, or for any such period as may be agreed on. And any sums of money so received by said trustees shall be by them invested in United States stocks, or the bonds of any of the New England states, or bonds of cities or towns in the New England states, or mortgages of real estate ; and all such property received under the provisions of this act, (unless other provision is made by the terms of any such grant, donation or bequest,) shall be under the direction of said board of trustees, and the income of such fund or funds shall be appropriated by said board of trustees, in such manner as shall, in their opinion, best promote the purposes for which said grants, donations, bequests or deposits are made ; but said board of trustees shall not be liable to make any renewal or reconstruction of any monument or other erection on any lot in said cemetery, unless such liability shall be expressed in the agreement given by them as aforesaid, or in the terms and conditions under which they accept any grant, donation or bequest.

How to be invested.

SECTION 9. All personal property now belonging to the said cemetery, and the proceeds of all sales of lots in lands now held, or hereafter to be acquired by said cemetery, shall be forever devoted and applied to the preservation, improvement, embellishment, protection and enlargement of said cemetery, and the incidental expenses thereof, and to no other purpose.

Personal property and proceeds of sales of lots, how to be used.

SECTION 10. This act shall take effect upon its passage so far as to authorize the commissioners to call the meeting hereafter mentioned, and for the proprietors to act upon the acceptance of the same; and it shall take full effect whenever the proprietors of lots in said cemetery shall, within sixty days after the passage of this act, accept the same at a meeting of such proprietors to be held at such time and place as shall be designated by the commissioners of Forest Hills Cemetery, who shall be in office at the time of the passage of this act. Said meeting shall be called by the said commissioners, to be held at some suitable place within the city of Boston, by publishing notices of the time, place and purpose thereof, two successive weeks in at least three newspapers published in said city, the last of which publications shall be at least seven days before said meeting.

When and how Act takes effect.

SECTION 11. If this act shall be accepted at the meeting of said proprietors mentioned in the preceding section, by the votes of the majority of said proprietors, present or represented at said meeting, voting in person or by proxy, the meeting for the organization of said corporation, and the annual meeting of said corporation for the present year, shall be held at the same place, and on the same day, with the said meeting mentioned in the preceding section, and immediately after the acceptance of this act, and such notice of the said meeting for organizing said corporation, and of said annual meeting, shall be given by said commissioners as they shall deem expedient; and the trustees elected at such annual meeting shall hold their offices, one for one year, and one for two years, from the fourth Monday of March of the present year.

If Act is accepted, the first annual meeting shall be held at the same place, immediately after corporation is organized.

Notice of meeting for organization and of annual meeting.

Terms of office of trustees.

Approved March 12, 1868.

AN ACT TO CONFIRM THE SALE OF THE ROCKPORT RAILROAD TO THE EASTERN RAILROAD COMPANY.

Chap. 58.

Be it enacted, &c., as follows:

SECTION 1. The sale of the Rockport Railroad, with its franchise and property, in pursuance of the fifth section of the thirty-second chapter of the acts of the year eighteen hundred and sixty, to the Eastern Railroad Company, is hereby ratified and confirmed; and the said Eastern Rail-

Sale confirmed.

Increase of capital authorized. road Company is hereby authorized to increase its capital stock beyond the amount heretofore authorized, by an amount equal to the capital stock which said Rockport Railroad Company was authorized to issue by the third section of the aforesaid act.

Shares. SECTION 2. Said stock shall be issued in shares of one hundred dollars each, and at not less than the par value thereof.

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

Approved March 12, 1868.

Chap. 59. AN ACT MAKING APPROPRIATIONS FROM THE MOIETY OF THE INCOME OF THE SCHOOL FUND APPLICABLE TO EDUCATIONAL PURPOSES.

Be it enacted, &c., as follows:

Appropriation from the school fund.

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-eight, to wit:

Normal schools.

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

Teachers' institutes.
Pupils in normal schools.

For teachers' institutes, the sum of three thousand dollars.

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

State scholarships.

For the support of state scholarships, a sum not exceeding five hundred dollars.

School building at Framingham.

For an addition to the normal school building at Framingham and furnishing the rooms therein, a sum not exceeding two thousand five hundred dollars.

Natural history cabinet at Westfield.

For additional cases in the cabinet of natural history, in the normal school building at Westfield, the sum of two hundred and fifty dollars; said sum, and the sums above named, to be expended under the direction of the board of education.

Incidental expenses, board of education.

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 five hundred dollars.

Expenses of board of education.

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

Mass. teachers' association.

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 towns and cities in the Commonwealth, during the year eighteen hundred and sixty-

eight, and furnish satisfactory evidence thereof to the auditor.

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. American institute of instruction.

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

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

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

Approved March 14, 1868.

AN ACT TO INCORPORATE THE OAK BLUFFS LAND AND WHARF COMPANY. Chap. 60.

Be it enacted, &c., as follows :

SECTION 1. Ira Darrow and Shubael L. Norton, their associates and successors, are hereby made a corporation by the name of the Oak Bluffs Land and Wharf Company, for the purpose of holding, improving and disposing of land and a wharf situated in the town of Edgartown, now held by the said Darrow and Norton, as trustees; and said corporation may purchase, hold, improve and dispose of such other lands adjacent to the lands aforesaid as may by said company be deemed advisable: *provided, however,* that said company shall not hold more than three hundred acres of land; 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. Corporators. Name. Proviso. Powers and duties.

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; and no share in said capital stock shall be issued for a less sum or amount to be paid in on each, than the par value of the shares first issued. Capital stock. Shares.

Approved March 14, 1868.

AN ACT TO CHANGE THE NAME OF THE SAVINGS INSTITUTION IN THE TOWN OF CAMBRIDGE. Chap. 61.

Be it enacted, &c., as follows :

SECTION 1. The Savings Institution in the town of Cambridge, organized under an act approved the second day of April, in the year one thousand eight hundred and thirty-four, shall be called and known as the Cambridge Savings Bank. Name changed to Cambridge Savings Bank.

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

Approved March 14, 1868.

Chap. 62. AN ACT TO INCORPORATE THE WEBSTER FIVE CENTS SAVINGS BANK
IN THE TOWN OF WEBSTER.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. R. O. Storrs, William S. Slater, F. D. Brown, their associates and successors, are hereby made a corporation by the name of the Webster Five Cents Savings Bank, to be established in the town of Webster, and located in the Depot Village; 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 general laws which now are or may hereafter be in force relating to institutions for savings.

Name.

Powers and duties.

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

Approved March 16, 1868.

Chap. 63. AN ACT TO INCORPORATE THE SPRINGFIELD STREET RAILWAY
COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. G. M. Atwater, C. L. Covell, Ethan S. Chapin, their associates and successors, are hereby made a corporation by the name of the Springfield Street Railway Company, with power to construct, maintain and use a street railway from some convenient point or points on Main Street, in the northerly part of the city of Springfield, to some convenient point or points in the southerly part of said city; and also with power to construct, maintain and use a street railway from some convenient point or points in the city of Springfield to some convenient point or points in the town of Chicopee; and also with power to construct, maintain and use a street railway from some convenient point or points in the city of Springfield to some convenient point or points in the town of Longmeadow; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, except as hereinafter provided, set forth in all general laws which are now or may hereafter be in force relating to street railroads.

Street railway in Springfield, Chicopee and Longmeadow.

Repairs of streets and bridges in Springfield.

SECTION 2. Said corporation shall maintain and keep in repair such portion of the streets, roads and bridges as are occupied by the track, and three feet on each side thereof, not including any portion of any sidewalk, to the satisfaction of the superintendent of streets of said Springfield.

Rails used to be approved by aldermen of Springfield.

SECTION 3. Said corporation shall use, in the construction and maintenance of said road, such rail or rails as the board of aldermen of said city may prescribe; and this act shall be void unless the same shall be accepted by the city council of the city of Springfield within six months, and

Act void, unless, &c.

unless at least one mile of said road is located, built and put in operation within two years from the passage of this act.

SECTION 4. At any time within five years after the completion of said road, the said city of Springfield may purchase said road and all its property and franchise by paying to the then holders of the stock the amounts which have actually been paid in on such stock, with ten per cent., annual interest, deducting therefrom all dividends made and net profits undivided.

Springfield may purchase road upon certain conditions.

SECTION 5. The capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock and shares.

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

Approved March 16, 1868.

AN ACT TO INCORPORATE THE NEW ENGLAND AGRICULTURAL SOCIETY.

Chap. 64.

Be it enacted, &c., as follows:

SECTION 1. George B. Loring, Daniel Needham, Solomon H. Howe, their associates and successors, are hereby made a corporation by the name of the New England Agricultural Society, and established in the city of Boston, for the encouragement of agriculture, horticulture and the mechanic arts 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.

Corporators.

Powers and duties.

SECTION 2. Said corporation shall never be entitled or allowed to receive any bounty from the treasury of the Commonwealth.

No bounty from the State.

SECTION 3. Said corporation may hold real and personal property to the amount of one hundred thousand dollars, to be devoted exclusively to the purposes of said corporation.

Real and personal property.

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

Approved March 16, 1868.

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

Chap. 65.

Be it enacted, &c., as follows:

SECTION 1. The South Boston 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 building, to be used for banking purposes, or in the purchase of a site and the erection of a suitable building for the same purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

May invest \$25,000 in a banking house.

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

Approved March 16, 1868.

Chap. 66. AN ACT CONFIRMING THE PROCEEDINGS OF THE CAPE COD CENTRAL RAILROAD COMPANY, IN MORTGAGING THEIR RAILROAD AND PROPERTY.

Be it enacted, &c., as follows :

Mortgage to trustees of bondholders ratified and confirmed.

The proceedings of the Cape Cod Central Railroad Company, whereby they conveyed, on the eleventh day of January, in the year one thousand eight hundred and sixty-six, their railroad and property in mortgage to Joseph Nickerson and Nathan F. Sears, trustees of the bondholders in said mortgage mentioned, to secure the holders of said bonds the payment of the same, are hereby ratified and confirmed.

Approved March 16, 1868.

Chap. 67. AN ACT TO AUTHORIZE THE SCHOOL COMMITTEES OF ADAMS AND WILLIAMSTOWN TO ESTABLISH A UNION GRADED SCHOOL IN THE VILLAGE OF BLACKINTON.

Be it enacted, &c., as follows :

School authorized.

SECTION 1. The school committees of the towns of Adams and Williamstown are hereby authorized and empowered to establish a union graded school for the accommodation of such portions of the two towns as are comprised in the village of Blackinton and its immediate vicinity, and to define the limits of the districts of territory from which pupils may attend said school.

School-house to be built.

SECTION 2. The school committees shall procure a suitable lot of land in said village, and erect thereon and furnish a suitable school-house, with the needful fences and out-buildings; and in case the lot of land selected by the committees cannot be obtained by purchase, then they may take possession thereof in the same manner that the selectmen of towns are authorized to do by the thirty-eighth and thirty-ninth sections of the thirty-eighth chapter of the General Statutes. The cost of the land and buildings, with the appurtenances of the same, and all repairs and renewals thereof, shall be borne jointly by said towns; in proportion to their respective polls and estates within the district defined, as above provided; and said towns shall be joint owners of the school property in the proportion of their respective contributions.

Cost of land and buildings to be borne jointly by the two towns.

How supported and maintained.

SECTION 3. In the support and maintenance of said school, and in all incidental expenses attending the same, except as herein before provided, the proportions to be paid by each town, unless otherwise agreed upon, shall be according to the number of children of each in the district, between the ages of five and fifteen, to be defined as above provided.

School committee, how elected.

SECTION 4. The school committees of the two towns shall elect two of their number—one from each of their

respective boards—and the two so elected, shall form the committee for the management and control of such school, when established, with all the powers conferred upon school committees.

SECTION 5. This act shall take effect whenever each of the above named towns shall, at a legal meeting called for the purpose, assent to the same. When to take effect.

Approved March 16, 1868.

AN ACT RELATING TO A PUBLIC CEMETERY IN THE TOWN OF DORCHESTER. Chap. 68.

Be it enacted, &c., as follows:

SECTION 1. The town of Dorchester is hereby authorized to elect by ballot, at a town meeting duly called, a board of five commissioners, who shall have the sole care, superintendence and management of the cemetery situated in said town, between Adams Street and Neponset River, one member of which board shall be elected for the term of five years, one for four years, one for three years, one for two years, and one for one year; said terms to expire with the end of the municipal or official year. Said board may be organized by the choice of a chairman and clerk from their number, and a major part of the board shall be a quorum for the exercise of the powers of said office. In case of a vacancy occurring in the board, by death, non-acceptance, disability, resignation or removal, during any municipal or official year, the remaining members shall notify the board of selectmen of Dorchester, in writing, thereof, and of the time and place appointed for a meeting of the two boards for the purpose of filling such vacancy, at least two weeks before the time appointed for said meeting; and, in pursuance of such notice, said two boards shall proceed to fill such vacancy until the end of the then current or official year, by electing, upon joint ballot, a suitable person thereto; and at each successive annual election of town officers after the year one thousand eight hundred and sixty-eight, said town shall elect by ballot, a suitable person or persons to serve on said board for the remainder of any unexpired term or terms, and for such full term of five years as shall expire before the next annual election.

SECTION 2. Said board of commissioners shall set apart a portion of said cemetery, as a public burial place for the use of the inhabitants of the town of Dorchester, free of charge therefor; and they may lay out said cemetery in suitable lots or other subdivisions, with necessary paths and avenues; may plant, embellish and ornament the same; may inclose and divide the same with proper fences, and

Commissioners of cemetery.

Board, how elected and organized.

Vacancies, how filled.

Portion of cemetery to be set apart for public burial place.

Commissioners may make rules and regulations.

erect such suitable edifices, appendages and conveniences as they shall, from time to time, deem convenient; and may make all such by-laws, rules and regulations in the execution of their trust, not inconsistent with the laws of the Commonwealth, as they may deem expedient.

May convey, by deed, rights of burial and of erecting tombs, &c.

SECTION 3. Said board of commissioners shall have authority to grant and convey to any person, by deed executed in such manner and form as they may prescribe, the sole and exclusive right of burial, and of erecting tombs, cenotaphs and other monuments, upon such terms and conditions as they shall by rules and regulations prescribe.

Proceeds of sales to be used for improvement of cemetery.

SECTION 4. The proceeds of sales of lots or rights of burial in said cemetery shall be paid into the town treasury of Dorchester, be kept separate from its other funds, and be devoted to the improvement and embellishment of the cemetery as aforesaid, subject to the order of the board of commissioners.

Commissioners may hold in trust property for embellishment of cemetery.

SECTION 5. Said commissioners are authorized to take and hold any appropriation, grant, donation or bequest upon trust, to apply the same, or the income thereof, for the improvement or embellishment of said cemetery, or for the erection, repair, preservation or renewal of any monument, fence or other erection therein, or for the care, improvement or embellishment of any lot, or its appurtenances, in any manner or form consistent with the purposes for which said cemetery is established, according to the terms of such appropriation, grant, donation or bequest; and may, by an agreement or obligation, bind themselves and their successors so to apply the same.

Trust funds, &c., how to be invested and appropriated.

SECTION 6. Any sums of money so received by said commissioners, shall be invested by the town treasurer of Dorchester, under the direction of said commissioners, and all the same, and all property so received, shall ever be kept separate from any other moneys or property belonging to said town, and the income of the same shall be received by its treasurer, be subject to the order of said commissioners, and be appropriated by them in such manner as shall, in their opinion, best promote the purposes for which such appropriation, grant, donation or bequest is made; and the town shall be responsible for the good faith of its treasurer and of said commissioners.

Limitation of indebtedness.

SECTION 7. Said commissioners shall not incur debts or liabilities for purposes other than as aforesaid, nor to an amount exceeding the amount of the funds subject to their order as aforesaid; and they shall annually, in the month of February, make and render a report in writing of all their acts and doings, of the condition of said cemetery, an

Commissioners to make annual report.

account of their receipts and expenditures for the same, and of the funds subject to their order.

SECTION 8. The lands purchased and set apart, and the lands which may be hereafter purchased and set apart, by the town of Dorchester, for the purpose of said cemetery, shall be exempt from all public taxes so long as the same shall be dedicated for such purpose.

Cemetery lands to be exempt from taxes.

SECTION 9. This act shall be void unless accepted by a vote of said town, at a meeting duly called, within four months from its passage.

Act void unless accepted by town

SECTION 10. This act shall take effect upon its passage.

Approved March 16, 1868.

AN ACT CONCERNING WITNESSES FOR THE COMMONWEALTH IN CRIMINAL CASES.

Chap. 69.

Be it enacted, &c., as follows :

Any justice of any court of record may, at any time, during a term of such court or in vacation, order a witness for the Commonwealth in any criminal case pending in such court, to recognize, either with or without sureties, to appear and testify at the next or any succeeding term of said court, and may issue a warrant to bring such witness before him to recognize as aforesaid.

Witness may be ordered to recognize to appear and testify.

Warrant.

Approved March 16, 1868.

AN ACT REPEALING AN ACT, ENTITLED "AN ACT CONCERNING THE CHALLENGING OF JURORS."

Chap. 70.

Be it enacted, &c., as follows :

SECTION 1. Chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-seven is hereby repealed.

Chap. 254, 1867, repealed.

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

Approved March 16, 1868.

AN ACT IN ADDITION TO AN ACT TO REGULATE THE INVESTMENTS AND SECURITIES OF THE COMMONWEALTH.

Chap. 71.

Be it enacted, &c., as follows :

SECTION 1. The treasurer and receiver-general, with the approval of the governor and council, instead of selling any of the stocks or securities belonging to funds over which the Commonwealth has exclusive control, to meet maturing liabilities, may transfer the same to any other of such funds, upon such terms and conditions as the governor and council may approve.

Securities belonging to funds which the State controls may be transferred.

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

Approved March 19, 1868.

Chap. 72. AN ACT IN ADDITION TO AN "ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER."

Be it enacted, &c., as follows :

City may issue \$500,000 additional scrip or bonds, to be called "City of Salem Water Loan."

SECTION 1. In addition to the amount of scrip, bonds and certificates of debt authorized to be issued by the twelfth section of the act entitled "An Act for supplying the City of Salem with Pure Water," passed on the thirteenth day of May, in the year one thousand eight hundred and sixty-four, being chapter two hundred and sixty-eight of the acts of that year, the city council of the city of Salem are hereby authorized to issue, from time to time, scrip, bonds or certificates of debt to be denominated "City of Salem Water Loan," to an amount not exceeding in the whole of such addition, five hundred thousand dollars, for the purposes mentioned in said section; the same to bear interest, payable semi-annually, at a rate not exceeding six per cent. per annum, and the principal to be payable at periods not more than fifty years from the time of issuing said scrip, bonds or certificates of debt, respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid.

Rate of interest.

Commissioners to be appointed.

SECTION 2. Three commissioners shall be appointed by said city council, by joint ballot of both branches thereof, whose term of office shall commence at the expiration of the term of office of the present commissioners, and who shall have the same powers, and be under the same restrictions, as are specified in the seventh section of said act. They shall hold office for the term of two years next after their appointment, unless the water works provided for by said act are sooner completed; and in case of a vacancy in said board of commissioners, by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, who shall hold his office for the residue of said term, with the powers and under the restrictions aforesaid.

Term of office.

Vacancies, how filled.

Salaries.

SECTION 3. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation to be paid them for their services, which shall not be reduced during their continuance, respectively, in said office.

Upon expiration of office, city to exercise powers and appoint agents.

SECTION 4. Whenever the office of said commissioners shall cease, either by the expiration of said term of two years from the original appointment, or by the completion of the works aforesaid, all the rights, powers and authority given to the city of Salem by the said act of the year one thousand eight hundred and sixty-four, shall be exercised by said city,

subject to all duties, liabilities and restrictions therein contained, in such manner and by such agents, officers and servants as the city council shall, from time to time ordain, appoint and direct.

SECTION 5. Section nine of said act is hereby repealed. Repeal.

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

Approved March 19, 1868.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE PROPRIETORS
OF THE TREMONT MILLS.

Chap. 73.

Be it enacted, &c., as follows :

SECTION 1. The proprietors of the Tremont Mills are hereby authorized to increase their capital stock by adding thereto six hundred shares.

Increase of capital authorized.

SECTION 2. Before any sale of the new shares authorized to be issued by this act, the directors of said corporation shall give notice in writing of such authorized increase to the stockholders, and within thirty days after such notice, the stockholders may take, at four hundred and fifty dollars per share, 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 them at not less than four hundred and fifty dollars per share.

How new shares may be disposed of.

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

Approved March 19, 1868.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE SUFFOLK MANUFACTURING COMPANY.

Chap. 74.

Be it enacted, &c., as follows :

SECTION 1. The Suffolk Manufacturing Company is hereby authorized to increase its capital stock by adding thereto six hundred shares.

Increase of capital authorized.

SECTION 2. Before any sale of the new shares authorized to be issued by this act, the directors of said corporation shall give notice in writing of such authorized increase to the stockholders, and within thirty days after such notice, the stockholders may take, at four hundred and fifty dollars per share, 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 them at not less than four hundred and fifty dollars per share.

How new shares may be disposed of.

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

Approved March 19, 1868.

Chap. 75. AN ACT CONCERNING THE LAYING OUT, ALTERING, WIDENING AND IMPROVING THE STREETS OF THE SEVERAL CITIES.

Be it enacted, &c., as follows :

Provisions of chapter 17¹/₂, Acts of 1866, concerning laying out and altering streets in Boston extended to other cities.

Proviso.

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 any and all the cities of the Commonwealth: *provided*, that in any city, where the power to lay out and alter the streets in such city is vested in any other board or persons than the board of aldermen, such board or persons shall have the same power and authority as the board of aldermen of the city of Boston.

When to take effect.

SECTION 2. This act shall take effect in any city whenever the same is accepted by the city council of such city by a two-thirds vote of each branch thereof.

Approved March 20, 1868.

Chap. 76. AN ACT TO CHANGE THE NAME OF THE MASSACHUSETTS POWDER WORKS.

Be it enacted, &c., as follows :

American Powder Company.

SECTION 1. The Massachusetts Powder Works shall hereafter be known as the American Powder Company.

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

Approved March 20, 1868.

Chap. 77. AN ACT TO INCORPORATE THE WORCESTER SAFE DEPOSIT COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Calvin Foster, George Crompton, William Cross, their associates and successors, are hereby made a corporation by the name of the Worcester 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, at the written request of the depositor, 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 becomes 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 general laws which now are or hereafter may be in force relating to such corporations.

Name.

Purpose.

Provisions of G. S. 57, §§ 73-77 to apply.

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.

G. S. 58, §§ 13-29
to apply.

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.

When company
to go into oper-
ation.

SECTION 5. Said corporation shall be entitled to purchase and hold, for its own use, real estate not exceeding in value one hundred thousand dollars.

Real estate,
\$100,000.

SECTION 6. Said corporation shall give to every depositor at the time of his first deposit, a certificate setting forth in clear and unambiguous terms, what obligation said corporation assumes.

Certificate show-
ing obligation to
be given to de-
positor.

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

Approved March 20, 1868.

AN ACT TO AUTHORIZE THE TOWN OF HADLEY TO TAKE STOCK IN THE NORTHAMPTON, HADLEY AND AMHERST STREET RAILWAY COMPANY.

Chap. 78.

Be it enacted, &c., as follows:

SECTION 1. The town of Hadley is hereby authorized to subscribe for and hold shares in the capital stock of the Northampton, Hadley and Amherst Street Railway Company, to an amount not exceeding six thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

Hadley may take
stock in street
railway company
not exceeding
\$6,000.

May raise money to pay subscriptions and interest.

SECTION 2. The said town of Hadley is hereby authorized to raise, by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments, or its subscriptions to said stock, and interest thereon.

May appoint committee to take stock and vote for directors.

SECTION 3. The said town of Hadley may appoint a committee, who shall subscribe, in behalf of the town, for such number of shares in the capital stock of said company, as shall be voted by said town; and said committee are hereby authorized to cast the vote of said town in the choice of directors of said road, at the first meeting of the stockholders thereof, called for that purpose; and thereafter the vote of said town in the choice of directors of said road, shall be cast by the person or persons whom said town may appoint.

When and how to take effect.

SECTION 4. The authority granted in the first section of this act shall not vest in said town, unless at a legal town meeting called for that purpose, three-fourths of the voters present and voting thereon, shall vote to make such subscription; and the said vote shall be expressed by a written or printed ballot of yea or nay, and the check list shall be used as in the election of town officers.

Approved March 20, 1868.

Chap. 79. AN ACT TO ANNEX A PART OF THE TOWN OF BOLTON TO THE TOWN OF HUDSON.

Be it enacted, &c., as follows:

Boundary line changed between Bolton and Hudson.

SECTION 1. The boundary line between the town of Bolton in the county of Worcester, and the town of Hudson in the county of Middlesex, is hereby altered and established as follows, to wit:—Beginning at a stone monument on the present boundary line between the counties of Worcester and Middlesex, at the south-westerly corner of the town of Stow and at the northerly corner of the town of Hudson, thence running south eighty-six degrees west four hundred thirty-eight and twenty-one hundredths rods to a stone monument at an angle; thence south sixty-six and one-half degrees west, three hundred and forty-six rods to the present dividing line between the said town of Bolton and the town of Berlin in the county of Worcester; thence south fifty and one-fourth degrees east four hundred and forty-seven rods along the said dividing line between Bolton and Berlin to the present line of the town of Hudson; and all that portion of land with the inhabitants thereon, easterly and south-easterly of the line hereby established, is hereby set off from said town of Bolton and annexed to and made a part of said town of Hudson in the county of Middlesex; and the line between the aforesaid termini, separating said

counties of Worcester and Middlesex, is hereby altered and established as herein specified: *provided, however*, that the several courts, civil and criminal, in and for said county of Worcester, shall have full authority to hear, determine, render judgment, issue execution, enforce and complete all suits, processes and matters arising on the territory so transferred, pending before any of said courts at the time this act shall take effect, as if this act had not been passed; and all crimes committed on said territory before the passage of this act, in which proceedings have not been commenced at the time of its passage, shall be prosecuted and punished in said county of Worcester, in the same manner as if this act had not been passed.

Proceedings in civil and criminal courts not to be affected.

SECTION 2. The selectmen of said town of Hudson shall procure, at the expense of said town, and cause to be erected at the points where the line, as herein altered and established between said town of Bolton in the county of Worcester and said town of Hudson in the county of Middlesex, crosses the several roads or highways, and also at the angles in said dividing line, good and sufficient stone monuments, lettered as the law provides; and said selectmen shall also cause suitable monuments to be maintained and continued, showing the line between said town of Bolton and said town of Hudson, as they have hitherto existed, and shall cause said line to be perambulated in like manner and with the like penalties for neglect, as now by law is or are provided in respect to the boundary lines of cities and towns, until the next apportionment of senators and representatives in pursuance of the twenty-first and twenty-second articles of amendment of the constitution; such penalties to be recovered against the said town of Hudson.

Hudson to erect stone monuments showing the dividing line between the towns.

SECTION 3. The said territory hereby transferred to said town of Hudson, with the inhabitants thereon, shall, for the purpose of electing senators, continue to be and remain a part of the said town of Bolton; 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 senators, all the rights and privileges of, and in relation to voting in the said town of Bolton, which they would have possessed if this act had not been passed. And the said territory, hereby transferred to said town of Hudson, with the inhabitants thereon, shall also remain part of said town of Bolton for the purpose of electing the representatives to the general court to which the district of which said town of Bolton forms a part is entitled, and for the purpose of electing state and county

For election of senators and representatives to remain part of Bolton.

County, State and U. S. officers.

officers, representative to congress and electors of president and vice-president of the United States, as said town of Bolton shall vote for the 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 Hudson shall make a true list of all persons within the limits of that part of Bolton, hereby annexed to said town of Hudson, qualified to vote at any such election, and shall post up the same in said town of Hudson, and shall correct the same as required by law, and keep said list so posted up in said town of Hudson 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 selectmen of said town of Bolton seven days at least before such election. And the selectmen of the said town of Bolton 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 town, and shall use said list at said elections with the general list of the voters of said town.

Selectmen of Hudson to make and post list of voters, and deliver copy to Bolton.

Selectmen of Bolton to revise list.

Inhabitants annexed to Hudson to be held for taxes due.

Apportionment of State and county taxes.

SECTION 4. The inhabitants of said territory, hereby annexed to said town of Hudson, shall be holden to pay all arrears of taxes which have been legally assessed upon them by said town of Bolton, and all taxes, heretofore assessed and not collected, shall be collected and paid to the treasurer of the town of Bolton, in the same manner as if this act had not been passed. The said town of Hudson shall pay to said town of Bolton, annually, in the month of November, one-fourth part of all state and county taxes that may be assessed in said year upon said town of Bolton previous to the next state valuation, and if the same are not paid in the said month of November in any year, the said town of Bolton may maintain an action therefor against the said town of Hudson.

Support of paupers.

SECTION 5. Said town of Hudson shall be liable for the support of all persons who now do, or shall hereafter stand in need of relief, as paupers, whose settlement was gained by, or derived from, a settlement gained or derived within the limits of that part of said town of Bolton hereby annexed to said town of Hudson; and the said town of Hudson shall also pay to the said town of Bolton, from time to time, as the expenses may be incurred by the said town of Bolton, one-fourth part of all moneys, expended by the said town of Bolton for the support or relief of any pauper or paupers who have gained a settlement in the said town of Bolton under and by virtue of the provisions of chapter two hundred and thirty of the acts of the year one thousand

eight hundred and sixty-five, and all acts now passed or that may hereafter be passed in addition or supplementary thereto: and if the said town of Hudson shall, upon the demand of the said town of Bolton therefor, refuse or for the space of ten days neglect to pay the same, the said town of Bolton may maintain an action therefor against the said town of Hudson.

SECTION 6. The said town of Hudson shall pay to the said town of Bolton, within three months from the passage of this act, the sum of ten thousand dollars, with interest thereon, from the twentieth day of February, in the year eighteen hundred and sixty-eight.

Hudson to pay Bolton \$10,000.

SECTION 7. The said town of Bolton shall convey to the said town of Hudson, upon request of said town, by a good and sufficient deed, the lot of land with the school-house thereon, belonging to said town of Bolton, and the appurtenances thereto belonging, situated within the annexed territory; and the said town of Hudson shall receive no other part of the corporate property, and shall not be liable to pay any part of the debt of the said town of Bolton.

Bolton to convey school-house to Hudson.

Hudson not liable for town debt.

SECTION 8. The said town of Hudson may assess upon its inhabitants, from time to time, such sums of money as the said town shall pay to the said town of Bolton, under the provisions of this act.

Hudson may assess inhabitants to pay Bolton.

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

Approved March 20, 1868.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF HAMPDEN TO CONSTRUCT TWO DIKES IN THE TOWN OF WEST SPRINGFIELD.

Chap. 80.

Be it enacted, &c., as follows:

SECTION 1. The county commissioners for the county of Hampden, are hereby authorized and directed to locate and cause to be constructed, in the town of West Springfield, two dikes, to wit: one on the south side of the highway between the toll-bridge and the Agawam bridge, and the other on or near the bank of the Connecticut River, between the bridge of the Boston and Albany Railroad Company and the common, for the purpose of protecting highways and private property from damage in times of freshet.

Hampden County commissioners to construct dikes in West Springfield.

SECTION 2. Before proceeding to locate the dikes, the commissioners shall cause to be published, for two successive weeks, in the newspaper having the largest circulation in the county of Hampden, a notice of the time and place at which they will meet to fix and determine the location of the dikes, and hear all parties interested in relation to the same. A description of the location of the dikes shall be recorded in

To give public notice and hear all parties interested.

Description of location to be recorded.

the office of the town clerk of West Springfield, within twenty days after such determination.

Lands on which dikes are located may be entered upon.

SECTION 3. Any person or persons employed by the commissioners, or acting under any contract with the commissioners, to construct the dikes, shall have authority to enter upon the lands on which the dikes may be located, and such adjoining lands as may be required, for the purpose of constructing the same, pursuant to the order of the commissioners.

Commissioners to apportion expense between town and the lands benefited; also, to award damages.

SECTION 4. After the completion of the dikes, the commissioners shall determine the extent of territory benefited thereby, and what portion of the expense thereof shall be borne by the town, and what portion by the owners of the lands so benefited, and the amount of damages caused by the construction of the dikes to each of such owners, and shall cause a notice of such determination, to be published in the newspaper having the largest circulation in the county, and shall also deposit a list of such owners, with the amount of damages awarded to each, in the office of the said town clerk, and also give notice thereof in said newspaper.

To give public notice of awards.

Persons or corporations aggrieved may apply for a jury.

SECTION 5. Within two months after the first publication of the notice of the determination of the commissioners, mentioned in the last preceding section, or after the list has been deposited in the clerk's office, the town, or any person or corporation aggrieved by such determination, may apply for a jury in like manner, and the proceedings thereupon shall be the same, as in the case of a jury called to act upon laying out or discontinuing highways: *provided*, that the application shall contain specifications of the objections of the party applying for a jury to the determination of the commissioners, to which specifications such party shall be confined upon the hearing before the jury. If, upon the hearing, the objections to the determination are not sustained, the costs arising upon the application shall be paid by the applicant, otherwise by the proprietors of the lands benefited, and the town, in the proportions required of them respectively for the construction of the dikes, and the commissioners may, if they deem it expedient, determine anew the division of the expense and the territory benefited by the dikes. Any person or corporation neglecting to apply for a jury in the manner herein provided, shall be concluded by the determination of the commissioners, and shall not be entitled to recover in an action at law or otherwise, any assessment, or any part thereof, which he may pay, or which may be collected of him under the provisions of this act.

Application to specify objections to determination of commissioners

Costs.

Determination of commissioners final, unless jury is applied for within two months of notice.

SECTION 6. After two months from the final determination of the commissioners, as to the division of the expense and the extent of territory benefited by the dikes, that portion of the expense of constructing the dikes, which shall be borne by the owners of lands in the district benefited thereby, shall be equitably and ratably assessed by three assessors, to be appointed by the commissioners, and the assessments so made shall be collected by the collector of the town. In making the assessments, the damages awarded to any owner of land, shall be deducted from the amount to be assessed upon the land of such owner; and if the damages shall exceed the benefits which the land of any owner shall derive from the dikes, the excess certified by the commissioners shall be paid to such owner by the town treasurer. Such assessment shall constitute a lien upon the real estate assessed, in the same manner as taxes are a lien upon real estate, and shall be collected in the manner provided by chapter twelve of the General Statutes for the collection of taxes. Any person aggrieved by the amount assessed to him, shall be entitled to the remedies provided in sections forty-three, forty-four and forty-five of chapter eleven of the General Statutes.

How expense to be borne by owners of lands benefited is to be assessed and collected.

Assessments to be lien upon real estate.

Person aggrieved may apply for abatement.

SECTION 7. The assessments, when collected, shall be paid to the treasurer of the town, and after such payment and the construction of the dikes have been approved by the commissioners, the town shall be liable for all expenses lawfully incurred for such construction, and any person or persons to whom money may be due for labor or materials furnished upon any contracts with the commissioners, or by their order, may recover the same of the town in an action of contract.

Assessments to be paid to town treasurer.

Town liable for expenses of construction.

SECTION 8. When any lands to be assessed under the provisions of this act shall be held by a tenant for life or years, the assessors shall determine how much damages shall be allowed, and how much shall be assessed to the tenant, and how much to the landlord or reversioner, and shall allow and assess the same accordingly.

How made, when lands are held by tenant.

SECTION 9. The dikes constructed under this act shall be held to be the property of the town, and by the town shall be maintained and repaired, and the town shall pay such part of the expense of rebuilding, maintaining and repairing the same, as required by the commissioners upon the original construction thereof, and the balance of the expense shall be assessed by the assessors of the town upon the owners of lands in the district determined by the commissioners to be benefited as herein provided, and the assessments shall

Dikes to be property of town and maintained by it.

Cost of repairs; how assessed.

be collected in the same manner, and persons aggrieved shall be entitled to the same remedies as are herein provided in case of the first assessment.

SECTION 10. This act shall take effect upon its passage.

Approved March 20, 1868.

Chap. 81. AN ACT TO INCORPORATE THE MASSACHUSETTS SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

Be it enacted, &c., as follows :

Corporators. SECTION 1. William Gray, Samuel G. Howe, George T. Angell, their associates and successors, are hereby made a corporation by the name of the Massachusetts Society for the Prevention of Cruelty to Animals ; 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, with authority to hold real and personal estate for the purposes of the corporation, not exceeding in amount one hundred thousand dollars.

Name.

Powers and duties.

Real and personal estate.

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

Approved March 23, 1868.

Chap 2. AN ACT TO INCORPORATE THE CHELSEA BEACH AND SAUGUS BRIDGE AND TURNPIKE COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Amos Tarleton, John F. Wiggin, Charles Fenno, Lewis B. West, their associates and successors, are hereby made a corporation by the name of the Chelsea Beach and Saugus Bridge and Turnpike 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 may hereafter be in force relative to such corporations.

Powers and duties.

May construct turnpike from Ocean House in North Chelsea to Salem turnpike. SECTION 2. The said corporation is hereby authorized and empowered to construct a turnpike from the road near the Ocean House in North Chelsea to the Salem turnpike, at a point opposite the junction of the Saugus road with the Salem turnpike in Saugus ; and in the line of the turnpike so to be constructed, to erect a bridge over Pines River between the towns of North Chelsea and Saugus, and also a bridge over Bear Creek in Saugus ; and to purchase and hold such real and personal estate as may be proper for that purpose, not exceeding in value the sum of twenty-five thousand dollars ; and the capital stock of said company shall be divided into shares of one hundred dollars each. Said bridges shall be well built, of suitable materials, at least twenty-four feet wide, and floored with planks, with sufficient

Real and personal estate.

Bridges.

railings on each side, and shall be kept in good repair at all times. Such turnpike shall be well constructed, so as to be safe and suitable for travel, and at least thirty-two feet wide.

SECTION 3. Such corporation shall erect a toll-gate at the North Chelsea end of the bridge over Pines River, and at no other place. A toll is hereby granted to said corporation at the following rates, namely: for each horse and rider, five cents; for each gig, sulky, buggy, wagon or sleigh, without top, drawn by one horse; for each chaise, cab, carryall, covered buggy or sleigh, drawn by one horse, ten cents; for each coach, chariot, phaeton or covered sleigh, drawn by two horses, fifteen cents; and for each additional horse, five cents; for each cart, wagon, sled, sleigh or other carriage of burden, drawn by one beast, ten cents: if drawn by two beasts, fifteen cents, and for each additional beast, five cents; for each horse without a rider, four cents; for neat cattle, asses and mules, three cents each; for sheep and swine, one cent each.

SECTION 4. The said tolls shall commence on the day of the opening of said turnpike for public use, and continue until revoked by the legislature; and at the place of receiving said tolls there shall be constantly exposed to view a sign-board, with the said rates of toll fairly and legibly printed thereon. The rates of toll may be commuted with any person.

SECTION 5. The assent of the boards of selectmen of the towns of North Chelsea and Saugus shall be given to the location of said turnpike and bridges. If said corporation shall neglect for the space of three years from the passage of this act, to build and finish said turnpike and bridges, then this act shall be of no effect.

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

Approved, March 23, 1868.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ESTABLISH A FIRE DEPARTMENT IN THE TOWN OF LOWELL.

Chap. 83.

Be it enacted, &c., as follows:

SECTION 1. The chief engineer and the assistant engineers of the fire department in the city of Lowell may be removed at any time by the mayor and aldermen.

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

Approved March 23, 1868.

AN ACT CONCERNING THE PROPRIETORS OF THE NEW SOUTH MEETING-HOUSE IN BOSTON, AND THE DISPOSITION OF THEIR ESTATE.

Chap. 84.

Be it enacted, &c., as follows:

SECTION 1. The prudential committee of "the Proprietors of the New South Meeting-House in Boston" may sell at private sale or public auction, and convey, without

Width of road.

Toll-gate at N. Chelsea.

Rates of toll.

Tolls to commence when road is opened for public use.

Location to be approved by selectmen of N. Chelsea and Saugus.

Engineers, how removed.

Real estate in Boston may be sold.

responsibility on the part of the purchaser or purchasers for the application of the purchase money, the real estate of said corporation on the corner of Summer and Bedford Streets, in Boston, and may execute and deliver any conveyances necessary to complete said sale; and after paying from the proceeds of said sale all debts of said corporation, and such sums for the pews as may be fixed upon under the provisions of the thirty-ninth and forty-first sections of the thirtieth chapter of the General Statutes, shall pay over the balance and shall transfer any other property held by said corporation to the Benevolent Fraternity of Churches in the City of Boston, to be held in trust and used for the purposes of the public worship of God: *provided*, that they shall be authorized so to do by a vote of the majority of the said proprietors actually present and voting at a legal meeting thereof.

After debts are paid, proceeds to be paid over to the Benevolent Fraternity of Churches in Boston.

Proviso.

Value of pews; how determined.

SECTION 2. In case of disagreement as to the value of any pew, its price may be fixed under the provisions of the forty-first section of the thirtieth chapter of the General Statutes.

Executive committee of Benevolent Fraternity of Churches made a corporation.

SECTION 3. The executive committee of said Benevolent Fraternity of Churches, and their successors, are hereby made a corporation, under the name of the Executive Committee of the Benevolent Fraternity of Churches, and are authorized to take and hold any property and execute any trusts now held by the deacons of the New South Church in Boston, which the supreme judicial court, on petition of said deacons may, by any order or decree, transfer to said executive committee.

Proprietors of New South Meeting House may hold property.

SECTION 4. The Proprietors of the New South Meeting-House in Boston may hereafter take and hold by purchase or otherwise, and occupy for the purposes for which they were incorporated, real estate in any part of the city of Boston, and may continue to enjoy their existing rights, privileges and immunities, except so far as they may have parted with the same, under the provisions of this act.

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

Approved March 23, 1868.

Chap. 85.

AN ACT TO INCORPORATE THE UNION PRINT WORKS OF FALL RIVER.
Be it enacted, &c., as follows:

Corporators.

SECTION 1. S. Angier Chace, Samuel Hathaway, Charles O. Shove, their associates and successors, are hereby made a corporation by the name of the Union Print Works, for the purpose of printing, dyeing and bleaching cotton and woolen goods in the city of Fall River; with all the privileges, and

Name and purpose.

Powers and duties.

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.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate necessary and convenient for its business, to amount not exceeding four hundred thousand dollars, and the whole capital stock shall not exceed one million dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until three hundred thousand dollars of its capital stock has been paid in in cash.

SECTION 3. Any corporation in Fall River manufacturing cotton or woolen goods designed for printing, dyeing or bleaching, may hold, not exceeding twenty-five per cent., of the stock in said print works: *provided*, said corporation shall have so decided by a vote of two-thirds of its stock, represented at any meeting specially called for that purpose.

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

Approved March 26, 1868.

AN ACT CONCERNING THE VINEYARD SOUND RAILROAD COMPANY.

Be it enacted, &c., as follows:

SECTION 1. The time allowed the Vineyard Sound Railroad Company by chapter one hundred and two of the acts of the year eighteen hundred and sixty-seven, for filing the location and for completing the construction of its railroad, is hereby extended two years beyond the time allowed in said act.

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

Approved March 27, 1868.

AN ACT CONCERNING THE FEES OF WITNESSES FOR ATTENDANCE IN THE PROBATE COURTS.

Be it enacted, &c., as follows:

SECTION 1. The fees of witnesses for attendance in the probate courts shall be one dollar and twenty-five cents a day.

SECTION 2. So much of section eight of chapter one hundred and fifty-seven, of the General Statutes, as is inconsistent with this act, is hereby repealed.

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

Approved March 27, 1868.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE CHICOPEE MANUFACTURING COMPANY.

Be it enacted, &c., as follows:

SECTION 1. The Chicopee Manufacturing Company, established in Chicopee, is hereby authorized to increase its capital

Real estate.

Capital stock and shares.

Certain corporations in Fall River may take stock.

Proviso.

Chap. 86.

Time extended for locating and constructing road.

Chap. 87.

Fees, \$1.25 each day.

Repeal.

Chap. 88.

\$580,000 additional capital stock.

stock by an amount not exceeding five hundred and eighty thousand dollars, the same to be divided into shares of one hundred dollars each; and to hold real estate necessary and convenient for the purposes of its business, not exceeding four hundred and fifty thousand dollars.

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

Approved March 27, 1868.

Chap. 89. AN ACT REQUIRING THE EASTERN RAILROAD COMPANY TO ESTABLISH A FLAG-STATION AT "KNIGHT'S CROSSING," IN THE TOWN OF NEWBURY.

Be it enacted, &c., as follows:

Eastern Railroad to maintain flag-station and station-house at Knight's Crossing in Newbury.

SECTION 1. The Eastern Railroad Company is hereby required to establish and maintain on the line of its railroad, at "Knight's Crossing," so called, in the town of Newbury, a flag-station; and to erect at said place a station-house, reasonably commodious for the use of passengers and the accommodation of freight; at which at least two trains each way shall stop each day, upon the proper signals being made; and said company is hereby authorized to take such land as shall be necessary for the erection of such station-house, and for approaches thereto, under the provisions of the sixty-third chapter of the General Statutes.

Station-house to be completed by July 1, 1868, under penalty.

SECTION 2. Said station-house shall be ready for the accommodation of passengers and freight by the first day of July next; and said Eastern Railroad Company shall forfeit and pay the sum of two hundred dollars for each month's delay in the establishment of said station after said first day of July, to be recovered to the use of the Commonwealth.

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

Approved March 27, 1868.

Chap. 90. AN ACT TO INCORPORATE THE NEWBURYPORT AND PLUM ISLAND STREET RAILWAY COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Samuel A. Smith, Joseph H. Smith, Moses B. Jackman, their associates and successors, are hereby made a corporation under the name of the Newburyport and Plum Island Street Railway Company, for the purpose of constructing and using a street railroad, from a point at or near the foot of Marlborough Street, in Newburyport, on Water Street, to Plum Island, so-called; 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.

Street railroad in Newburyport.

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

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

Approved March 30, 1868.

AN ACT TO INCORPORATE THE EAST ABINGTON SAVINGS BANK.
Be it enacted, &c., as follows :

Chap. 91.

SECTION 1. Sumner Shaw, Franklin Poole, Washington Reed, their associates and successors, are hereby made a corporation by the name of the East Abington Savings Bank, to be located in that part of the town of Abington called East Abington; 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 this Commonwealth relating to institutions for savings. Corporators.
Powers and privileges.

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

Approved March 30, 1868.

AN ACT FIXING THE SALARY OF THE TREASURER OF THE COUNTY OF DUKES COUNTY.

Chap. 92.

Be it enacted, &c., as follows :

SECTION 1. The treasurer of the county of Dukes County shall receive in quarterly payments from the treasury of said county, an annual salary of two hundred dollars. Salary, \$200.

SECTION 2. The salary herein provided shall be paid from the first of January last. When to date from.

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

Approved March 30, 1868.

AN ACT TO ESTABLISH THE OFFICE OF ASSISTANT ATTORNEY-GENERAL.

Chap. 93.

Be it enacted, &c., as follows :

SECTION 1. The attorney-general is authorized to appoint an assistant, who, at his request and under his direction, shall aid the attorney-general in the performance of his official duties. Attorney-general may appoint assistant.

SECTION 2. Said assistant attorney-general shall receive for his services an annual salary of eighteen hundred dollars from the treasury of the Commonwealth. Salary.

SECTION 3. All acts authorizing the attorney-general to employ clerical assistance, and in relation to the clerk of the attorney-general, are hereby repealed. Repeal.

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

Approved March 31, 1868.

Chap. 94. AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION DOLLARS.

Be it enacted, &c., as follows :

Assessment of cities and towns.

SECTION 1. Each city and town 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 :

Counties: Suffolk.

Suffolk County.—Boston, seven hundred twenty-three thousand one hundred and forty dollars ; Chelsea, sixteen thousand one hundred dollars ; North Chelsea, one thousand six hundred and eighty dollars ; Winthrop, nine hundred dollars.

Essex.

Essex County.—Amesbury, three thousand eight hundred and eighty dollars ; Andover, five thousand seven hundred dollars ; Beverly, seven thousand three hundred and forty dollars ; Boxford, one thousand three hundred dollars ; Bradford, one thousand eight hundred and twenty dollars ; Danvers, four thousand eight hundred and sixty dollars ; Essex, two thousand dollars ; Georgetown, one thousand seven hundred and eighty dollars ; Gloucester, ten thousand one hundred and eighty dollars ; Groveland, one thousand five hundred and forty dollars ; Hamilton, one thousand dollars ; Haverhill, ten thousand two hundred and sixty dollars ; Ipswich, three thousand three hundred and forty dollars ; Lawrence, twenty-two thousand eight hundred and forty dollars ; Lynn, twenty thousand eight hundred and forty dollars ; Lynnfield, one thousand two hundred and forty dollars ; Manchester, one thousand seven hundred dollars ; Marblehead, five thousand five hundred and sixty dollars ; Methuen, two thousand eight hundred and forty dollars ; Middleton, eight hundred and forty dollars ; Nahant, nine hundred and sixty dollars ; Newbury, one thousand six hundred dollars ; Newburyport, fifteen thousand six hundred dollars ; North Andover, three thousand seven hundred and sixty dollars ; Rockport, two thousand nine hundred and sixty dollars ; Rowley, one thousand one hundred and sixty dollars ; Salem, thirty-one thousand nine hundred and forty dollars ; Salisbury, three thousand six hundred and sixty dollars ; Saugus, two thousand six hundred and sixty dollars ; South Danvers, seven thousand nine hundred and forty dollars ; Swampscott, two thousand eight hundred and forty dollars ; Topsfield, one thousand four hundred and sixty dollars ; Wenham, one thousand dollars ; West Newbury, two thousand one hundred dollars.

Middlesex.

Middlesex County.—Acton, one thousand eight hundred and forty dollars ; Arlington, five thousand five hundred and

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

Worcester.

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

thousand four hundred and forty dollars; Warren, two thousand two hundred and sixty dollars; Webster, two thousand five hundred and twenty dollars; Westborough, three thousand and twenty dollars; West Boylston, one thousand nine hundred and sixty dollars; West Brookfield, one thousand five hundred and forty dollars; Westminster, one thousand six hundred and twenty dollars; Winchendon, two thousand seven hundred and eighty dollars; Worcester, forty thousand eight hundred and sixty dollars.

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

Hampden County.—Agawam, one thousand eight hundred dollars; Blandford, one thousand two hundred dollars; Brimfield, one thousand five hundred and forty dollars; Chester, one thousand and eighty dollars; Chicopee, seven thousand one hundred and twenty dollars; Granville, one thousand two hundred and twenty dollars; Holland, three hundred dollars; Holyoke, five thousand five hundred and forty dollars; Longmeadow, two thousand one hundred dollars; Ludlow, one thousand and forty dollars; Monson, two thousand eight hundred and sixty dollars; Montgomery, three hundred and sixty dollars; Palmer, two thousand eight hundred and sixty dollars; Russell, five hundred dollars; Southwick, one thousand three hundred and twenty dollars; Springfield, twenty-eight thousand five hundred dollars; Tolland, six hundred and forty dollars; Wales, five hundred and eighty dollars; Westfield, seven thousand Hampden.

and forty dollars ; West Springfield, two thousand seven hundred and sixty dollars ; Wilbraham, one thousand nine hundred and sixty dollars.

Franklin.

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

Berkshire.

Berkshire County.—Adams, seven thousand three hundred and twenty dollars ; Alford, seven hundred dollars ; Becket, one thousand one hundred and forty dollars ; Cheshire, one thousand five hundred and sixty dollars ; Clarksburg, three hundred and twenty dollars ; Dalton, one thousand nine hundred and twenty dollars ; Egremont, one thousand two hundred and twenty dollars ; Florida, five hundred and sixty dollars ; Great Barrington, four thousand six hundred and twenty dollars ; Hancock, one thousand dollars ; Hinsdale, one thousand seven hundred and twenty dollars ; Lanesborough, one thousand four hundred and twenty dollars ; Lee, three thousand six hundred and eighty dollars ; Lenox, one thousand eight hundred dollars ; Monterey, six hundred and eighty dollars ; Mount Washington, two hundred dollars ; New Ashford, two hundred and twenty dollars ; New Marlborough, one thousand four hundred and twenty dollars ; Otis, eight hundred dollars ; Peru, four hundred and eighty dollars ; Pittsfield, twelve thousand nine hundred and sixty dollars ; Richmond, one thousand one hundred dollars ; Sandisfield, one thousand three hundred and eighty dollars ; Savoy, six hundred and eighty dollars ; Sheffield, two thousand six hundred and twenty dollars ; Stockbridge,

two thousand six hundred and sixty dollars; Tyringham, six hundred and sixty dollars; Washington, six hundred and sixty dollars; West Stockbridge, one thousand four hundred and forty dollars; Williamstown, two thousand five hundred and twenty dollars; Windsor, seven hundred dollars.

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

Bristol County.—Acushnet, one thousand four hundred Bristol. dollars; Attleborough, five thousand and eighty dollars; Berkley, seven hundred and forty dollars; Dartmouth, four thousand nine hundred and sixty dollars; Dighton, one thousand eight hundred dollars; Easton, four thousand and eighty dollars; Fairhaven, three thousand six hundred and eighty dollars; Fall River, twenty-five thousand eight hundred and forty dollars; Freetown, one thousand five hundred and forty dollars; Mansfield, one thousand eight hundred dollars; New Bedford, thirty-nine thousand five hundred and forty dollars; Norton, one thousand eight hundred and eighty dollars; Raynham, two thousand three hundred dollars; Rehoboth, one thousand seven hundred and twenty dollars; Seekonk, one thousand and eighty dollars; Somerset, one thousand nine hundred and forty dollars; Swanzey, one thousand six hundred and forty dollars; Taunton, seventeen thousand seven hundred dollars; Westport, three thousand one hundred and eighty dollars.

Plymouth.

Plymouth County.—Abington, seven thousand four hundred and twenty dollars; Bridgewater, four thousand three hundred and sixty dollars; Carver, one thousand and sixty dollars; Duxbury, two thousand three hundred and sixty dollars; East Bridgewater, two thousand eight hundred and forty dollars; Halifax, eight hundred dollars; Hanover, one thousand six hundred and sixty dollars; Hanson, one thousand and eighty dollars; Hingham, five thousand and sixty dollars; Hull, three hundred and twenty dollars; Kingston, two thousand six hundred and eighty dollars; Lakeville, one thousand two hundred and eighty dollars; Marion, one thousand and twenty dollars; Marshfield, one thousand eight hundred and eighty dollars; Mattapoisett, one thousand three hundred dollars; Middleborough, four thousand eight hundred and eighty dollars; North Bridgewater, five thousand four hundred and twenty dollars; Pembroke, one thousand three hundred and sixty dollars; Plymouth, six thousand eight hundred and twenty dollars; Plympton, seven hundred and twenty dollars; Rochester, one thousand two hundred and sixty dollars; Scituate, two thousand and sixty dollars; South Scituate, one thousand eight hundred and twenty dollars; Wareham, two thousand one hundred and eighty dollars; West Bridgewater, two thousand and forty dollars.

Barnstable.

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

Dukes.

Dukes County.—Chilmark, seven hundred and sixty dollars; Edgartown, two thousand two hundred and sixty dollars; Gosnold, two hundred and twenty dollars; Tisbury, one thousand five hundred and eighty dollars.

Nantucket.

Nantucket County.—Nantucket, four thousand eight hundred and sixty dollars.

RECAPITULATION.

Recapitulation of counties.

Suffolk County, seven hundred and forty-one thousand eight hundred and twenty dollars; Essex County, one hundred and ninety thousand five hundred dollars; Middlesex

County, three hundred and fourteen thousand four hundred and twenty dollars; Worcester County, one hundred seventy-seven thousand four hundred dollars; Hampshire County, forty-three thousand eight hundred and eighty dollars; Hampden County, seventy-two thousand three hundred and twenty dollars; Franklin County, twenty-nine thousand nine hundred dollars; Berkshire County, sixty thousand one hundred and sixty dollars; Norfolk County, one hundred forty-one thousand eight hundred and forty dollars; Bristol County, one hundred and twenty-one thousand nine hundred dollars; Plymouth County, sixty-three thousand six hundred and eighty dollars; Barnstable County, thirty-two thousand five hundred dollars; Dukes County, four thousand eight hundred and twenty dollars; Nantucket County, four thousand eight hundred and sixty dollars.

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 city, town and county taxes, to be assessed by them, respectively, on each city or town.

Treasurer of
Commonwealth
to issue warrant.

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-eight, 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.

—to require selectmen or assessors to issue warrants to city or town treasurers.

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 Com-

Names of treasurers and sums required to be returned.

Treasurer of the
Commonwealth
to notify delinquent city or town treasurers.

monwealth 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 April 1, 1868.

Chap. 95. AN ACT TO EXEMPT FROM ATTACHMENT THE EARNINGS OF THE WIFE AND MINOR CHILDREN OF A DEBTOR.

Be it enacted, &c., as follows:

Earnings of debtor's wife and children exempt from attachment.

SECTION 1. No person shall be adjudged a trustee by reason of any money or credits in his hands, due for the wages of the personal labor or services of the wife or minor children of the defendant in trustee process.

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

Approved April 1, 1868.

Chap. 96. AN ACT AUTHORIZING THE FITCHBURG RAILROAD COMPANY TO CONSTRUCT A BRANCH ROAD IN WALTHAM.

Be it enacted, &c., as follows:

Fitchburg Railroad Company may build branch road in Waltham.

SECTION 1. The Fitchburg Railroad Company are hereby authorized to locate, construct and maintain a branch railroad in the town of Waltham, beginning at a point between Jackson and Elm Streets, on the trunk road of said company, and extending in a south-westerly or southerly direction, crossing North River Street at grade, to said company's branch road, called the Watertown Branch Railroad.

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

Approved April 1, 1868.

Chap. 97. AN ACT TO INCORPORATE THE ALBANY STREET FREIGHT RAILWAY COMPANY.

Be it enacted, &c., as follows:

Albany Street Freight Railway Co. in Boston.

SECTION 1. Jarvis Williams, Adams Ayer and Amos B. Merrill, their associates and successors, are hereby made a corporation by the name of the Albany Street Freight Railway Company; with all the 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 railway corporations, so far as they may be applicable.

Tracks to be laid under direction of the aldermen of Boston.

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 turnouts, and with such tracks and branch tracks as the 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 to be also suitable for railway freight cars in common use; commencing at the city stables on Albany street in Boston; thence through Albany and Lehigh streets to a connection with the tracks of the Boston and Albany Railroad; and may also continue their tracks on Lehigh and South streets to a connection with the tracks of the Old Colony and Newport Railway; and said corporation may also extend their tracks from the city stables southward upon Albany street to such distance as the board of aldermen may from time to time permit; but said corporation shall have no power to connect with or run over the tracks of any street railway company other than the Marginal Freight Railway Company.

From Albany Street, to connect with the Boston and Albany Railroad and the Old Colony and Newport Railroad.

SECTION 3. Said railway shall be used by said corporation for the transportation of freight only, and the cars thereon shall be drawn by horse power only, unless the use of other motive power shall be sanctioned by said board of aldermen; and said corporation shall have power to fix such tolls for the transportation of freight as they may from time to time deem expedient: *provided*, that such tolls 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.

To be used to transport freight only.

Motive power.

Tolls.

Proviso.

SECTION 4. Said corporation, to carry into effect the purposes of this act, may unite with any railway corporation on such terms as may be mutually agreed, and for this purpose 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.

May unite with other railway corporations.

SECTION 5. Said corporation shall keep in repair, to the satisfaction of the superintendent of streets of the city of Boston, all the paving between their rails and three feet outside thereof on each side, and the board of aldermen of the city of Boston shall have full power to regulate the time and manner of running cars on said railway.

Repairing and paving streets.

SECTION 6. The capital stock of said corporation shall not exceed three hundred thousand dollars.

Capital stock.

SECTION 7. This act shall take effect as soon as it shall be accepted by the board of aldermen of the city of Boston.

When to take effect.

Approved April 1, 1868.

AN ACT TO CONTINUE IN FORCE "AN ACT TO INCORPORATE THE ATTLEBOROUGH MUTUAL FIRE INSURANCE COMPANY."

Chap. 98.

Be it enacted, &c., as follows:

SECTION 1. The act of the year eighteen hundred and forty-four, chapter fifty-four, entitled "An Act to incorporate the Attleborough Mutual Fire Insurance Company," shall

Charter extended: without limitation of time.

continue and remain in force from and after the twenty-fourth day of February, in the year eighteen hundred and seventy-two; 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.

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

Approved April 1, 1868.

Chap. 99.

AN ACT CONCERNING THE ROCKPORT STEAM COTTON MILLS.

Be it enacted, &c., as follows :

Corporation may be re-organized.

SECTION 1. At a meeting of the members of the Rockport Steam Cotton Mills, 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 Edmund Dwight, treasurer of said 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 re-organized 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 said corporation which would have been legal, had said corporation been duly organized and the records thereof properly kept.

Former acts of corporation may be ratified.

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

Approved April 1, 1868.

Chap 100

AN ACT TO ENABLE THE NEW ENGLAND HISTORIC-GENEALOGICAL SOCIETY TO HOLD AN ADDITIONAL AMOUNT OF PROPERTY.

Be it enacted, &c., as follows :

May hold \$100,000 additional real and personal estate.

SECTION 1. The New England Historic-Genealogical Society may take, by purchase, gift, grant or otherwise, and hold, real and personal estate not exceeding one hundred thousand dollars, in addition to the amount authorized by the second section of chapter one hundred and fifty-two of the acts of the year one thousand eight hundred and forty-five.

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

Approved April 1, 1868.

Chap. 101

AN ACT TO INCORPORATE THE MASSACHUSETTS AND RHODE ISLAND YEARLY MEETING OF FREE BAPTISTS.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Charles H. Webber, Nathan L. Rowell, Joel Baker, their associates and successors, are hereby made a

corporation as a religious society, by the name of the Massachusetts and Rhode Island Yearly Meeting of Free Baptists, in Taunton; 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.

Name.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate to the amount of two hundred thousand dollars for religious, benevolent and educational purposes.

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

Approved April 9, 1868.

AN ACT CONCERNING THE FIRST METHODIST EPISCOPAL CHURCH OF NORTH ANDOVER.

Chap. 102

Be it enacted, &c., as follows :

SECTION 1. The name of the First Methodist Society of North Andover, organized on the ninth day of September, in the year one thousand eight hundred and forty-nine, under the provisions of the forty-fourth chapter of the Revised Statutes, is hereby changed to that of the Corporation of Trustees of the First Methodist Episcopal Church in North Andover.

Name changed to "the Corporation of Trustees of the First Methodist Episcopal Church in North Andover."

SECTION 2. All conveyances heretofore made to the trustees of the First Methodist Society are hereby confirmed to the said corporation of trustees, who may hold personal and real estate for the use of said church, in accordance with the discipline of the Methodist Episcopal Church, and not in conflict with any laws of the Commonwealth regulating religious societies, the value of which real and personal estate shall not exceed forty thousand dollars.

Conveyances confirmed.

SECTION 3. This act shall be void and of no effect unless accepted by said trustees at a meeting called for that purpose within sixty days from its passage.

Act void unless accepted within sixty days.

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

Approved April 9, 1868.

AN ACT TO INCORPORATE THE WALTER HEYWOOD CHAIR COMPANY.

Chap. 103

Be it enacted, &c., as follows :

SECTION 1. Walter Heywood, George E. Towne, George H. Spencer, their associates and successors, are hereby made a corporation by the name of the Walter Heywood Chair Company, for the purpose of manufacturing chairs in the town of Fitchburg; 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.

Corporators.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of the corporation shall be two hundred and fifty 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, but shall not commence business until one hundred thousand dollars of its capital stock shall have been paid in.

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

Approved April 9, 1868.

Chap. 104

AN ACT TO RENEW AND EXTEND THE CHARTER OF THE SOUTH OF EUROPE STEAMSHIP COMPANY.

Be it enacted, &c., as follows:

Charter renewed and extended.

SECTION 1. Whereas, by an act of this Commonwealth, bearing date May ninth, one thousand eight hundred and sixty-five, Alfred C. Hersey, Oliver Brewster and E. Hasket Derby, were incorporated as the South of Europe Steamship Company; and whereas, the time limited by the act for organization and for the commencement of business has expired, and said corporators desire a renewal of their charter and enlargement of their capital: Now, therefore, the said Alfred C. Hersey, Oliver Brewster and E. Hasket Derby, their associates and successors, are hereby made a corporation by the name of the South of Europe Steamship Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws of this Commonwealth which now are or hereafter may be in force relating to such corporations.

May build or charter freight and passenger steamboats.

SECTION 2. Said corporation is hereby empowered to build, charter, hold and convey one or more steamships and steam-propellers, and to employ the same in transporting passengers and freight between the city of Boston or any other eligible port in the Commonwealth of Massachusetts, and any port or ports of Spain or of the Mediterranean, or of the Azores Islands.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed three million dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to fix its capital within said amount, and from time to time increase the same, so as not to exceed such limits; and shall have power to assess from time to time upon such shares, such sums as may be deemed necessary to accomplish its object, not exceeding the par value of such shares. No certificates of stock shall be issued until the par value thereof shall have actually been paid in, and no steamship or propeller shall be run until at least one hundred thousand dollars of its capital shall have been subscribed.

No stock to be issued at less than par.

Steamboats not to be run until \$100,000 of capital subscribed.

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

Real estate,
\$100,000.

SECTION 5. If said corporation shall not, within two years from the passage hereof, have been organized and have collected by assessment an amount equal to one hundred thousand dollars of its capital stock subscribed, and shall not within three years from the passage of this act have one or more steamships or steam-propellers employed between the United States and said port or ports, or if said corporation shall thereafter fail, for the period of one year, so to employ one or more steamships or steam-propellers in said business, then this act shall be null and void.

Act void unless
\$100,000 paid in
within two years,
and steamboats
running within
three years, &c.

Approved April 9, 1868.

AN ACT TO INCORPORATE THE BOSTON YACHT CLUB.

Chap. 105

Be it enacted, &c., as follows :

SECTION 1. Daniel Farrar, Benjamin F. Gibbs, Dexter S. Stone, their associates, the members of the voluntary association in the city of Boston, known as the Boston Yacht Club, and successors, are hereby incorporated and made a body politic by the name of the Boston Yacht Club, having its office in the city of Boston, for the purpose of encouraging yacht building and naval architecture and the cultivation of nautical science.

Corporators.

Name and pur-
pose.

SECTION 2. Said corporation shall have power to have a common seal, to make and ordain, from time to time, by-laws, rules and regulations for the government of the corporation, and the management of its affairs: *provided*, the same be not repugnant to the laws of the Commonwealth; and with all the privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force, so far as the same are applicable.

May have a com-
mon seal, and
make by-laws.

SECTION 3. Said corporation may hold real estate not exceeding the value of twenty-five thousand dollars, and personal estate not exceeding the value of twenty-five thousand dollars, exclusive of their library and museum of models and inventions in nautical science.

Real and person-
al estate.

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

Approved April 9, 1868.

AN ACT RELATING TO THE PLACE OF HOLDING THE ANNUAL MEETINGS OF RAILROAD CORPORATIONS.

Chap. 106

Be it enacted, &c., as follows :

SECTION 1. The annual meetings of the stockholders of all railroad corporations shall hereafter be held at some convenient place on the line of their respective roads.

Annual meetings
of railroad corpo-
rations, where to
be held.

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

Approved April 9, 1868.

Chap. 107 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 :

State aid continued to dependents of dead or disabled soldiers till 1871.

SECTION 1. The operation of chapter one hundred and seventy-two of the acts of the year eighteen hundred and sixty-six, and chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven, so far as they provide for the payment of state aid to those who were dependent upon dead or disabled soldiers or sailors, be and hereby is extended to the first day of January, in the year eighteen hundred and seventy-one.

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

Approved April 9, 1868.

Chap. 108 AN ACT TO INCORPORATE THE HARVARD SKATING RINK COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Samuel K. Williams, junior, Theo. H. Seavey, Thomas G. Rice, their associates and successors, are hereby made a corporation, by the name of the Harvard Skating Rink Company, for the purpose of constructing and erecting a skating rink, to be so called, in the city of Cambridge, and maintaining such skating rink, 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.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed the sum of twenty thousand dollars, and shall be divided into shares of one hundred dollars each ; and said corporation may hold real estate to the value of twenty thousand dollars, for the purposes mentioned in this act :

When liabilities may be incurred.

provided, however, that said corporation shall not incur any liability until fifteen thousand dollars of the capital stock shall have been paid in in cash.

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

Approved April 10, 1868.

Chap. 109 AN ACT CONCERNING THE DEDHAM AND WEST ROXBURY RAILROAD COMPANY.

Be it enacted, &c., as follows :

Name changed to "Boston and W. Roxbury Railroad Company."³¹

SECTION 1. The corporation called the Dedham and West Roxbury Railroad Company shall be hereafter called the Boston and West Roxbury Railroad Company, and the name of said company is hereby changed accordingly.

Western terminus of road may be changed.

SECTION 2. The said corporation is hereby authorized to make the westerly terminus of its street railroad at or near

the junction of Shawmut avenue with South street, in the town of West Roxbury, instead of the point fixed by the act establishing said corporation, and the several acts in addition thereto.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

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

Approved April 10, 1868.

AN ACT FOR THE PROTECTION OF TROUT IN GRIST-MILL POND, IN THE TOWN OF WAREHAM.

Chap. 110

Be it enacted, &c., as follows :

SECTION 1. No person shall take any trout from Grist-Mill Pond, near the Parker Mills Iron Works, in the town of Wareham, or the waters running into the same, at any time of the year, without permission of the proprietor or proprietors of said pond and waters.

Trout not to be taken from Grist-Mill Pond without consent of proprietors.

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.

Approved April 10, 1868.

AN ACT IN ADDITION TO AN "ACT DECLARING AND CONFIRMING THE INCORPORATION OF THE PROPRIETORS OF THE MEETING-HOUSE IN HOLLIS STREET IN THE TOWN OF BOSTON."

Chap. 111

Be it enacted, &c., as follows :

SECTION 1. The second section of an act passed on the fourth day of March, in the year eighteen hundred and nine, entitled "An Act declaring and confirming the incorporation of the proprietors of the meeting-house in Hollis street in the town of Boston," is hereby amended, so that the committee of said proprietors shall consist of twelve persons, or of such number, not exceeding twelve and not less than five, as may from time to time be fixed by the by-laws of said proprietors, and said committee shall constitute the board of assessors.

Committee of proprietors to consist of twelve persons, or not more than twelve and less than five, as fixed by by-laws.

SECTION 2. The fourth section of said chapter is hereby amended by striking out the words "and assessors," wherever they occur.

To be board of assessors.

Amendment.

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

Approved April 10, 1868.

AN ACT LEGALIZING THE DOINGS OF THE TOWN OF PALMER AT ITS ANNUAL MEETING IN MARCH, EIGHTEEN HUNDRED AND SIXTY-EIGHT.

Chap. 112

Be it enacted, &c., as follows :

SECTION 1. The doings of the town of Palmer at their annual meeting, holden on the sixteenth day of March, in the

Doings of annual town meeting of Palmer confirmed

year of our Lord one thousand eight hundred and sixty-eight, are hereby made valid, as the same would have been, provided the meeting had been regularly called in the manner provided by said town.

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

Approved April 10, 1868.

Chap. 113 AN ACT TO INCORPORATE THE SANDISFIELD BAPTIST SOCIETY, AND CONFIRM CERTAIN ACTS CONNECTED THEREWITH.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Orlo Burt, Henry O. Burt, James H. Merrill, their associates and successors, are hereby made a corporation under the name of the Sandisfield Baptist Society, in Sandisfield; 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.

Name.

Powers and duties.

Real and personal property.

SECTION 2. Said corporation may hold real and personal property to the amount of twenty-five thousand dollars.

All former rights and interests confirmed.

SECTION 3. All rights and interests in and to any property, real or personal, acquired by the Sandisfield Baptist Society, as heretofore organized, by purchase, gift, bequest or otherwise, are hereby confirmed and vested in the corporation hereby chartered, any informalities under said former organization to the contrary notwithstanding.

Approved April 10, 1868.

Chap. 114 AN ACT TO INCORPORATE THE TRUSTEES OF THE CHAPEL OF THE GOOD SHEPHERD.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Josiah G. Abbott, George H. Peters, George P. Denny, their associates and successors, are hereby made a body corporate for religious and charitable purposes, in the city of Boston, by the name of the Trustees of the Chapel of the Good Shepherd; 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 such corporations.

Name and purpose. Powers and duties.

Trustees.

SECTION 2. The number of said trustees shall not be less than seven nor more than fifteen: they shall have power to fill vacancies in their own number, and to determine, from time to time, within said limits, the number of said trustees.

Vacancies.

May maintain and let lodging-houses, and establish Protestant Episcopal Churches in Boston.

SECTION 3. Said corporation may erect, hold, maintain and let lodging-houses within the city of Boston, upon such terms and conditions as it may determine, subject to the laws of the Commonwealth; and also erect, hold and estab-

lish churches or chapels in said city for public religious worship: *provided*, such worship shall be conducted therein according to the standards, laws, rites and usages of the Protestant Episcopal Church of the United States of America. Proviso.

SECTION 4. Said corporation may hold real and personal estate to the amount of two hundred thousand dollars, the whole income of which shall be devoted to religious and charitable uses. Estate; income devoted to religious and charitable uses.

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

Approved April 10, 1868.

AN ACT TO REPEAL SECTION THREE OF CHAPTER ONE HUNDRED AND THIRTY-SIX OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-SEVEN, CONCERNING STATE AID.

Chap. 115

Be it enacted, &c., as follows:

SECTION 1. The third section of chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven, is hereby repealed. 1867, 136, § 3, repealed.

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

Approved April 11, 1868.

AN ACT TO REVIVE AN ACT TO INCORPORATE THE EVERETT INSURANCE COMPANY.

Chap. 116

Be it enacted, &c., as follows:

SECTION 1. Chapter sixty-three of the acts of the year eighteen hundred and sixty-seven, incorporating the Everett Insurance Company, is hereby revived, and the time for organizing said corporation is hereby extended to the eleventh day of March, in the year eighteen hundred and sixty-nine. Charter revived, and time for organizing extended.

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

Approved April 13, 1868.

AN ACT TO INCORPORATE THE SUFFOLK AND TREMONT MILLS.

Chap. 117

Be it enacted, &c., as follows:

SECTION 1. George H. Kuhn, J. Thomas Stevenson, Charles H. Parker, their associates and successors, are hereby made a corporation by the name of the Suffolk and Tremont Mills, for the purpose of manufacturing goods of cotton, wool and other textile materials, 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 the general laws which now are or may hereafter be in force, relating to manufacturing corporations. Corporators.

SECTION 2. Said corporation may purchase and hold the real and personal estate now owned by the Suffolk Manufacturing Company and the Proprietors of the Tremont Mills, and may pay therefor the fair market value thereof in Name and purpose.
Powers and duties.
May purchase estate of Suffolk Manufacturing Co. and Tremont Mills, and pay for it in stock at par.

stock of this corporation at par, and may hold other real estate to an amount not exceeding three hundred thousand dollars; and the whole capital stock shall not exceed fifteen hundred thousand dollars, to be divided into shares of one hundred dollars each.

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

Approved April 13, 1868.

Chap. 118

AN ACT TO AUTHORIZE THE EASTERN RAILROAD COMPANY TO EXTEND THE LAWRENCE BRANCH OF ITS RAILROAD INTO THE CITY OF LAWRENCE.

Be it enacted, &c., as follows:

Eastern R.R. may extend Lawrence branch from N. Andover to their depot in Lawrence.

SECTION 1. The Eastern Railroad Company is hereby authorized to extend the Lawrence branch of its railroad from a point in North Andover, at or near its present terminus; thence across the Boston and Maine Railroad to the northerly and along the northerly and easterly side thereof, and across the Merrimac River to the depot grounds now owned by the said Eastern Railroad Company on Essex Street in said city of Lawrence; with the right to enter with its road upon and use the Boston and Maine Railroad in Lawrence according to law, and with the right to said Boston and Maine Railroad to enter with its road upon and use the said Lawrence branch in said Lawrence, according to law.

May enter upon and use Boston and Maine Railroad.

Powers and duties.

SECTION 2. Said Eastern Railroad Company, in and upon said extension, shall have all the powers and privileges, and be subject to all the duties and liabilities provided by the general statutes relating to railroads. And said Eastern Railroad Company may increase its capital stock by an amount not exceeding three hundred thousand dollars beyond the amount now authorized by law.

\$300,000 additional capital stock.

Location of extension.

SECTION 3. The centre line of the location of said extension across the centre line between the tracks of the Boston and Maine Railroad shall be at a point three hundred and fifty feet westerly of the westerly end of the present passenger depot building at North Andover; and the Boston and Maine Railroad shall, at their own expense, lower the grade of their railroad at said point one and a half feet below the present rail surface thereof; and the said crossing shall be by an overhead bridge, not less than twelve and a half feet above the present rail surface of the Boston and Maine Railroad, so that said overhead bridge shall be not less than fourteen feet in the clear above the rail surface of the Boston and Maine Railroad after it is lowered as aforesaid; and the face of the abutments at the grade of the rails of the Boston and Maine Railroad shall be not less than thirty feet apart,

Boston and Maine Railroad to lower grade of road.

measured at right angles to the centre line of the Boston and Maine Railroad: *provided*, that if said Boston and Maine Railroad does not accept this section of this act within one year from the passage thereof, then said crossing may be at grade; and *provided, further*, that if the Boston and Maine Railroad and the Eastern Railroad Company shall agree upon any other form or conditions or place of crossing between said depot and the Shawsheen River, such crossing may be made in conformity with such agreement.

Condition.

Further condition.

SECTION 4. Between the Shawsheen River and the bridge of the Boston and Maine Railroad across the Merrimac River, the location of said railroad shall be not more than thirty feet in width, and adjoining the location of the Boston and Maine Railroad, and the grade of the road, when built, between Osgood Street and said bridge, shall be the same as that of the Boston and Maine Railroad. And all bridges across the streets and canals, either now built or laid out on the plans of the Essex Company, shall be built and maintained by the railroad company; and no piers shall be constructed in either canal, nor any abutment to project beyond the canal walls.

Location between Shawsheen River and Boston and Maine Railroad bridge over Merrimac.

Bridges over streets and canals.

SECTION 5. Nothing in this act shall authorize the Eastern Railroad Company to sever or unreasonably obstruct the connection of the Boston and Maine Railroad with the private branch tracks laid or to be laid over land of the Essex Company, subject to their consent, on the margin of their canals, for the conveyance of cars to the several manufacturing establishments there located. The Eastern Railroad Company may make all reasonable regulations for the passage of freight cars across its track, between said canal tracks and the tracks of the Boston and Maine Railroad; and in case of any disagreement, the supreme judicial court shall have power upon the application of the Essex Company, the Boston and Maine Railroad or the Eastern Railroad Company, to appoint commissioners, to regulate the said crossings. But no regulations shall be made requiring passenger trains on the Eastern Railroad, upon their regular time to stop at said crossings, and no charge shall be made by said Eastern Railroad Company for freight or cars so passed across their track.

Connection between Boston and Maine Railroad and private tracks of Essex Company not to be severed.

In case of disagreement between roads, S. J. Court to appoint commissioners to regulate crossings.

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

Approved April 13, 1868.

AN ACT TO INCORPORATE THE TRUSTEES OF THE PEABODY ACADEMY OF SCIENCE.

Chap. 119

Be it enacted, &c., as follows:

SECTION 1. Asa Gray, of Cambridge, William C. Endicott, of Salem, George Peabody Russell, of Salem, Othniel

Corporators.

C. Marsh, of New Haven, in the state of Connecticut, Henry Wheatland, of Salem, Abner C. Goodel, junior, of Salem, James R. Nichols, of Haverhill, and Henry C. Perkins, of Newburyport,—surviving persons named as trustees in an instrument of trust given to Francis Peabody and others by George Peabody, of London, on the twenty-sixth day of February, in the year eighteen hundred and sixty-seven,—together with S. Endicott Peabody, of Salem, and such other persons as shall be, in accordance with the terms of said instrument of trust, elected to fill any vacancies thereunder, are hereby made a corporation in the county of Essex, by the name of The Trustees of the Peabody Academy of Science, for the promotion of science and useful knowledge; 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, and applicable to such corporations: *provided*, that they shall not be subject to any duties or liabilities inconsistent with said instrument of trust.

Name and purpose

Powers and duties.

Proviso

May control trust funds given by George Peabody.

Real and personal estate.

May hold other property, subject to instrument of trust.

Condition

Upon dissolution of corporation, property to vest in trustees.

SECTION 2. Said corporation may hold, invest and control the money given by said George Peabody by the instrument of trust before mentioned, and any proceeds from the same; may assume, succeed to and carry out all contracts and agreements made by said trustees under said instrument of trust; and may hold real and personal estate to an amount not exceeding three hundred and fifty thousand dollars.

SECTION 3. Said corporation is hereby authorized to take and receive, by gift, grant, bequest, devise or otherwise, any lands, tenements or other estate, real or personal, to have and to hold the same for themselves and their successors, upon the terms and for the purposes specified in the instrument of trust aforesaid; and also upon such terms and for such purposes and trusts as may be expressed in any deed or instrument of conveyance, or gift, to them made: *provided*, the same shall not be inconsistent with the terms and purposes of the instrument of trust executed to them by the said George Peabody.

SECTION 4. Upon the dissolution of this corporation, its rights and properties shall be and vest in the aforesaid board of trustees, under said instrument of trust from George Peabody, subject only to be taken to pay the debts of the said corporation.

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

Approved April 13, 1868.

AN ACT TO EMPOWER THE MARSHPEE MANUFACTURING COMPANY TO HOLD ADDITIONAL REAL ESTATE. Chap. 120

Be it enacted, &c., as follows :

SECTION 1. The Marshpee Manufacturing Company is hereby authorized to hold and improve real estate in the district of Marshpee, not exceeding ten thousand dollars in value, in addition to the amount allowed by the act of incorporation of said company, granted by the legislature of the year eighteen hundred and sixty-seven: *provided*, that the additional amount held under this bill shall not exceed ten acres in extent; and *provided, further*, that the same shall be held and improved in accordance with the provisions of chapters forty-one and two hundred seven of the acts of the year eighteen hundred and sixty-seven.

\$10,000 additional real estate.

Conditions.

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

Approved April 13, 1868.

AN ACT TO CHANGE THE NAME OF THE TOWN OF SOUTH DANVERS. Chap. 121

Be it enacted, &c., as follows :

SECTION 1. The town of South Danvers, in the county of Essex, shall take the name of Peabody.

Name changed to Peabody.

SECTION 2. This act shall not take effect unless accepted by a majority of the legal voters of said town, present and voting thereon by ballot, at a special meeting held upon notice given at least seven days before the time of said meeting. And the polls shall be opened at nine o'clock in the forenoon of said day, and shall not be closed before four o'clock in the afternoon of said day, nor remain open longer than till six o'clock in the afternoon of said day.

Subject to the approval of the legal voters of South Danvers.

SECTION 3. It shall be the duty of the selectmen of said town to certify and return as soon as may be, the number of ballots in favor of the acceptance of this act, and the number of ballots against the acceptance of the same, to the secretary of the Commonwealth. And if it shall appear that a majority of such ballots 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.

Selectmen to return the result of the vote to the secretary of the Commonwealth.

SECTION 4. Said meeting shall be held within ninety days from the passage of this act.

When to be voted on.

Approved April 13, 1868.

AN ACT TO CHANGE THE NAME OF THE VINEYARD SOUND RAILROAD COMPANY, AND FOR OTHER PURPOSES. Chap. 122

Be it enacted, &c., as follows :

SECTION 1. The Vineyard Sound Railroad Company shall be hereafter called and known by the name of the Plymouth and Vineyard Sound Railroad Company; and said company is hereby authorized to extend the railroad already authorized

Name changed to "Plymouth and Vineyard Sound Railroad Company."

May extend road to terminus of Old Colony and Newport Railway Co. in Plymouth.

May build wharves at Wood's Hole in Falmouth.

\$300,000 additional capital stock.

May cross highways and Cape Cod Railroad at grade.

May enter upon and unite with, also lease to Old Colony and Newport Railway Co. and Cape Cod Railroad Co.

May issue bonds.

Bonds may be guaranteed by Old Colony and Newport Railway Co. and Cape Cod Railroad Co., and road mortgaged as security.

from Monument Village in the town of Sandwich, through the towns of Sandwich and Plymouth and the easterly portion of the town of Wareham, if said company shall deem it advisable, in a northerly or north-westerly direction, to the terminus of the Old Colony and Newport Railway Company in the town of Plymouth, and to locate, construct, maintain and operate the same; and said company is further authorized to build and maintain at Wood's Hole, so called, in the town of Falmouth and at the head of Buzzard's Bay, in tide-water, such wharf or wharves as may be necessary for the transaction of the business of the company and the transshipment of its freight and passengers at said places; and, for the purposes above named, said company is hereby authorized to increase its capital stock by an amount not exceeding three hundred thousand dollars.

SECTION 2. Said company may cross with its railroad highways and townways at such grade and in such manner as the county commissioners of the county wherein such crossing may occur shall specify and direct, and the railroad of the Cape Cod Railroad at grade.

SECTION 3. Said company may enter with its road upon, unite the same with and use the railroad of the Old Colony and Newport Railway Company and the railroad of the Cape Cod Railroad Company, upon the terms provided by the general laws relating to railroad corporations; and it may also lease its road and other property to either of said companies for such period and upon such terms as may be agreed upon, and each of said companies is hereby authorized to accept such lease whenever agreed upon by the parties.

SECTION 4. Said company is hereby authorized to issue bonds for the purpose of constructing or equipping its road, the amount thereof not to exceed the amount of the capital stock paid in, in the same manner and with the same restrictions provided in the sixty-third chapter of the General Statutes; and the Old Colony and Newport Railway Company and the Cape Cod Railroad Company, respectively, are hereby authorized to guarantee, indorse, or become responsible for the payment of the principal and interest of said bonds or any part thereof; and said Plymouth and Vineyard Sound Railroad Company is hereby authorized to convey its road, franchise and other property to the Old Colony and Newport Railway Company or to the Cape Cod Railroad Company, in mortgage, in order to secure such company against any loss, damage or expense, that may arise by reason of guaranteeing, indorsing or becoming responsible

for the payment of the principal and interest of said bonds as above provided.

SECTION 5. The towns of Plymouth, Falmouth, Sandwich, Edgartown, Chilmark and Tisbury, are hereby severally authorized, when so voting at legal town meetings duly called for the purpose, to subscribe for and hold shares in the capital stock of said company, to an amount not exceeding five per centum of the assessed valuation of said towns, respectively; and said towns may pay for such shares, so voted to be taken, out of their respective treasuries, and are hereby authorized to raise by loan upon bonds or tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

Plymouth, Sandwich, Falmouth, Edgartown, Chilmark and Tisbury may take stock in road, and raise money by loan or taxation to pay for same.

SECTION 6. The selectmen of the towns of Plymouth, Sandwich, Falmouth, Edgartown, Chilmark, and Tisbury, respectively, shall have authority to represent said towns, respectively, at any and all meetings of said Plymouth and Vineyard Sound Railroad Company, and said towns, so represented, are hereby authorized to vote on the whole amount of the stock held by said towns respectively, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Selectmen may represent the towns at meetings of company.

SECTION 7. The fifth section of the one hundred and ninety-sixth chapter of the acts of the year eighteen hundred and sixty-one, and the proviso contained in the one hundred and fourth chapter of the acts of the year eighteen hundred and sixty-five, are hereby repealed.

Repeal.

SECTION 8. Unless the Plymouth and Vineyard Sound Railroad Company shall file the location of the extended railroad authorized by this act, within two years, and complete the construction thereof within four years from the passage hereof, this act shall be void.

Location to be filed within two years, and construction completed within four years.

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

Approved April 13, 1868.

AN ACT TO INCORPORATE THE MASSACHUSETTS SPIRITUALIST ASSOCIATION.

Chap. 123

Be it enacted, &c., as follows:

SECTION 1. Lysander S. Richards, George A. Bacon, Edward S. Wheeler, their associates and successors, are hereby incorporated as a religious society, by the name of the Massachusetts Spiritualist Association, in Boston; with all the powers and privileges, and subject to all the duties and liabilities by law incident to religious societies legally established in this Commonwealth.

Corporators.

Name.
Powers and duties.

SECTION 2. Said corporation shall have power to hold and manage any estate, real or personal, to the amount of

\$100,000 in real and personal estate, to be used

for religious purposes. one hundred thousand dollars: *provided* the same be appropriated exclusively to religious purposes.

Approved April 13, 1868.

Chap. 124

AN ACT TO ESTABLISH THE POLICE COURT OF FITCHBURG.

Be it enacted, &c., as follows :

Police court established in Fitchburg.

SECTION 1. A police court is hereby established in the town of Fitchburg, under the name of the Police Court of Fitchburg; and said town 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 civil and criminal proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with the county and town treasurers for the money paid into court as forfeitures or otherwise, and the required returns applicable to the several police courts in the Commonwealth, except those before mentioned, shall apply to the police court of Fitchburg hereby established.

—to be governed by general laws regarding police courts.

—to consist of one standing justice and two special justices.

SECTION 2. The 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.

Salary of standing justice and compensation of special justices.

SECTION 3. The standing justice of said court shall receive an annual salary of thirteen hundred dollars, to be paid from the treasury of the Commonwealth. The compensation of the special justices, for duties performed by them, shall be such as is provided by law in similar cases.

Proceedings already commenced before trial justices not to be affected.

SECTION 4. All proceedings duly commenced before any trial justice or justice of the peace for the county of Worcester, within said district, before this act shall take effect, shall be prosecuted and determined as if this act had not been passed.

When act to take effect.

SECTION 5. This act shall take effect, so far as the appointing, commissioning and qualifying the standing justice and special justices of said court are concerned, upon its passage; and it shall take full effect in thirty days from its passage.

Approved April 13, 1868.

AN ACT TO INCORPORATE THE MUSIC HALL ASSOCIATION OF WOR- *Chap. 125*
CESTER.*Be it enacted, &c., as follows :*

SECTION 1. Harrison Bliss, E. B. Stoddard, Francis H. Kinnicut, their associates and successors, are hereby made a corporation by the name of the Music Hall Association of Worcester, for the purpose of erecting a building in Worcester, and maintaining the same, for the purpose of a music hall, and for lectures and other lawful purposes; 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, so far as applicable to such corporations.

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 the capital stock.

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

*Approved April 14, 1868.*AN ACT CONCERNING THE PRESERVATION OF CERTAIN BIRDS. *Chap. 126**Be it enacted, &c., as follows :*

The eighty-second chapter of the General Statutes is hereby amended by striking out in the third line of the first section thereof, the word "fourth," and inserting in place thereof the word "fifteenth;" and by striking out in the fourth line of said section the word "July," and inserting in place thereof the word "September."

*Approved April 15, 1868.*AN ACT AUTHORIZING THE BUILDING OF A SIDE-TRACK TO CON- *Chap. 127*
NECT WITH THE HANOVER BRANCH RAILROAD.*Be it enacted, &c., as follows :*

SECTION 1. George Curtis, of Hanover, is hereby authorized to construct and maintain a side-track or tracks, to connect his iron works in said town of Hanover with the Hanover Branch Railroad, subject to the provisions of all laws which now are or may hereafter be in force relating to railroads crossing highways.

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

*Approved April 16, 1868.*AN ACT TO AMEND "AN ACT FOR THE RE-STOCKING OF MYSTIC RIVER *Chap. 128*
AND ITS TRIBUTARIES WITH FISH."*Be it enacted, &c., as follows :*

SECTION 1. The one hundred and forty-ninth chapter of the acts of the year one thousand eight hundred and sixty-seven, entitled "An Act for the re-stocking of Mystic River

and its tributaries with fish," is hereby amended by adding to the second section thereof the words following, viz.: "provided, that the several committees for the preservation of fish mentioned in the fourth section, may take such fish as may be required to re-stock the said river and tributaries;" and also, by adding to the fourth section, after the word "Cambridge," the word "Woburn."

Proviso.

Penalty for placing substances injurious to fish in Mystic River or Pond.

SECTION 2. Any person who shall place or cause to be placed in the waters of Mystic River or of its tributaries, or of Mystic Pond, or who shall cause to flow into said waters, any substance which may destroy or injure the fish therein, shall be punished by a fine not exceeding fifty dollars for each offence.

Approved April 16, 1868.

Chap. 129

AN ACT TO INCORPORATE THE WEST NEWBURY CHAPEL ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Moses P. Stanwood, Moses H. Poor and James B. Kelley, their associates and successors, are hereby made a corporation, as a religious society, under the name of the West Newbury Chapel Association, in West Newbury; with all the privileges and powers, 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.

Name and purpose.

Powers and duties.

\$10,000 in real and personal property.

SECTION 2. Said corporation may hold real and personal property to the amount of ten thousand dollars.

Approved April 16, 1868.

Chap. 130

AN ACT TO REGULATE FISHING IN CONNECTICUT RIVER.

Be it enacted, &c., as follows :

Penalty for taking shad from the Connecticut River within certain times.

SECTION 1. Any person who shall take, or who shall aid or assist in taking from the Connecticut River any shad at any other time than between the fifteenth day of March and the fifteenth day of June in each year, shall forfeit and pay for each offence the sum of one hundred dollars.

Penalty for taking salmon from the Connecticut River before Mar. 15, 1872.

SECTION 2. Any person who shall take, or aid or assist in taking from the Connecticut River any salmon before the fifteenth day of March, in the year one thousand eight hundred and seventy-two, shall forfeit and pay for each offence the sum of fifty dollars.

Commissioners not prohibited from taking fish for propagation.

SECTION 3. Nothing in this act contained shall apply to the taking of any fish by order of the fish commissioners for the purpose of artificial or natural propagation of the same.

Fish wardens to be appointed and compensation fixed.

SECTION 4. The mayor and aldermen of any city, and the selectmen of any town, bordering on the Connecticut River, shall appoint and fix the compensation of one or more

suitable persons as fish wardens within their respective cities and towns, who shall make complaint of all offences under this act.

Approved April 17, 1868.

AN ACT TO CONFIRM THE DEED OF BENJAMIN H. ANDREWS, EXECUTOR OF THE WILL OF JAMES ANDREWS.

Chap. 131

Be it enacted, §c., as follows:

SECTION 1. The deed of Benjamin H. Andrews, one of the executors of the will of James Andrews, to Abraham Kimball and Winthrop Sargent, bearing date the fifteenth day of June, in the year one thousand eight hundred and forty-three, and recorded in the registry of deeds for the county of Essex, in book three hundred and thirty-eight, at leaf thirteen, shall be valid to pass an estate in fee simple in and to the lands therein described.

Deed of Benjamin H. Andrews, executor, confirmed

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

Approved April 17, 1868.

AN ACT TO PROVIDE FOR PERPETUATING THE EVIDENCE OF THE PAYMENT OF SUCCESSION TAXES.

Chap. 132

Be it enacted, §c., as follows:

SECTION 1. Registers of deeds shall record receipts of United States collectors of internal revenue for succession taxes, or other evidence of the payment of said taxes, on the application therefor of the successor or his legal representatives, the party applying for such record having first made affidavit of the genuineness of such receipt, or evidence, before a justice of the peace, or other person qualified to take acknowledgment of deeds.

Evidence of the payment of succession taxes to U. S. collectors of internal revenue to be recorded by registers of deeds.

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

Approved April 21, 1868.

AN ACT RATIFYING THE SALE OF THE FRANCHISE AND PROPERTY OF THE CAPE COD CENTRAL RAILROAD COMPANY TO THE CAPE COD RAILROAD COMPANY, AND FOR OTHER PURPOSES.

Chap. 133

Be it enacted, §c., as follows:

SECTION 1. The purchase of the franchise and property of the Cape Cod Central Railroad Company, by the Cape Cod Railroad Company, approved and ratified by the stockholders of said companies at meetings held for that purpose on the fourteenth day of March, in the present year, is hereby confirmed and made valid; and the railroad of the Cape Cod Railroad Company is hereby extended upon and over the location of the Cape Cod Central Railroad Company, as heretofore made and filed, from Yarmouth to Orleans, in the county of Barnstable.

Purchase of Cape Cod Central Railroad by Cape Cod Railroad Company confirmed.

Cape Cod Railroad Company may increase capital stock.

May issue stock to Cape Cod Central Railroad Co. and guarantee bonds.

SECTION 2. The said Cape Cod Railroad Company is hereby authorized to increase its capital stock by the amount of five thousand shares: *provided*, that no share shall be issued for a less sum, to be paid in in cash, than the par value of the shares in said corporation, as heretofore established. And said company is hereby authorized to issue to said Cape Cod Central Railroad Company, or its order, thirteen hundred and thirty-three shares of said stock, as part of the consideration for the purchase aforesaid, and to endorse and guarantee any outstanding bonds of said Cape Cod Central Railroad Company, not exceeding in amount the sum of one hundred and twenty-five thousand dollars, as further part of the consideration of said purchase.

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

Approved April 21, 1868.

Chap. 134

AN ACT TO INCORPORATE THE HYANNIS SAVINGS BANK.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

SECTION 1. Ephraim N. Winslow, R. S. Pope, Alexander Baxter, their associates and successors, are hereby made a corporation, by the name of the Hyannis Savings Bank, to be located at Hyannis, in the town of Barnstable; 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 institutions for savings.

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

Approved April 21, 1868.

Chap. 135

AN ACT TO AMEND THE CHARTER OF THE "NEEDLE WOMAN'S FRIEND SOCIETY."

Be it enacted, &c., as follows :

\$50,000 in real and personal property.

SECTION 1. The "Needle Woman's Friend Society," a corporation established by chapter twenty-five of the acts of the year eighteen hundred and fifty-one, is hereby authorized to hold real and personal property to the amount of fifty thousand dollars, instead of the amount named in said charter.

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

Approved April 21, 1868.

Chap. 136

AN ACT TO INCORPORATE THE NAUMKEAG MUTUAL FISHING INSURANCE COMPANY.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

SECTION 1. Charles C. Pettingill, Alfred Walen, Henry F. Pitman, their associates and successors, are hereby made a corporation by the name of the Naumkeag Mutual Fishing Insurance Company, to be established in the city of Salem, for

the purpose of making insurance against maritime losses of fishing vessels, and their outfits, 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.

Powers and duties.

SECTION 2. No policy shall be issued until application shall be made for one hundred thousand dollars to be insured, and no division of any profits, remaining in the hands of the company, shall be made, so long as the company shall be held accountable for any policy issued by them.

When policies may be issued, and division of profits may be made.

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

Approved April 21, 1868.

AN ACT CONCERNING THE REAL ESTATE OF THE METHODIST EPISCOPAL CHURCHES IN NATICK.

Chap. 137

Be it enacted, &c., as follows:

SECTION 1. The deed of Aaron Fisk, William M. Bruce, Isaac Jennison, John M. Fisk, N. E. Drew and Frederic Balcom, trustees of the First Methodist Episcopal Church in Natick, to the trustees of the Second Methodist Episcopal Church in Natick, dated the tenth day of October, in the year one thousand eight hundred and sixty-seven, shall be deemed to be a valid conveyance in fee simple of the meeting-house and land therein described.

Sale of meeting-house and land of First Methodist Episcopal Church in Natick, confirmed.

SECTION 2. Franklin Stevens, Elbridge Howe, James M. Beal, Simeon Hardy, Henry H. McCracken, Henry J. Shattuck, Robert Best, John M. Fisk and William M. Bruce, trustees of the Second Methodist Episcopal Church in Natick, and their successors, are hereby authorized, by the deed of a majority of such trustees, to sell and convey the said meeting-house and land in fee, in such manner as they may deem expedient: *provided*, that the proceeds of such sale, after the payment of the debts of the Second Methodist Episcopal Church, shall be applied to the purchase or improvement of other real estate for the uses set forth in the aforesaid deed.

Trustees Second Methodist Episcopal Church in Natick may sell meeting-house and land; proceeds of sale, how to be applied.

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

Approved April 21, 1868.

AN ACT TO AUTHORIZE THE ESSEX SAVINGS BANK IN THE CITY OF LAWRENCE, TO HOLD REAL ESTATE.

Chap. 138

Be it enacted, &c., as follows:

SECTION 1. The Essex Savings Bank, located in the city of Lawrence, is hereby authorized to hold real estate to the amount of thirty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the

May hold \$30,000 in real estate for banking house. Proviso.

purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

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

Approved April 21, 1868.

Chap. 139

AN ACT TO INCORPORATE THE TOWN OF HYDE PARK.

Be it enacted, &c., as follows:

Town composed
of parts of Dor-
chester, Dedham
and Milton.

Boundaries.

SECTION 1. All the territory now within the towns of Dorchester, Dedham and Milton, in the county of Norfolk, comprised within the following limits, that is to say: beginning at the north-easterly side of Paul's Bridge, so called, where it crosses Neponset River from Milton to Dedham; thence running down the Neponset River by the thread of the stream to a point two thousand and thirteen feet below the lower side of Paul's Bridge; thence by a line running north sixty-six and one-third degrees east (magnetic,) five thousand three hundred and forty-four feet, to a point in the field north-west of E. W. Capen's house, and measuring one hundred and fifteen feet on a course south, eighty-seven degrees east (magnetic,) from an oak tree; thence north ten degrees (magnetic,) two thousand seven hundred and eight feet to the boundary wall of land of James M. Robbins; thence by said wall and a continuation thereof north twenty-five and one-third degrees west (magnetic,) one thousand seven hundred and fifty-seven feet to the Neponset River; then running north-easterly by a straight line passing from said last mentioned point, through a point distant fifty feet north-westerly from the north-westerly corner of the house of Amor Hollingsworth to Neponset River; then running north-easterly, following the said Neponset River to a point where the line of the said river intersects a straight line drawn from a point on the westerly line of Brush Hill Road, distant eleven hundred feet south-westerly from the junction of Brush Hill Road and Brush Hill Turnpike to a point on the Boston, Hartford and Erie Railroad, distant fourteen hundred feet north-easterly from the railroad bridge over River Street in Dorchester at the station on said railroad now called River Street Station; then crossing the said Neponset River in continuation of the said line, and continuing north-westerly in the same course, and in a straight line, to the present boundary line between Dorchester and West Roxbury; then running south-westerly on the present boundary line between Dorchester and West Roxbury, to a monument on the present boundary line

between Dorchester and Dedham, being the extreme westerly point of the present town of Dorchester; then running south-easterly on the present boundary line between the towns of Dedham and Dorchester, one hundred and nine rods, to a monument on a hill, being one of the monuments between the towns of Dedham and Dorchester; then running southerly in a straight line to a point in the centre of the Boston, Hartford and Erie Railroad, distant one hundred and forty-six rods westerly from the point where the centre line of said railroad crosses the centre line of the Boston and Providence Railroad at Readville, so called; then running south-easterly in a straight line to a monument on Neponset River, at the corner of the towns of Milton, Canton and Dedham, being the extreme northerly point of the town of Canton; then running north-easterly on said river to the point of beginning: is hereby incorporated into a town by the name of Hyde Park; and said town of Hyde Park is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Powers and
duties.

SECTION 2. The inhabitants of said town of Hyde Park shall be holden to pay all arrears of taxes which have been legally assessed upon them by the towns of Dorchester, Milton and Dedham, respectively; and all taxes heretofore assessed and not collected, shall be collected and paid to the treasurers of the towns of Dorchester, Milton and Dedham, respectively, in the same manner as if this act had not been passed; and until the next general valuation of estates in this Commonwealth, the town of Hyde Park shall annually pay over to the said towns of Dorchester, Dedham and Milton, respectively, the proportion of any state or county tax which the said towns of Dorchester, Dedham and Milton, respectively, may be required to pay upon the inhabitants or estates hereby set off; said proportion to be ascertained and determined by the respective valuations of the said towns of Dorchester, Dedham and Milton, next preceding the passage of this act.

Taxes.

SECTION 3. Said towns of Dorchester, Milton, Dedham and Hyde Park shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits.

Support of pau-
pers.

SECTION 4. The towns of Dorchester, Milton, Dedham and Hyde Park shall retain and own the corporate property within their respective limits, and the town of Hyde Park

Corporate prop-
erty.

Debts.

shall not be liable for any portion of the debts of the other three towns, nor be entitled to any of their corporate property except that included within its limits.

Provisions for choice of state and federal officers.

SECTION 5. The town of Hyde Park, for the purpose of electing representatives to congress, senators and representatives to the general court and members of the governor's council, until the next decennial census, or until another apportionment be made, shall remain a part of said towns of Dorchester, Milton and Dedham, respectively, and vote therefor at such places, respectively, as the said towns of Dorchester, Milton and Dedham shall vote; and the selectmen of Hyde Park shall make a true list of all persons within their town qualified to vote at every such election, and shall post up the same in said town of Hyde Park, and shall correct the same as required by law, and shall deliver a true list of all such voters as are entitled to vote in said towns of Dorchester, Milton and Dedham, respectively, to the selectmen thereof, seven days at least before such election, to be used thereat.

Certain streets may be extended, and, when completed, to be public ways of Milton.

SECTION 6. The selectmen of the town of Hyde Park, subject to the approval of the inhabitants according to law, may extend any public streets, highways or townways, running south-easterly from Neponset River, which it may lay out and make within its own limits to any point or points on Brush Hill Road, in the town of Milton, south-westerly of the land now owned by James M. Robbins; and all parts of such streets and ways which may be within the town of Milton shall become public ways of Milton, whenever they shall have been laid out and completed by the town of Hyde Park to the satisfaction of the county commissioners of the county of Norfolk.

First meeting for choice of town officers, how called.

SECTION 7. Any justice of the peace within and for the county of Norfolk may issue his warrant, directed to any principal inhabitant of the town of Hyde Park, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting up copies thereof, all attested by the person to whom the same is directed, in three public places in said town, seven days at least before such meeting. Such justice, or in his absence, such principal inhabitant, shall preside until the choice of moderator in said meeting. The selectmen of the towns of Dorchester, Milton and Dedham shall, before said meeting, prepare a list of voters from their

respective towns within said Hyde Park qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of a moderator thereof.

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

Approved April 22, 1868.

AN ACT TO INCORPORATE THE WHITIN MACHINE WORKS.

Be it enacted, &c., as follows :

SECTION 1. John C. Whitin, Josiah Lasell, John M. Whitin, their associates and successors, are hereby made a corporation by the name of the Whitin Machine Works, for the manufacture of castings, and various kinds of machinery ; also, for the manufacture of fabrics from cotton and other fibrous materials, in the town of Northbridge, in the county of Worcester ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws, which are now or may hereafter be in force relating to manufacturing corporations.

SECTION 2. The capital stock of said corporation shall not exceed one million 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 April 22, 1868.

Chap. 140

Corporators.

Name and purpose.

Powers and duties.

Capital stock and shares.

AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS.

Be it enacted, &c., as follows :

SECTION 1. No person shall sell, or expose or keep for sale, intoxicating liquors, unless he is authorized to sell the same in the manner provided in this act : *provided*, that the maker of cider and native wines may sell the same not to be drunk on his premises ; and *provided, also*, that the importer of liquor of foreign production, imported under authority of the laws of the United States, may own, possess, keep or sell the same in the original casks or packages in which it was imported, and in quantities not less than the quantities in which the laws of the United States require such liquor to be imported ; and *provided, further*, that nothing herein contained shall apply to sales made by sheriffs, deputy sheriffs, coroners, constables, collectors of taxes, executors, administrators, guardians, assignees in insolvency or bankruptcy, or any other person required by law to sell personal property.

SECTION 2. The county commissioners for the several counties shall license to be sellers of intoxicating liquors within each city or town in their respective counties, one or more

Chap. 141

Intoxicating liquors not to be sold without a license.

Cider and native wines may be sold without a license by maker. Importers of foreign liquors may sell in original packages.

Sales may be made by certain officials.

County commissioners to license sellers in every town.

persons, being applicants therefor, and as many other such persons as in their opinion the public convenience may require, upon the terms and conditions hereinafter provided.

License commissioners to license in counties of Suffolk and Nantucket.

Term of office.

SECTION 3. The powers and duties of the county commissioners under this act, shall, for the counties of Suffolk and Nantucket, be vested in and discharged by three license commissioners for each county. The said commissioners shall be chosen by the people of said counties at an election to be held on the third Tuesday of May next, to hold office, one for one year, one for two years, and one for three years, from the first day of January, in the year one thousand eight hundred and sixty-eight, and until their respective successors shall be qualified; and thereafter shall be chosen at the regular November election in each year, one commissioner for each of said counties, to hold office for the term of three years, from the first Wednesday of January following his election, and until his successor is qualified. Vacancies occurring in the office of license commissioner shall be filled at the next November election, for the unexpired term, and the governor, by and with the advice and consent of the council, shall appoint a commissioner to hold office during the interval.

Vacancies, how filled.

Compensation.

The said license commissioners shall be paid from the treasury of the counties aforesaid, five dollars each, with their necessary travelling expenses, stationery, clerk hire and office rent, for every day actually employed in the duties of their office, and they may appoint a clerk and fix a reasonable sum as his salary.

Licenses, to whom may be granted and upon what terms.

SECTION 4. Licenses shall be granted only to the following classes of persons, for the purposes, and on payment of the fees hereafter named, to wit:

First. Licensed innholders, to sell to be drunk on the premises, who shall pay a fee of one hundred dollars.

Second. Licensed common victuallers, to sell to be drunk on the premises, who shall pay a fee of one hundred dollars.

Third. Liquor dealers engaged in no other business in connection therewith, to sell not to be drunk on the premises, who shall pay a fee of one hundred dollars.

Fourth. Liquor dealers engaged in no other business connected therewith, to sell to be drunk on the premises, who shall pay a fee of one hundred dollars.

Fifth. Grocers, apothecaries and druggists: to sell not to be drunk on the premises, who shall pay a fee of fifty dollars.

Sixth. Brewers and distillers. Brewers and distillers may sell intoxicating liquors, of their own manufacture, and at their place of manufacture, or their regular place of busi-

ness, in quantities of not less than thirty gallons, the whole to be exported from the state, and no part thereof to be used therein, and the burden shall be upon such persons, in any proceeding under this act, to prove that the sale was for exportation, as aforesaid. Brewers and distillers may be licensed to sell not to be drunk on the premises, for a fee of one hundred dollars. Any person or persons, non-residents of this Commonwealth, engaged in selling, trading or vending intoxicating liquors, and any hawker, peddler, or travelling agent, engaged in selling for any person or persons, who are non-residents of this Commonwealth, or who have no licensed place of business established therein, are hereby prohibited from making sales, offering for sale, vending, trading, or contracting, in any manner whatsoever, in intoxicating liquors, within the limits of this Commonwealth. And any person so selling, offering for sale, vending, trading or contracting, shall be liable to a fine not exceeding five hundred dollars, and imprisonment not exceeding six months.

SECTION 5. If any person having a license to sell to be drunk on the premises shall be found to have been at the time the license was granted engaged in or shall afterwards engage in the business of a grocer, apothecary, druggist, brewer or distiller, on the premises described in his license, or in any place connected therewith, his license shall thereby be forfeited, and he shall not be licensed for a period of one year after the expiration of the term of the forfeited license, and no license shall be granted to be exercised on the premises described in the license so forfeited, for the residue of the term thereof.

SECTION 6. The inhabitants of any city or town may, on the third Monday in May next, and thereafter, at their regular annual meeting for the choice of city or town officers, vote that no license shall be granted in such town or city, which will authorize the sale, to be drunk on the premises, of either distilled or fermented liquors, or both. In which case the commissioners shall grant no such license, except to licensed innholders to sell to their actual and *bonâ fide* guests.

SECTION 7. Every license shall be signed by the major part of the commissioners and recorded; shall bear the date of the day when issued; shall specify the building in which sales of liquors are authorized to be made, and where practicable, the part of the building; and whether said liquors may or may not be drunk on the premises of the person licensed; and shall expire on the first day of May, unless sooner adjudged to be void. One dollar shall in all cases be

Non-residents and their agents, and persons not licensed, prohibited from selling liquors.

Penalty.

License to sell to be drunk on the premises, how forfeited.

Not to be granted, except to licensed innholders, when cities and towns so vote

License, by whom to be signed, when to bear date, to specify building, whether liquors may be drunk on premises, and when to expire.

Clerk's fee.

paid to the clerk of the commissioners, by the person receiving the license, in addition to the fee herein provided.

Commissioners to report to city and town authorities licenses they intend to issue: if objected to not to issue until after full hearing had.

SECTION 8. It shall be the duty of the commissioners to report to the mayor and aldermen of each city, and to the selectmen of each town, within their respective counties, the licenses they intend to issue within such city or town; which report shall be made fourteen days before the license would take effect. And if the mayor and aldermen or the selectmen shall, before the time for the license to take effect, in writing object to any license on the ground of the personal unfitness of the licensee to exercise the license in question, such license shall not be issued unless such commissioners, after a full hearing, shall otherwise determine.

Provisions concerning forfeiture of license.

SECTION 9. It shall be the duty of the commissioners to revoke any license upon proof satisfactory to them that the licensee has violated, or permitted to be violated, any of the provisions of this act, after a summary hearing of the licensee, or notice and reasonable opportunity for him to be heard. After such revocation, the licensee shall not be licensed for one year after the expiration of the term of the license so revoked; and no license shall be granted to be exercised on the premises described in the license so revoked, for the residue of the term of the revoked license. And the commissioners shall give to the municipal authorities of any city or town, notice of the revocation of any license granted to be exercised therein.

Liquors to be drunk on premises not to be sold between twelve at night and five in the morning.

SECTION 10. A license to sell intoxicating liquors, to be drunk on the premises of the person licensed, shall confer no authority to sell between the hours of twelve o'clock in the night and five o'clock in the next morning, nor during any part of the Lord's day: *provided, however*, that innholders shall have the right at all times to furnish their guests with any article which they shall by license be authorized to sell, but not to keep or maintain a public bar on the Lord's day; and *provided*, that apothecaries and druggists may sell liquors at such times, on a requisition of a licensed medical practitioner therefor, made out and signed during the prohibited period or periods, not to be drunk on the premises.

Innholders and druggists excepted.

Intoxicated persons and minors.

SECTION 11. No licensed person shall sell intoxicating liquor to any intoxicated person, or to any person under twenty-one years of age.

Fees for licenses, to whom paid and how applied.

SECTION 12. All fees for licenses under this act shall be paid to the commissioners of the respective counties wherein the same are granted; and the said commissioners shall, on the first day of every alternate month, beginning with the month of June in each year, pay over to the treasurer of

each town or city one-half of the fees received by them for licenses, to be exercised in such town or city, and the residue of their receipts to the treasurer of the Commonwealth; and any officer neglecting to make such payment shall forfeit the sum of fifty dollars for each and every day said sum received by him as aforesaid shall be retained in violation of this section.

Penalty for neglect.

SECTION 13. The several commissioners shall, on the first day of every alternate month, beginning with the month of June in each year, return to the secretary of the Commonwealth the name of each person licensed, his place of residence, the date and character of his license, and the amount of his license fee. Any officer neglecting to make such return shall forfeit and pay the sum of fifty dollars for each offence.

Return to secretary of the Commonwealth.

Penalty.

SECTION 14. The said commissioners, and the mayor and aldermen of any city, and the selectmen of any town, and any police officer or constable specially authorized by them, may at any time enter upon the premises of any persons licensed under this act, to ascertain the manner in which such persons conduct their business, and to preserve order therein. And such officers may at any time take samples for analysis from any liquors kept by such licensed persons; and in case said liquors are found to be pure or of good quality, the expense of such analysis shall be paid by the treasurer of the city or town whose officers demanded the analysis; but if such liquors are found to be impure or of bad quality, the expense of the analysis shall be paid by the licensed person, and may be recovered upon a complaint made by the treasurer of the city or town in which said samples were taken, against such licensed person, who shall thereupon forfeit his license, and shall not be licensed again within three years, and no license shall be granted to be exercised on the premises described in the license so forfeited, for the residue of the term thereof. Proceedings for the recovery of the expense of said analysis, and for the decree of forfeiture of said license, may be had before any municipal or police court, or any trial justice, and such court or justice may also order such liquors, found to be impure or of bad quality, to be destroyed.

Officers may enter premises of licensed persons, may take liquors for analysis; expense of analysis, how paid.

Impure liquors to be destroyed.

SECTION 15. When any person, by the excessive use of intoxicating liquor, injures his health, exposes his family to want or violence, or the town or city of his settlement to expense, the mayor and aldermen and the selectmen of such town or city, shall, in writing, forbid any licensed person to sell or deliver to him any such liquor, for the residue

City and town authorities may prohibit sale of liquor to certain persons.

of the year of his license; and they may, in like manner, forbid any person licensed in any other city or town, to sell or deliver such liquor to such person, during the time aforesaid; and said prohibition shall be recorded by the city or town clerks, in a record book of said city or town, and the mayor and aldermen and selectmen, shall, in like manner, from year to year, renew such prohibition, as to such persons as, in their opinion, shall not have reformed.

Penalty for selling to prohibited person.

SECTION 16. If any person during the time of such prohibition, and having notice thereof, whether by the official notice aforesaid or otherwise, shall give or sell to, or purchase or procure for or in behalf of, any such prohibited person, any intoxicating liquor, he shall be punished by a fine not exceeding fifty dollars, or imprisonment in the house of correction for a term not exceeding six months.

Compensation to wife, minor children and others, for loss or injury from selling to prohibited person.

SECTION 17. A married woman may have an action of tort in her own name, against any person who has sold or given to, or purchased or procured for her husband any liquors, in violation of the two preceding sections, and may recover compensation for any loss or injury accruing to her thereby, and whatever she may recover shall be her own property; and any child of a person living with, and dependent in whole or in part upon said person to or for whom any liquor may have been sold, given, purchased or procured in violation of the two preceding sections, may have a like action in his own name, or if a minor in the name of guardian or next friend, and may recover compensation for any loss or injury accruing to him thereby, and whatever may be recovered shall be his own property. And any person may have a like action to recover compensation for any loss or injury accruing to him by means of any such sale, gift, purchase, or transfer in violation of the two preceding sections.

Penalties.

SECTION 18. Any person convicted of a violation of any of the provisions of this act, shall be punished by a fine not exceeding five hundred dollars, and confinement at hard labor in the house of correction not exceeding six months.

Any licensed person so convicted, shall in addition to said penalties forfeit his license, and shall not again be licensed for the period of one year after the expiration of the term of his license; and no license shall be granted to any person under this act to be exercised on the premises described in the said forfeited license during the residue of the term thereof.

Proceedings in case terms of this act are violated.

SECTION 19. If a violation of the terms or provisions of this act shall be committed on the premises in which a license

is authorized to be exercised, the licensee shall forfeit his license, unless he shall satisfy the authorities having power to revoke the same or to decree it forfeit, that the violation took place without his knowledge and against his will, and that he had used due care and diligence to prevent the occurrence thereof. In case of a violation of any of the terms of the license or of any of the provisions of this act, the license may be revoked by the commissioners, as provided in this act, or it may be decreed forfeit as part of the judicial decree or judgment where proceedings are had before any court or justice for any other purpose named in this act, and the pendency of such proceedings shall not suspend or interfere with the authority of the commissioners to revoke the same.

SECTION 20. The delivery of intoxicating liquor in or from any building, booth, stand or other place, except a private dwelling-house, or in or from any private dwelling-house, if any part thereof or its dependencies is used as an inn, eating-house or shop of any kind, or other place of common resort,—such delivery in either case being to any person not *bonâ fide* a resident therein,—shall be *prima facie* evidence that such delivery is a sale of intoxicating liquors.

What to be deemed evidence of a sale.

SECTION 21. The terms intoxicating liquors or liquors in this act shall be construed to include ale, porter, strong beer, lager beer, cider and all wines, as well as distilled spirits.

What to be deemed "intoxicating liquors."

SECTION 22. Every person licensed as aforesaid, shall keep a true account of the liquors consigned to him for sale, or purchased by him, and the original bills of sale or invoices of the same, specifying the name and place of business of the person of whom the same were purchased, and the date of each purchase and the price thereof; and he shall, before the first day of every alternate month, beginning with the month of May in each year during which such license shall be in force, return to the treasurer of the city or town within which the business under such license is carried on, a true account, under oath, of all liquors sold, given away or disposed of by him during the then preceding two months, with the true value thereof, according to the price at which the same were sold; and he shall thereupon within the five days from and after the said first days of every alternate month respectively, pay to said treasurer or to the collector of taxes of said city or town, at their offices respectively, the following tax upon the value of the liquors so sold, given away or disposed of, to wit: innholders, common victuallers, and liquor dealers selling to be drunk on the premises, two per cent.; brewers, licensed under the fourth section of this act, and vendors of

Licensed person to keep account of liquors consigned or purchased, to make return of sales to town treasurer to pay tax on sales.

Proceedings in
case of false re-
turns; penalties.

malt liquors, to be carried away and not to be drunk on the premises, at the rate of five cents a barrel of thirty gallons; all other licensed persons one per centum. And in case the city or town treasurer to whom such return is made as aforesaid, shall have reason to suspect or believe that the said return is false or fraudulent, and shall so declare under oath, the person making such return shall, when requested, produce to the said treasurer, or to any other person or persons by him duly authorized to examine the same, his books and accounts showing the amount of his purchases, consignments and sales, and his bills and vouchers therefor, and shall make true answers in writing, to be signed by him and under oath, to any questions proposed to him by said treasurer or other person or persons duly authorized by him as aforesaid, in relation to said liquors and his dealings in respect to the same. A failure to make any return or payment required to be made under this section, or to comply with any other of the provisions of the same, or any false swearing in such return, or in the answers to the questions which may be proposed as aforesaid, shall be a forfeiture of said license, and upon satisfactory evidence thereof, said commissioners shall revoke and annul the same, and no license shall be granted to the licensee for the period of one year after the expiration of the term of the license so revoked.

Proceedings when
returns and pay-
ments are not
made.

SECTION 23. If any person licensed under the provisions of this act shall fail to make the returns and payments required by the twenty-second section of this act, or shall make a false return, or false answers to any questions proposed to him by the treasurer, as therein provided, it shall be the duty of the collector of taxes of said city or town, or his deputy, to make complaint thereof to the commissioners, and he shall give reasonable notice to the licensee to appear before said commissioners, and answer to such complaint; and the said commissioners, if such complaint shall be established to their satisfaction, shall revoke said license; and they shall also determine whether any tax still remains due and unpaid from such licensee, and shall fix the amount thereof at their discretion; and they shall deliver to the collector of taxes of said city or town, or his deputy, a warrant for the collection of said tax, and the collector shall have for this purpose all the powers conferred on him by law for the collection of taxes on personal property.

Taxes, how col-
lected.

Deputy collector
of taxes to give
bonds.

SECTION 24. Collectors of taxes may for the purposes of this act appoint deputies, who shall give such bonds for the faithful discharge of their duties as the mayor and aldermen or selectmen may think proper. They shall within ten days

after the said first days of May and November in each year, make return to the treasurer aforesaid of the amounts of money received or collected by them under this act, and pay the same to said treasurer, who shall within thirty days thereafter pay over one-half thereof to the treasurer of the Commonwealth, and any treasurer of any city or town neglecting to make such payment shall forfeit the sum of fifty dollars for each day said sum of money so received by him shall be retained in violation of this section.

Penalty on town treasurer for neglect to pay over to the Commonwealth.

SECTION 25. The municipal courts of any cities, trial justices in their respective counties, and police courts within their districts, shall have jurisdiction concurrent with the superior court over all violations of the provisions of this act.

What courts have jurisdiction.

SECTION 26. The eighty-sixth chapter of the General Statutes, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Repeal.

[*The foregoing Act having been laid before the Governor on the seventeenth of April, and not being returned by him with his objections within five days after receiving the same, as prescribed by the Constitution, became a law, and "will take effect on the thirtieth day next after" the 23d of April inst.*]

AN ACT TO AUTHORIZE THE TOWN OF SUNDERLAND TO SUBSCRIBE FOR AND HOLD STOCK IN THE SUNDERLAND BRIDGE CORPORATION.

Chap. 142

Be it enacted, &c., as follows:

SECTION 1. The town of Sunderland, in the county of Franklin, is hereby authorized to subscribe for and hold shares in the capital stock of the Sunderland Bridge Corporation, to an amount not exceeding four per cent., of the assessed valuation of said town: *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 provisions 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 which it may possess.

Sunderland may take stock in Sunderland Bridge Corporation, upon a two-thirds vote in legal meeting.

SECTION 2. Said town is hereby authorized to raise by loan, tax or bonds, any and all sums of money which shall be necessary to pay its subscription to said stock, and for its proportion of repairs of said bridge, whenever the income from tolls of said bridge shall be insufficient to keep the same in proper condition for travel.

May raise money by tax to pay subscription and repairs.

SECTION 3. The selectmen of said town shall have authority to represent said town, at any and all meetings of said bridge corporation, and are hereby authorized to vote on the whole

Selectmen may represent town in corporation meetings.

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

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

Approved April 28, 1868.

Chap. 143

AN ACT CONCERNING SIDEWALKS IN THE CITY OF LAWRENCE.
Be it enacted, &c., as follows :

Sidewalks may be constructed by city of Lawrence and charged upon abutters.

SECTION 1. Whenever the mayor and aldermen of the city of Lawrence shall deem it expedient to construct sidewalks, or complete any partially constructed sidewalks, in any street of said city, they are hereby authorized to construct or complete such sidewalks with edge-stones, and in front of buildings or occupied premises to cover the same with brick or flat stones, or other appropriate materials; and they are further authorized to cover such sidewalks in front of vacant lots of land with brick, plank or other appropriate material; and the expense of such edge-stone and covering materials shall be assessed upon the abutters in just proportions, and shall constitute a lien upon the abutting lots of land, and be collected in the same manner as taxes on real estate now are; and such sidewalks when constructed and covered as aforesaid shall afterwards be maintained at the expense of the city.

When to take effect.

SECTION 2. This act shall take effect whenever accepted by the city council of the city of Lawrence by a two-thirds vote of each branch thereof.

Approved April 29, 1868.

Chap. 144

AN ACT TO INCREASE THE CAPITAL STOCK OF THE NAUMKEAG STEAM COTTON COMPANY.

Be it enacted, &c., as follows :

\$1,500,000 additional capital stock.

SECTION 1. The Naumkeag Steam Cotton Company is hereby authorized and empowered to increase its capital stock to an amount not exceeding the sum of fifteen hundred thousand dollars.

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

Approved April 29, 1868.

Chap. 145

AN ACT CONCERNING THE BOSTON, HARTFORD AND ERIE RAILROAD COMPANY.

Be it enacted, &c., as follows :

Boston, Hartford and Erie Railroad Company declared to be a corporation.

SECTION 1. The Boston, Hartford and Erie Railroad Company heretofore created in the state of Connecticut, by the legislature thereof, and acting within this Commonwealth and recognized by acts heretofore passed by its legislature, is hereby declared to be a corporation by that name and vested with all the franchises, 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 such corporations; and the acts of said company in forming a union or connection with one or more railroad companies in the states of Rhode Island, Connecticut and New York, with a view of creating a continuous line of railroad from Boston to connect with the railroad of the Erie Railway Company in New York, and the deeds, leases, contracts and arrangements in respect to the same, so far as they affect the said continuous line in this Commonwealth and the union of this corporation with said companies, be and the same are hereby ratified and confirmed as fully as if the same had originally been made or done under and by virtue of a special law of this Commonwealth. And the said Boston, Hartford and Erie Railroad Company is hereby substituted in the place and vested with all the franchises, rights, property and powers, and is subject to all the duties and liabilities of the Southern Midland Railroad Company, which was created by an act of this Commonwealth passed the twenty-eighth day of March, in the year eighteen hundred and sixty-three. But nothing in this act shall affect, or in any way impair any outstanding liens, mortgages or other claims or incumbrances upon either or any of said railroad companies, or their franchises or property.

Certain acts of company confirmed.

Substituted in place of Southern Midland Railroad Company.

Claims against roads not to be impaired.

SECTION 2. The capital stock of said Boston, Hartford and Erie Railroad Company shall not exceed the sum of twenty-five million dollars, without the consent of this Commonwealth.

Capital stock.

SECTION 3. The commissioners appointed and qualified under the act of this Commonwealth passed May twenty-seventh, in the year one thousand eight hundred and sixty-seven, to aid in the construction of the Boston, Hartford and Erie Railroad, are hereby authorized and empowered to examine upon oath by deposition, affidavit or otherwise, all such persons as witnesses, whose testimony they may deem important in aiding them to execute the duties of their office; and all such witnesses shall be subject to the provisions of the second section of the one hundred and sixty-third chapter of the General Statutes.

Commissioners may examine witnesses under oath.

SECTION 4. This act shall not take effect till it has been accepted by the company at a meeting of the stockholders called for the purpose of voting on the question of said acceptance.

When to take effect.

Approved April 29, 1868.

Chap. 146 AN ACT TO INCORPORATE THE NEPTUNE WOOLEN MANUFACTURING COMPANY.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Real estate.

Capital stock and shares.

Proviso.

SECTION 1. Augustus C. Carey, Hugh K. Moore, George W. Cochrane, their associates and successors, are hereby made a corporation by the name of the Neptune Woolen Manufacturing Company, for the purpose of manufacturing woven and knit fabrics of wool or cotton, or in part of wool, cotton, silk, flax or other like material, in the city of Lawrence; 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.

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 five 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.

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

Approved April 29, 1868.

Chap. 147 AN ACT TO INCORPORATE THE BOSTON SKATING RINK ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Capital stock and shares.

Real estate.

Proviso.

SECTION 1. John Rindge, N. B. Stevens, Charles E. Fuller, their associates and successors, are hereby made a corporation by the name of the Boston Skating Rink Association, for the purpose of constructing and erecting a skating rink, so called, in the city of Boston, and maintaining such skating rink, with the buildings, appurtenances and improvements, connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in general laws which now are or may hereafter be in force, and applicable to such corporations.

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 estate to the value of fifty thousand dollars, for the purposes mentioned in the first section: *provided, however*, that said corporation shall not incur any liability until thirty thousand dollars of the capital stock shall have been paid in in cash.

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

Approved April 29, 1868.

AN ACT TO INCORPORATE THE WESTFIELD STREET RAILWAY COMPANY. *Chap. 148*

Be it enacted, &c., as follows :

SECTION 1. Cutler Laffin, Edward B. Gillett, William G. Bates, their associates and successors, are hereby made a corporation by the name of the Westfield Street Railway Company, for the purpose of constructing and using a street railroad from the depot grounds of the Boston and Albany Railroad to the village of Westfield; 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.

Corporators.

Name and purpose.

Powers and duties.

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

Capital stock.

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

Approved April 29, 1868.

AN ACT TO INCORPORATE THE BOSTON MUSICIANS' RELIEF FUND SOCIETY. *Chap. 149*

Be it enacted, &c., as follows :

SECTION 1. Carl Zerrahn, Luke Murphy, William C. Nichols, their associates and successors, are made a corporation by the name of the Boston Musicians' Relief Fund Society, in Boston, for promoting the cultivation of music, and for mutual assistance and instruction; 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.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The corporation may hold real and personal estate for its purposes to an amount not exceeding twenty thousand dollars.

\$20,000 in real and personal estate.

Approved April 29, 1868.

AN ACT TO AMEND THE CHARTER OF THE BOSTON CHILDREN'S AID SOCIETY. *Chap. 150*

Be it enacted, &c., as follows :

SECTION 1. The charter of the Boston Children's Aid Society is hereby so amended that the number of directors may be such as the society shall determine from time to time, being not less than nine other members besides the president, vice-presidents, treasurer and clerk.

Charter amended as to number of directors.

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

Approved April 29, 1868.

AN ACT TO INCORPORATE THE NONANTUM HORSE RAILROAD COMPANY. *Chap. 151*

Be it enacted, &c., as follows :

SECTION 1. Miles Pratt, Nathaniel Whiting, James F. Simons, junior, their associates and successors, are hereby made a corporation by the name of the Nonantum Horse Railroad Company, with authority to build, maintain and

Corporators.

Horse railroad from village of Watertown to village of Newton Corner.

Powers and duties.

Capital stock and shares.

use a horse railroad from the village of Watertown to the village of Newton Corner, beginning at or near the flag-staff opposite the Spring Hotel, in Watertown, and running to a point nearly opposite to Lowe's apothecary store, in said Newton Corner; 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 street railway corporations.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of the par value of one hundred dollars each.

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

Approved April 29, 1868.

Chap. 152

AN ACT EXTENDING THE TIME FOR THE CONSTRUCTION OF THE BROOKLINE AND BACK BAY STREET RAILWAY COMPANY, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Charter continued upon certain conditions.

SECTION 1. The charter of the Brookline and Back Bay Street Railway Company is hereby continued in force, and shall not become void: *provided*, any part of the track authorized to be constructed by said corporation shall be constructed within three years from the date of the passage of said charter; and *provided*, the remainder of the track shall be constructed within two years from the passage of this act.

May contract with other horse railroad corporations to operate portions of road, and transfer franchise.

SECTION 2. The said corporation may contract with any existing horse railroad corporation, to run and operate so much of its railroad as lies in Providence street and Berkeley street, and in Boylston street east of the west line of Clarendon street, and in streets north of Boylston street in the city of Boston, and may transfer to such corporation so much of its franchise, rights, tracks and other corporate property and interests as may be needful to give full effect to such contract or transfer; and such corporation shall thereafter have, as to the part so transferred, all the rights and privileges, and be subject to all the duties and liabilities in regard thereto, which it would have had if such franchises and rights had been originally granted to such corporation.

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

Approved April 29, 1868.

Chap 153

AN ACT TO ESTABLISH AN ADVISORY BOARD OF WOMEN TO THE TRUSTEES OF THE STATE INDUSTRIAL SCHOOL FOR GIRLS AT LANCASTER.

Be it enacted, &c., as follows :

Advisory board of three competent women to

SECTION 1. The governor, with the advice and consent of the council, shall, before the first day of July next, appoint

three competent women as an advisory board to the trustees of the Industrial School for Girls at Lancaster, subject to removal in like manner, who shall hold their offices from the dates of their respective appointments, and for the terms of one, two and three years, respectively, from the first day of July next. Before the first day of July, in each year, one member of said board, shall be, in like manner, appointed for the term of three years from said day. Upon the occurrence of a vacancy before the expiration of a term, an appointment shall be made for the remainder of the term.

be appointed by governor and council.

Term of office.

Vacancies.

SECTION 2. Said advisory board shall hold meetings at least once in each month, and at least one member of said board shall visit said school not less than once in every two weeks. Said board shall, prior to the quarterly meetings of the board of trustees, make a report to said trustees, with such suggestions and recommendations as they shall deem expedient and proper.

Duties of the board.

SECTION 3. Said advisory board shall receive no compensation for their services, but their actual expenses shall be paid by the Commonwealth.

Expenses to be paid.

Approved April 29, 1868.

AN ACT TO INCORPORATE THE FIRST NATIONAL FIRE INSURANCE COMPANY OF WORCESTER.

Chap. 154

Be it enacted, &c., as follows :

SECTION 1. E. A. Goodnow, Hartley Williams, R. C. Taylor, their associates and successors, are hereby made a corporation by the name of the First National Fire Insurance Company, in the city of Worcester, for the purpose of making insurance against loss 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.

Name and purpose.

Powers and duties.

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

Capital stock and shares.

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

Approved April 29, 1868.

AN ACT TO INCORPORATE THE ROLLSTONE CONGREGATIONAL SOCIETY.

Chap. 155

Be it enacted, &c., as follows :

SECTION 1. Moses Wood, David Boutelle, Alfred Hitchcock, their associates and successors, are hereby made a corporation as a religious society, by the name of the Rollstone Congregational Society, in Fitchburg ; with all the privileges and subject to all the liabilities, duties and restrictions which

Corporators.

Name and purpose.

Powers and duties.

now are or may hereafter be in force in this Commonwealth, relating to such corporations.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal property to the amount of one hundred thousand dollars, for parochial and religious purposes.

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

Approved April 29, 1868.

Chap. 156

AN ACT TO AUTHORIZE THE TOWN OF TRURO TO CONSTRUCT A DIKE.

Be it enacted, &c., as follows:

May construct dike across Pamet River.

SECTION 1. The town of Truro is hereby authorized to construct and maintain a dike, for the purposes of a highway across Pamet River, in said town, where the bridge known as "Wilder's Bridge" now stands.

To maintain suitable culvert.

SECTION 2. Said town shall be required to construct and maintain a suitable culvert or sluiceway under said dike: *provided*, the same shall be necessary for the proper drainage of the meadows above said dike.

Construction of culvert to be enforced if necessary by superior court.

SECTION 3. The superior court may, upon the petition of any party interested in said meadows, determine whether the construction of such culvert or sluiceway is necessary for the purpose aforesaid, and may make any necessary orders or decrees for the construction and maintenance of the same, and compel by proper process the execution thereof.

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

Approved April 29, 1868.

Chap. 157

AN ACT FOR THE RESTOCKING OF IPSWICH RIVER AND ITS TRIBUTARIES WITH FISH.

Be it enacted, &c., as follows:

Alewives and shad not to be taken from Ipswich River or Wenham Pond for three years.

SECTION 1. The right to take alewives or shad from Ipswich River or its tributaries, or from Wenham Pond, shall be and is hereby suspended for the period of three years next ensuing, and no net, seine or weir shall be set therein during said period.

Penalty.

SECTION 2. Any person violating the provisions of this statute shall forfeit one dollar for every alewife or shad so taken.

When prosecutions to commence.

SECTION 3. All prosecutions under this act shall be commenced within thirty days from the time of committing the offence.

Approved April 29, 1868.

Chap. 158

AN ACT FOR THE PROTECTION OF SEA-FOWL IN THE WATERS OF BARNSTABLE.

Be it enacted, &c., as follows:

Sea-fowl protected upon south shore of Barnstable.

SECTION 1. No person shall drive, chase or pursue with boats, in any of the waters within or bordering upon the south shore of the town of Barnstable, any of the birds commonly called sea-fowl.

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 29, 1868.

AN ACT PROVIDING FOR THE PAYMENT OF THE SALARY OF THE ASSISTANT-CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON, FOR CIVIL BUSINESS.

Chap. 159

Be it enacted, &c., as follows :

SECTION 1. The salary of the assistant-clerk of the municipal court of the city of Boston, for civil business, shall hereafter be paid by the county of Suffolk.

Salary to be paid by Suffolk county

SECTION 2. This act shall take effect on the first day of May next.

Approved April 29, 1868.

AN ACT EXTENDING THE PROVISIONS OF CHAPTER TWENTY-SIX OF THE GENERAL STATUTES, RELATING TO THE PRESERVATION OF THE PUBLIC HEALTH.

Chap. 160

Be it enacted, &c., as follows :

SECTION 1. When any lands in any city or town are wet, rotten or spongy, or covered with stagnant water, so as to be offensive to persons residing in the vicinity thereof, or injurious to health, the same shall be deemed to be a nuisance, and the board of health or health officer of such city or town may upon petition and hearing, abate such nuisance in the manner provided in the following sections.

Lands injurious to health or offensive to persons in vicinity, deemed a nuisance.

SECTION 2. Any one or more persons claiming to be injuriously affected by such nuisance may, by petition, describing the premises upon which such nuisance is claimed to exist, and setting out the nature of the nuisance complained of, apply to the board of health or health officer for its abatement, where upon such board of health, or health officer, shall proceed to view the premises and examine into the nature and cause of such nuisance.

Persons injuriously affected, may apply to health officers for abatement of nuisance.

SECTION 3. If upon such examination the board of health or health officer shall be of opinion that the prayer of the petition or any part thereof should be granted, he or they shall appoint a time and place for a hearing upon the petition, and before the time so appointed shall cause reasonable notice of the time and place to be given to the petitioners, the persons whose lands it may be necessary to enter upon to abate the nuisance, and any other persons who may be affected by the proceedings, and, except in those cities and towns, in which the mayor and aldermen and selectmen constitute the board of health, to the mayor and the chairman of the selectmen, that they may be heard upon the necessity and

Health officer may grant hearing and notify all parties interested

mode of abating such nuisance, and the questions of damages, and of the assessment and apportionment of the expenses thereof.

Form of notice, and how and by whom to be served.

SECTION 4. Such notice shall be in writing, and may be served by any person, competent to serve civil process, upon the mayor and chairman of the selectmen, the petitioners, the owner or occupant of any land upon which it may be necessary to enter, or which may be benefited thereby, or his authorized agent, or by leaving an attested copy of such notice at the last and usual place of abode of such persons; but if the lands are unoccupied, and the owner or agent is unknown, or without the state, the notice to such owner may be served by posting an attested copy thereof upon the premises, or by advertising in one or more public newspapers in such manner and for such length of time as the board of health or health officer may direct.

Health officers may cause nuisance to be abated, may make drains, &c.

SECTION 5. At the time and place appointed for the hearing, the board of health or health officer shall hear the parties, and after such hearing, may cause such nuisance to be abated, according to his or their discretion; and for that purpose may enter and make such excavations, embankments and drains upon any lands, and under and across any streets and ways as may be necessary for such abatement. They shall also determine in what manner and at whose expense the improvements made shall be kept in repair, and shall estimate and award the amount of damage sustained by and benefit accruing to any person by reason of such improvements, and what proportion of the expense of making and keeping the same in repair shall be borne by the city or town and by any person benefited thereby. The damages so awarded shall be paid by the city or town, and there shall be assessed to the several persons benefited by such improvements, his proportionate part, to be ascertained as before provided, of the expense of making and keeping in repair such improvements, and the same shall be included in the next city or town taxes of such persons, and shall be a lien upon the real estate benefited thereby, and be collected in the same manner as other taxes upon real estate, and shall be liable to abatement as other taxes now are.

To determine how improvements shall be kept in repair.

To award damages and benefits accruing.

Damages to be paid by city or town and assessed upon persons benefited; to be lien upon real estate benefited and collected like other taxes.

Health officers to make return to town clerk within thirty days.

Return to be recorded.

Petition may be made to superior court if health officers unreasonably refuse.

SECTION 6. The boards of health and health officer shall, within thirty days after the abatement of any nuisance in the manner herein before provided, make return to the city or town clerk, of their doings in the premises, which return shall be by him recorded in the city or town books.

SECTION 7. If the board of health or health officer shall unreasonably refuse or neglect to proceed in the matter of such petition, the petitioner may apply by petition to the

superior court or any justice thereof, who, upon a hearing and good cause shown, may appoint three commissioners, who shall proceed in the manner herein before provided.

SECTION 8. Any person aggrieved by the decision of the board of health, health officer or commissioners in their estimate and award of damages, may make complaint to the county commissioners for the county, at any time within one year after return to the city or town clerk, whereupon the same proceedings shall be had as are now provided by law in cases where persons or parties are aggrieved by the award of damages by selectmen for land taken for a town way.

Persons aggrieved in award of damages may complain to the county commissioners

Approved April 29, 1868.

AN ACT FOR THE PROTECTION OF SEA-FOWL IN THE WATERS OF TISBURY.

Chap. 161

Be it enacted, &c., as follows:

SECTION 1. No person shall drive, chase or pursue with boats, in the waters in and bordering upon the town of Tisbury, any of the birds commonly called sea-fowl.

Sea-fowl protected in Tisbury.

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.

Penalty.

Approved April 29, 1868.

AN ACT TO AUTHORIZE MALACHI CLARK TO DRIVE PILES IN FORT POINT CHANNEL, IN BOSTON HARBOR.

Chap. 162

Be it enacted, &c., as follows:

SECTION 1. Malachi Clark is hereby authorized to drive nine piles on the the southerly side of Mount Washington Avenue Bridge, in Fort Point Channel, Boston Harbor, for the support of a water tank: *provided, however*, that the location of said piles shall be approved by the board of harbor commissioners, and they shall be removed by said Clark at any time on the order of said board; and *provided, further*, that said Clark shall pay into the compensation fund, established by the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, the sum of seventy-five dollars, annually, on the first day of July, during the continuance of the structure; and *provided, further*, that if the said Clark shall fail to remove the said structure on the order of the board of harbor commissioners, the same may be removed by said board, and said Clark shall be liable to the Commonwealth for the expense of such removal.

May drive piles in Boston Harbor.

Place to be approved by harbor commissioners.

Seventy-five dollars to be paid annually.

Structure may be removed by harbor commissioners.

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

Approved April 29, 1868.

Chap. 163 AN ACT TO CONFIRM THE ORGANIZATION OF THE BAYLEY HAT COMPANY.

Be it enacted, &c., as follows:

Organization of Bayley Hat Company made valid.

The organization, under the general laws of Massachusetts, of the Bayley Hat Company in Newburyport, in the year one thousand eight hundred and sixty-seven, is hereby made valid; and all acts under said organization are hereby made valid and confirmed to the same extent as though said company had been legally organized. *Approved April 29, 1868.*

Chap. 164 AN ACT AUTHORIZING THE WALTHAM AND NEWTON STREET RAILWAY COMPANY TO REDUCE THE AMOUNT OF ITS CAPITAL STOCK, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

May reduce capital stock.

Time for building extended.

SECTION 1. The Waltham and Newton Street Railway Company is hereby authorized to reduce its capital stock to thirty thousand dollars, and the time within which said company is required to build and put in operation some portion of its road, is extended to the first day of September, in the year one thousand eight hundred and sixty-eight.

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

Approved April 29, 1868.

Chap. 165 AN ACT EXPLANATORY OF AN ACT TO LEVY TAXES ON CERTAIN INSURANCE COMPANIES.

Be it enacted, &c., as follows:

Tax upon insurance companies, how to be levied.

SECTION 1. The tax upon insurance companies provided for in sections one and two of chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-four, shall be levied upon all premiums and assessments, after deducting therefrom, unused balances on notes taken for premiums on open policies, all sums paid for return premiums on cancelled policies, and all sums actually paid to other insurance companies incorporated under the laws of this Commonwealth, or to the agents of foreign companies located in this Commonwealth, for re-insurance on risks, for which a tax on the premium would be due had no re-insurance been effected: *provided*, nothing in this section shall be so construed as to admit of dividends in scrip or otherwise, in stock, mutual or mixed companies, to be called return premiums.

Proviso.

Returns of insurance companies, how to be made.

SECTION 2. Insurance companies, in making their returns under section six of the chapter named in the first section of this act, shall state the full amounts of premiums and assessments received, and deduct therefrom the sums paid for re-insurance, return premiums, and unused balances provided for in the first section of this act, and the tax shall be computed on the net amount thus actually received by said

companies for the six months preceding the time of making up said return.

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

Approved April 30, 1868.

AN ACT IN RELATION TO CERTAIN SINKING FUNDS OF THE COMMONWEALTH.

Chap. 166

Be it enacted, &c., as follows:

SECTION 1. For the purpose of redeeming the scrip issued under authority of chapter one hundred and eighteen, of the acts of the year eighteen hundred and sixty-three, entitled, "An Act in relation to the Coast Defences of Massachusetts," a sinking fund is hereby established, to be made up of the moneys heretofore received by the treasurer of the Commonwealth, from the sale of ordnance, purchased with the proceeds of said scrip, and of such further sum, to be paid from the portion of such proceeds, not heretofore appropriated, as will constitute a fund which shall be adequate, with its accumulations, to redeem said scrip at its maturity; and the fund so constituted, with its accumulations of interest, is hereby set apart for, and pledged to the redemption of said scrip. Whatever balance shall remain unappropriated, at the passage of this act, from the proceeds of said coast defence scrip, after providing for the sinking fund hereby authorized, shall be transferred and paid over to the bounty loan sinking fund, created under the provisions of chapter three hundred and thirteen, of the acts of the year eighteen hundred and sixty-four; and the same shall hereafter constitute a part of said fund; and if any money shall be hereafter allowed and paid to the Commonwealth, by the United States, in reimbursement of expenditures heretofore incurred for coast defences, the same shall in like manner, be paid to, and constitute a part of said bounty loan sinking fund.

Sinking fund established for redemption of scrip issued for coast defences.

Unappropriated balance from proceeds of coast defence scrip and from payments hereafter made by the U. S. for coast defences, to be transferred to bounty loan sinking fund.

SECTION 2. The union loan sinking fund, created under the provisions of chapter two hundred and nine, of the acts of the year eighteen hundred and sixty-one, and chapter eighty, of the acts of the year eighteen hundred and sixty-two, shall not be accumulated beyond the amount of the debt, for the redemption of which it is pledged; and whatever funds or moneys, applicable to said fund, have heretofore been, or shall hereafter be received, in excess of the amount of the debt aforesaid, shall be transferred to, and constitute a part of the bounty loan sinking fund mentioned in the first section of this act. The income of said union loan sinking fund, until otherwise provided by law, shall be paid into the treasury; and any premium on gold, necessary to be purchased to meet

Union loan sinking fund not to accumulate beyond debt for which it was pledged.

Excess to be transferred to bounty loan sinking fund.

Income to be paid into treasury.

Premium on gold, except for railroad debts, to be paid from unappropriated funds.

the instalments of said debt, as they mature, or to meet any other debt of the Commonwealth, except the several debts contracted for railroad purposes, shall be paid out of any funds in the treasury not otherwise appropriated.

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

Approved April 30, 1868.

Chap. 167 AN ACT TO AMEND "AN ACT TO INCORPORATE THE TOWN OF HYDE PARK."

Be it enacted, &c., as follows:

Act incorporating the town of Hyde Park, amended; chap. 139, 1868.

SECTION 1. Chapter one hundred and thirty-nine of the acts of the year one thousand eight hundred and sixty-eight, is hereby amended, by inserting, in the tenth line of the first section thereof, after the words "thence north ten degrees," the word "east"; and by striking out, after the words "to the Neponset River," in the fourteenth line of said first section, the words "then running north-easterly by a straight line passing from said last mentioned point, through a point distant fifty feet north-westerly from the north-westerly corner of the house of Amor Hollingsworth to Neponset River."

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

Approved May 1, 1868.

Chap. 168 AN ACT TO ESTABLISH A LAW TERM OF THE SUPREME JUDICIAL COURT AT SALEM, WITHIN AND FOR THE COUNTY OF ESSEX.

Be it enacted, &c., as follows:

At Salem, first Tuesday of November.

A law term of the supreme judicial court, for entering and hearing questions of law, civil and criminal, arising in the county of Essex, shall be held at Salem, annually, on the first Tuesday of November.

Approved May 1, 1868.

Chap. 169 AN ACT TO ESTABLISH ADDITIONAL TERMS OF THE PROBATE COURTS AT NORTH BRIDGEWATER, IN THE COUNTY OF PLYMOUTH.

Be it enacted, &c., as follows:

Third Mondays of April and October.

A probate court shall be held at North Bridgewater, within and for the county of Plymouth, on the third Mondays of April and October in each year.

Approved May 1, 1868.

Chap. 170 AN ACT TO CHANGE THE NAME OF THE FIRST CONGREGATIONAL PARISH AND SOCIETY OF ORANGE.

Be it enacted, &c., as follows:

Name changed to Second Universalist Society of Orange.

SECTION 1. The name of the First Congregational Parish and Society of Orange is hereby changed to the Second Universalist Society of Orange.

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

Approved May 1, 1868.

AN ACT TO REPEAL AN ACT TO INCORPORATE THE PROPRIETORS OF THE QUINCY CANAL. Chap. 171

Be it enacted, &c., as follows :

An act entitled "An Act to incorporate the Proprietors of the Quincy Canal," approved on the twenty-sixth day of February, in the year one thousand eight hundred and twenty-five, is hereby repealed. Act repealed.
Approved May 1, 1868.

AN ACT TO INCORPORATE THE ASSOCIATION FOR THE BENEFIT OF NEEDLE WOMEN. Chap. 172

Be it enacted, &c., as follows :

SECTION 1. Charles G. Way, Henry N. Farwell, Edward Dewey, Francis French, Ellis W. Morton, their associates and successors, are hereby made a corporation by the name of the Association for the benefit of Needle Women, for the purpose of ameliorating the condition of the needle women of the city of Boston, by providing for them comfortable dwelling-places, within their means, a supply of work when ordinary sources fail, and direct relief when misfortune places them in necessitous circumstances ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force in relation to such corporations. Corporators.
Name and purpose.
Powers and duties.

SECTION 2. Said corporation may, for the purposes aforesaid, take by gift, devise, bequest or purchase, and hold real and personal estate to an amount not exceeding five hundred thousand dollars. Real and personal estate not to exceed \$500,000.

SECTION 3. Said corporation may, by vote, a certificate of which shall be duly transmitted to the secretary of the Commonwealth, alter its name at any time within one year from the passage of this act. May alter name within one year.

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

Approved May 1, 1868.

AN ACT IN RELATION TO THE NORTH ANDOVER MILLS. Chap. 173

Be it enacted, &c., as follows :

SECTION 1. The North Andover Mills, a corporation established by the one hundred and ninety-seventh chapter of the acts of the year eighteen hundred and sixty-seven, is hereby authorized to commence operations when one hundred thousand dollars of its capital stock is paid in. May commence operations when \$100,000 is paid in.

SECTION 2. The third section of the one hundred and ninety-seventh chapter of the acts of the year eighteen hundred and sixty-seven, is hereby repealed. Chap. 197, § 3, 1867, repealed.

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

Approved May 1, 1868.

Chap. 174 AN ACT TO INCORPORATE THE CATHOLIC LYCEUM ASSOCIATION.
Be it enacted, &c., as follows:

Corporators.

SECTION 1. William Byrne, David A. Ring, Joseph O. Kane, their associates and successors, are hereby made a corporation by the name of the Catholic Lyceum Association, in the city of Boston, for the purpose of instituting and maintaining a library and reading-room, advancing useful arts and sciences, and promoting public instruction by lectures or otherwise; with all the powers and privileges, and subject to all the liabilities set forth in all general laws which now are or may hereafter be in force applicable thereto.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. The said corporation may hold real estate to an amount not exceeding seventy-five thousand dollars, and personal estate to an amount not exceeding ten thousand dollars, for the purposes of their incorporation.

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

Approved May 1, 1868.

Chap. 175 AN ACT TO INCORPORATE THE SOUTH BOSTON FREIGHT RAILWAY COMPANY.
Be it enacted, &c., as follows:

South Boston Freight Railway Company incorporated.

SECTION 1. John H. Reed, Thornton K. Lothrop, J. Avery Richards, their associates and successors, are hereby made a corporation by the name of the South Boston 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 hereafter may be in force relating to street railway corporations, so far as they may be applicable.

May construct and use street railway under direction of board of aldermen.

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 turnouts, and with such tracks and branch tracks as the board of aldermen may, from time to time, permit; the rails of said tracks to be of such pattern as the board of aldermen may prescribe, and to be also suitable for railway freight cars in common use; commencing on the easterly end of First street in South Boston, thence through First street to I street; thence through I street to Second street; thence through Second street to Dorchester street; thence across Dorchester street to First street; thence through First street to Federal street; thence across Federal street, Foundery street and the square between said street and avenue to land of the Old Colony and Newport Railroad Company, there to connect with the tracks of said railroad, in such manner and on such terms as may be mutually agreed upon, and with the right to connect with the tracks of the Boston,

Route of railway.

May connect with Old Colony & Newport and Boston, Hartford & Erie Railroads.

Hartford and Erie Railroad Company, in such manner and on such terms as may be mutually agreed upon: also commencing at the junction of First and Granite streets, thence through Granite street to Mount Washington avenue; thence through Mount Washington avenue to Federal street, and thence on Federal street to East street, there to connect with the tracks of the Marginal Freight Railroad Company.

SECTION 3. Said corporation may, for the authorized purposes of this act, enter upon and use the tracks of the Broadway and Metropolitan Railroad companies in Federal street, between said Mount Washington avenue and East street, 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 the year eighteen hundred and sixty-four; but said corporation shall have no power to connect with or run over the tracks of any street railway other than the Marginal Freight Railway Company, and the Broadway and Metropolitan Railway Companies, as authorized in this section.

SECTION 4. Said railway shall be used by said corporation for the transportation of freight only, and the cars thereon shall be drawn by horse-power only, unless the use of other motive power shall be sanctioned by said board of aldermen; and said corporation shall have power to fix such tolls for the transportation of freight as they may from time to time deem expedient: *provided*, that such tolls 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.

SECTION 5. Said corporation, to carry into effect the purposes of this act, may unite with any railway corporation on such terms as may be mutually agreed, and for this purpose 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.

SECTION 6. Said corporation shall keep in repair, to the satisfaction of the superintendent of streets of the city of Boston, all the paving between their rails and three feet outside thereof on each side; and the board of aldermen of the city of Boston shall have full power to regulate the time and manner of running cars on said railway.

May enter upon Broadway and Metropolitan Railroads and make their tracks suitable for transportation of freight.

How to determine if they cannot agree upon terms.

Railway to be used for freight only.

Cars to be drawn by horse power, unless aldermen sanction other motive power.

Tolls.

May unite with other roads upon terms mutually agreed upon.

To keep paving in repair.

Time and manner of running cars to be regulated by aldermen.

Capital stock. SECTION 7. The capital stock of said corporation shall not exceed three hundred thousand dollars.

To take effect. SECTION 8. This act shall take effect as soon as it shall be accepted by the board of aldermen of the city of Boston.

Approved May 1, 1868.

Chap. 176 AN ACT TO INCORPORATE THE MARTHA'S VINEYARD CAMP MEETING ASSOCIATION.

Be it enacted, &c., as follows :

Corporators. SECTION 1. William B. Lawton, George F. Gavitt, John D. Flint, their associates and successors, are hereby made a corporation by the name of the "Martha's Vineyard Camp Meeting Association," to be established and located in the town of Edgartown, for the purpose of maintaining annual religious meetings on the island of Martha's Vineyard; and with all powers and privileges, and subject to all the restrictions, duties and liabilities set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

Real and personal estate. SECTION 2. Said corporation, for the purposes named in the first section of this act, may hold real and personal estate to an amount not exceeding twenty-five thousand dollars; and twenty acres of the land so owned, with the buildings, or any personal property, on said twenty acres, owned by said association and used exclusively for religious purposes, or for the care and protection of the property of the association, shall be exempt from taxation.

Other property taxable in Edgartown. SECTION 3. All buildings, booths, tents or other things erected on or affixed to the grounds of the association, except as provided in the second section, shall, for the purposes of taxation, be considered real estate and taxable in the town of Edgartown.

Agent to furnish annually list of owners of taxable property to assessors of Edgartown. SECTION 4. It shall be the duty of the agent or superintendent of the association, annually, on or before the twentieth day of May, to furnish the assessors of the town of Edgartown a true list of the names and residences of all owners of buildings or other taxable property erected upon the grounds of the association, and in default of such information, the assessors of said town may tax such property to the association.

In default property to be taxed to Association.

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

Approved May 1, 1868.

Chap. 177 AN ACT TO INCORPORATE THE PENOBSCOT STEAMSHIP COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. B. Heber Richardson, Luther Upton, George E. Newhall, their associates and successors, are hereby made

a corporation by the name of the Penobscot Steamship 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 may hereafter be in force and applicable to such corporations.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steamships, or steam propellers, and to navigate the ocean therewith and employ the same in transporting freight and passengers between the city of Boston and Bangor, in the state of Maine, and any intermediate port or ports on Penobscot Bay or River.

May own steamships for freight and passengers between Boston and Bangor.

And said company may let by charter, one or more of their steamships or propellers to any persons: *provided*, such charter does not prevent said company from complying with the terms of this act.

Steamships may be chartered to others.

SECTION 3. The capital stock of said corporation shall be fifty thousand dollars, with liberty to pay in and increase the same, by adding thereto, from time to time, an amount not exceeding two hundred thousand dollars, and shall be divided into shares 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 the 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 steamship or propeller shall be run until at least fifty thousand dollars of its capital shall have been paid in in cash.

Capital stock and shares.

Shares may be assessed.

Stock not to be issued at less than par.

When steamships may be run.

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

\$50,000 in real estate.

SECTION 5. If said corporation shall not, within one year from the passage hereof, be 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 steamships or propellers employed between said city of Boston and said port or ports, or if said corporation shall thereafter fail, for the period of one year, so to employ one or more steamships or propellers in said business, then this act shall be null and void.

Act void unless \$50,000 is paid in within one year and steamboats running within two years, &c.

Approved May 1, 1868.

AN ACT TO INCORPORATE THE WAKEFIELD, MELROSE AND MALDEN RAILROAD COMPANY.

Chap. 178

Be it enacted, &c., as follows:

SECTION 1. David P. Ives, Cyrus Wakefield, Henry Saltonstall, their associates and successors, are hereby made a

Corporators.

corporation by the name of the Wakefield, Melrose and Malden Railroad Company; with all the powers and privileges, and subject to all the duties and restrictions set forth in the general laws which now are or may hereafter be in force relating to steam railroad corporations.

May build railroad from South Reading to Malden.

Proviso.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, commencing at some convenient point in the town of South Reading; thence southerly, to some convenient point in the town of Malden: *provided*, that said railroad shall not pass over, or through any cemetery in the town of Malden.

May enter upon and unite with railroads operated by Eastern Railroad Co.

SECTION 3. Said corporation may enter with its road upon and unite the same with the roads of the Boston and Maine and South Reading Branch Railroad Companies, and any other railroad now operated by the Eastern Railroad Company; with all the rights, and subject to all the provisions and restrictions set forth in the general laws relating to steam railroad corporations.

May lease franchise to or be leased by other corporations.

Proviso.

SECTION 4. Said railroad corporation is hereby authorized to lease all its rights, franchise and property to any other similar corporation; and any other similar corporation is hereby authorized to lease all the rights, franchise and property of the said Wakefield, Melrose and Malden Railroad Company: *provided*, such lease shall be approved by two-thirds of the stockholders of each corporation respectively, present and voting at a meeting called for that purpose; and any corporation so leasing, shall hold, possess and enjoy all the powers, privileges, rights and franchise, property and estate which at the time of such purchase or lease were held and enjoyed by the two corporations respectively; and shall be subject to all the duties, restrictions, obligations and liabilities to which they were severally subject.

Capital stock and shares.

SECTION 5. The capital stock of said corporation shall be fixed at an amount not less than two hundred thousand nor more than five hundred thousand dollars; the same shall be divided into shares of one hundred dollars each.

May purchase or lease South Reading Branch Railroad.

SECTION 6. Said corporation is hereby authorized to purchase or lease the South Reading Branch Railroad, or any part thereof; and the South Reading Branch Railroad Corporation is hereby authorized to sell or lease its railroad, or any part thereof, to the Wakefield, Melrose and Malden Railroad Company, upon such terms and conditions as the directors of said corporations may agree; subject however, to the approval of three-fourths in interest of the stockholders of said corporations respectively, present and voting thereon at a legal meeting called for that purpose. And if the Wake-

field, Melrose and Malden Railroad Company shall purchase or lease as above, they shall hold, possess and enjoy all the powers, privileges, rights, franchise, property and estates which at the time of such purchase or lease were held and enjoyed by the corporations respectively, and shall be subject to all the duties, restrictions, obligations and liabilities to which they were severally subject.

Powers and duties.

SECTION 7. Said corporation shall make and maintain draws in all bridges wherever said road shall cross the navigable tide-waters of the Malden River, suitable for all vessels having occasion to pass the same. The manner of constructing said draws and the rules for the care and management thereof shall be prescribed by a commissioner to be appointed for that purpose by the governor with the advice and consent of the council.

To maintain draws in bridges over Malden River under direction of commissioner to be appointed by governor.

SECTION 8. This act shall be void unless the said railroad be located within two years, and constructed within three years from the passage hereof.

Location and construction.

Approved May 1, 1868.

AN ACT FOR THE PROTECTION OF SMELTS.

Chap. 179

Be it enacted, &c., as follows :

SECTION 1. Whoever catches any smelt from the first day of February to the first day of May in each year, in any manner whatever, or at any season of the year in any other manner than by hooks and lines or hand nets, shall forfeit twenty-five cents for each smelt so caught, to be recovered by prosecution before any trial justice or court competent try the same: *provided*, that nothing herein contained shall apply to any person catching smelt in any seine or net in Taunton Great River, while fishing for herring or alewives.

Smelts not to be caught between first days of February and May.

To be caught by hooks, lines or hand nets, at other seasons. Penalty. Proviso.

SECTION 2. The commissioners of river fisheries may take any kind of fish at any time for the purpose of obtaining spawn for artificial propagation of fish.

Fish may be taken at any time for artificial propagation.

SECTION 3. All prosecutions under this act shall be instituted within thirty days from the time of committing the offence.

When prosecutions to commence.

Approved May 4, 1868.

AN ACT CONCERNING PILOTAGE IN PROVINCETOWN HARBOR.

Chap. 180

Be it enacted, &c., as follows :

SECTION 1. So much of the provisions of the special regulations governing the pilots of Provincetown harbor, in the schedule contained in the one hundred and seventy-sixth chapter of the acts of the year eighteen hundred and sixty-two, as requires said pilots to keep a decked boat of not less than fifty tons, is hereby repealed.

Pilots for Provincetown Harbor not required to keep decked boat of fifty tons.

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

Approved May 4, 1868.

Chap. 181 AN ACT CONCERNING A CONTRACT BETWEEN THE STONY BROOK RAILROAD CORPORATION AND THE NASHUA AND LOWELL RAILROAD CORPORATION.

Be it enacted, &c., as follows :

Stony Brook Railroad may alter contract with Nashua and Lowell Railroad.

SECTION 1. The Stony Brook Railroad Corporation is hereby authorized to alter, extend and amend the contract existing with the Nashua and Lowell Railroad Corporation for the leasing of the railroad of the said Stony Brook Railroad Corporation, dated the second day of April, in the year eighteen hundred and sixty: *provided*, that such alteration, extension or amendment, be ratified and confirmed by the stockholders of said corporations, at meetings of said corporations, respectively, duly called for the purpose; and *provided, further*, that such contract shall not be extended beyond the first day of January, in the year eighteen hundred and ninety.

Provisos.

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

Approved May 4, 1868.

Chap. 182 AN ACT GIVING ADDITIONAL POWERS TO THE JAMAICA POND AQUEDUCT CORPORATION.

Be it enacted, &c., as follows :

Jamaica Pond Aqueduct Company may take land, enlarge Spring Pond and build dam.

SECTION 1. The Jamaica Pond Aqueduct Corporation is hereby authorized and empowered, for the purpose of better supplying fresh water, and for saving and restraining the water that may percolate from Jamaica Pond, into what was formerly known as Spring Pond, in land now owned by said corporation, to take, hold or purchase any land near, or adjoining said land, now owned by said corporation, on the the northerly side of Perkins Street, and easterly side of Chesnut Street, and may enlarge said pond, formerly called Spring Pond, and raise a dam on said land taken or purchased, to such height as may best serve to save and restrain the water now running to waste from said Spring Pond, the better to save and supply fresh water from said Spring Pond for aqueduct purposes; but the said corporation are not authorized by this act to take land within fifty feet of any part of the stream that flows from the western side of Pond Avenue, or Chesnut Street: *provided*, that the water of said pond shall never be drawn down lower than one foot in the shallowest part, except for the purpose of repairs of the dam, or clearing out the pond.

Condition.

SECTION 2. If any person or persons; or corporation, whose land or water, or water-rights, shall be taken or injured by the Jamaica Pond Aqueduct Corporation under this act, cannot agree with said aqueduct corporation upon the amount of damages to be paid for such taking or injury,

Parties aggrieved may petition superior court for jury to assess damages.

the owner or owners of any such land, water or water-rights, may apply for a jury to assess such damages, by petition to the superior court for Norfolk county, at any time within three years after such taking or injury. Such petition shall be filed in term time or vacation, in the office of the clerk of the courts, who shall thereupon issue a summons, returnable at the next term of the court, if in vacation, or if in term time, on such day as the court may order. Such summons shall be served by copy on the president of the Jamaica Pond Aqueduct Corporation, at least fourteen days before the return day, and the cause shall thereupon proceed like other civil causes in said court. And the said Jamaica Pond Aqueduct Corporation shall, within six weeks after taking any land under the provisions of this act, file in the registry of deeds for Norfolk county, a description of the land so taken, sufficiently accurate for identification.

Petition to be filed, and summons to issue.

How summons to be served.

Description of land taken to be filed in registry of deeds.

Land to be taken within two years.

SECTION 3. This act shall be void, so far as it gives the right to take land, water or water-rights, unless the same shall have been taken within two years from the passage of this act.

Approved May 8, 1868.

AN ACT IN RELATION TO THE OVERSEERS OF THE POOR OF THE CITY OF BOSTON.

Chap. 183

Be it enacted, &c., as follows:

The Overseers of the Poor in the City of Boston, a corporation duly established by law, are hereby authorized to hold personal estate not exceeding the amount of three hundred thousand dollars, in addition to the amount authorized by an act passed on the twenty-fifth day of April, in the year seventeen hundred and seventy-two, entitled "An Act for incorporating the Overseers of the Poor in the town of Boston;" and the overseers of the poor in the city of Boston, acting by virtue of the sixth chapter of the acts of the year eighteen hundred and three, entitled An Act to incorporate Oliver Wendell and others, together with the overseers of the poor of the town of Boston for the time being, by the name and title of "The trustees of John Boylston's charitable donations for the benefit and support of aged poor persons, and of orphans and deserted children," are further authorized to hold personal estate not exceeding the value of one hundred thousand dollars, in addition to the amount authorized by said last named act.

\$300,000 additional personal estate.

Trustees of John Boylston's donations may hold \$100,000 additional personal estate.

Approved May 8, 1868.

Chap. 184 AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR THE EXPENSES OF THE STATE ALMSHOUSES; THE HOSPITAL AT RAINSFORD ISLAND; THE REFORM SCHOOL AT WESTBOROUGH; THE MASSACHUSETTS NAUTICAL SCHOOL; THE SUPPORT AND RELIEF OF STATE LUNATIC PAUPERS, 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 treasury of the Commonwealth, from the ordinary revenue unless otherwise ordered, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year ending December thirty-first, eighteen hundred and sixty-eight, unless otherwise specified, to wit:

CHARITABLE.

State alms-
houses:
Tewksbury.
Monson.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding fifty-five thousand dollars.

For the current expenses of the state almshouse and primary school at Monson, a sum not exceeding forty thousand dollars.

Bridgewater.

For the current expenses of the state almshouse and state workhouse at Bridgewater, a sum not exceeding twenty-seven thousand dollars.

Hospital Rains-
ford Island.

For the current expenses of the hospital at Rainsford Island, including expenses of transportation, a sum not exceeding one thousand five hundred dollars.

Agent State
Charities, ex-
penses.

For expenses of the general agent of the board of state charities, a sum not exceeding eight hundred and fifty dollars, in addition to the appropriation heretofore made.

Clerical and
other assistance.

For such clerical and other assistance as the agent of the board of state charities may find necessary, a sum not exceeding three thousand dollars, in addition to the appropriation heretofore made.

Secretary State
Charities, ex-
penses.

For expenses of the secretary of the board of state charities, a sum not exceeding six hundred dollars, in addition to the appropriation heretofore made.

Clerical assist-
ance.

For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding five hundred dollars, in addition to the appropriation heretofore made.

Board of State
Charities, ex-
penses.

For travelling and other expenses of the board of state charities, a sum not exceeding one thousand six hundred dollars, in addition to the appropriation heretofore made.

State lunatic
paupers.

For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding sixty-five thousand dollars.

For the support of state paupers by the cities and towns, a sum not exceeding three thousand dollars in addition to the appropriation heretofore made, and any additional assistance necessary for the auditing of claims for such support shall be paid out of said sum.

State paupers supported by cities and towns.

For expenses connected with the transportation of state paupers from the several hospitals and almshouses, a sum not exceeding two thousand dollars in addition to the appropriation heretofore made, and any additional assistance necessary to effect such transportation shall be paid out of said sum.

Transportation of state paupers from hospitals, &c.

For the support of pauper Indians in the district of Marshpee, for the year eighteen hundred and sixty-seven, a sum not exceeding one hundred thirty-three dollars and eighty-six cents.

Pauper Indians, Marshpee.

REFORMATORY AND CORRECTIONAL.

For the current expenses of the state industrial school for girls, a sum not exceeding fifteen thousand dollars in addition to the amount heretofore appropriated.

Industrial School, expenses.

For the current expenses of the state reform school for boys at Westborough, a sum not exceeding thirty thousand dollars, said sum to be expended solely for the current expenses of said institution; also a sum not exceeding two thousand dollars, to be applied to the purchase of beds and bedding for said institution; and no money appropriated by this act shall be expended for the erection of new buildings.

State Reform School, expenses.

—beds and bedding.

For the current expenses of the Massachusetts nautical school, a sum not exceeding thirty-four thousand dollars.

Nautical School, expenses.

MILITARY.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding eleven thousand five hundred dollars, in addition to the appropriation heretofore made.

Adjutant-general, clerical assistance.

For printing the record of Massachusetts officers and soldiers, authorized by chapter ninety-eight of the resolves of eighteen hundred and sixty-six, a sum not exceeding six thousand dollars, in addition to the appropriation heretofore made.

Soldiers' record.

For pay of officers and men at encampments, May inspections and elementary drills, a sum not exceeding one hundred twenty-one thousand five hundred dollars.

Pay for militia.

- Armory rents. For rent of armories, a sum not exceeding twenty-seven thousand dollars.
- Military accounts. For military accounts, a sum not exceeding eight thousand dollars.
- Orderly books, &c. For orderly and roll-books and books of instruction, a sum not exceeding five hundred dollars.

MISCELLANEOUS.

- Repairs and furniture for State House. For repairs, improvements and furniture ordered by the sergeant-at-arms for the state house, a sum not exceeding eight thousand seven hundred two dollars and eighty-two cents; and for the year eighteen hundred and sixty-seven, a sum not exceeding three hundred dollars, in addition to the appropriations heretofore made.
- Supplement to General Statutes. For the publication and editing of the supplement to the General Statutes for the present year, as authorized by chapter eighteen of the resolves of the year eighteen hundred and sixty-seven, a sum not exceeding five hundred dollars for the publication, and two hundred dollars for editing the same.
- National banks. For printing the report of shareholders in the national banks of the Commonwealth, a sum not exceeding five thousand dollars.
- Sidewalk at State Prison. For materials and labor furnished for the construction of a sidewalk adjoining the state prison at Charlestown, a sum not exceeding six hundred forty-six dollars and thirty-three cents, which shall be allowed and paid; and for the current expenses of said institution for the year eighteen hundred and sixty-seven, a sum not exceeding six hundred eighty dollars and fifty-six cents.
- expenses. For the incidental expenses of the secretary's office for the year eighteen hundred and sixty-seven, a sum not exceeding sixty-six dollars and seventy cents.
- Incidental expenses Secretary.
- Warren Bridge. For contingent expenses necessary for the maintenance of the Warren bridge, a sum not exceeding three hundred dollars, in addition to the appropriation heretofore made, the same to be paid from the Charles river and Warren bridge fund.
- Registration books, &c. For registration books and indices for returns from cities and towns, a sum not exceeding two thousand dollars.
- Bounties to agricultural societies. For bounties to agricultural societies, a sum not exceeding sixteen thousand five hundred forty-two dollars and ninety-three cents.

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

Approved May 8, 1868.

AN ACT TO AUTHORIZE THE APPOINTMENT OF ADDITIONAL MASTERS IN CHANCERY IN THE COUNTIES OF ESSEX, MIDDLESEX AND SUFFOLK.

Chap. 185

Be it enacted, &c., as follows :

SECTION 1. The governor, by and with the advice and consent of the council, is hereby authorized to appoint two additional masters in chancery in and for each of the counties of Essex, Middlesex and Suffolk; and hereafter the number of masters in chancery for each of said counties shall be seven.

Additional masters in chancery for Essex, Middlesex and Suffolk.

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

Approved May 8, 1868.

AN ACT TO AUTHORIZE THE TOWN OF NORTH BRIDGEWATER TO PAY BOUNTIES TO RE-ENLISTED VOLUNTEERS UPON THE QUOTA OF SAID TOWN.

Chap. 186

Be it enacted, &c., as follows :

SECTION 1. The town of North Bridgewater is hereby empowered to raise a sum of money, at a town meeting called for the purpose, sufficient to pay one hundred and twenty-five dollars to each of those soldiers who re-enlisted in the field upon the quota of said town, who have never received the local bounty which was offered and paid by the town to such volunteers.

North Bridgewater may raise money for bounties to re-enlisted soldiers.

SECTION 2. The sum authorized to be raised by the first section shall be assessed by the town of North Bridgewater at the next annual assessment.

Sum raised to be assessed next year.

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

Approved May 8, 1868.

AN ACT TO FURTHER AMEND THE CHARTER OF THE HOWARD BENEVOLENT SOCIETY.

Chap. 187

Be it enacted, &c., as follows :

SECTION 1. The Howard Benevolent Society may make such by-laws, rules and regulations as it may deem expedient, for establishing the conditions of membership, for regulating the number, titles and duties of its officers, for the election or appointment of such officers, and generally for the management of its affairs, and for carrying out the objects of the society, not inconsistent with the general laws of this Commonwealth.

May make by-laws in regard to membership, appointment of officers, &c.

SECTION 2. All the provisions of the act passed on the sixteenth day of February, in the year eighteen hundred and eighteen, entitled "An Act to incorporate the Howard Benevolent Society," and of the act passed on the twelfth day of April, in the year eighteen hundred and fifty-two, entitled "An Act to amend the charter of the Howard Benev-

Repeal.

olent Society in the city of Boston," inconsistent with this act, are hereby repealed.

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

Approved May 8, 1868.

Chap. 188 AN ACT TO INCORPORATE THE WEST AMESBURY BRANCH RAILROAD COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. Francis Sargent, William Gunnison, John S. Poyen, their associates and successors, are hereby made a corporation by the name of the West Amesbury Branch Railroad Company; with all the rights, powers and privileges, and subject to all the duties, liabilities and restrictions contained in the general laws which now are, or hereafter may be in force relating to railroad corporations.

Powers and duties.

May construct a railroad from West Amesbury, near "Four Corners," to line of New Hampshire.

To connect with road from state line to Boston & Maine Railroad in New Hampshire.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad, commencing at some convenient point in that part of Amesbury called West Amesbury, near the Four Corners, so called; thence running westerly near the house of Joseph R. Thomas; thence more northerly, to the state line of New Hampshire, near the south corner of Newton, there to connect with any railroad which may be authorized by the laws of New Hampshire; from said state line to a point on the Boston and Maine Railroad, in New Hampshire, or from said state line to a point on the state line separating the town of Haverhill, in Massachusetts, and the town of Plaistow, in New Hampshire, near the house of James Brickett; and from said last-named point may locate, construct, maintain and operate a railroad in said town of Haverhill, to a point on the Boston and Maine Railroad, not less than one mile northerly from the depot in Haverhill.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each.

Real and personal property.

Said corporation may hold such real and personal property as may be necessary or convenient for the purposes for which it is created.

If road is built in Haverhill, may unite with Boston and Maine Railroad.

SECTION 4. In case said corporation shall construct its railroad in the town of Haverhill, as aforesaid, it may enter with its road upon, unite the same with, and use the railroad of said Boston and Maine Railroad, in Haverhill; and said Boston and Maine Railroad may enter with its road upon, unite the same with, and use the railroad of said corporation under the provisions of law relating to connecting roads.

When authorized by New Hampshire, may oper-

SECTION 5. Said corporation, when authorized by the state of New Hampshire, may construct, maintain and

operate either of the lines of railroad in said state, mentioned in section two, which may be necessary or convenient to form a connection with the Boston and Maine Railroad.

SECTION 6. This act shall be void unless said corporation shall locate its railroad between a point in said West Amesbury and the Boston and Maine Railroad, by one of the said two routes mentioned in section two, within two years, and construct the same within three years from the passage hereof.

Approved May 8, 1868.

ate road in that State.

Act void unless road is located within two years, and built within three years.

AN ACT TO AUTHORIZE CERTAIN CORPORATIONS TO SUBSCRIBE TO THE CAPITAL STOCK OF THE MANSFIELD AND FRAMINGHAM RAILROAD COMPANY.

Chap. 189

Be it enacted, &c., as follows :

SECTION 1. The Vermont and Massachusetts Railroad Company, the Cheshire Railroad Company, the Boston, Clinton and Fitchburg Railroad Company, the Taunton Branch Railroad Corporation, the New Bedford and Taunton Railroad Corporation, the Boston and Providence Railroad Corporation, the Old Colony and Newport Railway Company, are each of them hereby authorized to subscribe for and hold shares in the capital stock of the Mansfield and Framingham Railroad Company, to an amount not exceeding twenty-five thousand dollars: *provided, however,* that neither of said corporations shall so subscribe until further authorized by a vote of two-thirds of its stockholders, present and voting at a meeting called for that purpose.

Certain railroad corporations may take stock in Mansfield and Framingham Railroad Company.

Proviso.

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

Approved May 9, 1868.

AN ACT AUTHORIZING THE SALEM LYCEUM TO MORTGAGE REAL ESTATE.

Chap. 190

Be it enacted, &c., as follows :

SECTION 1. George Peabody, Caleb Foote, Alpheus Crosby, trustees of the Salem Lyceum, are hereby empowered to mortgage the estate held by them under the provisions of the act incorporating the Salem Lyceum, passed on the twentieth day of April, in the year one thousand eight hundred and fifty-two, for such consideration as the corporation may desire.

Trustees of Salem Lyceum may mortgage real estate.

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

Approved May 9, 1868.

AN ACT AUTHORIZING THE CAMBRIDGE GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 191

Be it enacted, &c., as follows :

SECTION 1. The Cambridge Gas Light Company is hereby authorized to add to its capital stock the sum of two hun-

\$200,000 additional capital.

dred thousand dollars, so that the whole capital stock shall not exceed five hundred thousand dollars.

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

Approved May 9, 1868.

Chap. 192 AN ACT TO INCORPORATE THE ROXBURY YOUNG MEN'S CHRISTIAN ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. J. M. W. Hall, S. L. Treadwell, C. H. Bolster, their associates and successors, are hereby made a corporation by the name of the Roxbury Young Men's Christian Association, in the city of Boston, for the purpose of improving the spiritual and mental condition of young men ; 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.

Name and purpose.

Powers and duties.

\$50,000 in real and personal estate.

SECTION 2. Said corporation may hold real and personal estate, not exceeding fifty thousand dollars, to be exclusively applied to the purpose aforesaid.

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

Approved May 9, 1868.

Chap. 193 AN ACT TO INCREASE THE CAPITAL STOCK OF THE WAMSUTTA MILLS.

Be it enacted, &c., as follows :

\$900,000 additional capital stock.

The Wamsutta Mills are hereby authorized to increase their capital stock by adding thereto a sum not exceeding nine hundred thousand dollars, and to invest such portion thereof in real and personal estate as may be necessary and convenient for the purposes for which they have been incorporated : *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation.

Shares not to be issued at less than par value.

Approved May 9, 1868.

Chap. 194 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS FOR THE COUNTY OF PLYMOUTH TO LAY OUT A HIGHWAY AND CONSTRUCT A BRIDGE OVER NORTH RIVER.

Be it enacted, &c., as follows :

Highway and bridge across North River in South Scituate and Marshfield authorized.

SECTION 1. The county commissioners for the county of Plymouth, are hereby authorized and empowered, if in their judgment the public necessity and convenience require it, to lay out a highway and construct a bridge and draw across North River, in the towns of South Scituate and Marshfield, at some place to be determined by them above Union Bridge, so called.

SECTION 2. Said commissioners, in laying out and constructing said road and bridge, shall, in all respects, proceed as is now provided by law for laying out and constructing highways.

—to be laid out and constructed as provided for highways.

SECTION 3. This act shall be void unless said county commissioners lay out said highway and bridge within three years from its passage.

Void unless laid out within three years.

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

Approved May 9, 1868.

AN ACT CONCERNING THE FIRE DEPARTMENT OF THE CITY OF WORCESTER.

Chap. 195

Be it enacted, &c., as follows:

SECTION 1. The city council of the city of Worcester is hereby authorized to establish a fire department for said city, to consist of as many engineers, officers, engine-men and members, as the city council, by ordinance, shall from time to time prescribe.

Fire department established in Worcester.

SECTION 2. The city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and manner of the removal of either officers or members; to make such requisitions in respect to their qualifications and period of service; to define their office and duty; to fix and provide for the payment of their compensation; and, generally, 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 penalties, to be prescribed by ordinance, as they shall deem expedient: *provided*, said ordinances be not repugnant to the laws of the Commonwealth; and *provided, also*, that the appointment of engine-men, hose-men, hook and ladder-men, shall be made by the mayor and aldermen.

City council to appoint and remove officers and members, and regulate generally by ordinance.

Provisos.

SECTION 3. The powers and duties conferred and imposed by this act may be carried into effect by the city council in any manner they may prescribe, and through the agency of any person or board to whom they may delegate the same.

May delegate powers and duties.

SECTION 4. The act entitled "An Act to establish a Fire Department in the Town of Worcester," passed on the twenty-sixth day of February, in the year eighteen hundred and thirty-five, and all other acts and parts of acts in addition thereto, are hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage; but it shall not operate upon existing laws and ordinances, relating to the fire department of the city of Worcester, until it shall have been adopted by the city council thereof, and

When to take effect.

until said council shall have passed an ordinance establishing a fire department for said city under the authority of this act.

Approved May 9, 1868.

Chap. 196 AN ACT FIXING THE TIMES OF HOLDING COURTS OF PROBATE IN THE COUNTY OF BARNSTABLE.

Be it enacted, &c., as follows :

Probate courts in Barnstable county.

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 December, 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 Tuesday next after the second Monday of October ; at Provincetown on the 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 of November, instead of the times now provided by law.

Approved May 9, 1868.

Chap. 197 AN ACT IN RELATION TO MORTGAGES OF REAL ESTATE.

Be it enacted, &c., as follows :

When assignment, &c., of mortgage has been recorded where land lies, and original mortgage not recorded in same registry, reference to assignment, &c., to be made on margin of original record

SECTION 1. When any assignment, extension or release of any mortgage of real estate, or any certificate of the taking or surrender of possession for foreclosure under the same, or any affidavit of notice of sale thereunder of the mortgaged premises, or any execution for possession of said mortgaged premises, has been duly recorded in the county or district where the land lies, if the original mortgage was not recorded in the same registry, the register of deeds of the county or district in whose office such mortgage was originally recorded, upon having exhibited to him at his registry, such assignment, extension, release, certificate, affidavit or execution duly recorded, shall enter upon the margin of the original record of such mortgage, a note of reference to the record of such assignment, extension, release, certificate, affidavit or execution, and shall be entitled to receive therefor the sum of twenty-five cents.

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

Approved May 9, 1868.

Chap. 198 AN ACT TO ESTABLISH THE MUNICIPAL COURT OF THE CITY OF WORCESTER.

Be it enacted, &c., as follows :

Municipal court established in Worcester with same powers, &c., as police court.

SECTION 1. There shall be established a court, to be called the municipal court of the city of Worcester, which shall have the same powers and jurisdiction in all actions and proceedings at law, whether civil or criminal, as the police court of the city of Worcester now has.

SECTION 2. All cases pending at the time this act shall take full effect, whether civil or criminal, in the police court of the city of Worcester, shall be transferred to and have day in the proper day and term of the municipal court of the city of Worcester, and all writs, processes, complaints, petitions and proceedings whatever, which are made returnable or to be entered in said police court, shall be returnable to, entered, and have day in the proper day and term of said municipal court; and all judicial writs and processes, and copies founded upon the records of said police court, shall issue under the seal of the said municipal court, in like manner and to the same effect as the same might have issued from the said police court if this act had not passed; and all writs and processes may be made returnable to the several days and terms of said police court, now established by law, till this act shall take full effect, and then all such writs and processes shall be made returnable to the days and terms herein established.

Cases pending in police court to be transferred, &c.

Processes may be made returnable to police court until this Act takes effect.

SECTION 3. The records of the said police court of the city of Worcester shall remain in the custody of the clerk of the said municipal court of the city of Worcester.

Police court records to be in custody of clerk.

SECTION 4. There shall be appointed, commissioned and qualified, agreeably to the constitution, one justice and two special justices of the municipal court of the city of Worcester; and as vacancies occur, they shall be filled by appointment in the same manner. The justice of said court shall receive an annual salary of two thousand dollars, and at the same rate for any part of a year, to be paid quarterly from the treasury of the Commonwealth, which shall be in full for all services rendered by him as justice of said court, or otherwise *ex officio*. The special justices shall officiate only in case of the absence or other inability or disability of said justice, and shall be paid by said justice six dollars for each day on which they may hold a session of said court.

One justice and two special justices.

Salary of justice, \$2,000.

Compensation of special justices.

SECTION 5. The clerk of the police court of the city of Worcester now in office shall be clerk of the municipal court of the city of Worcester until his successor is chosen and qualified; and he shall have the same powers and duties that he now has.

Clerk of police court to act until successor is chosen and qualified.

SECTION 6. At the annual state election in the year eighteen hundred and seventy-one, and every fifth year thereafter, there shall be elected in the city of Worcester, a clerk of the said municipal court, to hold his office from the first Monday of January following, and until his successor is chosen and qualified. If a vacancy occurs in the office of clerk, the justice of said court may appoint a clerk, who shall hold the

Clerk to be elected by people.

—term of office.

—vacancy, how filled.

office until another at the next or any succeeding municipal election in said city shall be chosen and qualified for the remainder of the term. The clerk shall receive an annual salary of twelve hundred dollars, and all fines, penalties, forfeitures and costs now paid or accounted for by the officers of said police court, shall be paid over and accounted for to the same officers, and in the same manner, by the officers of said municipal court. The said clerk of said municipal court shall be qualified and give bond in the same manner and amount as is now provided by law for the clerk of said police court.

—salary, \$1,200.

—to give bond.

Justices and clerk not to act as counsel, &c.

SECTION 7. The justice and clerk of the municipal court hereby established shall not be retained or employed as counsel or attorney in any writ, complaint or proceeding returnable to or pending in said court, nor in any suit which has been examined or tried therein, nor shall the special justices be retained or employed as aforesaid in any matter tried before them in said municipal court.

Court and justice to have same powers, &c., as police court and justice now have.

SECTION 8. The said municipal court of the city of Worcester and the justice thereof, shall have the same powers and jurisdiction as the said police court of the city of Worcester or the justice thereof now have in all matters relating to crimes and offences, and in receiving complaints and issuing warrants; and when the court is not in session, the justice thereof may receive complaints and issue warrants.

Court to have original and concurrent jurisdiction with superior court if debt, &c., does not exceed \$200.

SECTION 9. The said municipal court shall have the same jurisdiction as the said police court now has in all civil actions and proceedings, and have original concurrent jurisdiction with the superior court in the county of Worcester in all cases where the debt or damages demanded or property replevied does not exceed in value two hundred dollars.

Process not to run into another county, except, &c.

SECTION 10. No writ or process issued by said court in civil actions or proceedings shall run into or be served in any county other than Worcester 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 Worcester 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.

If process is served in another county and not more than twenty dollars is recovered, plaintiff shall have no costs.

Defendant's costs.

If plaintiff's claim is reduced by set offs below \$20, costs may be recovered.

SECTION 11. If the plaintiff's claim in a writ served upon the defendant out of Worcester 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.

SECTION 12. The said municipal court shall have power to establish a seal for said court, and the same power to issue all writs and processes, and to appoint all officers that may be necessary for the transaction of the business of the court, which the said police court now has; and said court may from time to time make rules for regulating the practice and conducting the business therein in all cases not expressly provided for by law.

Court may have seal, and establish rules, &c.

SECTION 13. The said municipal court shall be held for criminal business daily, except on Sundays and legal holidays, at nine o'clock in the forenoon, and in the afternoon whenever it appears expedient to the justice thereof. The court shall be held for civil business weekly. Each term shall commence on Saturday, and actions therein may be continued to any future day fixed for the sitting of the court.

Court to be held daily for criminal and weekly for civil business.

SECTION 14. A party aggrieved by the judgment of said municipal court may appeal to the superior court; such appeals shall be had, entered, conducted and disposed of in all respects as appeals now are from the police court of the city of Worcester.

Right of appeal.

SECTION 15. All laws establishing the police court of the city of Worcester, or giving jurisdiction to said court, except so far as may be necessary that the same should be supported for the purposes of this act, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed from the day this act shall take full effect; and if upon said day any term of said police court shall be in session, or shall have been adjourned to a future day, the remainder of said term may be held by the justice of said municipal court.

Repeal, &c.

SECTION 16. This act shall take effect so far as the appointing, commissioning and qualifying of the justice and special justices of said municipal court are concerned, on the first day of June next; and it shall take full effect on the first day of July next.

When to take effect.

Approved May 14, 1868.

AN ACT RELATING TO PRIVATE WAYS IN THE CITY OF BOSTON.
Be it enacted, &c., as follows:

Chap. 199

SECTION 1. The board of aldermen of the city of Boston may, from time to time, designate the name by which any street, place, court or other way, shall be known or called,

Streets, &c., in Boston opened for public use to be named by aldermen.

which now is, or hereafter shall be opened in said city over any private land, by the owners thereof, and dedicated to, or permitted to be used by the public: and any person who shall, by the erection of signs or by other means, undertake to make any such street, place, court or way publicly known by any name not so designated by said board of aldermen, shall forfeit a sum not exceeding one hundred dollars for each offence.

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

Approved May 14, 1868.

Chap. 200

AN ACT CONCERNING THE EDUCATION OF DEAF MUTES.

Be it enacted, &c., as follows:

Deaf mutes may be instructed at asylum at Hartford or at institution at Northampton.

SECTION 1. The governor, with the approval of the board of education, is hereby authorized to send such deaf mutes or deaf children as he may deem fit subjects for instruction at the expense of the Commonwealth, to the American Asylum at Hartford, or to the Clarke Institution for Deaf Mutes at Northampton, as the parents or guardians may prefer.

Governor may draw warrants for support of pupils.

SECTION 2. The governor is hereby authorized to draw his warrant for such sums as shall be necessary to pay for the instruction and support of such pupils as may be sent to said institutions respectively, pursuant to the provisions of the preceding section.

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

Approved May 14, 1868.

Chap. 201

AN ACT RELATIVE TO THE BLASTING OF ROCKS, IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Blasting rocks, &c., prohibited in Boston, without license from aldermen.

SECTION 1. No person shall blast any rock or other substance with gunpowder or other material, within one hundred yards of any public place or highway in the city of Boston, without license from the board of aldermen, or some person designated by them in writing, specifying the terms and conditions on which such license is granted: *provided, however,* that the remedy of any person injured by the blasting of rocks shall not be affected by this act, nor shall it be considered as applying to the surveyors of highways in the discharge of their official duties.

Remedy of person injured, nor duties of surveyors of highways affected.

Penalty.

SECTION 2. Any person who shall, either by himself, his servant or agent, or by any person in his employ, violate any of the terms or conditions upon which the license as aforesaid shall be granted, shall forfeit and pay, for each and every offence, a sum not less than ten nor more than fifty dollars.

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

Approved May 14, 1868.

AN ACT FOR SUPPLYING THE TOWN OF SOMERVILLE WITH WATER.

Chap. 202

Be it enacted, &c., as follows:

SECTION 1. The town of Somerville is hereby authorized to lay, construct and maintain within the limits of said town, such pipes, aqueducts and structures in connection with the water works or aqueducts of the city of Charlestown, as may be requisite for the purpose of supplying water to the inhabitants of said town for the extinguishment of fires and for other uses. And the said town is hereby fully authorized to raise by taxation or by borrowing from time to time, an amount not exceeding one hundred thousand dollars for the purposes herein specified.

Somerville may construct aqueducts in connection with Charlestown water works

May raise money not exceeding \$100,000.

SECTION 2. The said town of Somerville is hereby authorized to assess and collect upon the polls and estates of the town, real and personal, all taxes necessary for the payment of the principal and interest of such promissory notes as shall be issued under the provisions of the preceding section.

May tax estates for payment of principal and interest.

SECTION 3. The said town of Somerville shall annually elect a committee of five from the inhabitants of the town, who shall superintend, control, direct and make such rules and regulations for the construction and maintenance of such pipes, aqueducts and structures as are authorized under the provisions of section one of this act.

To elect committee of five inhabitants to have charge of works.

SECTION 4. All acts done by the inhabitants of the said town of Somerville, at a legal town meeting holden on Monday, the thirteenth day of April, in the year one thousand eight hundred and sixty-eight, having reference to a supply of water, are hereby ratified, confirmed and made valid to the same extent as though the provisions of this act were then in full force.

Acts done at town meeting ratified.

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

Approved May 14, 1868.

AN ACT TO AUTHORIZE THE TOWN OF SHEFFIELD TO TAKE STOCK IN THE SHEFFIELD RAILROAD COMPANY.

Chap. 203

Be it enacted, &c., as follows:

SECTION 1. The town of Sheffield is hereby authorized by a vote of two-thirds of the voters present, at a legal town meeting duly called for the purpose, to subscribe for and hold shares in the capital stock of the Sheffield Railroad Company, to an amount not exceeding five per centum, of the assessed valuation of the said town; and said town may pay for such shares, so voted to be taken, out of its treasury, and is hereby authorized to raise by loan upon bonds or tax or otherwise, any and all sums of money which may be

Sheffield may take stock in Sheffield Railroad Company.

May raise money by bonds or tax, &c.

necessary to pay for the same, and may hold and dispose of the same like other town property.

Selectmen to represent town at meetings of company.

SECTION 2. The selectmen of the said town of Sheffield shall have authority to represent the said town of Sheffield at any and all meetings of the Sheffield Railroad Company, and said town so represented is hereby authorized to vote on the whole amount of the stock held by the said town, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

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

Approved May 14, 1868.

Chap. 204 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO LAY OUT A HIGHWAY AND CONSTRUCT A BRIDGE IN THE TOWN OF SOMERSET.

Be it enacted, &c., as follows:

County commissioners may lay out highway and build bridge in Somerset.

SECTION 1. The county commissioners of the county of Bristol are hereby authorized and empowered, if in their opinion the public convenience and necessity require it, to lay out a highway and construct a bridge over Labor-in-vain Creek, so called, in the town of Somerset, in said county, at such place as said commissioners may determine. In laying out and constructing said highway and bridge, said commissioners shall, in all respects, proceed as is now provided by law for laying out and constructing highways.

To be laid out, &c., according to law for highways.

Void, unless applied for within one year.

SECTION 2. This act shall be void unless an application shall be made to the county commissioners to lay out said highway and bridge within one year from its passage.

Approved May 14, 1868.

Chap. 205 AN ACT TO INCORPORATE THE BOSTON AND CHICAGO ADJUSTABLE CAR COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Charles Bockus, Francis Childs, Edmund Fletcher, their associates and successors, are hereby made a corporation by the name of the Boston and Chicago Adjustable Car 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 may hereafter be in force applicable to such corporations, and subject to such taxation as is now, or may hereafter be imposed on railroad and telegraph companies.

Name and purpose. Powers and duties.

May build, &c., railway freight cars.

SECTION 2. The said corporation is hereby authorized to manufacture, build, purchase, hire, lease, sell and hold adjustable railway freight cars.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall be five hundred thousand dollars, with the right to increase the

same to one million dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall not commence operations until one hundred and twenty-five thousand dollars has been paid in in cash. Not to commence operations until \$125,000 paid in.

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

Approved May 14, 1868.

AN ACT TO INCORPORATE THE ELECTRIC GAS LIGHTING COMPANY. Chap. 206

Be it enacted, &c., as follows :

SECTION 1. David Whittemore, Edwin E. Bean, Frank Bean, their associates and successors, are hereby made a corporation by the name of the Electric Gas Lighting Company, for the purpose of manufacturing and using machinery for lighting gas by electricity; 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 are or may be in force relating to manufacturing corporations. Corporators.

SECTION 2. Said corporation shall have its usual place of business in the city of Boston, and may establish its manufactory in any town in the Commonwealth, and may hold such real and personal estate as may be necessary or convenient for the purposes set forth in this act. Name and purpose.
Powers and duties.
Place of business to be in Boston.

SECTION 3. The capital stock of said corporation shall not exceed three 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 is paid in in cash. Real and personal estate.
Capital stock and shares.
Proviso.

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

Approved May 14, 1868.

AN ACT TO INCORPORATE THE CAMBRIDGE LAND AND BUILDING ASSOCIATION. Chap. 207

Be it enacted, &c., as follows :

SECTION 1. John J. Fatal, A. Molyneaux Hewlett, Elias Furbush, their associates and successors, are hereby made a corporation by the name of the Cambridge Land and Building Association, during the term of twenty years from and after the passage of this act, for the purpose of purchasing, selling, leasing and improving real estate in the city of Cambridge, now held by John J. Fatal, A. M. Hewlett, Elias Furbush, John P. Coburn, Lemuel Burr, P. L. Baldwin, Edward Williams and John B. Dunn, as trustees of the Cambridge Land and Building Company, and no other, and performing such other legal acts as may be neces- Corporators.
Name and purpose.

Powers and duties.

sary in accomplishing said objects; with all the powers and privileges, and subject to all the duties, liabilities and conditions, set forth in all general laws which now are or hereafter may be in force and applicable to said corporation.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, with liberty to increase the said capital stock to fifty thousand dollars: *provided*, that the said corporation shall not transact any business until at least six thousand two hundred and fifty dollars shall have been paid in in cash.

Not to transact business until \$6,250 paid in.

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

Approved May 14, 1868.

Chap. 208

AN ACT AUTHORIZING THE PNEUMATIC DISPATCH COMPANY TO CARRY PASSENGERS.

Be it enacted, &c., as follows:

May convey passengers; 1867, 329.

The Pneumatic Dispatch Company, in addition to the powers conferred by chapter three hundred and twenty-nine of the acts of the year eighteen hundred and sixty-seven, is authorized to convey passengers. *Approved May 14, 1868.*

Chap. 209

AN ACT TO AMEND AN ACT TO INCORPORATE THE PENITENT FEMALES' REFUGE IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

\$100,000 additional real estate.

SECTION 1. The Penitent Females' Refuge in the city of Boston, incorporated by an act approved the twenty-first day of January, in the year eighteen hundred and twenty-three, is hereby authorized to hold real estate to an amount not exceeding one hundred thousand dollars.

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

Approved May 14, 1868.

Chap. 210

AN ACT RELATING TO THE CIRCULATION OF STATE BANKS WHICH HAVE BECOME BANKING ASSOCIATIONS UNDER THE LAWS OF THE UNITED STATES.

Be it enacted, &c., as follows:

Former State banks, now under U. S. laws, may withdraw stocks from auditor after time to redeem notes has expired.

Any bank heretofore existing in this Commonwealth, and organized under the general laws thereof, which has since become a banking association under the laws of the United States, shall, at the expiration of the three years within which it is required to redeem its circulating notes issued while a state bank, under the provisions of section one of chapter one hundred and sixty-three of the acts of the year eighteen hundred and sixty-five, be entitled to withdraw from the custody of the auditor the public stocks deposited for the security of such circulating notes.

Approved May 14, 1868.

AN ACT RELATING TO THE ASSESSMENT OF TAXES.

Chap. 211

Be it enacted, &c., as follows:

SECTION 1. The assessors of cities and towns shall, on or before the first day of July, in each year, make correct alphabetical lists of the names of all persons in their respective cities and towns against whom a poll-tax has been assessed for that year, together with a designation, in cities, of the street and number of the residence of such persons, when practicable, and on or before said day shall cause such lists to be posted in two or more public places in each town, and each ward of a city.

List of persons assessed, poll-tax to be made and posted by assessors on or before first of July.

SECTION 2. When any person, on or before the first day of August, in any year, gives notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town, that he was on the first day of May of that year, an inhabitant thereof, and liable to pay a poll-tax, and furnishes under oath a true list of his polls and estate, both real and personal, not exempt from taxation, the assessors shall assess him for his polls and estate; but such assessment shall be subject to the provisions of chapter one hundred and twenty-one of the acts of the year one thousand eight hundred and sixty-five; and the assessors shall, on or before the fifteenth day of August, deposit with the clerk of the city or town a list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

How persons may be assessed on or before the first of August.

Proviso.

List to be deposited with clerk on or before fifteenth of August.

Approved May 14, 1868.

AN ACT FOR THE MORE EFFECTUAL PREVENTION OF CRUELTY TO ANIMALS.

Chap. 212

Be it enacted, &c., as follows:

SECTION 1. Whoever shall overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill, or cause or procure to be so overdriven, overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed, any horse, ox, or other animal, and whoever having the charge or custody of any such animal, either as owner or otherwise, shall unnecessarily fail to provide such animal with proper food, drink and shelter or protection from the weather, shall, for every such offence, be punished by imprisonment in the jail not exceeding one year, or by fine, not exceeding two hundred and fifty dollars, or by both such fine and imprisonment.

Overdriving, tormenting, killing, &c., animals prohibited.

Penalties.

SECTION 2. Every owner of, or person having the charge or custody of, any horse, ox, or other animal, who shall knowingly and wilfully authorize or permit the same to be

Penalty on owner for permitting animal to be tortured, &c.

subjected to or suffer unnecessary torture or cruelty, shall be punished for every such offence, in the manner provided in section one.

—for cruelly working animal unfit for work.

SECTION 3. Every owner, driver, possessor or person having the charge or custody of an old, maimed or disabled or diseased horse, mule or other animal, who shall cruelly work the same when unfit for work, or cruelly abandon the same, shall be punished for every such offence in the same manner provided in section one.

—for carrying upon vehicle in a cruel manner.

SECTION 4. Any person who shall carry or cause to be carried in or upon any vehicle or otherwise, any animal in an unnecessarily cruel or inhuman manner, shall be punished in the same manner provided in section one.

Regulations concerning carrying cattle, &c., by railroad companies.

SECTION 5. No railroad company in this state, in the carrying and transportation of cattle, sheep, swine or other animals, shall confine the same in cars for a longer period than twenty-eight consecutive hours, unless delayed by storm or other accidental causes, without unloading for rest, water and feeding, for a period of at least five consecutive hours. In estimating such confinement, the time the animals have been confined without such rest, on connecting roads, from which they are received, shall be computed; it being the intention of this act to prevent their continuous confinement beyond twenty-eight hours, except upon contingencies herein before stated.

Railroad companies may charge expense of feeding, &c., to owner.

SECTION 6. If the owner or person in charge of said animals, refuses or neglects to pay for the care and feed of animals so rested, the railroad company may charge such expense to the owner or consignee, and retain a lien upon the animals until the same is paid; and no claim of damages for detention shall be recovered by the owner or shipper of any animals for the time they are detained under the provisions of this act.

Penalty on railroad owner, &c., for violation.

SECTION 7. Any railroad company, owner, consignee or person in charge of said cattle, sheep, swine or other animals, who shall violate any provision of the fifth or sixth sections of this act, shall for each and every such violation be liable for and forfeit and pay a penalty of one hundred dollars.

Duty of officers to prosecute violations.

SECTION 8. It shall be the duty of all sheriffs, deputy-sheriffs, police officers and constables, to prosecute all violations of the provisions of this act which shall come to their notice or knowledge; and fines collected upon the complaint or information of any officer or agent of the Massachusetts Society for the Prevention of Cruelty to Animals, under this act, shall inure and be paid over to said society, in aid of the benevolent objects for which it was incorporated.

Fines collected, how to be disposed of.

SECTION 9. The several municipal and police courts, and trial justices in this Commonwealth, shall have concurrent jurisdiction with the superior court of all offences under this act. Jurisdiction of courts.

SECTION 10. Section forty-one of chapter one hundred and sixty-five of the General Statutes is hereby repealed. Repeal.

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

Approved April 14, 1868.

AN ACT FIXING THE TIMES AND PLACES OF HOLDING PROBATE COURTS IN THE COUNTY OF MIDDLESEX. Chap. 213

Be it enacted, &c., as follows :

SECTION 1. After the first day of July next, the terms of the probate court for the county of Middlesex, shall be held at Cambridge, on the first, second and fourth Tuesdays of each month, except August ; and at Lowell on the third Tuesdays of January, March, May, July, September and November, in each year, instead of the times now provided by law. Probate court at Cambridge and Lowell.

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

Approved May 19, 1868.

AN ACT FIXING THE TIMES AND PLACES OF HOLDING PROBATE COURTS IN THE COUNTY OF NORFOLK. Chap. 214

Be it enacted, &c., as follows :

SECTION 1. The sessions of the probate court in the county of Norfolk, shall be held at Dorchester every Wednesday, except during the month of August ; and at Dedham every first Tuesday of each month except August, instead of the times and places now required by law. Probate court at Dorchester and Dedham.

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

Approved May 19, 1868.

AN ACT TO INCORPORATE THE YOUNG MEN'S LITERARY INSTITUTE OF PLYMOUTH. Chap. 215

Be it enacted, &c., as follows :

SECTION 1. William E. Barnes, Arthur Lord, Charles C. Baes, their associates and successors, are hereby made a corporation by the name of the Young Men's Literary Institute of Plymouth, for the purpose of maintaining a library in the town of Plymouth, and for literary and educational purposes ; 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. Corporators.
Name and purpose.
Powers and duties.

SECTION 2. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding fifty thousand dollars. Real and personal estate.

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

Approved May 19, 1868.

Chap. 216 AN ACT TO INCORPORATE THE ROMAN CATHOLIC CEMETERY ASSOCIATION.

Be it enacted, &c., as follows :

Corporators. SECTION 1. John J. Williams, George A. Hamilton, George F. Haskins, their associates and successors, are hereby made a corporation, by the name of the Roman Catholic Cemetery Association. Said corporation shall have all the powers, and be subject to all the duties, restrictions and liabilities set forth in the twenty-eighth chapter of the General Statutes, except as is otherwise provided in this act.

Name.

Powers and duties.

Real and personal estate. SECTION 2. The said corporation are hereby empowered to take and hold by purchase or gift, in fee simple, for the purposes hereinafter provided, so much real estate in the town of Malden, in the county of Middlesex, not exceeding one hundred acres, and so much personal property, as may be necessary for the purposes of said corporation.

Real estate to be held for burial ground. SECTION 3. The said corporation shall take and hold the real estate aforesaid for a rural cemetery or burial ground, and for the erection of tombs, cenotaphs or other monuments, for or in memory of the dead ; and for this purpose may lay out the same in convenient and suitable lots, and may construct such suitable buildings and appendages as said corporation may, from time to time, deem expedient.

May convey exclusive rights of burial. SECTION 4. The said corporation shall have authority to grant and convey to any person or persons, the sole and exclusive right of burial in any of the aforesaid lots, and of erecting tombs and cenotaphs, and of ornamenting the same, upon such terms and conditions, and subject to such regulations, as said corporation shall prescribe.

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

Approved May 19, 1868.

Chap. 217 AN ACT TO INCORPORATE THE TURNER'S FALLS CUTLERY COMPANY.

Be it enacted, &c., as follows :

Corporators. SECTION 1. James C. Ayer, Charles A. Stevens, Oakes Ames, their associates and successors, are hereby made a corporation by the name of the Turner's Falls Cutlery Company, for the purpose of manufacturing, at Turner's Falls, in the town of Montague, all kinds of cutlery, hardware, articles of iron and of other metals and materials ; 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.

Name and purpose.

Powers and duties.

Real estate and water power. SECTION 2. Said corporation may purchase, hold, improve or lease such real estate and water power as it may find

necessary for the prosecution of the business aforesaid, not exceeding in value three hundred and fifty thousand dollars

SECTION 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation or incur any liability until one hundred thousand dollars of its capital stock has been paid in in cash.

Capital stock and shares.

When to go into operation.

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

Approved May 19, 1868.

AN ACT TO INCORPORATE THE BOWDITCH MILLS.

Be it enacted, &c., as follows :

Chap. 218

SECTION 1. Charles A. Ropes, James Z. Almy, George Wheatland, junior, their associates and successors, are hereby made a corporation by the name of the Bowditch Mills, for the purpose of manufacturing cotton cloths in the city of Salem; 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.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold, for the purposes 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 dollars, divided into shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until two hundred thousand dollars of its capital stock is paid in in cash.

Real estate.

Capital stock and shares.

Proviso.

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

Approved May 19, 1868.

AN ACT TO CHANGE THE NAME OF THE BOSTON NEW CHURCH UNION.

Chap. 219

Be it enacted, &c., as follows :

SECTION 1. The Boston New Church Union, a corporation established in the city of Boston by chapter six of the acts of the year eighteen hundred and sixty-four, shall hereafter be called and known by the name of the Massachusetts New Church Union.

Name changed to "Mass. New Church Union."

SECTION 2. This act shall take effect upon its acceptance by the society.

Approved May 19, 1868.

Chap. 220 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MERRIMACK VALLEY HORSE RAILROAD COMPANY.

Be it enacted, &c., as follows :

Capital stock,
\$80,000.

SECTION 1. The capital stock of the Merrimack Valley Horse Railroad Company shall not exceed eighty thousand dollars.

Certain acts confirmed and made valid.

SECTION 2. All acts of said corporation heretofore done in building its road are hereby confirmed and made valid, as legal acts of said corporation, in all respects as if the certificate signed and sworn to by the president, treasurer, clerk and a majority of the directors thereof, had been filed in the office of the secretary of the Commonwealth according to the provisions of law.

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

Approved May 19, 1868.

Chap. 221 AN ACT AUTHORIZING "THE TEMPORARY HOME FOR THE DESTITUTE," TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows :

\$100,000 in real and personal estate.

SECTION 1. "The Temporary Home for the Destitute," is hereby authorized to hold real and personal property to an amount not exceeding one hundred thousand dollars.

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

Approved May 19, 1868.

Chap. 222 AN ACT AUTHORIZING THE MILFORD AND WOONSOCKET RAILROAD COMPANY TO MORTGAGE ITS RAILROAD AND FRANCHISE.

Be it enacted, &c., as follows :

May mortgage road and franchise to secure loan.

SECTION 1. The Milford and Woonsocket Railroad Company is hereby authorized to mortgage its railroad, property, rights and franchise, or any part thereof, to secure any loan, or any indebtedness in the nature of a loan, that may hereafter be made to or incurred by the said company, by a mortgage deed duly executed and recorded in the counties of Worcester and Norfolk: *provided*, that said loan or loans shall not exceed the sum of thirty-five thousand dollars in the aggregate; and *provided, further*, that nothing contained in this act shall in any way affect any pre-existing debt not so secured, or any claim which any person or corporation may have against said company, for damage caused to such person, or for the taking of land included within the location of said railroad, or for any other cause, or any remedies for the enforcement of said debt or claims.

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

Approved May 19, 1868.

Loan not to exceed \$35,000.

Proviso.

AN ACT TO AUTHORIZE THE CITY OF BOSTON AND THE TOWN OF WEST ROXBURY TO IMPROVE STONY BROOK AND ITS TRIBUTARIES.

Chap. 223

Be it enacted, &c., as follows :

SECTION 1. The city of Boston and the town of West Roxbury, for the purpose of sewerage, may remove obstructions in or over Stony Brook and the tributaries thereof, so far as the said brook and tributaries flow within the limits of said city and said town respectively; may divert the water and alter the course and deepen the channel thereof; and the more effectually to make the said improvements, may take or purchase land, not exceeding four rods in width, on either side of the present channel of said brook and of its tributaries, or of any channel into which said waters may be diverted, within the limits of said city and town respectively. Said city or town, as the case may be, 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 in which said lands are situate, a description of the land so taken, as certain as is required in a common conveyance of land, and a statement that the same are taken pursuant to the provisions of this act; which said statement shall be signed by the mayor of said city, or the selectmen of said town, as the case may be; and the title to all land so taken shall vest in said city or said town, as the case may be.

Boston and West Roxbury may remove obstructions from Stony Brook.

May divert the water, alter channel, &c.

May take or purchase land.

To file description of lands taken.

Statement to be signed by mayor or selectmen.

SECTION 2. Any person injured in his property by any of the acts done by said city or town, under the first section of this act, shall, upon application to the mayor and aldermen of said city, or the selectmen of said town, according as said property is situate in said city or town, have compensation therefor, the amount thereof to be determined by said mayor and aldermen or said selectmen. And said mayor and aldermen, or said selectmen, as the case may be, shall finally adjudicate upon the question of damages, within thirty days after the filing of said application, unless the parties agree in writing to extend the time. In case damages are awarded, payment shall be made forthwith by said city or town, as the case may be.

Compensation for damages.

SECTION 3. If the applicant is aggrieved, either by the estimate of his damages or by a refusal or neglect within thirty days to estimate the same, he may, within three months from the expiration of said thirty days or of the extended time, as provided in the second section, apply for a jury and have his damages assessed in the manner provided when land is taken in laying out highways. If the damages are increased by the jury, the damages and costs

Persons aggrieved may apply for jury.

Costs, by whom to be paid.

shall be paid by the city or town, as the case may be; otherwise, the costs arising on such application shall be paid by the applicant.

Expense of improvement, how and by whom to be paid.

SECTION 4. All the expenses of improving said brook and its tributaries, authorized by this act, including all damages paid under the preceding sections, shall be paid by said city or town, according as they may be incurred within their respective limits. But the mayor and aldermen of said city and the selectmen of said town may assess upon the estates within their respective limits bordering upon said brook and its tributaries, a part of the expenses incurred respectively by them, not exceeding however one-half thereof, and not exceeding the amount of the benefit in proportion to the benefit which they may adjudge said estates to have sustained by said improvements.

Assessments to be lien upon real estate for one year.

SECTION 5. All assessments made under the fourth section of this act shall constitute a lien on the real estate assessed for one year after they are laid, and may, together with all incidental costs and expenses, be levied by sale thereof, (except as provided in the sixth section of this act,) if the assessment is not paid within three months after a written demand of payment, made either upon the person assessed or upon any person then occupying the estate, or posted upon the premises; such sale to be conducted in like manner as sales for the non-payment of taxes.

Estate may be sold as for non-payment of taxes.

Assessments may be apportioned into three parts, to be paid in three years.

SECTION 6. If the owner of any estate, assessed as provided in the fifth section, desires to have the amount of said assessment apportioned, he shall give notice thereof in writing to the board of aldermen or to the selectmen, as the case may be, at any time before a demand is made upon him for the payment thereof; and said board of aldermen or selectmen shall thereupon apportion the said amount into three equal parts, which apportionment shall be certified to the assessors, and the said assessors shall add one of said equal parts to the annual tax of said estate each year for the three years next ensuing.

Person aggrieved by assessment may apply for a jury.

SECTION 7. Any person aggrieved by the assessment under the fourth section of this act may, within three months after a written demand for payment, as provided in the fifth section of this act, petition for a jury or committee in the same manner as appeals are made when land is taken in laying out highways. If the assessment is not confirmed by the jury, the costs of the application shall be paid by the city or town, as the case may be; otherwise, the same shall be paid by the applicant.

Costs.

SECTION 8. When the improvements authorized by this act shall have been completed, that part of Stony Brook and its tributaries flowing within said city and town shall be and remain under the control of said city and town respectively: *provided, however,* that the city of Boston shall neither cause nor permit any obstructions to the flow of the waters from said town of West Roxbury.

Stony Brook to be under control of Boston and W. Roxbury.

Proviso.

SECTION 9. This act shall not be construed to authorize the said city or town to restrain or dam up any of the streams now flowing into Stony Brook or into the tributaries thereof.

Streams not to be obstructed.

Approved May 19, 1868.

AN ACT AUTHORIZING THE TOWN OF WARE TO SUBSCRIBE FOR AND HOLD SHARES IN THE CAPITAL STOCK OF THE WARE RIVER RAILROAD COMPANY, AND FOR OTHER PURPOSES.

Chap. 224

Be it enacted, &c., as follows:

SECTION 1. The Ware River Railroad Company is hereby authorized to proceed to build the first section of the railroad authorized by the seventy-sixth chapter of the acts of the year eighteen hundred and sixty-seven, when the sum of two hundred thousand dollars shall have been subscribed for the building of said section: *provided,* that before said section 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 company and a majority of its directors, stating that said sum has been subscribed by responsible parties, and that twenty per centum of the par value of each and every share embraced in said sum has been actually paid into the treasury of the said company.

When Ware River Railroad Company may build first section of road.

Proviso.

SECTION 2. The town of Ware is hereby authorized, when so voting at a legal town meeting duly called for the purpose, to subscribe for and hold shares in the capital stock of the said company, to an amount not exceeding five per centum of the assessed valuation of the said town; and said town may pay for such shares, so voted to be taken, out of its treasury, and is hereby authorized to raise by loan upon bonds or tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

Ware may take stock in road not exceeding five per cent. of town valuation.

May raise money to pay for same.

SECTION 3. The selectmen of the said town of Ware shall have authority to represent the said town at any and all meetings of the Ware River Railroad Company; and said town, so represented, is hereby authorized to vote on the whole amount of the stock held by the said town, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

Selectmen to represent town at meetings of corporation.

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

Approved May 19, 1868.

Chap. 225 AN ACT TO AUTHORIZE CERTAIN TOWNS TO SUBSCRIBE FOR AND HOLD STOCK IN THE WILLIAMSBURG AND NORTH ADAMS RAILROAD COMPANY.

Be it enacted, &c., as follows :

Certain towns may take stock in Williamsburg and No. Adams Railroad Co.

SECTION 1. The towns of Adams, Savoy, Cheshire, Windsor, Cummington, Goshen, Williamsburg, Northampton, Chesterfield, Worthington, Westhampton and Plainfield are hereby severally authorized, when so voting at legal town meetings, duly called for the purpose, to subscribe for and hold shares in the capital stock of said company, to an amount not exceeding five per centum of the assessed valuation of said towns respectively ; and said towns may pay for such shares, so voted to be taken, out of their respective treasuries, and are hereby authorized to raise by loan, upon bonds or tax or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

May raise money to pay for same.

Selectmen to represent towns at meetings of corporation.

SECTION 2. The selectmen of the towns of Adams, Savoy, Cheshire, Windsor, Cummington, Goshen, Williamsburg, Northampton, Chesterfield, Worthington, Westhampton and Plainfield, respectively, shall have authority to represent said towns, respectively, at any and all meetings of the Williamsburg and North Adams Railroad Company, and said towns, so represented, are hereby authorized to vote on the whole amount of the stock held by said towns, respectively, anything in sixty-third chapter of the General Statutes to the contrary notwithstanding.

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

Approved May 19, 1868.

Chap. 226 AN ACT TO AMEND THE SECOND SECTION OF CHAPTER THIRTY-EIGHT OF THE GENERAL STATUTES, RELATING TO HIGH SCHOOLS.

Be it enacted, &c., as follows :

Number of families in towns, how to be determined.

In order to ascertain that any town is subject to the requirement of section second, chapter thirty-eight of the General Statutes, the number of families or householders thereof shall be determined by the latest public census which shall have been taken, by the authority either of this Commonwealth or of the United States.

Approved May 19, 1868.

Chap. 227 AN ACT RELATING TO INVESTMENTS BY SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Be it enacted, &c., as follows :

Investments by savings banks in stock, &c., of national banking associations.

SECTION 1. Savings banks and institutions for savings may invest their funds in the stock of any banking association located in this state and organized under the provisions of the act of congress, approved on the third day of June,

in the year eighteen hundred and sixty-four, and may deposit on call in such national banking associations, and receive interest therefor, in the same manner, and to the same extent, as they are now authorized to invest in the stock of, and to deposit in certain national banking associations, under the provisions of chapter two of the acts of the year eighteen hundred and sixty-four.

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

Approved May 19, 1868.

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF NEW BEDFORD.

Chap. 228

Be it enacted, &c., as follows:

SECTION 1. The inhabitants of the city of New Bedford shall continue to be a body politic and corporate under the name of the city of New Bedford, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and belonging to said city as a municipal corporation.

New Bedford to continue to be a city.

SECTION 2. The administration of the fiscal, prudential and municipal affairs of said city, with the conduct and government thereof, shall be vested in one principal officer, to be styled the mayor; one council of six, to be denominated the board of aldermen; and one council of twenty-four, to be denominated the common council, each of which boards shall have a negative upon the other. The two boards in their joint capacity shall be denominated the city council; and the mayor and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business; and no member of either board shall receive any compensation for his services, or be eligible to, or hold any office under the city government, (the mayoralty excepted,) the salary of which is payable from the city treasury.

Administration of affairs vested in mayor and boards of aldermen and common council.

Boards in joint capacity styled city council.

Members and mayor to be sworn.

Quorum.

Boards to serve without compensation, &c.

SECTION 3. The meetings of the citizens for the election of municipal officers shall be held on the first Tuesday of December annually; and the said officers so chosen shall enter upon the duties of their respective offices on the first Tuesday of January succeeding their election, and shall hold their said offices for the term of one year thereafter, and until others are chosen and qualified in their stead, except the assessor at large, and the members of the school committee, who shall severally hold their respective offices for three years from the first Tuesday of January succeeding their election, and until others are chosen and qualified in their stead.

Municipal officers to be elected annually on first Tuesday of December.

Terms of office.

Warrants for meetings, how to be issued and served.

All warrants for the meetings of citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned at such time, and in such manner as the city council may by ordinance direct.

Election qualifications, and duties of wardens, clerks and inspectors of elections.

SECTION 4. On the first Tuesday in December, annually, there shall be chosen by ballot, in each of the wards of the city of New Bedford, a warden, clerk, and three inspectors of elections, who shall be different persons, residents of the ward in which they are chosen, whose term of office shall commence on the first Tuesday of January next ensuing, and they shall hold their offices for one year thereafter, and until others have been chosen and qualified in their stead; and the warden, clerk and inspectors, before entering upon their duties, shall respectively make oath, faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the city clerk to the warden, and by the warden to the ward clerk and inspectors, or to either or all of said officers, by any justice of the peace for the county of Bristol. A certificate that said oath has been taken shall be entered upon the records of the ward by the clerk thereof.

It shall be the duty of such warden to preside at all ward meetings, with the powers of moderators of town meetings; and if at any such meetings the warden shall be absent, the clerk, and in case of the absence of the clerk, an inspector shall preside, according to seniority of age, until a warden *pro tempore* shall be chosen by ballot.

The clerk shall record all the proceedings, and certify the votes given, and shall within twenty-four hours after the closing of the polls deliver to the city clerk, for safe keeping, all such records and journals, together with all documents and papers, held by him in such capacity. It shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the votes. In case of failure to elect a warden, ward clerk, or the whole number of inspectors, the same proceedings shall be had as are herein-after provided for the election of councilmen.

Election and qualifications of mayor, aldermen and common councilmen.

SECTION 5. The mayor, and six aldermen, one alderman being selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards; and four common councilmen shall be elected from and by the voters of each ward, being residents in the wards when elected. All said officers shall be chosen by ballot.

SECTION 6. On the first Tuesday in December, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen and common councilmen, as provided in the preceding section. All the votes so given shall be assorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward record at length. The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected members of the common council certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such election, certified in like manner: *provided, however*, that if the choice of members of the common council, school committee, overseers of the poor and assistant assessors shall not be effected on that day, the meeting may be adjourned by the presiding officer of the wards for the purpose of filling such vacancies, to a time not less than twenty-four, or more than seventy-two hours subsequent to the hour when the polls were opened at the first balloting.

Proceedings at and after meetings for elections of mayor, &c.

Proviso as to adjournment of meetings.

SECTION 7. 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 elected mayor, to be notified in writing of his election; but if it shall appear that no person has received a plurality of the votes, or if the person elected shall refuse to accept the office, the board shall forthwith issue its warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the choice of mayor, and repeated from time to time until a mayor shall be chosen.

Mayor elect to be notified.

Proceedings in case of failure to elect mayor or aldermen, or refusal to serve.

If it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had as are herein before provided, in regard to the office of mayor. Each alderman shall be notified in writing of his election, by the mayor and aldermen for the time being.

In case of the decease or resignation of the mayor, the board of aldermen and common council shall respectively by vote declare that a vacancy exists, and the cause thereof; whereupon the two boards shall meet in convention, and elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office during the remainder of the year, and until another shall be elected and qualified in his stead.

—in case of vacancy in office of mayor or aldermen.

In absence of mayor, who to preside.

In case of the absence of the mayor or of his inability to perform the duties of his office, the board of aldermen shall elect one of their number a presiding officer, who shall perform all the duties incumbent on the mayor, until the inability shall be removed.

Mayor and city council to meet in convention on first Tuesday of January and be qualified.

SECTION 8. The mayor, aldermen and common councilmen elect shall, on the first Tuesday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the mayor, by any justice of the peace for the county of Bristol, and to the members of the two boards present, by the mayor or city clerk, or by any justice of the peace for the county of Bristol; and a certificate setting forth that such oath has been taken, shall be entered upon the journals of the mayor and aldermen, and of the common council, by their respective clerks.

Certificate of qualification to be recorded.

Record in case of failure to elect mayor.

Whenever it shall appear that a mayor has not been elected previously to the said first Tuesday in January, the mayor and aldermen for the time being shall make a record of the fact, an attested copy of which the city clerk shall read at the opening of the convention, to be held as aforesaid on the first Tuesday of January.

Organization of common council.

After the oaths have been administered as aforesaid, the two branches shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices during the pleasure of the common council; the clerk to be under oath faithfully to perform the duties of his office.

Proceeding if the mayor or members of city council are absent at organization.

In case of the absence of the mayor elect, on the first Tuesday of January, the city government shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter, in convention of the two branches, be administered to the mayor, and to any member of the city council absent at the organization. Each board shall keep a record of its own proceedings, and shall be judge of the election of its own members.

Each board to keep a record and judge election of members.

Duties of mayor.

SECTION 9. The mayor shall be the chief executive officer of the city. It shall be his duty to be vigilant and active in causing the laws, ordinances and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers; and he may, whenever the public good shall require, remove 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 board of aldermen and common council, or either of them, when, in his opinion, the interests of the city require, by causing notices to be left at the usual dwelling-place of each member of the board or boards to be convened.

He shall, from time to time, communicate to both boards such information, and recommend such measures as the business and interests of the city may, in his opinion, require.

The mayor, when present, shall preside in the board of aldermen, and in convention of the two branches, but shall have a casting vote only.

The mayor shall receive for his services a salary to be fixed on or before the first Tuesday in June, annually, for the succeeding year, by the city council; which salary shall not exceed the sum of fifteen hundred dollars annually, and he shall receive no other compensation: but such salary shall not be increased or diminished during the period for which he is chosen.

Salary.

Not to be changed during period for which chosen.

SECTION 10. The executive power of said city generally, together with the administration of the police, and all the powers now vested in the selectmen of towns by the general laws of the Commonwealth, by particular laws relative to the powers and duties of said selectmen, or by the usages, votes and ordinances of said city of New Bedford, shall be and hereby are vested in the mayor and aldermen, as fully and amply as if the same were herein specially enumerated.

Executive powers vested in mayor and aldermen.

The mayor and aldermen may require any person appointed a marshal or constable of the city, to give bonds, with such security and to such amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds required by the selectmen of towns in this Commonwealth.

Powers regarding requirement of bonds by constables, &c.

All meetings of the mayor and aldermen (when they are not engaged in executive business,) and of the city council and common council, shall be open to the public.

Meetings to be open, except, &c.

SECTION 11. The mayor and aldermen shall be surveyors of highways.

Surveyors of highways.

SECTION 12. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a city marshal and assistant-marshals and constables, who shall hold their offices until others are chosen and qualified in their stead; and all other needful police officers, who shall hold office for such time as the city council shall by standing ordinance prescribe: *provided, how-*

Marshals and constables to be elected by city council upon nomination by the mayor.

Proviso.

ever, that no person shall be chosen a marshal or constable, or to any other office in the department of the police of the city, who shall not have been nominated to the city council by the mayor.

Subordinate officers to be appointed as prescribed by ordinance.

The city council shall in such manner as their ordinance shall prescribe, appoint or elect all subordinate officers (whose appointment or election is not otherwise provided for,) for the ensuing year. In case of a vacancy in any of said offices, the same shall be filled in the manner prescribed in this section.

Treasurer and city clerk.

The city council shall in the month of April, annually, elect by joint ballot, in convention, a city treasurer, who shall be collector of taxes, and a city clerk, for the ensuing year, who shall hold their respective offices until others are chosen and qualified in their stead. If by reason of temporary absence or disability, the city clerk is prevented from performing the duties of his office, the board of aldermen may appoint a city clerk *pro tempore*, who shall be sworn to the faithful performance of his duties, and shall hold the office until the disability shall be removed, or a vacancy is declared and filled in the manner prescribed in this section. The city council shall define the duties and fix the compensations of all officers appointed or elected by them, when such duties and compensations shall not be defined and fixed by the laws of the Commonwealth.

City clerk *pro tempore* may be elected, if clerk absent.

Officers' duties and compensations to be defined by city council.

Appropriations.

The city council shall take care that no money be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability by requiring bonds, with sufficient penalties and sureties, from all persons intrusted with the receipt, custody or disbursement of money; shall have the care and superintendence of the city buildings, and the custody and management of all city property, with the power to let or sell what may be legally sold; and to purchase property, real or personal, in the name and for the use of the city, whenever the interest or convenience of the inhabitants may in their judgment require it.

Care of public property.

Power to sell and purchase.

Account of receipts and expenditures to be published.

The city council shall as often as once in a year cause to be published for the use of the inhabitants, a particular account of the receipts and expenditures, a schedule of the city property, and a statement of the city debt.

Powers of city council concerning streets and ways.

SECTION 13. The mayor and aldermen shall have the same power in relation to laying out, widening, altering or discontinuing any street or way, and the allowance of damages, which selectmen of towns now by law have; and the city council shall have the same power in relation to the

acceptance, widening, altering or discontinuing of streets and ways, which the inhabitants of towns now by law have.

Any person aggrieved by any proceedings of the mayor and aldermen or city council, in the exercise of such powers, shall have the same right of appeal to the county commissioners of the county of Bristol as is given by the laws of this Commonwealth to appeal from the decision of selectmen or inhabitants of towns.

Appeals for damages.

SECTION 14. All the power and authority by law vested in the board of health for towns shall be vested in the city council, to be carried into execution by the appointment of health commissioners, or in such manner as the city council may deem expedient.

Health officers.

SECTION 15. The city council shall have authority to cause drains and common sewers to be laid through any streets or private lands, paying the owners such damage, as they may sustain thereby, and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drains or common sewers.

Regulations concerning drains and sewers.

SECTION 16. The city council may establish ordinances for the inspection, survey, weighing, admeasurement and sale of all lumber, wood, coal and bark within the city, and impose suitable penalties for the violation thereof.

—inspection and sale of lumber, &c.

SECTION 17. The city council shall have the same power to make all salutary and needful ordinances as towns have by the laws of this Commonwealth, to make and establish by-laws, and to annex penalties, not exceeding fifty dollars, for the breach thereof; which ordinances shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court or authority whatever; and all ordinances of said city shall be duly published in such newspapers as the city council shall direct: *provided, however,* that all by-laws, regulations and ordinances now in force in the city of New Bedford shall, until they expire by their own limitation or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance of the city, shall be paid into the city treasury.

City council may make ordinances, with penalties.

Proviso.

SECTION 18. It shall be the duty of the city council, and they are empowered during the year eighteen hundred and seventy-five, and in every tenth year thereafter, to cause a new division of the city to be made into six wards, in such manner as to include an equal number of voters in each ward, as nearly as conveniently may be, consistently with well defined limits to each ward; and until such division be made, the boundary lines of the wards shall remain as now established.

New division of wards to be made every ten years.

- City clerk to be clerk of board of aldermen, and be sworn.
- SECTION 19. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties ; he shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns. He shall call meetings of the city council or of either branch thereof upon being requested so to do by a majority of its members in writing, by causing notices to be left at the usual dwelling-place of each member of the board or boards to be convened.
- His duties.
- Term of office. He shall be chosen for one year, and until another is chosen and qualified in his place, but may at any time be removed by the city council. He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, record books, papers, documents and other things held by him in his capacity as city clerk.
- Overseers of the poor.
- SECTION 20. The qualified voters, at their respective annual ward meetings shall elect by ballot, one person in each ward, who shall be a resident of the ward, to be an overseer of the poor ; and the persons thus chosen, shall with the mayor of the city, constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties belonging to overseers of the poor of towns.
- School committee.
- SECTION 21. The qualified voters at their respective annual ward meetings shall elect by ballot, one person in each ward, who shall be a resident of the ward, to be a member of the school committee, who shall hold his office for three years. And the persons thus chosen, with those whose terms of office have not expired, shall constitute the school committee, and have the care and superintendence of the public schools. The president of the common council shall be *ex officio*, a member of the school committee.
- Assessors of taxes.
- SECTION 22. The qualified voters of the city, at the annual meetings in their respective wards, shall elect by ballot, one person to be an assessor at large, who shall hold his office for three years, and until another is chosen and qualified in his stead ; and the person thus chosen assessor at large, with those whose terms of office have not expired, shall constitute the board of assessors, and shall exercise all the powers, and be subject to all the duties and liabilities of assessors of towns.
- Vacancies.
- In case of a vacancy in the board of assessors, the city council, in convention, shall elect, by ballot, a person to fill the same, who shall hold the office until the next annual meeting for the choice of municipal officers, and until another person shall be chosen and qualified in his stead ;

and at said annual meeting, a person shall be elected to said office, who shall hold the same for the residue of the unexpired term.

The qualified voters shall, at the same time, and in like manner, elect one person in each ward, who shall be a resident in the ward, to be an assistant-assessor, who shall hold his office for one year, and until another is chosen and qualified in his stead; and it shall be the duty of the persons so chosen, to furnish the assessors with all such information as they may require, relative to the persons and property taxable in their respective wards; and they shall receive for their services such compensation, per diem, as the city council may determine.

Assistant-assessors.

All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Taxes to be assessed, &c., according to law. Proviso.

In case of failure to elect an assessor at large, the same proceedings shall be had as are herein before provided in regard to aldermen.

SECTION 23. All elections for county, state and United States officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections in their respective wards, at the time fixed by law for these elections respectively; and at such meetings, all the votes given for said several officers respectively, shall be assorted, counted, declared and registered in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record at length; and the ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections.

Proceedings at and after meetings for election of county, state and federal officers

The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns.

In all elections for representatives to the general court, in case the whole number proposed to be elected shall not be chosen, the mayor and aldermen shall forthwith issue their warrants for a new election, conformably to the provisions of the constitution and laws of the Commonwealth.

SECTION 24. 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

Lists of voters to be prepared by the mayor and aldermen.

selectmen of towns are required to make out lists of voters ; and for that purpose they shall have full access to the assessors' books and lists, and be empowered to call for the assistance of all assessors, assistant-assessors, and other city officers ; and they shall deliver said lists, so prepared and corrected, to the clerks of the several wards, to be used at such elections ; and no person shall be entitled to vote at such election whose name is not borne on such list.

No person to vote unless name is on list.

Rules regarding lists may be established by city council.

And the city council shall have authority to establish such rules and regulations as to making out, publishing and using such lists of qualified voters, as they shall deem proper, not inconsistent with the constitution and laws of the Commonwealth.

General meetings of citizens.

SECTION 25. General meetings of the citizens qualified to vote, may, from time to time, be held, to consult upon the public good, to instruct representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the constitution of the Commonwealth ; and such meetings shall be duly warned by the mayor and aldermen upon the requisition of fifty qualified voters.

Police court.

SECTION 26. The police court of New Bedford shall have cognizance of all offences against the ordinances, by-laws and regulations, established by the city council of the city of New Bedford, and may, on conviction thereof, award such sentence as law and justice may require.

Any person aggrieved by such sentence may appeal therefrom to the superior court for the county of Bristol, under the restrictions and conditions provided by law in other cases of appeal from said court.

In all prosecutions by complaint before the said police court, founded on the special acts of the legislature, on the ordinances and by-laws of the city of New Bedford, it shall be sufficient to set forth in such complaint the offence, fully and plainly, substantially and formally ; and in such complaint, it shall not be necessary to set forth such special act, by-law or ordinance, or any part thereof.

Charter may be amended by legislature.

SECTION 27. Nothing contained in this act shall be construed to prevent the legislature from altering or amending the same, whenever it shall deem it expedient.

Repeal.

SECTION 28. All acts and parts of acts inconsistent herewith, are hereby repealed ; and no act which has been heretofore repealed, shall be revived by the repeal of acts mentioned in this section.

Act void unless accepted by inhabitants.

SECTION 29. This act shall be void unless the inhabitants of said city at a legal meeting called for that purpose shall,

by a vote of a majority of the voters present and voting thereon, by written ballot, determine to adopt the same, within sixty days from and after its passage.

Approved May 20, 1868.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE AMERICAN STEAMSHIP COMPANY.

Chap. 229

Be it enacted, &c., as follows :

SECTION 1. The periods of time allowed to the American Steamship 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 two years beyond the time now allowed by law.

Time extended for building steamships, &c.

SECTION 2. Section second of chapter one hundred and twelve, of the acts of the year eighteen hundred and sixty-three, is hereby amended, by inserting after the word Commonwealth the words "and any port or ports in the United States," and by inserting after the word Ireland, "and any port or ports on the continent of Europe."

Chapter 112, § 2, 1863, amended.

SECTION 3. Section fourth of the aforesaid chapter is hereby amended, by inserting after the word Commonwealth the words "any port or ports in the United States," and by inserting after the word Ireland, "and any port or ports on the continent of Europe."

Chapter 112, § 4, 1863, amended.

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

Approved May 25, 1868.

AN ACT TO AUTHORIZE MRS. FENNO TUDOR TO CONSTRUCT A WHARF IN NAHANT.

Chap. 230

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Mrs. Fenno Tudor to construct a wharf from her own land at or near Nipper Ståge, (so called,) in Nahant, in the county of Essex ; said wharf not to exceed the width of her own land, and not to extend more than two hundred feet beyond the line of low-water : *provided*, that all things done under this act 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 license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May build wharf in Nahant.

Subject to approval of harbor commissioners.

Proviso.

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

Approved May 25, 1868.

Chap. 231 AN ACT TO AUTHORIZE THE MAGEE FURNACE COMPANY TO EXTEND ITS WHARF IN CHELSEA.

Be it enacted, &c., as follows :

May extend wharf in Chelsea.

Subject to approval of harbor commissioners.

Provisos.

SECTION 1. License is hereby given to the Magee Furnace Company to extend its wharf in Chelsea, in a south-westerly direction to the harbor lines: *provided*, that all things done under this act 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 license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

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

Approved May 25, 1868.

Chap. 232 AN ACT TO AUTHORIZE MARY A. GILLEY AND HEIRS OF JOHN GILLEY TO EXTEND THEIR WHARF IN MARBLEHEAD.

Be it enacted, &c., as follows :

May extend wharf in Marblehead.

Subject to approval of harbor commissioners.

Provisos.

SECTION 1. License is hereby given to Mary A. Gilley, and the heirs of John Gilley, to extend Gilley's Wharf, so called, in the town of Marblehead, twenty-five feet beyond its present line: *provided*, that all things done under this act 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 license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

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

Approved May 25, 1868.

Chap. 233 AN ACT TO AUTHORIZE CHARLES E. WHITMARSH TO EXTEND HIS WHARF IN DIGHTON.

Be it enacted, &c., as follows :

May extend wharf in Dighton.

Subject to approval of harbor commissioners.

SECTION 1. License is hereby given to Charles E. Whitmarsh to extend his wharf, in the town of Dighton, on the west side of Taunton Great River, northerly on a line with the channel, and to the extent of his land upon the shore of the river: *provided*, that all things done under this act 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 license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

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

Approved May 25, 1868.

AN ACT TO AUTHORIZE THE BOSTON AND HINGHAM STEAMBOAT COMPANY TO CONSTRUCT A WHARF IN HULL.

Chap. 234

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to the Boston and Hingham Steamboat Company to construct a wharf from their own land on the westerly side of Nantasket Beach, in the town of Hull; said wharf to extend towards or to the harbor lines: *provided*, that all things done under this act 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, further*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

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

Approved May 25, 1868.

AN ACT TO AUTHORIZE JOSEPH SIMMONS TO CONSTRUCT A WHARF IN SOMERSET.

Chap. 235

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to Joseph Simmons to construct and extend a wharf from a lot of land now owned by him, situate in the northerly part of the village of Somerset, bordering on Taunton River; said wharf not to exceed the width of his land, and not to exceed two hundred and fifty feet from high-water mark towards the channel of the river: *provided*, that all things done under this act 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, further*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be

revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

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

Approved May 25, 1868.

Chap. 236 AN ACT TO AUTHORIZE BENJAMIN T. REED AND WILLIAM E. THRASHER TO CONSTRUCT A WHARF IN SOMERSET.

Be it enacted, &c., as follows :

May build wharf
in Somerset.

SECTION 1. License is hereby given to Benjamin T. Reed and William E. Thrasher, to construct and extend a wharf from a lot of land now owned by them, upon the westerly side of Taunton River, in the town of Somerset ; said wharf not to exceed the width of their land, and not to exceed one hundred and twenty-five feet from high-water mark, towards the channel of the river: *provided*, that all things done under this act 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 license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same,

Subject to ap-
proval of harbor
commissioners.

Provisos.

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

Approved May 25, 1868.

Chap. 237 AN ACT AUTHORIZING THE FITCHBURG RAILROAD COMPANY TO MAINTAIN AND USE A WHARF.

Be it enacted, &c., as follows :

May maintain
wharf in Bos-
ton.

SECTION 1. The Fitchburg Railroad Company is hereby authorized, subject to the provisions of section four, chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, to maintain and use the wharf extending from their railroad bridge near the northerly end of their car-house in Boston, to the south-westerly side of Warren Bridge, as a bridge and way, and to make such changes in said wharf as to prepare it for such use ; and said company may take any lease or private rights in said wharf that they may deem needful, in the manner provided in the sixty-third chapter of the General Statutes, and the acts in addition thereto, paying damages therefor, to be assessed in the manner provided in said statutes ; and said company are also authorized to maintain or otherwise

May improve
drawbridge over
Charles River.

improve their drawbridge over Charles River by constructing a new drawbridge or widening their present drawbridge: *provided*, that said company shall maintain such bridge and way in a condition safe and convenient for travel, for business connected with their railroad, and that such new drawbridge or widening, or any part thereof, shall not extend more than thirty feet easterly from the easterly side of the present drawbridge; and *provided, further*, that said company shall pay for all rights hereby granted in any property of the Commonwealth such sum of money as the harbor commissioners, subject to the approval of the governor and council, shall require.

SECTION 2. This act shall be void unless accepted by the board of directors of said company within three months after the approval by the governor and council of the sum fixed by the harbor commissioners to be paid by said company as herein provided; and notice of such acceptance shall be given to the secretary of the Commonwealth and the harbor commissioners.

Approved May 25, 1868.

AN ACT TO REVIVE THE CHARLES RIVER NAVIGATION COMPANY. *Chap. 238*
Be it enacted, &c., as follows:

The time for organizing the Charles River Navigation Company, incorporated by chapter fifty-seven of the acts of the year eighteen hundred and fifty-seven, is hereby extended to the first day of January, in the year eighteen hundred and seventy; and said corporation is hereby revived, and upon organization before said date, shall possess all the powers, and be entitled to all the privileges and immunities, secured by said original charter.

Approved May 25, 1868.

AN ACT TO AUTHORIZE THE NEW LONDON NORTHERN RAILROAD COMPANY TO ESTABLISH A LINE OF STEAMBOATS, AND FOR OTHER PURPOSES. *Chap. 239*

Be it enacted, &c., as follows:

SECTION 1. The New London Northern Railroad Company is hereby authorized to establish and own a line of steamboats, to be operated by said company between New London, in the state of Connecticut, and the city of New York, in connection with the railroad of said company; or said railroad company may subscribe for and hold shares in the capital stock of any corporation that may be authorized to establish a line of steamboats between the points aforesaid, to an amount not exceeding four hundred thousand dollars.

SECTION 2. Said railroad company, if it does not act under the first section of this act, is hereby authorized to guaranty the bonds of any corporation authorized to estab-

Provisos.

Act void, unless, &c.

Corporation revived, and time for organizing extended.

May establish line of steamboats between New London and New York.

May take stock in corporation for like purpose.

May guarantee bonds of other corporation, or issue bonds.

lish a line of steamboats, as aforesaid, to an amount not exceeding four hundred thousand dollars, or to issue its own bonds to the amount of four hundred thousand dollars, bearing interest at the rate of six per centum per annum, and to secure the same by a mortgage of the railroad, equipment, and franchise of said company.

\$400,000 additional capital stock.

SECTION 3. Said New London Northern Railroad Company is hereby authorized to increase its capital stock until the same shall amount to two millions of dollars.

Approved May 25, 1868.

Chap. 240

AN ACT TO INCREASE THE CAPITAL STOCK OF THE BOSTON SKATING RINK ASSOCIATION.

Be it enacted, &c., as follows :

\$50,000 additional capital stock.

SECTION 1. The capital stock of the Boston Skating Rink Association is hereby increased to one hundred thousand dollars.

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

Approved May 25, 1868.

Chap. 241

AN ACT TO CHANGE THE NAME OF THE BROADWAY RAILROAD COMPANY.

Be it enacted, &c., as follows :

Name changed to "South Boston Railroad Co."

The Broadway Railroad Company shall take the name of the South Boston Railroad Company.

Approved May 25, 1868.

Chap. 242

AN ACT TO INCORPORATE THE MECHANICS' MILLS IN FALL RIVER.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Thomas J. Borden, Stephen Davol, Lazarus Borden, their associates and successors, are hereby made a corporation by the name of the Mechanics' Mills, for the purpose of manufacturing cotton or woollen goods, 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.

Name and purpose.

Powers and duties.

Real estate, \$400,000.

Capital stock and shares.

Proviso.

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 eight hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until two hundred thousand dollars of its capital stock has been paid in in cash.

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

Approved May 25, 1868.

AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE DEDHAM GAS LIGHT COMPANY." *Chap. 243*

Be it enacted, &c., as follows :

SECTION 1. The Dedham Gas Light Company, with the consent of the selectmen of Hyde Park, may extend its pipes into, and sell gas in the town of Hyde Park; with all the rights, powers and privileges, and subject to all the duties, liabilities and restrictions in said town, which the said company now has and to which it is now subject in the town of Dedham. The selectmen of Hyde Park shall have all the powers over said company in Hyde Park which the selectmen of Dedham now have in Dedham.

May extend pipes into Hyde Park if selectmen consent.

SECTION 2. Said company may increase its capital stock to an amount not exceeding one hundred and fifty thousand dollars.

\$150,000 additional capital stock.

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

Approved May 25, 1868.

AN ACT TO AUTHORIZE THE INHABITANTS OF THE TOWN OF FRANKLIN TO PAY THE FIRST CONGREGATIONAL PARISH OF FRANKLIN THE SUM OF FIFTEEN HUNDRED DOLLARS. *Chap. 244*

Be it enacted, &c., as follows :

SECTION 1. The inhabitants of the town of Franklin are hereby authorized to pay to the First Congregational parish of said town the sum of fifteen hundred dollars, in consideration of the purchase of their common by said town.

May pay First Congregational Parish \$1,500 for common.

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

Approved May 25, 1868.

AN ACT TO INCORPORATE THE TUDOR COMPANY. *Chap. 245*

Be it enacted, &c., as follows :

SECTION 1. Samuel E. Sewall, Charles H. Minot, Benjamin F. Field, their associates and successors, are hereby made a corporation by the name of the Tudor Company, for the purpose of manufacturing jute, linseed, rough rice and leaf tobacco, and for the purpose of exporting ice and other merchandise in vessels chartered by said company to export ice, and for the importation of such merchandise as they may find necessary for the proper transaction of their ice business; 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 manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation is fixed and limited to six hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and said corporation may hold, for the purposes aforesaid, in this

Capital stock and shares.

and other countries, real estate to an amount not exceeding three hundred thousand dollars.

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

Approved May 25, 1868.

Chap. 246 AN ACT TO AUTHORIZE THE INSTITUTION FOR SAVINGS IN NEWBURYPORT AND ITS VICINITY TO HOLD REAL ESTATE.

Be it enacted, &c., as follows :

§50,000 in real estate.

Proviso.

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

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

Approved May 25, 1868.

Chap. 247 AN ACT IN ADDITION TO AN ACT INCORPORATING THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Be it enacted, &c., as follows :

May confer degrees.

SECTION 1. The Massachusetts Institute of Technology is hereby authorized and empowered to award and confer degrees appropriate to the several courses of study pursued in said institution, on such conditions as are usually prescribed in universities and colleges in the United States, and according to such tests of proficiency, as shall best promote the interests of sound education in this Commonwealth.

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

Approved May 25, 1868.

Chap. 248 AN ACT TO AUTHORIZE THE SHELBURNE FALLS FIVE CENTS SAVINGS BANK TO HOLD REAL ESTATE.

Be it enacted, &c., as follows :

§20,000 in real estate.

Proviso.

SECTION 1. The Shelburne Falls Five Cents Savings Bank is hereby authorized to hold real estate to the amount of twenty 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 and preparation of a suitable building to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

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

Approved May 25, 1868.

AN ACT CEDING JURISDICTION TO THE UNITED STATES OVER CERTAIN LAND IN CHARLESTOWN. *Chap. 249*

Be it enacted, &c., as follows :

SECTION 1. Jurisdiction is hereby granted and ceded to the United States over that tract of land situate in the city of Charlestown, described and bounded as follows, viz.: commencing at the south-westerly corner of storehouse number four, and running in a north-easterly direction, fifty-four feet and fifteen-hundredths of a foot, more or less, said distance being the width of said storehouse number four on line of Water street, where it joins the navy store number five, five-tenths of a foot, more or less, back from and on the line of the south-westerly corner of said navy store number five; thence in a northerly direction twenty-seven feet and seventy-five-hundredths of a foot, more or less, to the end of the navy yard wall, on a line with the present guard room; thence in a westerly direction, twenty-eight feet and thirty-three-hundredths of a foot, more or less, on the line of Wapping street; thence in a north-westerly direction twenty feet and forty-two-hundredths of a foot, on the line of Wapping street; thence in a southerly direction, by an irregular curved line, (as shown on a plan of the premises hereby ceded, filed in the office of the secretary of this Commonwealth, and dated the thirtieth day of April, in the year eighteen hundred and sixty-eight,) opposite the junction of Wapping and Water streets, to the point of beginning: *provided, always*, that this Commonwealth shall 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 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 a navy yard.

Cession of land in Charlestown for navy yard.

Provisos.

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

Approved May 25, 1868.

AN ACT CHANGING THE TIME OF HOLDING THE OCTOBER TERM OF THE SUPERIOR COURT FOR THE COUNTY OF HAMPDEN. *Chap. 250*

Be it enacted, &c., as follows :

SECTION 1. The term of the superior court now holden on the first Monday of October, within and for the county of Hampden, for civil business, shall hereafter be holden on the fourth Monday of October.

Term of superior court in Hampden Co. changed.

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

Approved May 26, 1868.

Chap. 251 AN ACT AMENDING AN ACT TO ESTABLISH THE CITY OF NEWBURY-PORT.

Be it enacted, &c., as follows :

School committee to be divided into classes.

The act to establish the city of Newburyport, approved the twenty-fourth day of May, in the year eighteen hundred and fifty-one, is hereby so amended that the two members of the school committee,—to be elected by the voters of each ward of said city, at the next municipal election after the passage of this act,—shall, at the meeting for the organization of said school committee, be divided by lot into two classes; those of the first class to serve for one year, and those of the second class to serve for two years; and thereafter, at the municipal elections of said city, there shall be elected in each ward, one resident of said ward, who shall be a member of the school committee of said city for the term of two years.

Approved May 26, 1868.

Chap. 252 AN ACT TO ESTABLISH A COMMISSION ON THE SUBJECT OF CHEAP TRANSPORTATION BETWEEN BOSTON AND LAKE ONTARIO.

Be it enacted, &c., as follows :

Commission appointed on transportation between Boston and Lake Ontario.

SECTION 1. Edward Crane, Nathaniel B. Shurtleff, George Baty Blake, E. R. Mudge and Elisha Atkins are hereby appointed a commission to inquire and report in print to the next general court, what legislation, if any, is necessary to secure cheap transportation between the city of Boston and Lake Ontario.

To serve without compensation.

SECTION 2. Said commission shall not receive compensation for personal service or personal expense, or incur any expense, or liability, other than that mentioned in the third section of this act, in the performance of the duties provided for in the first section thereof.

Report to be printed.

SECTION 3. The state printers are hereby authorized and instructed to print one thousand copies of the report of said commissioners, for the use of the next general court.

Approved May 26, 1868.

Chap. 253 AN ACT TO AUTHORIZE THE FILLING UP OF CERTAIN FLATS IN THE CITY OF CHARLESTOWN, AND LAYING OUT STREETS OVER THE SAME.

Charlestown may fill up flats under direction of harbor commissioners.

SECTION 1. The city of Charlestown is hereby authorized to inclose and fill up, under the direction of the harbor commissioners, all of those flats included within the north-easterly side of the Boston and Maine Railroad location, and the present high-water line of the Charlestown shore, and the upland of the Commonwealth, said flats being known as the "flats in Prison Point Bay:" *provided, however,* that no portion of the flats owned by the Commonwealth shall be filled under this act, except with the consent of the governor

Proviso.

and council, and upon such terms and conditions as they may prescribe; and *provided, further*, that the said city of Charlestown shall make compensation from time to time for the amount of tide-water displaced by the filling up of said flats, under this act, the same to be ascertained by the harbor commissioners; such compensation to be made in such manner and at such times as may be directed by said harbor commissioners, according to the provisions of the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

—to make compensation for tide-water displaced.

SECTION 2. The board of mayor and aldermen of said city of Charlestown, are hereby authorized to locate, lay out and construct such streets and highways over the territory thus filled up, as to them seems expedient: *provided, however*, that the same proceedings shall be had in laying out and constructing said streets, as are and may hereafter be provided by law, for the laying out of streets in the city of Charlestown.

Streets may be laid out on land thus made.

Proviso.

SECTION 3. The provisions of chapter two hundred and three of the acts of the year eighteen hundred and sixty-two shall not apply to any streets or highways laid out under the provisions of this act.

Chap. 203, 1862, not to apply.

SECTION 4. The provisions of this act shall in no way impair the legal rights of any persons or corporations whatever.

Legal rights not to be impaired.

Approved May 26, 1868.

AN ACT TO INCORPORATE THE GEORGETOWN SAVINGS BANK.

Chap. 254

Be it enacted, &c., as follows:

SECTION 1. George W. Boynton, Samuel Little, George J. Tenney, their associates and successors, are hereby made a corporation by the name of the Georgetown Savings Bank, to be located in the town of Georgetown; 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.

Corporators.

Name and purpose.
Powers and duties.

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

Approved May 26, 1868.

AN ACT TO INCORPORATE THE GARDNER SAVINGS BANK.

Chap. 255

Be it enacted, &c., as follows:

SECTION 1. Stephen Taylor, Levi Heywood, Thomas E. Glazier, their associates and successors, are hereby made a corporation by the name of "The Gardner Savings Bank," to be located in the town of Gardner; 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

Corporators.

Name and purpose.
Powers and duties.

may hereafter be in force in this Commonwealth, relating to institutions for savings.

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

Approved May 26, 1868.

Chap. 256

AN ACT TO INCORPORATE "THE WORCESTER NORTH SAVINGS INSTITUTION."

Be it enacted, &c., as follows :

Corporators.

SECTION 1. David Boutelle, E. I. Miles, Moses Wood, their associates and successors, are hereby made a corporation by the name of "The Worcester North Savings Institution," to be located in the town of Fitchburg; 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 this Commonwealth relating to institutions for savings.

Name and purpose.
Powers and duties.

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

Approved May 26, 1868.

Chap. 257

AN ACT TO AUTHORIZE OTIS EVERETT AND OTHERS TO CONSTRUCT A WHARF IN BOSTON.

Be it enacted, &c., as follows :

May build wharf in Boston.

SECTION 1. License is hereby given to Otis Everett, John H. Everett and others, the heirs of Otis Everett, deceased, to construct a wharf upon their flats upon the easterly side of Albany street, in the city of Boston; said wharf not to extend beyond the harbor lines: *provided*, that all things done under this act 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 license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Subject to approval of harbor commissioners.

Provisos.

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

Approved May 26, 1868.

Chap. 258

AN ACT TO AUTHORIZE SIDNEY B. MORSE TO CONSTRUCT A WHARF IN BOSTON.

Be it enacted, &c., as follows :

May build wharf in Boston.

SECTION 1. License is hereby given to Sidney B. Morse to construct and extend a wharf from a lot of land now owned by him fronting upon Albany street, in the city of Boston; said wharf not to exceed the width of said lot of land, and not to extend beyond the harbor lines: *provided*,

that all things done under this act 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 license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Subject to approval of harbor commissioners.

Provisos.

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

Approved May 26, 1868.

AN ACT AUTHORIZING THE CAPE COD RAILROAD COMPANY TO EXTEND ITS ROAD.

Chap. 259

Be it enacted, &c., as follows:

SECTION 1. The Cape Cod Railroad Company is hereby authorized to extend and maintain its railroad from the present terminus in the town of Orleans, through Eastham, to the village of Wellfleet, in the county of Barnstable: *provided*, the location thereof shall be filed within one year, and the construction of such extended road shall be completed within two years from the passage of this act; and said company is further authorized to extend its road from the terminus so to be made in the village of Wellfleet, through Truro, to the village of Provincetown: *provided*, the location thereof shall be filed within three years, and the construction of such further extension shall be completed within five years from the passage of this act.

May extend road through Eastham to Wellfleet.

Proviso.

May extend road to Provincetown.

Proviso.

SECTION 2. Said company for the purposes named in the preceding section, is hereby authorized to cross any navigable waters in the county of Barnstable where it may be necessary to locate and construct the railway herein authorized, in such manner as the harbor commissioners of the Commonwealth may direct.

May cross navigable waters, subject to direction of county commissioners.

SECTION 3. The towns of Eastham, Wellfleet, Truro and Provincetown are hereby authorized to subscribe for, take and hold stock in said company, for the purposes of extending its road as herein before authorized, to an amount not exceeding five per centum upon the assessed valuation of the property in said towns respectively, in the year when such subscription shall be made: *provided*, the legal voters of said towns, respectively, shall in meetings called for that purpose, vote to subscribe for such stock.

Certain towns may take stock not exceeding five per cent. of valuation.

Proviso.

SECTION 4. The selectmen of said towns respectively, shall have power to represent and vote upon the stock held by their respective towns at any meetings of said company.

Selectmen to represent towns in company meetings.

Towns may issue bonds.

SECTION 5. Said towns may issue bonds for the stock so subscribed for by them, upon such terms as they shall in meetings called for that purpose, determine and vote.

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

Approved May 26, 1868.

Chap. 260 AN ACT IN FURTHER ADDITION TO AN ACT INCORPORATING THE WORCESTER MUTUAL FIRE INSURANCE COMPANY.

Be it enacted, &c., as follows :

Chap. 112, 1822, amended.

SECTION 1. The one hundred and twelfth chapter of the acts of the year eighteen hundred and twenty-two, entitled, "An Act incorporating the Worcester Mutual Fire Insurance Company," and the several acts in addition thereto, are hereby so amended, that said company may insure against loss or damage by fire, any real or personal property situated in this Commonwealth.

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

Approved May 26, 1868.

Chap. 261 AN ACT TO AUTHORIZE DAVID SMITH AND ROBERT A. SMITH TO BUILD A BRANCH TRACK IN NEWBURYPORT TO CONNECT WITH THE EASTERN RAILROAD.

Be it enacted, &c., as follows :

Branch track in Newburyport to connect with Eastern Railroad.

SECTION 1. David Smith and Robert A. Smith are hereby authorized to build a branch track in the city of Newburyport, to cross Parker street, so called, in said city, and to extend not more than one hundred feet from the west side of the railroad of the Eastern Railroad Company in said city, subject to all general laws relative to railroads crossing highways; and to connect said branch track with the railroad of the said Eastern Railroad Company: *provided*, that such connection shall be made with the consent in writing of said Eastern Railroad Company, and on such terms and conditions as said company may prescribe.

Proviso.

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

Approved May 26, 1868.

Chap. 262 AN ACT CONCERNING THE ELECTION OF TOWN OFFICERS.

Be it enacted, &c., as follows :

Election of town officers ratified and confirmed.

SECTION 1. The election of moderator and town officers heretofore made at the town meetings in the several towns in the Commonwealth, in the year eighteen hundred and sixty-eight, so far as the same may appear illegal, for the reason that the check list was not used in said elections, is 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 27, 1868.

AN ACT TO AMEND "AN ACT IN RELATION TO THE SALE AND INSPECTION OF MILK."

Chap. 263

Be it enacted, &c., as follows :

SECTION 1. Whoever sells or exchanges, or has in his possession, with intent to sell, or exchange, or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, knowing the same to be adulterated or to contain water or any foreign substance, shall, for the first offence, be punished by a fine of one hundred dollars, and, for any subsequent violation, a fine not less than one hundred dollars, nor exceeding three hundred dollars, and imprisonment in the house of correction not less than thirty nor more than ninety days.

Penalties for selling, &c., adulterated milk.

SECTION 2. The penalties provided in the preceding section, and those provided in the act to which this is in addition, may be recovered on complaint before any court of competent jurisdiction; and one-half of the amount of fine imposed shall go to the complainant or informer, and the remainder to the treasurer of the city or town where the offence was committed.

How to be recovered.

Disposition of fines.

SECTION 3. It shall be the duty of every inspector of milk to institute complaint on the information of any person who may lay before him satisfactory evidence on which to sustain the same, and he shall be entitled to receive one-half the amount of any penalty recovered therefor, and shall pay over the same to the person who has first given him the information on which the complaint was made.

Inspector of milk to make complaint, &c.

One-half of fine to be paid to informer.

SECTION 4. The several inspectors of milk in the cities and towns of this Commonwealth, shall make known the provisions of this act, by advertising the same, from time to time, at least once a week.

Inspectors to advertise this Act.

Approved May 27, 1868.

AN ACT FOR THE PROTECTION OF PUBLIC WAYS AND BRIDGES.

Chap. 264

Be it enacted, &c., as follows :

SECTION 1. Whenever, in the opinion of the mayor and aldermen of a city, or the selectmen of a town, it is necessary to enter upon, use or take any land for the purpose of securing or protecting any public way or bridge, it shall be lawful for them to enter upon, use or take the same.

Cities and towns may take land for protection of ways and bridges.

SECTION 2. All damages sustained thereby shall be recovered in the manner provided for the assessment and award of damages occasioned by the laying out, altering or discontinuance of town ways.

Damages, how assessed and awarded.

Approved May 27, 1868.

Chap. 265 AN ACT RESPECTING NOTICES OF NON-ACCEPTANCE OR NON-PAYMENT OF NEGOTIABLE INSTRUMENTS, IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Notice of non-payment of bill of exchange, &c., in Boston, may be sent by mail.

SECTION 1. Whenever a party to any promissory note, bill of exchange or other negotiable instrument, is entitled to notice of the non-acceptance or non-payment of the same, and such instrument is payable, or to be accepted, or is legally presented for payment or acceptance in the city of Boston, and such party has his residence or place of business in said city ; or where, for any other reason, a notice given to such party in said city would be sufficient, such notice may be given by depositing the same, with the postage thereon prepaid, in any post-office in said city, sufficiently directed to the residence or place of business of the party for the usual course of mails to other post-offices within the limits of said city, and for the usual course of delivery by postal carriers.

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

Approved May 27, 1868.

Chap. 266 AN ACT TO INCORPORATE THE HAVERHILL ODD FELLOWS' HALL ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. F. J. Stevens, A. B. Jaques, W. A. Brooks, their associates and successors, trustees of the fund of the Odd Fellows' Hall Association, in Haverhill, are hereby made a corporation, under the name of the Haverhill Odd Fellows' Hall Association, for the purpose of managing and administering the funds belonging to said association, and of building and maintaining a hall, according to the terms of their trust ; 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.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

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

Approved May 27, 1868.

Chap. 267 AN ACT TO AUTHORIZE THE BOSTON YOUNG MEN'S CHRISTIAN ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows :

\$250,000 in real and personal estate.

The Boston Young Men's Christian Association is hereby authorized to hold real and personal estate, to an amount not exceeding in all two hundred and fifty thousand dollars in value.

Approved May 27, 1868.

AN ACT TO INCORPORATE THE TURNER'S FALLS PAPER COMPANY.

Chap. 268

Be it enacted, &c., as follows :

SECTION 1. Alvah Crocker, Levi L. Brown, Thomas C. Dunton, their associates and successors, are hereby made a corporation by the name of the Turner's Falls Paper Company, for the purpose of manufacturing paper at Turner's Falls, in the town of Montague, in the county of Franklin ; 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 in this Commonwealth relative to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real estate to the amount of two hundred thousand dollars, and the whole capital stock shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each : *provided, however,* that said corporation shall not incur any liability until one hundred thousand dollars shall have been paid in in cash.

Real and personal estate.

Capital stock and shares.
Proviso.

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

Approved May 27, 1868.

AN ACT IN ADDITION TO AN ACT INCORPORATING THE FIRST NATIONAL FIRE INSURANCE COMPANY OF WORCESTER.

Chap. 269

Be it enacted, &c., as follows :

SECTION 1. The First National Fire Insurance Company of Worcester is hereby authorized to commence business when one hundred thousand dollars of the capital stock of said company is subscribed and paid in in cash.

May commence business when \$100,000 of capital is paid in.

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

Approved May 27, 1868.

AN ACT IN ADDITION TO AN ACT INCORPORATING THE NORTH AMERICAN FIRE INSURANCE COMPANY OF BOSTON.

Chap. 270

Be it enacted, &c., as follows :

SECTION 1. The North American Fire Insurance Company of Boston, is hereby authorized to issue policies of perpetual insurance against loss or damage by fire, containing no limitation or restriction as regards the term of the risk : *provided,* that no such policy shall be issued until the insured has made a deposit in cash with said company, the annual interest of which to be received by the said company shall be not less than an adequate yearly rate of premium on the risk incurred ; and that no part of such deposit shall be returned to the insured while such risk continues in force.

May insure against loss by fire, without limitation of term.

Proviso.

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

Approved May 27, 1868.

Chap. 271 AN ACT TO AUTHORIZE THE PROVIDENCE AND WORCESTER RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

\$1,000,000 additional capital stock.

SECTION 1. The Providence and Worcester Railroad Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding one million dollars, to be divided into shares of one hundred dollars each.

May build branch road to Attleborough.

SECTION 2. The said corporation is hereby authorized to extend, locate, construct and maintain a branch railroad in the town of Attleborough, to connect with a railroad to be constructed from or near India Point, in Providence, in the state of Rhode Island, and to extend to Valley Falls, in the state of Rhode Island, and to unite with the railroad of said corporation at said Valley Falls; and for that 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.

Approved May 27, 1868.

Chap. 272 AN ACT TO AUTHORIZE B. ADDISON SAWYER TO CONSTRUCT A WHARF IN HAVERHILL.

Be it enacted, &c., as follows :

May build wharf in Haverhill.

SECTION 1. License is hereby given to B. Addison Sawyer to construct a wharf from land owned by him, lying on the southerly side of Water street, in the town of Haverhill, to a line in the Merrimack River, beginning at the easterly point of Duncan's wharf, so called, and running easterly one hundred feet, more or less, to the westerly point of Woodman's wharf, so called, the front line of said wharf to be even with the front line of the said Duncan and Woodman's wharves: *provided*, that all things done under this act 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 license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from the time of its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Subject to approval of harbor commissioners.

Provisos.

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

Approved May 27, 1868.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE MELROSE AND SOUTH READING HORSE RAILROAD COMPANY.

Chap. 273

Be it enacted, &c., as follows:

SECTION 1. The Melrose and South Reading Horse Railroad Company is hereby authorized to construct, maintain and use a railway, with convenient single or double track, upon and over such streets and highways in the towns of Lynnfield, Middleton and North Reading, as shall be from time to time fixed and determined by the selectmen of said towns.

May construct horse railway in Lynnfield, Middleton and North Reading, as determined by selectmen.

SECTION 2. Said company, as regards the railroad hereby authorized to be constructed and maintained, shall have all the powers and privileges, and shall be subject to all the duties, liabilities and restrictions set forth in the act incorporating the Melrose and South Reading Horse Railroad Company, and in the general laws relating to street railway companies.

Powers and duties.

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

Approved June 1, 1868.

AN ACT TO INCORPORATE THE DEDHAM IRISH BENEVOLENT SOCIETY.

Chap. 274

Be it enacted, &c., as follows:

SECTION 1. John N. McKerry, John Collins, Patrick Gaffney, their associates and successors, are hereby made a corporation by the name of the "Dedham Irish Benevolent Society," for the purpose of affording assistance to the members of said society and their families in cases of misfortune, sickness and death, and of raising and holding a fund for said purposes.

Corporators.

Name and purpose.

SECTION 2. The said corporation may hold real and personal estate, necessary for the purposes of their organization, to an amount not exceeding twenty-five thousand dollars; and 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 may hereafter be in force applicable to such corporations.

Real and personal estate.

Powers and duties.

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

Approved June 1, 1868.

AN ACT TO INCORPORATE THE BOSTON DENTAL COLLEGE.

Chap. 275

Be it enacted, &c., as follows:

SECTION 1. I. J. Wetherbee, Joseph Story, R. L. Robbins, A. A. Frazar, H. F. Bishop, E. N. Kirk, Isaac Ayling, B. E. Perry, J. M. Daly, G. W. Copeland, J. B. Coolidge, J. A. Follett, Ammi Brown, their associates and successors, are hereby constituted a body corporate by the name of the

Corporators.

Name and purpose. Boston Dental College, to be located in the city of Boston, for the purpose of teaching dental science and art.

Real and personal estate. SECTION 2. The said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars, and shall have the right to sue and be sued in their corporate name, and to receive grants, devises and bequests not exceeding the aforementioned amount, to be held and appropriated by the said corporation for the advancement of dental science and art, by means of lectures, clinical instruction, library and museum.

May receive grants, &c.

Trustees to appoint officers and instructors. SECTION 3. The persons named in the first section of this act are hereby constituted trustees of said corporation, with power to fill any vacancy in their board; to choose a president, secretary and treasurer; to appoint professors, tutors and instructors, as the interests of sound learning shall require, subject to removal by a vote of two-thirds of the members of said board. Said board of trustees shall consist of not less than eleven nor more than fifteen members.

—may confer degrees upon certain conditions.

SECTION 4. The trustees shall have authority to confer the degree of "doctor of dental surgery" upon candidates therefor, who, upon satisfactory examination by the faculty, have been recommended to said trustees for said degree: *provided, however*, that the candidate shall be of good moral character and twenty-one years of age, as a condition for examination, and shall have devoted three years to the study of dentistry with a practitioner of dental surgery who shall be approved by the faculty, or shall have been in the practice of dental surgery for a period not less than eight years, including two full courses of lectures, the last of which shall have been pursued in the above-named college.

Proviso.

—to make by-laws for government of college.

SECTION 5. The board of trustees shall have power to make by-laws for the government of said college, not inconsistent with this charter, or with the laws of this Commonwealth. Said by-laws may be altered or amended by a vote of two-thirds of the members constituting said board.

Corporate seal.

SECTION 6. Said corporation may have a corporate seal and alter the same at pleasure.

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

Approved June 3, 1868.

Chap. 276 AN ACT IN AMENDMENT OF AN ACT CONCERNING THE LAYING OUT, ALTERING, WIDENING AND IMPROVING THE STREETS OF BOSTON.

Be it enacted, &c., as follows:

Estates in Boston benefited by laying out, &c, streets, may be assessed for part of expense.

SECTION 1. Wherever any street in the city of Boston shall be laid out, widened, extended, discontinued, graded or altered, and in the opinion of the board of aldermen of said city, any real estate, including any, a part of which may

have been taken for such purpose, shall receive any benefit and advantage therefrom, beyond that general advantage which all real property in the said city may receive therefrom, the said board may adjudge and determine the value of such benefit and advantage to any such estate, and may assess upon the same a proportional share of the expense of such laying out, widening, discontinuance, grading or alteration, including damages paid under the second section of the act of which this is in amendment: *provided*, that the entire amount assessed for such benefit or advantage upon all the estates shall not exceed in amount one-half the amount of such adjudged benefit and advantage, but in no case shall such assessment exceed the amount to be paid by the said city for such laying out, widening, discontinuance, grading or alteration.

Limit of amount to be assessed.

SECTION 2. The fifth section of the one hundred and seventy-fourth chapter of the acts of the year eighteen hundred and sixty-six, is hereby repealed; but this repeal shall not affect any rights or liabilities which have already accrued under the section hereby repealed.

Repeal.

SECTION 3. The word street in this act shall be construed to include highways, town ways, courts, lanes and alleys.

"Street" defined.

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

Approved June 4, 1868.

AN ACT FOR THE ABATEMENT OF A NUISANCE IN THE CITY OF BOSTON, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

Chap. 277

Be it enacted, &c., as follows:

SECTION 1. The city of Boston may purchase or otherwise take the lands or any of them, not within the limits of the Boston and Albany Railroad, in said city, which are below the grade of eighteen feet above mean low-water, and all estates, any part of which is below said grade, with the buildings and other fixtures on the land so purchased or taken, situated and lying within the district which is bounded on the north-east by Pleasant street, on the east by Washington street, on the south by Dover street, and on the west and north-west by Tremont 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 lands so taken shall vest in

Boston may take certain lands to abate nuisance.

—to file description of lands in registry of deeds.

If damages are agreed upon, to be paid forthwith.

Grade to be raised.

Lands of State not to be injured.

Parties in interest may file bill in equity in S. J. court.

Court to give the usual notice.

Parties failing to appear, to be forever barred.

Description of lands to be filed.

If of less value by act of city or Boston Water Power Company, facts to be stated, &c.

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 purchased or taken, 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 assessment 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 bills 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 the 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.

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.

Commissioners to be appointed by the court and paid by city.

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 Boston 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.

—to hear the parties and assess damages.

SECTION 5. Said commissioners, or the major part of them, shall make report to the said court of their doings, and when requested by any party, of the evidence touching any exception intended to be taken by him.

—to report to the court.

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 said court to have proper issues framed and tried by a jury, and proceeded in as in other cases of issues ordered by 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.

If report excepted to, trial to be had.

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.

Report to be *prima facie* evidence.

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.

Separate decrees for damages to be entered against different defendants.

Costs, in trial by jury.

Boston not to be exempted from liability to abutters.

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.

If damages are claimed from the State, allegations to be made in separate article in bill.

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.

Attorney-general to be notified and make separate answer.

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

Separate report to be made.

S. J. C. to instruct commissioners in matters of law.

of the supreme judicial court to instruct the said commissioners on 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.

Report to be filed in court and sent to governor.

Costs.

Court to make orders, and may require security for costs, &c.

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.

Costs to be paid as court orders.

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.

Railways may be laid to transport earth.

SECTION 13. 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 them to transport earth and other material to fill up the district aforesaid, under the provisions of this act.

SECTION 14. All lands taken under this act otherwise than by purchase, shall be taken within three years from the passage thereof.

Lands to be taken within three years.

SECTION 15. This act shall take effect upon its passage.

Approved June 4, 1868.

AN ACT RELATING TO THE ESTABLISHMENT OF UNION SCHOOLS.

Chap. 278

Be it enacted, &c., as follows:

SECTION 1. Two or more towns may unite in establishing union schools for the accommodation of such contiguous portions of each, as shall be mutually agreed upon, when a majority of the legal voters in each town, in meetings called for that purpose, so determine.

Towns may unite in establishing union schools.

SECTION 2. In providing for the management and control of said school; in determining the location of said school-houses, or of the schools; in apportioning the expenses of erecting such school-houses, and of the support and maintenance of said schools, with all expenditures incident to the same, all proceedings shall be governed by the provisions of the fourth, fifth and sixth sections of the thirty-eighth chapter of the General Statutes.

Management of schools, location of school-houses, &c.

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

Approved June 4, 1868.

AN ACT TO PROHIBIT THE REMOVAL OF MINORS FROM THE STATE, BY OVERSEERS OF THE POOR.

Chap. 279

Be it enacted, &c., as follows:

SECTION 1. It shall be unlawful for the overseers of the poor, of any city or town, to remove beyond the limits of this Commonwealth, any minor under their control, or cause or allow the same to be done, or to withhold information concerning the maintenance of such minor, from any person entitled to receive the same: *provided*, that the judges of probate may upon application of the overseers of the poor of any town in their respective counties, upon a hearing thereon, after due notice to all parties interested, authorize such removal to be made; and *provided, further*, that this act shall not apply to minors who have a settlement in other states.

Minors under control of overseers of poor not to be removed from State without authority from judge of probate.

Provisos.

SECTION 2. Any overseers of the poor violating the provisions of the preceding section shall be punished by a fine not exceeding five hundred dollars. *Approved June 4, 1868.*

Penalty for violation.

*

Chap. 280 AN ACT TO REPEAL THE FIFTEENTH SECTION OF CHAPTER FIFTEEN OF THE GENERAL STATUTES.

Be it enacted, &c., as follows :

Repeal. Section fifteen of chapter fifteen of the General Statutes is hereby repealed. *Approved June 4, 1868.*

Chap. 281 AN ACT FOR THE REGULATION OF TENEMENT AND LODGING-HOUSES IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Tenement and lodging-houses in Boston.

SECTION 1. From and after the first day of July, in the year eighteen hundred and sixty-eight, no house, building, or portion thereof, in the city of Boston, then used, occupied, leased or rented for a tenement or lodging-house, shall continue to be so used, occupied, leased or rented, unless the same on the requisition of the board of health, shall conform in its construction and appurtenances to the provisions of this act.

Regulations concerning ventilation of.

SECTION 2. Every house, building, or portion thereof, in the city of Boston, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented for a tenement or lodging-house, shall have in every room which is occupied as a sleeping-room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air; and also a ventilating or transom window, of the same opening or area, communicating with the entry or hall of the house, or where this is, from the relative situation of the rooms, impracticable, such last-mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved by the board of health or the superintendent.

To be provided with fire-escape.

SECTION 3. Every such house shall be provided with a proper fire-escape, or means of escape in case of fire, to be approved by the superintendent of the board of health.

Roofs and stairs to be kept in good repair.

SECTION 4. The roof of every such house shall be kept in good repair and so as not to leak, and all rain-water shall be so drained or conveyed therefrom as to prevent its dripping on the ground or causing dampness in the walls, yard or area. All stairs shall be provided with proper balusters or railings, and shall be kept in good repair.

Regulations concerning construction and care of water-closets.

SECTION 5. Every such building shall be provided with good and sufficient water-closets or privies, of a construction approved by the board of health, and shall have proper

doors, traps, soil pans and other suitable works and arrangements so far as may be necessary to insure the efficient operation thereof. Such water-closets or privies shall not be less in number than one to every twenty occupants of said house; but water-closets and privies may be used in common by the occupants of any two or more houses: *provided*, the access is convenient and direct; and *provided*, the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water-closet. Every such house situated upon a lot on a street in which there is a sewer, shall have the water-closets or privies furnished with a proper connection with the sewer, which connection shall be in all its parts adequate for the purpose, so as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved by the board of health or superintendent, and all such water-closets and vaults shall be provided with the proper traps, and connected with the house sewer by a proper tight pipe, and shall be provided with sufficient water and other proper means of flushing the same; and every owner, lessee and occupant shall take due measures to prevent improper substances from entering such water-closets or privies or their connections, and to secure the prompt removal of any improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalations therefrom, offensive, dangerous or prejudicial to life or health, and so as to prevent the same from being or becoming obstructed. No cesspool shall be allowed in or under or connected with any such house, except when it is unavoidable, and in such case it shall be constructed in such situation and in such manner as the board of health or superintendent may direct. It shall in all cases be watertight, and arched or securely covered over, and no offensive smell or gases shall be allowed to escape therefrom, or from any privy or privy vault. In all cases where a sewer exists in the street upon which the house or building stands, the yard or area shall be so connected with the same that all water, from the roof or otherwise, and all liquid filth shall pass freely into it. Where no sewer exists in the street, the yard or area shall be so graded that all water, from the roof or otherwise, and all filth shall flow freely from it and all parts of it into the street gutter, by a passage beneath the sidewalk, which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

Provisos.

Cesspools not permitted under the house unless the health officer permits.

Grade of yards and areas, when no sewer exists in street.

Rooms under ground not to be used as dwellings

SECTION 6. From and after the first day of July, in the year eighteen hundred and sixty-eight, it shall not be lawful, with-

after July 1, '68,
except by permit
of health officers.

After July 1, '69,
not to be used as
dwelling unless
seven feet high,
and one foot of
its height above
ground, &c.

Drainage.

Water closets.

Ventilation.

Provisos.

out a permit from the board of health or superintendent, to let or occupy or suffer to be occupied separately as a dwelling, any vault, cellar or underground room, built or rebuilt after said date, or which shall not have been so let or occupied before said date. And from and after the first day of July, in the year eighteen hundred and sixty-nine, it shall not be lawful, without such permit, to let or continue to be let, or to occupy or suffer to be occupied, separately as a dwelling, any vault, cellar or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar or room, and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar or room, nor unless there is a clear space of not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar or room the use of a water closet or privy, kept and provided as in this act required, nor unless the same have an external window-opening of at least nine superficial feet clear of the sash-frame, in which window-opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation: *provided, however*, that in case of an inner or back vault, cellar or room, let or occupied along with a front vault, cellar or room, as part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act, if the front room is provided with a window as herein before provided, and if the said back vault, cellar or room is connected with the front vault, cellar or room by a door, and also by a proper ventilating or transom window, and where practicable, also connected by a proper ventilating or transom window, or by some hall or passage, or with the external air: *provided, always*, that in any area adjoining a vault, cellar or underground room, there may be steps necessary for access to such vault, cellar or room, if the same be so placed as not to be over, across or opposite to said external window, and so as to allow between every part of such steps and the

external wall of such vault, cellar or room, a clear space of six inches at least, and if the rise of said steps is open; and *provided, further*, that over or across any such area there may be steps necessary for access to any building above the vault, cellar or room to which such area adjoins, if the same be so placed as not to be over, across or opposite to any such external window.

SECTION 7. From and after the first day of July, in the year eighteen hundred and sixty-eight, no vault, cellar or underground room in any tenement or lodging-house, shall be occupied as a place of lodging or sleeping, except the same shall be approved in writing, and a permit given therefor by the board of health or superintendent.

Cellar, &c., not to be used as sleeping room after July 1, 1868, except by permit of health officer.

SECTION 8. Every tenement or lodging-house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matters. No tenement or lodging-house, or any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep or goat be kept in said house.

Receptacles for refuse matters.

Certain animals not to be kept.

SECTION 9. Every tenement or lodging-house, and every part thereof, shall be kept clean and free from any accumulation of dirt, filth, garbage or other matter in or on the same, or in the yard, court, passage, area or alley connected with or belonging to the same. The owner or keeper of any lodging-house, and the owner or lessee of any tenement-house or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools and drains thereof of the house or part of the house of which he is the owner or lessee, to the satisfaction of the board of health, so often as shall be required by or in accordance with any regulation or ordinance of said city, and shall well and sufficiently, to the satisfaction of said board, whitewash the walls and ceilings thereof twice at least in every year, in the months of April and October, unless the said board shall otherwise direct. Every tenement or lodging-house shall have legibly posted or painted on the wall or door in the entry, or some public accessible place, the name and address of the owner or owners, and of the agent or agents, or any one having charge of the renting and collecting of the rents for the same; and service of any papers required by this act, or by any proceedings to enforce any of its provisions, or of the acts relating to the board of health, shall be sufficient if made upon the person or persons so designated as owner or owners, agent or agents.

Houses to be kept clean.

Owner to cleanse privies, passages, &c., to the satisfaction of health officer.

Name of owner to be posted in public place on building.

Service of process good if made upon persons so posted.

Health officer to have access to house at all times.

SECTION 10. The keeper of any lodging-house, and the owner, agent of the owner, lessee and occupant of any tenement-house, and every other person having the care or management thereof, shall, at all times, when required by any officer of the board of health, or by any officer upon whom any duty or authority is conferred by this act, give him free access to such house and to every part thereof.

Owners and keepers of houses to notify health officers in cases of contagious or infectious diseases.

The owner or keeper of any lodging-house, and the owner, agent of the owner, and the lessee of any tenement-house or part thereof, shall, whenever any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, keeper, agent or lessee, give immediate notice thereof to the board of health, or to some officer of the same, and, thereupon, said board shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary and effectual; and they may also cause the blankets, bedding and bed-clothes used by any such sick person, to be thoroughly cleansed, scoured and fumigated, and in extreme cases to be destroyed.

Bedding, &c., to be purified.

House infected by disease or dangerous from want of repair, to be vacated, &c.

SECTION 11. Whenever it shall be certified to the board of health by the superintendent, that any building or part thereof is unfit for human habitation, by reason of its being so infected with disease as to be likely to cause sickness among the occupants, or by reason of its want of repair has become dangerous to life, said board may issue an order, and cause the same to be affixed conspicuously on the building or part thereof, and to be personally served upon the owner, agent or lessee, if the same can be found in this state, requiring all persons therein to vacate such building, for the reasons to be stated therein as aforesaid. Such building or part thereof shall, within ten days thereafter, be vacated; or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said board, if it shall become satisfied that the danger from said house or part thereof has ceased to exist, may revoke said order, and it shall thenceforward become inoperative.

Tenement or lodging-house.

SECTION 12. No house hereafter erected shall be used as a tenement-house or lodging-house, and no house heretofore erected, and not now used for such purpose, shall be converted into, used or leased for a tenement or lodging-house, unless, in addition to the requirements herein before contained, it conforms to the requirements contained in the following sections.

SECTION 13. It shall not be lawful hereafter to erect for or convert to the purposes of a tenement or lodging-house a building on the front of any lot where there is another building on the rear of the same lot, unless there is a clear, open space, exclusively belonging to the front building and extending upwards from the ground, of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be twenty feet; and if they are more than three stories high, the distance between them shall be twenty-five feet. At the rear of every building hereafter erected for or converted to the purposes of a tenement or lodging-house on the back part of any lot, there shall be a clear, open space of ten feet between it and any other building. But when thorough ventilation of such open spaces can be otherwise secured, said distances may be lessened or modified, in special cases, by a permit from the board of health or the superintendent.

How and where
may be con-
structed.

SECTION 14. In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have at least one window connecting with the external air, or over the door a suitable ventilator, connecting it with a room or hall which has a connection with the external air. The total area of window in every room communicating with the external air, shall be equal to at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows shall not be less than seven feet and six inches above the floor, and the upper half of each window shall be so made as to open for the purposes of ventilation. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fire-place, shall be provided with special means of ventilation by a separate air shaft extending to the roof, or otherwise, as the board of health may prescribe.

Rooms to be at
least eight feet
in height.

Windows.

Ventilation.

SECTION 15. Every such house hereafter erected or converted, shall have adequate chimneys running through every floor, with an open fire-place or grate, or place for a stove, properly connected with one of said chimneys, for every family and set of apartments. It shall have proper con-

Chimneys to run
through every
floor.

Water in the house or yard.

Cellar to be cemented.
Ventilation for halls.

Penalties for violation.

“Tenement-house” defined.

“Lodging-house” defined.

“Cellar” defined.

Further regulations concerning cellars, &c., may be made by board of health.

Jurisdiction of courts.

veniences and receptacles for ashes and rubbish; it shall have water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof. It shall have the floor of the cellar properly cemented, so as to be water-tight. The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said halls, in a manner approved by the board of health or the superintendent.

SECTION 16. Every owner or other person violating any provision of this act, after the same shall take effect, shall be guilty of a misdemeanor, punishable by a fine not exceeding one hundred dollars, or by imprisonment not exceeding sixty days.

SECTION 17. A tenement-house within the meaning of this act, shall be taken to mean and include every house, building, or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied as the house or residence of more than three families living independently of another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them.

A lodging-house shall be taken to mean and include any house or building, or portion thereof, in which persons are lodged for hire for a single night, or for less than a week at one time.

A cellar shall be taken to mean and include every basement or lower story of any building or house, of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

SECTION 18. The board of health shall have authority to make other regulations as to cellars and as to ventilation, consistent with the foregoing, where it shall be satisfied that such regulations will secure equally well the health of the occupants. All complaints under this act shall be made only by authority of the board of health, and the municipal court of the city of Boston shall have jurisdiction concurrent with the superior court of all offences against the provisions of this act.

Approved June 4, 1868.

Chap. 282

AN ACT REQUIRING REGISTERS OF DEEDS TO RECORD ASSIGNMENTS IN BANKRUPTCY.

Be it enacted, &c., as follows:

Registers of deeds to record assignments made under United States bankrupt laws.

SECTION 1. Registers of deeds shall record in the registries of their respective counties or districts all assignments, left with them for record, made under the provisions of an act

of congress, approved the second day of March, in the year eighteen hundred and sixty-seven, entitled "An Act to establish a uniform system of bankruptcy throughout the United States," and all acts in addition thereto, in the same manner in which deeds are required to be recorded; and said registers of deeds shall be entitled to receive the same fees for such records as for recording deeds of equal length.

Fees.

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

Approved June 4, 1868.

AN ACT IN RELATION TO THE TAXATION OF INSURANCE COMPANIES.

Be it enacted, &c., as follows :

Chap. 283

SECTION 1. Chapter one hundred and sixty-five of the acts of the present year, entitled "An Act explanatory of an act to levy taxes on certain insurance companies," shall not be construed to repeal or modify the provision of the eighteenth section of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, which exempts insurance companies from paying a tax "upon premiums received for insurance in other states which are subject to a like tax in the state where received."

Chapter 283, § 18, Acts of 1865, not modified by chapter 165 of 1868.

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

Approved June 4, 1868.

AN ACT RELATING TO MUSICIANS OF CAVALRY AND TO BRIGADE INSPECTORS.

Be it enacted, &c., as follows :

Chap. 284

SECTION 1. A battalion of cavalry composed of not less than three companies shall be entitled to a band of not more than sixteen musicians, who shall receive pay as provided in the one hundred and forty-sixth section of chapter two hundred and nineteen of the acts of the year eighteen hundred and sixty-six.

Battalion of cavalry entitled to sixteen musicians

SECTION 2. The bugler to each company of cavalry shall be entitled to and receive the same pay as provided in said one hundred and forty-sixth section for musicians.

Compensation of bugler.

SECTION 3. Brigade inspectors when in performance of duty as provided in the one hundred and twelfth section of said chapter, shall be entitled to and receive the same pay as provided in the one hundred and forty-fourth section, for duty in camp, and five cents per mile for travel to and from the place of inspection.

Compensation of brigade inspector and allowance for travel.

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

Approved June 4, 1868.

Chap. 285

AN ACT RESPECTING BONDS IN CIVIL CASES.

Be it enacted, &c., as follows :

Bond required of party in civil suit may be given by another.

SECTION 1. Whenever in the course of a civil suit or proceeding a bond is required to be given by the party, the judge or other officer authorized to receive the same, may in his discretion, accept the bond of any other person with sureties, in behalf of such party.

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

*Approved June 4, 1868.***Chap. 286**

AN ACT CONCERNING THE LIGHTING OF RAILROAD PASSENGER CARS.

Be it enacted, &c., as follows :

Railroad passenger cars not to be lighted with oil which will ignite at certain temperature.

SECTION 1. No passenger cars on any railroad in this Commonwealth shall hereafter be lighted by naphtha or any illuminating oil made from coal or petroleum, or any illuminating oil made in part of naphtha or coal or petroleum oil, or any other illuminating oil 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.

Penalty for violation.

SECTION 2. Any railroad corporation which shall violate the provisions of this act shall be liable to a fine not exceeding five hundred dollars, to be recovered to the use of the Commonwealth by indictment.

*Approved June 4, 1868.***Chap. 287**

AN ACT RESPECTING THE SALE AND INVESTMENT OF ESTATES INCUMBERED BY CONTINGENT REMAINDERS, EXECUTORY DEVISES OR POWERS OF APPOINTMENT.

Be it enacted, &c., as follows :

Decree of sale of certain incumbered real estate may be made by S. J. C.

SECTION 1. Whenever a good title in fee simple cannot be made to any real estate because the same is incumbered by any contingent remainder, executory devise or power of appointment, the supreme judicial court may, upon petition of any party who has an estate in possession in such real estate, decree a sale and conveyance of the same by such party or by such other person as the court shall appoint, when such sale and conveyance shall appear to be necessary or expedient. And the court shall, if necessary, appoint one or more trustees to hold and invest the proceeds of the sale for the benefit of the persons who would have been entitled to such real estate, and in the same manner as if no sale had been made, and shall fix the form and amount of the bond to be given by such trustees.

Trustees to hold proceeds of sale, &c.

Notice to be given to persons interested.

SECTION 2. Notice of the proceedings shall be given to all persons who are or may become interested in the real estate, and to all persons whose issue not in being may become interested therein, as the court may order. The

court shall, in all such cases, appoint a suitable person to appear and act in such proceedings as the next friend of all minors, persons not ascertained or persons not in being, who may be or may become interested in such real estate, the cost of whose appearance and services, including compensation of council, to be determined by the court, shall be paid as the court may order, either out of the proceeds of the real estate or by the petitioners, in which latter case execution may issue in the name of such next friend. An order or decree made in any such proceedings, and a sale and conveyance of real estate thereunder, shall be binding and conclusive, and shall pass to the purchaser thereof a good title to the same in fee simple.

A next friend to be appointed for minors.

Conveyance under decree to pass good title.

SECTION 3. The probate court for the county where such real estate or any part thereof is situated, shall, upon the filing of a satisfactory bond, issue to the trustees before mentioned letters of trust, and they shall have jurisdiction of all matters thereafter arising in relation to the proceeds of the sale.

Probate court to issue letters of trust.

Approved June 4, 1868.

AN ACT IN RELATION TO THE DISTRIBUTION OF UNCLAIMED PORTIONS OF THE PERSONAL ESTATES OF DECEASED PERSONS.

Chap. 288

Be it enacted, &c., as follows :

SECTION 1. When any portion of the personal estate of a deceased person has remained unclaimed for five years after the same has become payable, and the person entitled thereto, either as widow, next of kin, legatee, or creditor of an insolvent estate, has been absent and not heard from for fourteen years, the probate court, upon the petition of any person interested, and after public notice, may order that the same be distributed or paid over to the other persons who, but for such absent person, would have been entitled thereto as part of the estate of the deceased: *provided*, each person receiving a distributive share of said estate shall give such bond to said judge as he shall order, to refund said sum, with interest thereon, at any time within six years thereafter, in case such shall be the order of the court.

If personal estate of deceased person is unclaimed for five years, &c., to whom may be paid over.

Proviso.

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

Approved June 4, 1868.

AN ACT FOR THE PROTECTION OF TROUT IN THE MERRILL POND IN THE TOWN OF WENDELL.

Chap. 289

Be it enacted, &c., as follows :

SECTION 1. No person shall take any trout from the Merrill Pond, on the old Wendell town farm, in the town of Wendell, or the waters running into the same, at any time

Trout protected in Merrill Pond, in Wendell.

of the year, without permission of the proprietor or proprietors.

Penalty for violation.

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 Franklin. *Approved June 4, 1868.*

Chap. 290

AN ACT TO PROTECT TROUT IN JONES' MILL CREEK IN THE TOWN OF BARNSTABLE.

Be it enacted, &c., as follows :

Trout protected in Jones' Mill Creek, in Barnstable.

SECTION 1. No person shall take any trout in Jones' mill creek, in the town of Barnstable, from its source to the junction with Scorton creek, and within two hundred yards of said junction, on either side thereof, from the first day of August in each year, to the first day of April in the year next ensuing; nor shall any person take any trout therefrom except by hook and line; nor shall any person enter upon the land bordering upon said pond or stream, at any season of the year, for the purpose of taking trout, without the written permission of the proprietors.

Penalty for violation.

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 Barnstable.

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

Approved June 4, 1868.

Chap. 291

AN ACT CONCERNING THE MILL-DAM ROAD, AND THE ROADS CONNECTED THEREWITH BELONGING TO THE COMMONWEALTH.

Be it enacted, &c., as follows :

Mill-dam road may be laid out as highway.

SECTION 1. The city of Boston and the towns of Brookline, Brighton and Watertown, are hereby authorized, within one year from the passage of this act, to lay out and accept as highways, so much of the Mill-dam road, and the roads and bridges heretofore connected therewith in toll franchise, excepting the road known as the Cross-dam, as lies within the respective limits of the said city and towns: the said road being the same which was conveyed to the said Commonwealth by the Boston and Roxbury Mill Corporation by indenture dated the ninth day of June, in the year eighteen hundred and fifty-four, and also by indenture dated the thirtieth day of December, in the year eighteen hundred and fifty-six. The said highways and the said Watertown turnpike may be laid out of the same width as they were originally laid out; and the said towns and city shall not be liable in so doing for any land damages to any owner or abutter on said ways or turnpike; and upon such laying

Watertown turnpike.

out and acceptance of the same, all tolls thereon shall be discontinued, and the property of the Commonwealth therein, excepting said cross-dam, shall become vested, severally, in the city and towns aforesaid.

Tolls to be discontinued.

SECTION 2. Upon such laying out and acceptance of said roads and bridges as aforesaid, the said city and towns shall severally be liable for damages which may be incurred by reason of any defect in the same, within their respective limits, in the same manner, and to the same extent as cities and towns are now liable, by law, for defects in town ways; and the town of Watertown shall also assume the charge and maintenance of that portion of the Watertown turnpike lying within the territory heretofore ceded to the United States, and shall be liable, in the same manner and to the same extent aforesaid, for any defects therein, except as far as they may be controlled or prevented by the authority of the United States; and the bridge over Charles River shall be maintained with a sufficient draw therein for the convenient passage of vessels, and a suitable draw-tender be provided therefor, by and at the expense of said towns of Watertown and Brighton.

Towns to be liable for damages for defects in road.

Watertown to maintain portion of turnpike.

Bridge over Charles River maintained by Watertown and Brighton.

SECTION 3. Whenever the governor shall be satisfied that the aforesaid roads and bridges have been laid out and accepted as town ways or highways as aforesaid, there shall be paid to the towns of Watertown, Brighton and Brookline, the sum of fifty thousand dollars, to be divided as follows, to wit: to the town of Watertown, twenty thousand dollars, to the town of Brighton, fifteen thousand dollars, to the town of Brookline, fifteen thousand dollars.

Upon acceptance as highways, \$50,000 to be divided among towns.

If the amount of tolls paid into the treasury of the Commonwealth under the provisions of the second section of chapter two hundred and one of the acts of the year one thousand eight hundred and sixty-one, shall not amount to the sum of fifty thousand dollars at the time said roads and bridges are laid out and accepted by said towns as aforesaid, then the full amount of the tolls so paid into the treasury shall be paid to said towns, in the proportion aforesaid: and the tolls so received into the treasury from said roads, not exceeding the amount of fifty thousand dollars, are hereby appropriated for the purpose aforesaid.

If tolls do not amount to \$50,000, amount received to be paid over.

SECTION 4. If the city of Boston shall not lay out and accept the portion of said road within its limits, excepting said cross-dam, within one year from the passage of this act, or within six months after the towns of Watertown, Brighton and Brookline have laid out and accepted the portions within their respective limits, then said roads so lying and being

If Boston does not accept road within one year, &c., to be highway as though laid out by city.

within the limits of the city of Boston, shall be and become a public highway to all intents and purposes whatsoever, and the said city shall be liable therefor in the same manner and to the same extent as if the same had been laid out and accepted by said city, according to the provisions of the first section of this act.

Rights of rail-roads not to be affected.

SECTION 5. Nothing in this act contained shall affect the rights or duties of any railroad corporation having tracks upon said road : but the town ways and highways which may be located under the provisions hereof, may cross such railroad tracks at grade, wherever grade crossings now exist thereon.

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

Approved June 4, 1868.

Chap. 292 AN ACT GIVING THE CONSENT OF THE COMMONWEALTH TO THE UNITED STATES FOR THE PURCHASE OF A CERTAIN TRACT OF LOWLAND ON LONG ISLAND IN BOSTON HARBOR, AND THE FLATS THERETO APPURTENANT.

Be it enacted, &c., as follows :

United States may purchase land on Long Island for erection of military works.

SECTION 1. The consent of the Commonwealth is hereby granted to the United States to purchase a tract of lowland, situated on Long Island in Boston Harbor, said lowland being a narrow isthmus connecting the East Head of Long Island with the main or central portion of said island ; said isthmus belonging to T. J. Dunbar and Peter Dunbar, trustees, comprising by estimation about ten acres, for the erection of military works for the defence of said harbor, for the erection of a sea-wall as a part of the system for the improvement of said harbor for commercial purposes and for the purpose of providing a landing place for convenience in reaching the said East Head of Long Island ; and the consent of this Commonwealth is also hereby given to said United States to purchase, occupy and fill the flats appurtenant to said isthmus for the aforesaid objects, and to the extent of four hundred yards from low-water mark : *provided, always,* and the consent aforesaid is granted upon the express condition and reservation that this Commonwealth shall retain concurrent jurisdiction with the United States in and over the tract of lowland, to wit, the said isthmus, and the flats aforesaid for the service of all civil process and of such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with crimes or offences against the laws of this Commonwealth, committed without the said tract of lowland, to wit, the said isthmus and flats, and that said civil and criminal processes may be executed thereon in the

Concurrent jurisdiction of State with U. S.

same way and manner, and with the same effect as if the consent aforesaid had not been granted.

SECTION 2. If the agent or agents employed by the United States and the owner or owners of said tracts of lowland, to wit, the said isthmus and flats, or their agent or attorney, cannot agree in the sale and purchase thereof, the agent or agents of the United States may apply by petition to the superior court of the county of Suffolk, describing the aforesaid tract of lowland, to wit, the said isthmus and flats, for a valuation thereof by a jury; and the said court, after due notice given to the said owner or owners, or their agent or attorney, are hereby empowered and required to hear the parties and finally determine the value of the fee of the said tract of lowland, to wit, the said isthmus and flats, by a jury who shall be sworn faithfully and impartially to appraise and value the fee of said land; and said jury shall be summoned for that purpose by the sheriff of the county of Suffolk or his deputy, and the value aforesaid having been ascertained by the verdict of said jury and the said verdict accepted and recorded by said court and the amount thereof paid or tendered to the said owner or owners or their agent or attorney, together with their reasonable costs and expenses to be taxed by said court, or in case of their neglect or refusal to receive the same, the amount of said verdict, costs and expenses having been paid into the treasury of this Commonwealth for their use and subject to their order, the title of said tract of lowland, to wit, the said isthmus and flats shall be forever vested in fee simple in the United States: *provided, however*, that neither the United States nor their agent or agents shall enter into or take possession of said tract of lowland, to wit, the said isthmus or flats, nor exercise any act of ownership thereon until the amount of said verdict and costs and expenses shall have been actually paid as aforesaid; and *provided, also*, that all the charges of said application and appraisement shall be paid by the United States.

If U. S. and owners do not agree, price may be determined by a jury.

Jury to be summoned by sheriff of Suffolk.

Costs.

U. S. not to take possession until costs, &c., are paid.

Proviso.

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

Approved June 4, 1868.

AN ACT GIVING THE CONSENT OF THE COMMONWEALTH TO THE UNITED STATES FOR THE PURCHASE OF LONG ISLAND HEAD AND THE FLATS THERETO APPURTENANT, SITUATED UPON LONG ISLAND, IN BOSTON HARBOR.

Chap. 293

Be it enacted, &c., as follows:

SECTION 1. The consent of this Commonwealth is hereby granted to the United States to purchase a tract of upland situated on Long Island, in Boston Harbor, and known as the East Head of Long Island, belonging to James T. Austin

United States may purchase land on Long Island for military works and sea-wall.

and Loring H. Austin, comprising, by estimation, about twenty-four acres, for the erection of military works for the defence of said harbor, and for the erection of a sea-wall as a part of the system for the improvement of said harbor for commercial purposes, and to purchase, occupy and fill the flats appurtenant to said tract, for the aforesaid objects, and to the extent of four hundred yards from low-water mark :

Concurrent jurisdiction of State with U. S.

provided, always, and the consent aforesaid is granted, upon the express condition and reservation that this Commonwealth shall retain concurrent jurisdiction with the United States in and over the tract of upland and the flats aforesaid, for the service of all civil process and of such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with crimes or offences against the laws of this Commonwealth, committed without the said tract of upland and flats, and that said civil and criminal processes may be executed thereon in the same way and manner and with the same effect as if the consent aforesaid had not been granted.

If U. S. and owners do not agree, price may be fixed by jury.

SECTION 2. If the agent or agents employed by the United States and the owner or owners of said tract of upland and flats, or their agent or attorney, cannot agree in the sale and purchase thereof, the agent or agents of the United States may apply by petition to the superior court of the county of Suffolk, describing the aforesaid tract of upland and flats, for a valuation thereof by a jury ; and the said court, after due notice given to the said owner or owners, or their agent or attorney, are hereby empowered and required to hear the parties and finally determine the value of the fee of the said tract of upland and flats by a jury, who shall be sworn faithfully and impartially to appraise and value the fee of said land ; and said jury shall be summoned for that purpose by the sheriff of the county of Suffolk, or his deputy, and the value aforesaid having been ascertained by the verdict of said jury, and the said said verdict accepted and recorded by said court, and the amount thereof paid or tendered to the said owner or owners, or their agent or attorney, together with their reasonable costs and expenses, to be taxed by said court, or in case of their neglect or refusal to receive the same, the amount of said verdict, costs and expenses having been paid into the treasury of this Commonwealth for their use and subject to their order, the title of said tract of upland and flats shall be forever vested in fee simple in the United States : *provided, however*, that neither the United States nor their agent or agents shall enter into or take possession of said tract of upland or flats, nor exercise any act of

Jury to be summoned by sheriff of Suffolk.

Costs.

U. S. not to take possession until costs, &c., are paid.

ownership thereon until the amount of said verdict and costs and expenses shall have been actually paid as aforesaid; and *provided, also*, that all the charges of said application and appraisal shall be paid by the United States. Proviso.

SECTION 3. The three hundred and fourteenth chapter of the acts of the year eighteen hundred and sixty-seven is hereby repealed. Repeal.

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

Approved June 4, 1868.

AN ACT RELATING TO DEERFIELD RIVER BRIDGE.

Chap. 294

Be it enacted, &c., as follows:

SECTION 1. The bridge over Deerfield River in the town of Deerfield, belonging to the Proprietors of Deerfield River Bridge, is hereby laid out as a public highway; and the collection of tolls thereon shall cease on the fourteenth day of November next. To be laid out as highway.

SECTION 2. The said bridge shall be maintained and kept in repair by the town of Deerfield. To be kept in repair by Deerfield.

SECTION 3. Nothing in this act contained shall be construed to release the Proprietors of Deerfield River Bridge from their liability to keep the said bridge in good, safe and passable repair up to the said fourteenth day of November next; and if the said bridge shall not be in such repair on said date, an information shall be filed in the supreme judicial court in behalf of the Commonwealth by the attorney-general, at the relation of the selectmen of Deerfield, against said corporation and its officers, to compel said corporation to put the said bridge in good, safe and passable repair. Proprietors to keep in repair until Nov. 14, 1868.

And full power and authority is hereby given to said court, as a court of chancery, to hear and determine said cause, and to make and enforce all necessary orders and decrees therein. S. J. C. may compel repairs to be made.

SECTION 4. This act shall take effect on the fourteenth day of November next. When to take effect.

Approved June 4, 1868.

AN ACT TO AUTHORIZE THE MECHANICS' MILLS TO CONSTRUCT A WHARF IN FALL RIVER.

Chap. 295

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to the Mechanics' Mills to construct and extend a wharf from a lot of land now owned by said corporation in the city of Fall River; said wharf not to exceed the width of said lot of land, and not to extend beyond the channel of the river: *provided*, that all things done under this act shall be subject to the determination and approval of the board of harbor commissioners, as provided by section four of chapter one hundred Mechanics' Mills may build wharf in Fall River.

Subject to approval of harbor commissioners.

Provisos. and forty-nine of the acts of the year eighteen hundred and sixty-six; and *provided*, that this license shall in no wise impair the legal rights of any person; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

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

Approved June 4, 1868.

Chap. 296 AN ACT TO INCORPORATE THE JOHN RUSSELL MANUFACTURING COMPANY.

Be it enacted, &c., as follows:

Corporators. SECTION 1. John Russell, Matthew Chapman, Charles W. Russell, their associates and successors, are hereby made a corporation by the name of the John Russell Manufacturing Company, for the purpose of manufacturing cutlery and hardware in Deerfield, or any other town in the county of Franklin; 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.

Name and purpose. Powers and duties. Real estate, \$300,000. SECTION 2. Said corporation may hold for the purpose 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 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 is paid in cash.

Capital stock and shares. Proviso. SECTION 3. This act shall take effect upon its passage.

Approved June 4, 1868.

Chap. 297 AN ACT AUTHORIZING THE SALE OF PARSONAGE LANDS IN THE TOWN OF HULL.

Be it enacted, &c., as follows:

Parsonage lands in Hull may be sold. SECTION 1. The lands lying within the limits of the town of Hull, known as and called the parsonage lands, may be sold and conveyed in fee simple in the manner hereinafter provided.

Application to be made to judge of probate for leave to sell. SECTION 2. If at any legal town meeting, the citizens of Hull shall so vote, the selectmen or any other person or persons authorized by the town so to do, may apply to the judge of probate for the county of Plymouth, for leave to sell said lands; the said judge of probate shall upon such notice as he may deem necessary, order the lands aforesaid

to be sold at public or private sale, at such time and upon such terms as he may determine, and by such person or persons as he may appoint.

SECTION 3. The judge of probate aforesaid shall appoint three persons, two at least of whom shall be citizens of the town of Hull, to act as trustees of the proceeds resulting from such sale, who shall receive the said proceeds, and invest the same under the direction of the judge aforesaid, and hold the same for the purposes and uses for which the aforesaid lands were held and could be applied.

Trustees to have charge of proceeds of sale.

Approved June 4, 1868.

AN ACT AUTHORIZING THE LYNN AQUEDUCT COMPANY TO ISSUE BONDS, AND FOR OTHER PURPOSES.

Chap. 298

Be it enacted, &c., as follows:

SECTION 1. The Lynn Aqueduct Company is hereby authorized, for the purpose of aiding in the construction of its works, to issue bonds or other obligations to an amount not exceeding four hundred thousand dollars, and at a rate of interest not exceeding seven per centum per annum, and to secure said bonds or other obligations by a mortgage upon its franchise and property.

May issue bonds and secure by mortgage.

SECTION 2. Said company is hereby authorized, with the written consent of the selectmen of the town of Swampscott, to extend its pipes into said town, and with such consent to dig up and open any street or way in said town for the placing such pipes as may be necessary for the construction of that portion of its aqueduct, and of repairing the same: *provided*, the same shall be done in such manner as not to prevent the convenient passing of teams and carriages.

May extend pipes into Swampscott with consent of selectmen.

Proviso.

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

Approved June 4, 1868.

AN ACT REDUCING THE CAPITAL STOCK OF THE NORTHAMPTON, HADLEY AND AMHERST STREET RAILWAY COMPANY.

Chap. 299

Be it enacted, &c., as follows:

SECTION 1. The act incorporating the Northampton, Hadley and Amherst Street Railway Company is hereby so amended that the capital stock of said company shall not exceed the sum of seventy-five thousand dollars.

Capital stock reduced to \$75,000.

SECTION 2. The act empowering the town of Hadley to take stock in the said street railway company, is so amended that a majority of voters present and voting thereon may vote to make such subscription: *provided*, that the total amount of such subscription shall not exceed one-half of one per centum of the valuation of the said town.

Majority of voters in Hadley may authorize taking stock, &c.

Proviso.

Time for building, &c., extended.

SECTION 3. The time for building and putting in operation some portion of the said railway is hereby extended one year.

Approved June 4, 1868.

Chap. 300

AN ACT TO INCORPORATE THE GREAT BARRINGTON WATER COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Asa C. Russell, Seth Norton, Justin Dewey, junior, their associates and successors, are hereby made a corporation by the name of the Great Barrington Water Company, for the purpose of supplying the inhabitants of the village of Great Barrington with good water; 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 such corporations.

Name and purpose.

Powers and duties.

May take water from the springs, ponds and brooks in Great Barrington.

SECTION 2. Said corporation may take, hold and convey to, into and through the village of Great Barrington, the water of any spring or springs, or of any natural pond or ponds, brook or brooks within said town of Great Barrington; and said corporation may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging and distributing water, and for forming reservoirs; and may take and hold any land in or around any such pond, spring or brook, so far as may be necessary for the preservation and purity of the same. Said corporation shall, within sixty days from the time of taking any such land, spring or springs, pond or ponds, brook or brooks, file, in the office of the registry of deeds in the southern district of the county of Berkshire, a description of the lands, spring or springs, pond or ponds, brook or brooks so taken, as certain as is required in a conveyance of land, and a statement of the purpose for which it is taken, signed by the president of the corporation.

May take land.

To file description of land in registry of deeds.

May build aqueducts.

SECTION 3. Said corporation may make and build one or more permanent aqueducts, from any of the sources before mentioned, into and through said village, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs within and without said village; may make and establish public fountains and hydrants in such places as it may, from time to time, deem proper, and prescribe the purposes for which they may be used, and may change or discontinue the same; may distribute the water throughout the village; may regulate the use of said water and establish the prices or rents therefor. And the said corporation may, for the purposes aforesaid, carry and

May erect dams and reservoirs, &c.

conduct any aqueducts or other works, by it to be made and constructed, over or under any water-course, street, turnpike, road, railroad, highway, or other way, in such manner as to cause the least possible hindrance to the travel thereon, and may enter upon and dig up any such road, street or other way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same: *provided*, that in excavating for the purpose of laying the pipes and repairing the same, the work shall be done under the direction of the selectmen of the town of Great Barrington.

May lay pipes under streets, &c.

Proviso.

SECTION 4. Said corporation 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 constructing any aqueducts, reservoirs or other works, for the purposes specified in this act; and if any person who shall sustain damage as aforesaid cannot agree with said corporation upon the amount of said damage, the same shall be ascertained, determined and recovered in the manner now provided by law, in case of land taken for highways.

Shall pay damages for land, &c., taken.

SECTION 5. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid; and its whole capital stock shall not exceed thirty thousand dollars, which shall 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.

Real and personal estate.

Capital stock and shares.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof of the sources 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 actual damages to the said corporation, to be recovered in action of tort; and every such person, upon conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding three years.

Penalties for maliciously diverting the water or corrupting the same.

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

Approved June 4, 1868.

AN ACT TO AMEND "AN ACT TO INCORPORATE THE TRUSTEES OF THE POOR'S FUND IN THE TOWN OF CHARLESTOWN."

Chap. 301

Be it enacted, &c., as follows:

Chapter forty of the acts of the year eighteen hundred and twenty-five is hereby amended by striking out from the

Chapter 40, § 3, 1825, amended.

third section of said chapter, the words “*provided, however,* that the annual income of said fund shall not exceed the sum of two thousand dollars.”

Approved June 4, 1868.

Chap. 302 AN ACT IN ADDITION TO AN ACT FOR SUPPLYING THE CITY OF SALEM WITH PURE WATER.

Be it enacted, &c., as follows:

How pipes of aqueduct company may be cut, displaced, &c.

SECTION 1. Whenever any exigency shall arise in which it shall become necessary, in the proper construction of the Salem water works, at any particular place, to cut, remove or displace any pipe or pipes of the Salem and Danvers Aqueduct Company, application may be made to said company, through its superintendent, for permission to make such cutting, removal or displacement, accompanied with a specific description of what is proposed to be done, to which application an answer shall be returned by said company within three days: and in case of a refusal of permission, or in case no answer shall be returned within said three days, application may be made to the engineer of the Boston water works, for the time being, who after three days' notice to said Salem and Danvers Aqueduct Company, shall hear the parties and determine whether any and what change in the pipe or pipes of said Salem and Danvers Aqueduct Company at that place ought reasonably to be made: and the city of Salem is hereby authorized to make the change directed by said engineer; which direction shall be in writing signed by said engineer, recorded upon the records of the city water works, and a duplicate original delivered to the superintendent of the Salem and Danvers Aqueduct Company at the same time that this direction is made known to said city.

Engineer of Boston water works to decide.

Record to be made.

Compensation of engineer, and by whom to be paid.

SECTION 2. Said engineer shall be allowed a reasonable compensation per day and his expenses, to be paid by said city of Salem; and in case the course prescribed by him shall be the same as that asked for, in behalf of the said Salem water works, and the consent of said Salem and Danvers Aqueduct Company was unreasonably refused, said compensation and expenses may be recovered of the said Salem and Danvers Aqueduct Company, by the said city of Salem.

Damages to aqueduct company to be paid by city.

SECTION 3. Said city shall be liable to pay all damages sustained by the said aqueduct company, and if not agreed upon by the parties, shall be assessed and awarded by the said engineer; and in case said company shall be dissatisfied with said award, it may have said damages assessed and paid in the same manner as is provided by law with respect to land taken for highways.

SECTION 4. Nothing in this act shall be construed to give any preference of location or otherwise to the city of Salem over the Salem and Danvers Aqueduct, and in no case is the said engineer authorized to order to be cut, removed or displaced any pipes of the said Salem and Danvers Aqueduct Company, except when by reason of natural or artificial obstructions, the pipes of the said city cannot otherwise (at reasonable labor and expense) be laid: and in no case shall any pipe be so cut, displaced or removed in such manner as to prevent the free flow of water to any consumer of the Salem and Danvers Aqueduct Company for a longer space than twenty-four hours.

Preference of location not to be given to the city, &c.

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

**Approved June 4, 1868.*

AN ACT CONCERNING THE AGAWAM BRIDGE COMPANY.

Be it enacted, &c., as follows:

Chap. 303

SECTION 1. Chapter two hundred and seventy-four, of the acts of the year eighteen hundred and fifty-six, incorporating the Agawam Bridge Company, and chapters thirty-eight of the acts of the year eighteen hundred and sixty-one, and one hundred and sixty-four of the acts of the year eighteen hundred and sixty-four, which extend the time for building the bridge by said corporation, are hereby revived; and the time within which said corporation is required to build and finish said bridge, is further extended to the first day of May, in the year eighteen hundred and seventy-one.

Time for building bridge extended.

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

Approved June 4, 1868.

AN ACT TO ENABLE THE CITY OF NEWBURYPORT AND THE TOWNS OF AMESBURY AND SALISBURY, TO TAKE STOCK IN THE NEWBURYPORT AND AMESBURY HORSE RAILROAD COMPANY.

Be it enacted, &c., as follows:

Chap. 304

SECTION 1. The city of Newburyport, is hereby authorized to subscribe for and hold shares in the capital stock of the Newburyport and Amesbury Horse Railroad Company, to an amount not exceeding twenty thousand dollars, and the towns of Amesbury and Salisbury each the sum of five thousand dollars, and to pay for the same out of the treasury of the said city and towns respectively, and to hold the same as city and town property, subject to the disposition of the said city and towns respectively, for public purposes, in like manner as any other property which they may possess: *provided*, that two-thirds of the legal voters of said city and towns respectively, who may be present, and voting thereon, shall vote so to do, at legal meetings called for that purpose

Newburyport, Amesbury and Salisbury may take stock in Horse Railroad Co.

Proviso.

by the mayor and aldermen of said city, and the selectmen of said towns respectively, within sixty days from the passage of this act.

May raise money by loan or tax.

SECTION 2. Said city and towns respectively, are hereby authorized to raise by loan or tax, any sum of money which shall be required to pay their instalments on their subscription to said stock and the interest thereon.

City and towns to be represented at meetings of corporation.

SECTION 3. The said city of Newburyport by its mayor and treasurer, for the time being, and the selectmen of the towns of Amesbury and Salisbury, respectively, for the time being, shall subscribe in behalf of the said city and towns for such number of shares in the capital stock of said company, as shall be voted by said city and towns respectively, and said mayor and treasurer and said selectmen, respectively, are hereby authorized to cast the vote of their said city and towns, in the choice of directors of said road, and to appear and act in behalf of said city and towns, in the transaction of any business of said road, so long as said city or towns or either of them, shall hold shares in said corporation.

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

Approved June 4, 1868.

Chap. 305

AN ACT TO AUTHORIZE THE TOWN OF CONWAY TO SUBSCRIBE FOR AND HOLD STOCK IN THE NORTHAMPTON AND SHELburnE FALLS RAILROAD COMPANY.

Be it enacted, &c., as follows :

Conway may, by vote of town, take stock in railroad.

SECTION 1. The town of Conway is hereby authorized (when so voting) at a legal town meeting, duly called for that purpose, to subscribe for and hold shares in the capital stock of said company, to an amount not exceeding five per centum of the assessed valuation of said town : and said town may pay for such shares so voted to be taken, out of its treasury, and is hereby authorized to raise by loan upon bonds, or tax or otherwise, any or all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property.

May raise money by loan or tax.

Selectmen to represent towns at meetings of corporation.

SECTION 2. The selectmen of the town of Conway shall have authority to represent said town at any and all meetings of the said Northampton and Shelburne Falls Railroad Company ; and said town, so represented, is hereby authorized to vote on the whole amount of the stock held by said town, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

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

Approved June 4, 1868.

AN ACT TO AUTHORIZE OTIS SHEPARD TO CONSTRUCT A WHARF IN DORCHESTER.

Chap. 306

Be it enacted, &c., as follows :

SECTION 1. License is hereby given to Otis Shepard, to widen and extend his present wharf and to build another wharf contiguous thereto, from his own land in the town of Dorchester ; said wharves not to exceed the width of said land, and not to extend beyond such line as the harbor commissioners may designate: *provided*, that all things done under this act 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 license shall in no wise impair the legal rights of any person ; and *provided, further*, that this license may be revoked at any time, and shall expire at the end of five years from its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

May extend wharf in Dorchester.

Subject to approval of harbor commissioners.

Proviso.

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

Approved June 4, 1868.

AN ACT TO INCORPORATE THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF WORCESTER.

Chap. 307

Be it enacted, &c., as follows :

SECTION 1. Philip L. Moen, Lucius W. Pond, John Q. Adams, their associates and successors, are hereby made a corporation by the name of "The Young Men's Christian Association of Worcester," in the city of Worcester, for the purpose of improving the spiritual and mental condition of the young ; 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.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

Real and personal estate.

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

Approved June 4, 1868.

AN ACT IN RELATION TO THE ELECTION AND DUTIES OF OVERSEERS OF THE POOR OF THE CITY OF LYNN.

Chap. 308

Be it enacted, &c., as follows :

SECTION 1. The overseers of the poor of the city of Lynn shall consist of six persons, residents of said city, and shall be elected by concurrent vote, in the month of January in each year, in the following manner. Two persons to hold their office until the first Monday of February in the year eighteen

Six overseers of the poor.

Terms of office.

hundred and seventy ; two persons to hold their office until the first Monday of February in the year eighteen hundred and seventy-one ; and two persons to hold their office until the first Monday of February in the year eighteen hundred and seventy-two ; and thereafterwards annually in the month of January two persons to hold their office for the term of three years from the first Monday in February next following such elections respectively. And each of said persons shall hold his office until another is chosen and qualified in his place.

Vacancies, how filled.

SECTION 2. Vacancies occurring in said board of overseers from any cause, shall be filled by said city council, in like manner, at any time ; and the person elected to fill any vacancy shall hold his office during the term for which his predecessor was elected. The city council shall also have power at any time for sufficient cause to remove either of said overseers from office.

Removals from office.

Organization of board.

SECTION 3. The persons elected as overseers of the poor as aforesaid, shall meet and organize on the first Monday of February in each year. They shall choose a chairman from their own number, a treasurer, secretary, visitor and such other officers as may be authorized or required by any ordinance of the city in relation thereto ; shall define their duties and fix their salaries, subject to the approval of the city council.

Reports to be made to city council.

SECTION 4. Said overseers shall render such accounts and reports of their expenditures, acts and doings as may be required by the city council, and the same shall be audited and allowed, if according to law, in such manner as the city council shall from time to time determine.

Present board to hold office until, &c.

SECTION 5. The present members of the board of overseers shall hold their office until others are elected and qualified in their places under the provisions of this act.

Repeal.

SECTION 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

When to take effect.

SECTION 7. This act shall take effect on the first day of December next.

Approved June 4, 1868.

Chap. 309

AN ACT CONCERNING THE SALEM TURNPIKE AND CHELSEA BRIDGE AND THE SEVERAL TOLL-BRIDGES IN ESSEX COUNTY.

Be it enacted, &c., as follows :

Salem Turnpike and Chelsea Bridge laid out as public highway.

SECTION 1. The turnpike, way, bridges, draws and piers belonging to the Salem Turnpike and Chelsea Bridge Corporation, and lying in the cities of Salem, Lynn, Chelsea and Charlestown, and the towns of Saugus and North Chelsea, are hereby laid out as and shall become a public highway

upon the acceptance of the award of the commissioners, hereinafter named, in the supreme judicial court, and judgment thereon.

SECTION 2. Upon the same becoming a highway as aforesaid, so much of said turnpike and way, excluding the abutments, bridges, draws and piers, as lies in each of the said cities and towns shall be maintained by them respectively; and said cities and towns shall collect and receive from the Lynn and Boston Railroad Company, such proportion of the expense of maintaining said turnpike and way as shall be due from said company under the provisions of this act, and if in the opinion of the commissioners, any city or town will have an undue burden cast upon it, in maintaining its portion of the turnpike passing through it, they shall determine and decree what sum in gross shall be paid to such city or town, and by what cities or towns in the counties of Essex and Suffolk, or whether either of said counties shall contribute to said sum, and in what proportions, as a final adjustment of expense and benefit.

SECTION 3. The supreme judicial court, or any justice thereof, upon application of said Salem Turnpike and Chelsea Bridge Corporation, Malden Bridge Proprietors, or of the Lynn and Boston Railroad Company, or of ten legal voters of either of the counties of Essex, Middlesex or Suffolk, shall appoint a board of commissioners consisting of one from each of the counties of Essex, Suffolk and Middlesex; and said commissioners, after having been sworn to the faithful and impartial discharge of their duties, shall, after due notice to all parties interested and a hearing, determine and award the amount to be paid to said Salem Turnpike and Chelsea Bridge Corporation, and Malden Bridge Proprietors, as damages for the laying out of said turnpike, way, bridges, draws and piers, and shall determine what proportions of said amount shall be paid by the counties of Essex and Suffolk respectively, and by the respective cities and towns in the county of Middlesex which are benefited by the provisions of the first section of this act. Said commissioners shall also determine and decree what cities and towns in the counties of Essex, Middlesex and Suffolk are benefited by the provisions of the first section of this act, and in what proportions and manner said cities and towns and said Lynn and Boston Railroad Company shall defray the expenses of the maintenance and repairs of said abutments, bridges, draws and piers, and all other expenses properly incurred under the provisions of this act not otherwise provided for therein. Said commissioners

So much of turnpike as lies in any town to be maintained by it.

Burden of maintaining way to be equalized.

Commissioners may be appointed to award damages to be paid to the Turnpike and Bridge Corporation.

—to determine what proportions to be paid by Essex, Suffolk and Middlesex.

Who shall maintain and repair bridges, draws, way, &c.

Decree to be made and reported to S. J. C. and counties and towns.

Right of appeal to a jury.

Fees and expenses.

Right of appeal to jury as in case of laying out highways.

Damages and costs.

County commissioners of Essex and Middlesex to act jointly if commissioners are not appointed.

When become highway, care of bridges, &c., to devolve upon selectmen, &c.

shall also determine and decree what proportion of the expense of the maintenance of the said turnpike and way, excluding said abutments, bridges, draws and piers, shall be defrayed by the said Lynn and Boston Railroad Company; and their determination and decree, or that of the major of them, shall be made in writing and reported to the supreme judicial court, the chairman of the boards of county commissioners for the counties of Essex and Middlesex, the mayor and aldermen and the selectmen of each of the cities and towns which shall be decreed by said court to pay as aforesaid, and the clerks of each of said corporations, and shall be binding upon said counties, cities and towns and corporations, unless said Salem Turnpike and Chelsea Bridge Corporation or Malden Bridge Proprietors shall appeal to a jury from the award of said commissioners; and if said corporations or either of them shall not appeal to a jury within sixty days after receiving the award of said commissioners as aforesaid, then the award and decree of said commissioners shall be absolutely binding upon all the parties interested, when the same shall have been accepted and judgment entered thereon by the supreme judicial court. The just fees and expenses of said commissioners shall be paid by such of the parties interested as the said commissioners shall decree.

SECTION 4. Said Salem Turnpike and Chelsea Bridge Corporation and Malden Bridge Proprietors may appeal to a jury from the award of said commissioners in the same manner, except that the time within which an appeal may be entered shall be limited to sixty days as aforesaid, and subject to the same liability in regard to costs as is provided by law in the case of laying out highways, except that the application for such jury shall be made to and acted upon by the commissioners of the county of Essex, and said jury may award a different sum as damages to said corporations, and all damages and costs awarded and incurred under this section shall be paid by said counties, cities and towns in the proportions specified by said board of commissioners appointed under the provisions of the third section of this act.

SECTION 5. If no commissioners shall be appointed under the provisions of the third section of this act, the commissioners of the counties of Essex and Middlesex, jointly, may exercise all the powers conferred on the special commissioners by this act.

SECTION 6. Upon the same becoming a highway as aforesaid, the care and superintendence of said abutments, bridges, draws and piers shall devolve upon the mayors and aldermen

and selectmen of the respective cities and towns in which the same shall lie, and they shall collect and receive from the parties liable therefor their respective shares of the expense of maintaining the same.

SECTION 7. Liability for defects in said abutments, bridges, draws and piers shall exist on the part of the cities and towns wherein they respectively lie, in like manner as in case of defects in town ways; and the damages and costs which may be recovered on account of such defects, shall be paid by such cities and towns as said commissioners shall decree, and by said railroad company, in the same manner and in the same proportions as they shall severally be required to contribute for the repairs and maintenance thereof.

Liability for defects in bridges, &c.

SECTION 8. The county commissioners of the county of Essex shall, within sixty days after the passage of this act, lay out as and for highways the several bridges over the 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 town of Salisbury and the city of Newburyport; Newburyport Bridge, between the town of Salisbury and the city of Newburyport; also the Essex Bridge over North River, between the town of Beverly and the city of Salem; in the manner now provided by law for the laying out of highways, and according to the provisions of chapter two hundred and ninety-six of the acts of the year eighteen hundred and sixty-seven, so far as the same are applicable. The said commissioners shall also determine and decree what proportion of the amount of damages sustained by the proprietors of said bridges, or of either or any of them, by such laying out, shall be paid respectively by the county of Essex and by the several cities and towns which the said commissioners shall determine are benefited by such laying out.

Bridges in Essex County to be laid out as highways:

Andover Bridge.
Lawrence Bridge.
Haverhill Bridge.

Rock's Bridge.
Essex Merrimack Bridge.

Newburyport Bridge.
Essex Bridge.

Commissioners to decree what proportion shall be paid by the county and towns.

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

Approved June 5, 1868.

AN ACT IN RELATION TO THE STOCK AND DIVIDENDS OF RAILROAD, TELEGRAPH, AND GAS LIGHT COMPANIES.

Chap. 310

Be it enacted, &c., as follows:

SECTION 1. No railroad corporation, telegraph or gas light company, chartered under the laws of this Commonwealth, shall hereafter declare any stock dividend, or divide the proceeds of the sale of stock among its stockholders, nor shall such corporation create any additional new stock, or issue

Railroad, telegraph and gas companies not to make stock dividend, &c., unless the par value of shares is paid in cash.

certificates thereof to any person whatever, unless the par value of the shares so issued is first paid in cash to the treasurer of said corporation.

Certificates void if issued in violation.
Penalty on directors.

SECTION 2. All certificates of stock issued in violation of the provisions of this act, shall be void ; and the directors of any such corporation issuing the same shall be liable to a penalty of one thousand dollars each, to the use of the Commonwealth, to be recovered by indictment in any county where any of said directors reside : *provided*, that if any such director shall prove that previous to such issue he filed his dissent in writing thereto with the clerk of said corporation, or was absent, and at no time voted therefor, he shall not be liable for the same.

Proviso.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Approved June 5, 1868.

Chap. 311

AN ACT IN ADDITION TO AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS.

Be it enacted, &c., as follows :

Election required by chapter 141, Acts of 1868, held in June.

SECTION 1. The election required by section three of chapter one hundred and forty-one of the acts of the year eighteen hundred and sixty-eight, entitled an act to regulate the sale of intoxicating liquors, to be held on the third Tuesday of May, shall be held on any day in the month of June of the current year, anything in said act to the contrary notwithstanding.

County commissioners to receive \$3 a day when engaged as license commissioners.

SECTION 2. The county commissioners of the several counties shall receive in addition to their present salaries at the rate of three dollars per day, for each and every day when engaged as license commissioners under said chapter one hundred and forty-one of said acts of the current year, to be paid from the county treasury.

Repeal.

SECTION 3. The sixth section of the act referred to in the first section of this act is hereby amended by striking out "third Monday of May" and inserting "any day in the month of June of the current year."

Repeal.

SECTION 4. The fourth clause of the fourth section of the act referred to in the first section of this act is hereby repealed : *provided, however*, that licenses may be granted for the sale of beer, ale, porter and cider, to be drunk on the premises, for which a fee of fifty dollars for each license shall be paid : persons holding such licenses to be subject to the taxes and all other obligations and duties applicable to them under the said act.

License for sale of beer, &c., to be drunk on the premises.

Punishment by fine and imprisonment, or either

SECTION 5. Sections four, sixteen and eighteen of said chapter one hundred and forty-one, are hereby so far amended

that in the sentences therein provided, the court may inflict the punishment of imprisonment without the fine, or fine without imprisonment, or both, at its discretion.

SECTION 6. The tenth section of the act referred to in the first section of this act is hereby amended by striking out the word "licensed" immediately before the words "medical practitioner" and inserting in the place thereof the word "regular," and by striking out the words "out and signed."

Amendments.

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

Approved June 5, 1868.

AN ACT AUTHORIZING THE CAPE COD RAILROAD COMPANY TO CONSTRUCT A WALL ACROSS COHASSET NARROWS.

Chap. 312

Be it enacted, &c., as follows :

SECTION 1. The Cape Cod Railroad Company are hereby authorized to construct and maintain a sea-wall across Cohasset Narrows, between the towns of Sandwich and Wareham, at the place where the railroad of said company crosses said narrows : *provided*, that all things done under this act shall be subject to the determination and approval of the fish commission, and that such fishways be constructed as they may direct ; and *provided, further*, that the railroad company shall make or provide a suitable landing for any or all wood which may at any season of the year be brought from above the said sea-wall to Cohasset Narrows for shipment, and shall provide a suitable wharf below the sea-wall, with proper facilities for placing said wood upon the same, without cost to the owner for the use of such facilities ; and that the railroad company shall transport to the said wharf below the sea-wall, (in lots of not less than twenty-five cords each, except so far as the railroad company shall elect,) all wood which may be landed upon the wharf at the head of Buttermilk Bay for shipment, at such charge for transportation as may be agreed upon between the parties ; and in case said parties fail to agree, three commissioners shall be appointed by the superior court sitting in and for the county of Plymouth or Barnstable, upon the petition of any party interested, who shall fix the same ; the railroad company to pay the expense of such commission ; and *provided, further*, that if the Boston and Sandwich Glass Company or any person interested in a wharf within half a mile below said wall, shall at any time claim that the building of the sea-wall authorized by this act injures the navigation by causing a shallowing of water or the forming of bars or like obstructions, commissioners appointed in the manner provided in this act shall decide whether any such injury is caused by such building, and shall determine what, if any, dredging or other clear-

May construct sea-wall across Cohasset Narrows.

Proviso.

Railroad to provide a suitable landing for wood.

Commissioners to be appointed if parties fail to agree.

Provision in case damage is done to wharves below sea-wall.

ing shall be done by said railroad company to obviate the effect of such building. Should no such dredging or other clearing be found necessary, said claimants shall pay the cost of the commission.

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

Approved June 5, 1868.

Chap 313 AN ACT TO AID THE CONSTRUCTION OF THE LEE AND NEW HAVEN RAILROAD.

Be it enacted, &c., as follows :

Treasurer to issue scrip for \$300,000, at six per cent. interest.

SECTION 1. The treasurer of the Commonwealth is hereby authorized and instructed to issue scrip or certificates of debt, in the name and in behalf of the Commonwealth, and in the manner herein designated, for the sum of three hundred thousand dollars, which shall be expressed in federal currency, and be payable to the bearer thereof at the expiration of thirty years from date, and redeemable at the option of the Commonwealth, at any time after five years from date, with interest thereon, at the rate of six per cent. per annum, payable semi-annually on the first day of January and the first day of July, both interest and principal being payable at the office of the treasurer of the Commonwealth in lawful money of the United States. Said scrip may be either in the form of registered or coupon bonds, as the governor and council shall determine ; it shall bear date on the first day of January or July, which shall next precede the several issues 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 Lee and New Haven 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 in its completion, and for the equipment of the same.

To be countersigned by governor.

To aid the construction of the Lee and New Haven Railroad.

At what times and upon what conditions scrip to be delivered to railroad.

SECTION 2. Whenever it shall be made to appear to the satisfaction of the governor and council that the Lee and New Haven Railroad Company has properly expended one hundred thousand dollars in the construction of its road, then a portion of said scrip to the amount of fifty 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 a further expenditure of one hundred thousand dollars in addition to the amount previously loaned by the

Commonwealth, has been made in the construction of said road as aforesaid, then another portion of said scrip to the amount of fifty thousand dollars shall be delivered upon the terms herein expressed 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.

SECTION 3. The Lee and New Haven Railroad Company shall make, execute and deliver to the Commonwealth, in manner and form to be approved by the attorney-general, a first mortgage deed of the road, franchise and property of said company to indemnify and save harmless the Commonwealth from 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; said mortgage deed shall be made, executed and delivered as aforesaid, when the same shall be demanded by the treasurer of the Commonwealth.

Railroad to be mortgaged to the State as security.

SECTION 4. Whenever said railroad shall have been opened for use from Lee to the Connecticut state line, five 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 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.

Sinking fund to be established.

Proviso.

SECTION 5. The treasurer of the Commonwealth, the auditor of the Commonwealth, and the treasurer of the Lee and New Haven Railroad Company for the time being, shall be commissioners of the sinking fund of said railroad company. The 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 of the Commonwealth.

Treasurers of the Commonwealth and railroad to be commissioners of sinking fund.

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

Commissioners to make report to legislature annually.

said funds, and the income of the several parts thereof for the year, which records and securities, and the books of account belong 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 Lee and New Haven Railroad Company the sum of forty dollars each annually.

Compensation of commissioners.

Commissioners to be appointed to ascertain amount of work done on road.

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 Lee and New Haven 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 may fix the proper compensation of such commissioners, which shall be paid by said railroad company.

Compensation.

Scrip not to be issued unless it appears that road will be completed, &c.

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 Lee to the Connecticut state line; 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 Lee and the Connecticut state line 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.

Books and accounts to be open for examination, &c.

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 5, 1868.

AN ACT TO AUTHORIZE THE BAY STATE STEAMBOAT COMPANY TO HOLD REAL ESTATE IN NEWPORT. Chap. 314

Be it enacted, &c., as follows :

SECTION 1. The Bay State Steamboat Company is hereby authorized to hold real estate in the city of Newport, in the state of Rhode Island, to an amount not exceeding in value the sum of fifty thousand dollars. Real estate, \$50,000.

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

Approved June 5, 1868.

AN ACT IN RELATION TO THE TAXATION OF DEPOSITS IN SAVINGS BANKS. Chap. 315

Be it enacted, &c., as follows :

Every savings bank and institution for saving incorporated under the laws of this Commonwealth, including the Mercantile Savings Institution, in the city of Boston, shall pay to the treasurer of the Commonwealth a tax on account of its depositors of three-quarters of one per centum per annum on the amount of its deposits, to be assessed, one-half of said annual tax on the average amount of its deposits for the six months preceding the first day of May, and the other on the average amount of its deposits for the six months preceding the first day of November. Tax of three-quarters of one per cent. on deposits in savings banks.

Approved June 6, 1868.

AN ACT TO AUTHORIZE THE LEE AND NEW HAVEN RAILROAD COMPANY TO REDUCE ITS CAPITAL STOCK. Chap. 316

Be it enacted, &c., as follows :

SECTION 1. The Lee and New Haven Railroad Company is hereby authorized to reduce its capital stock to three hundred thousand dollars. Capital stock may be reduced to \$300,000.

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

Approved June 6, 1868.

AN ACT RELATING TO INSURANCE COMPANIES. Chap. 317

Be it enacted, &c., as follows :

SECTION 1. The provisions of all general laws which are or may be in force relating to insurance companies incorporated in other states of the United States, are hereby extended to all companies, associations and individuals formed or associated in such other states, and doing an insurance business in this state, whether incorporated or not. Provisions relating to foreign insurance companies to be applied to all, whether incorporated or not.

SECTION 2. If a mutual fire insurance company is owing for money borrowed to pay losses or expenses, or is owing for losses or expenses which it cannot pay otherwise than by borrowing money, and the directors neglect or omit, for the space of six months after such losses or expenses became due and payable, to lay and collect with all practicable diligence If mutual companies cannot pay losses without borrowing, directors liable for debts unless they lay assessment within six months of loss.

an assessment which, with other cash funds on hand, if any, is sufficient to discharge all the existing indebtedness of the company, they shall be personally liable for all debts and claims then outstanding against the company, and for all thereafter accruing, until an assessment is laid and put in process of collection, as aforesaid: *provided*, that in case of such existing indebtedness by any company, six months shall be allowed after the passage of this act.

Proviso.

Mutual marine companies not to issue policies until half of capital is paid in cash.

SECTION 3. No insurance company hereafter chartered, with authority to effect marine insurance on the mutual principle, shall issue policies until at least one-half of the subscribed capital or safety fund required by law has been paid in in cash. The provisions of law relating to the capital of joint-stock insurance companies, shall be applicable to the cash capital of such mutual companies.

Approved June 8, 1868.

Chap. 318

AN ACT IN FURTHER ADDITION TO AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS.

Be it enacted, &c., as follows:

Special commissioners to grant licenses to be elected in Suffolk County.

SECTION 1. The mayor and aldermen of the cities of Boston and Chelsea, and the selectmen of the towns of North Chelsea and Winthrop shall, upon the passage of this act, issue their warrants for the election of three special commissioners for the county of Suffolk, under the act of which this is an amendment, in their respective cities and towns, to be holden on the third Wednesday of June of the current year.

Return of votes.

And the said mayor and aldermen and selectmen shall, within three days after said election, make returns of the votes cast for said commissioners to the secretary of the Commonwealth. The secretary, upon receiving such returns, shall transmit them to the governor and council, and the governor, with at least five of the council, shall, within five days, examine them, and he shall notify such persons as appear to have been elected, and returns shall be made in like manner at each succeeding election for a special commissioner under said act.

To give bonds, \$50,000.

SECTION 2. The special commissioners above named shall, before entering upon the discharge of their duties, give bonds for the faithful performance of their duties, in the sum of fifty thousand dollars each, in two sufficient sureties satisfactory to the treasurer of the Commonwealth.

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

Approved June 3, 1868.

AN ACT TO EXTEND THE TIME OF THE STATE LOAN IN AID OF THE WESTERN RAILROAD CORPORATION.

Chap. 319

Be it enacted, &c., as follows:

SECTION 1. For the purpose of redeeming the outstanding scrip of the Commonwealth, issued to aid the construction of the Western Railroad, under the provisions of the acts approved February twenty-first, in the year eighteen hundred and thirty-eight; March twenty-third, in the year eighteen hundred and thirty-nine; and March eighteenth, in the year eighteen hundred and forty-one; the treasurer of the Commonwealth is hereby authorized and directed to issue scrip, or certificates of debt, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, for the sum of two million dollars.

\$2,000,000 in scrip to be issued to redeem that issued to aid construction of Western Railroad.

SECTION 2. Said scrip shall bear date the first day of July, in the year eighteen hundred and sixty-eight, and shall be expressed in the currency of Great Britain, and made payable to the bearer thereof in gold, in London, at the expiration of twenty years from said date, bearing interest at the rate of five per centum per annum, payable semi-annually in gold, in London, on the first day of January and the first day of July, with warrants for interest attached thereto. Said scrip shall be countersigned by the governor of the Commonwealth for the time being, and shall be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof.

—to be in currency of Great Britain at five per cent interest payable in gold.

SECTION 3. The treasurer of the Commonwealth shall, under the conditions hereinafter provided, deliver the scrip issued under authority of this act, to the commissioners of the sinking fund of the Western Railroad Corporation, for the purpose of enabling them to pay and redeem at maturity, or cause to be paid and redeemed, the outstanding scrip of the Commonwealth, issued in aid of the construction of said Western Railroad, under the provisions of the acts aforesaid. Said commissioners shall, for that purpose, either sell said scrip, in such sums and at such times as they may find necessary and convenient, or, if they deem it expedient, they may deliver the same, or any part thereof, to the Boston and Albany Railroad Company, who shall use the same, or the proceeds thereof, to pay and redeem said outstanding scrip, and for no other purpose whatsoever: *provided*, that said company may pledge the same as collateral security for the loan to them of money which shall be used exclusively to pay and redeem the outstanding scrip aforesaid, as the same matures. All scrip so paid and redeemed shall be forthwith delivered to the treasurer of the Commonwealth,

—to be delivered to commissioners of sinking fund.

—to be sold or delivered to Boston and Albany Railroad.

Proviso.

Redeemed scrip to be delivered to State treasurer.

who shall hold the same, together with the agreement, bonds and mortgages hereinafter mentioned, to be enforced against the Boston and Albany Railroad Company, as provided by this act.

Proceeds of unused scrip to be paid over to the commissioners of sinking fund.

SECTION 4. If any portion of the proceeds of scrip issued under authority of this act, or of money borrowed on pledge of the same, shall not have been used to pay and redeem said outstanding scrip prior to January first, in the year eighteen hundred and sixty-nine, the same shall immediately thereafter be paid over to the commissioners of the sinking fund of the Western Railroad Corporation, to be added to said fund and invested according to law. And the said Boston and Albany Railroad Company shall annually, after the passage of this act, set apart from their earnings a sum equal to one per centum on the amount of all scrip issued under authority of this act, and pay over the same to said commissioners, to be added to said sinking fund, and invested as aforesaid. Said Boston and Albany Railroad Company may, at any time, surrender and deliver up to the treasurer of the Commonwealth, any part of the scrip to be issued under authority of this act, which shall be forthwith cancelled, as hereinafter provided. If said company shall receive any of the said scrip, they shall, whenever they shall have sold or finally disposed of the same, render an account of such sale, and of their dealings in relation to said scrip, to the treasurer of the Commonwealth, and until such sale or final disposition, they shall report their dealings in relation thereto to said treasurer annually.

One per cent. of scrip to be added to sinking fund annually.

Scrip may be delivered up to the State and cancelled.

Securities formerly given shall apply to scrip now to be issued.

Principal and interest to be paid in gold, or State to take possession of road.

Mortgages, &c., not to be impaired.

SECTION 5. All the securities heretofore given by the Western Railroad Corporation and the obligations imposed on and agreements made by said corporation, for and in relation to the scrip issued under the provisions of the acts aforesaid and now in force, shall unless, and except as herein otherwise provided, be applicable to the scrip issued under authority of this act. The Boston and Albany Railroad Company shall pay the interest and the principal of said scrip in gold when the same fall due, and all expenses incurred in relation to the same; and if they shall fail so to do it shall be the duty of the treasurer of the Commonwealth to enter upon and take possession of their railroad, and enforce all the provisions of the agreement, bonds and mortgages hereinafter mentioned; and the mortgages, pledges and bonds heretofore given by the Western Railroad Corporation, in pursuance of the provisions of the acts aforesaid, are hereby declared not to be waived or impaired by any delay in enforcing the same, or by any of the provisions of this act;

but the same shall continue in force until all the debts due from the Commonwealth, by virtue of this or of any of said acts, shall have been fully paid, satisfied and discharged.

SECTION 6. This act shall not take effect until the said Boston and Albany Railroad Company, at an annual meeting or at a special meeting duly notified for that purpose, shall have assented to the provisions thereof and shall have executed to the Commonwealth an agreement in such form as the attorney-general shall prescribe, to comply with the provisions of this act and to indemnify and save harmless the Commonwealth from expense incurred in the preparation and negotiation of said scrip, or any loss on account of the same, and well and truly to pay the principal of said scrip punctually in London at its maturity, in gold, or such part thereof as said sinking fund shall not be adequate to pay, and the interest thereon semi-annually in London, in gold, when the same is due; and shall if required by the governor and council, by a suitable instrument or instruments, to be prepared for that purpose, under the direction of the attorney-general, convey to the Commonwealth, their entire road with its income, and all the franchises and property to them belonging and all their interest in the Albany and West Stockbridge Railroad or in any lease, contract or agreement thereof or relating thereto, or shall give such other security as the governor and council shall require for the fulfilment of said agreement; said mortgage or other security to be held by the Commonwealth as security for the performance of said agreement: *provided*, that the Commonwealth shall not take possession of said pledged or mortgaged property, or any part thereof under and by virtue of said mortgage unless for a substantial breach of some condition of said agreement.

When and upon what conditions this Act will take effect.

Proviso.

SECTION 7. Whenever any scrip issued under authority of the acts aforesaid and now outstanding, or any scrip which may be issued under the provisions of this act, shall have been surrendered to the treasurer of the Commonwealth he shall forthwith cancel the same; and whenever all such scrip shall have been so surrendered, or whenever the principal and interest thereof and all expenses in relation thereto shall have been fully paid, out of said sinking fund, or by the Boston and Albany Railroad Company, and all the conditions of said agreement shall have been fulfilled, then said agreement and mortgage and any bond and mortgage heretofore given to the Commonwealth by the Western Railroad Corporation, shall be cancelled, and said agree-

Surrendered scrip to be cancelled by treasurer.

When conditions are fulfilled mortgage, &c., to be cancelled.

ment, bonds and mortgages shall be discharged, and delivered up to said Boston and Albany Railroad Corporation.

Compensation of commissioners.

SECTION 8. The commissioners of the sinking fund of the Western Railroad Corporation shall receive for their services from the Boston and Albany Railroad Company the sum of one hundred dollars each annually.

Approved June 8, 1868.

Chap. 320 AN ACT RELATING TO ASSESSMENT OF TAXES UPON ESTATES OMITTED IN THE ANNUAL TAXATION.

Be it enacted, &c., as follows :

Certain estate not taxed, and omitted in warrant to collector, may be taxed subsequently, &c.

SECTION 1. When the assessors of any city or town, after the time when their warrant has been committed to the collector of taxes, shall discover that the real or personal estate of any person, to an amount not less than five hundred dollars, and liable to taxation, has been omitted from the last annual assessment of taxes in such city or town, said assessors shall proceed forthwith to assess such person for such estate in like manner as he should have been assessed in such last annual assessment. The taxes so assessed, shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant: *provided*, that such tax shall not be assessed after the first day of August for any such omission.

Proviso.

Tax not invalidated if amount exceeds that authorized by law.

SECTION 2. No tax of any city or town shall be invalidated by reason that, in consequence of the provisions of this act, the whole amount of the taxes assessed in such city or town shall exceed the amount authorized by law to be raised.

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

Approved June 8, 1868.

Chap. 321 AN ACT RELATING TO MALICIOUS TRESPASSES.

Be it enacted, &c., as follows :

Penalties for malicious trespass.

SECTION 1. When a conviction is had under sections eighty-one, eighty-two, eighty-three or eighty-four, of chapter one hundred and sixty-one of the General Statutes, the person so convicted shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the house of correction not exceeding six months.

Jurisdiction of courts.

SECTION 2. Municipal courts, police courts, and trial justices shall have jurisdiction concurrent with the superior court of offences under said sections when the value of the property cut, taken, carried away, injured or destroyed, or the injury occasioned by the trespass is not alleged to exceed the sum of one hundred dollars, and may punish by fine not

exceeding one hundred dollars or imprisonment not exceeding six months or both.

SECTION 3. This act shall not affect any prosecution pending or any liability or penalty incurred for any offence committed prior to the time this act shall take effect.

Prosecutions pending, &c., not affected.

Approved June 8, 1868.

AN ACT RELATING TO CHARLES RIVER BRIDGE AND WARREN BRIDGE.
Be it enacted, &c., as follows:

Chap. 322

SECTION 1. The supreme judicial court, sitting as a full court in any county, at any time after the passage of this act, upon the petition of the attorney-general and after such notice as the court or any justice thereof may order, shall appoint three discreet and competent commissioners for the purposes hereinafter named.

Commissioners to be appointed by S. J. C.

SECTION 2. Said commissioners shall be sworn to the faithful and impartial discharge of their duties, and shall then, after due public notice and hearing of all parties in interest, proceed to determine and award what counties, cities or towns receive particular and special benefit from the maintenance of Charles River Bridge and Warren Bridge and to apportion and assess the expense of maintaining the same upon such of said counties, cities or towns, and in such manner and amount as they shall deem equitable and just. And the said commissioners shall likewise at the same time assign or divide the moneys, funds, properties, and other things now belonging to said bridges or the bridge fund to or between any of said corporations in such manner as to justly and equitably apportion the same with reference to the burden imposed.

—to be sworn, hear parties in interest, and assess the expense of maintaining bridges.

—to divide funds, &c.

SECTION 3. When such award has been returned into the supreme judicial court, sitting for the county of Suffolk, and has been accepted by said court, the same shall be a final and conclusive adjudication of the matters herein referred to them, and binding upon all parties, and said court may enforce the same if necessary by proper process.

Award to be binding, and court may enforce it.

SECTION 4. Upon the acceptance of said award by the court as aforesaid the said bridges shall become highways, and the cities of Boston and Charlestown respectively, shall severally be liable for all damages arising from any want of repair in those portions thereof within their respective limits. And the care and management of said bridges shall be vested in a board of commissioners consisting of two persons from each city, chosen in accordance with such ordinances as said cities shall severally establish, and until such commissioners are chosen the mayors of said cities shall *ex officio* constitute

Upon acceptance of award, bridges to be highways.

Commissioners to be appointed by Boston and Charlestown.

—to hold funds, &c.

a board of commissioners. All funds and moneys provided for in this act shall be received and held by said commissioners.

—to estimate expense of opening draws.

SECTION 5. The commissioners appointed under the first section of this act, in their estimate of the expense of maintaining said bridges, shall include the expense of opening the draws thereof and affording all necessary and proper accommodations to vessels having occasion to pass the same by day or by night.

—to determine sum to be paid by Middlesex Railroad Company, &c.

SECTION 6. The commissioners appointed under the first section of this act shall have authority to determine and award what sum the Middlesex Railroad Company, and any other corporation which may have authority to run street railway cars or other vehicles for the business of carrying passengers, or parties engaged as common carriers of passengers, over said bridges or either of them, shall contribute to the expense of maintaining the same.

—may award sum in gross or annual payments.

SECTION 7. The said commissioners shall have power to make their award either in a gross sum or in annual payments.

—may sell land belonging to State.

Section 8. The said commissioners shall have power to sell and dispose of a certain triangular piece of land belonging to the Commonwealth situated at the Boston end of the Warren Bridge and between the same, the southern pier of its draw, and the Fitchburg Railroad bridge, containing about twenty thousand square feet, and to add the proceeds of the same to the fund for said bridges: *provided, however*, that the occupancy and improvement of the same shall be subject to the approval of the board of harbor commissioners.

Proviso.

Boston, and Middlesex Railroad not released from existing obligations relative to repairs, &c.

SECTION 9. Nothing contained in this act shall release the city of Boston from its obligation to keep in repair all that part of Warren Bridge connected with its water works, nor from its liability for any damages arising from any defect in or accident to said works, nor shall release the Middlesex Railroad Company from any legal obligation now existing to maintain and keep in repair any portion of said bridges, nor from any liability for loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants in the management, construction or use of its tracks on said bridges.

Compensation of commissioners.

SECTION 10. The compensation of the commissioners named in the first section of this act shall be fixed by the court to which the award is returned and paid from the treasury of the Commonwealth.

SECTION 11. All acts and parts of acts inconsistent herewith are hereby repealed, saving and excepting however all rights of action existing at the time of the passage hereof. Repeal.

SECTION 12. This act shall take effect upon its passage.

Approved June 8, 1868.

AN ACT CEDING JURISDICTION OVER CERTAIN LANDS IN BOSTON TO THE UNITED STATES OF AMERICA.

Chap. 323

Be it enacted, &c., as follows :

SECTION 1. The consent of the Commonwealth of Massachusetts is hereby given to the purchase by the United States of America of a piece or pieces of land in the city of Boston, between Water street and Milk street, and easterly of Devonshire street, to be used for a post-office and the purposes of the treasury of the United States. And jurisdiction is hereby ceded to the United States over the said territory when the United States shall become owner thereof: *provided*, that this Commonwealth retains concurrent jurisdiction with the United States over said territory so far that all civil and criminal processes issuing by authority of this Commonwealth may be served and executed on said territory and in any buildings thereon, in the same manner as if jurisdiction had not been ceded to the United States as aforesaid.

Jurisdiction ceded to U. S. of land in Boston, for a post office and treasury.

State retains concurrent jurisdiction.

SECTION 2. All jurisdiction of the United States ceded by this act over said territory, or any part thereof, shall revert to the Commonwealth of Massachusetts whenever and so far as the United States shall cease to be the owner thereof, or to use the same for the purposes declared in this act. And the United States shall not be hereby authorized to exercise any jurisdiction over any part of any highway on which said territory may be bounded.

When jurisdiction to revert to State.

SECTION 3. This act shall be void unless a suitable plan of the territory purchased by the United States under this act shall be filed in the office of the secretary of the Commonwealth within one year from the passage of this act.

Plan to be filed in secretary's office within one year.

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

Approved June 8, 1868.

AN ACT TO INCORPORATE THE EASTERN STEAMSHIP COMPANY.

Chap. 324

Be it enacted, &c., as follows :

SECTION 1. Frederic Nickerson, Harrison Loring, Joseph Nickerson, their associates and successors, are hereby made a corporation by the name of the Eastern Steamship Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general

Corporators.

Name and purpose. Powers and duties.

laws which now are or may hereafter be in force and applicable to such corporation.

May hold one or more steamships.

SECTION 2. Said corporation is hereby authorized and empowered to hold or charter one or more steamships, and employ the same in transporting freight and passengers between any port or ports in this Commonwealth and any port or ports in the British provinces; and said company may let by charter one or more of its steamships to any person or persons: *provided*, such charter does not prevent said company from complying with the terms of this act.

Proviso.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each; and no certificate of stock shall be issued until the par value of the same shall have been paid to the treasurer of said corporation, in cash.

Act void unless organized, &c., within one year

SECTION 4. This act shall be null and void, unless within one year from the passage of this act the said corporation shall be organized, an amount equal to one-half of the capital stock subscribed for paid in in cash, and said company have one or more steamships employed in the transportation of passengers and freight between some port in this Commonwealth and some port in the British provinces; and if said corporation shall at any time fail, for the term of one year, to employ one or more steamships in the business aforesaid, this act shall be void.

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

Approved June 8, 1868.

Chap. 325

AN ACT TO ESTABLISH THE COUNTY SEAT OF THE COUNTY OF BERKSHIRE AT PITTSFIELD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Terms of supreme judicial court and superior court in Berkshire County to be held at Pittsfield.

SECTION 1. From and after the first day of January in the year eighteen hundred and sixty-nine, the several terms of the supreme judicial court, now by law held annually at Lenox, within and for the county of Berkshire, on the second Tuesdays of May and September, and also the several terms of the superior court, now by law held annually at said Lenox on the first Mondays of January and July, and the fourth Mondays of February, June and October, shall each be held annually on the respective days aforesaid, at Pittsfield, in said county of Berkshire.

Courts of probate and insolvency at Pittsfield.

SECTION 2. From and after the first day of January, in the year eighteen hundred and sixty-nine, the several courts of probate and courts of insolvency, now by law held at Lenox, in said county of Berkshire, shall be held at Pitts-

field, within and for said county, at such times, respectively, as they are now by law required to be holden at Lenox aforesaid.

SECTION 3. The county commissioners for said county of Berkshire shall hold meetings at said Pittsfield on the first Tuesdays of April, July and September and on the last Tuesday of December, annually, after the first day of January, in the year eighteen hundred and sixty-nine.

Meetings of county commissioners

SECTION 4. All writs and processes, of whatever nature, whether civil or criminal, returnable to or pending in said supreme judicial court, superior court, probate court and court of insolvency, and all petitions, processes and proceedings, of whatever nature, returnable to or pending before said commissioners at the time named in the preceding sections of this act, shall thereafter be returned and have day in the respective courts to which they may appertain, at the times and in the place established by this act; and all parties and persons who, on said first day of January, in the year eighteen hundred and sixty-nine, shall have been required to appear and attend at the terms and times aforesaid, shall appear and attend and have like day in court, at the terms and times and in the place established by this act.

Writs and processes returnable and have day at the times, &c., established by this Act.

SECTION 5. The registry of deeds for the middle district, comprising the towns of Lenox, Pittsfield, Richmond, Stockbridge, Lee, Tyringham, Becket, Washington, Peru, Hinsdale and Otis, now situated at said Lenox, shall, from and after the first day of January, in the year eighteen hundred and sixty-nine, be removed to, and kept in, the town of Pittsfield.

Registry of deeds for middle district to be kept in Pittsfield.

SECTION 6. The jail and house of correction for the said county of Berkshire, now situated at said Lenox, shall, from and after the first day of January, in the year eighteen hundred and sixty-nine, be removed to the town of Pittsfield.

Jail and house of correction.

SECTION 7. The records of the courts mentioned in this act, and of the county commissioners, from and after the first day of January, in the year eighteen hundred and sixty-nine, shall be removed to and kept in said town of Pittsfield.

Records of the courts.

SECTION 8. The county commissioners of the county of Berkshire, are hereby authorized to borrow, on the credit of said county, a sum of money not exceeding one hundred thousand dollars, to be expended in building a court house and buildings for a jail and house of correction in the town of Pittsfield.

County may borrow money to build a court house, &c.

SECTION 9. This act shall take effect in three months from its passage: *provided*, that on or before that time, a suitable lot or lots of land on which to place the court house,

When and on what terms this Act to have effect.

jail and house of correction, with suitable and convenient yards, be provided in said Pittsfield, without expense to the county of Berkshire, said lot or lots, and the conveyance thereof to the county, to be to the acceptance of the county commissioners of said county; and *provided, further*, that suitable rooms be furnished by the town of Pittsfield, without expense to said county, for the holding of the several courts named in this act, and the keeping of the records thereof, and for the registry of deeds and the meetings of the county commissioners, to the acceptance and satisfaction of said commissioners, from the first day of January, in the year eighteen hundred and sixty-nine, until the completion of the court house in said Pittsfield.

Approved June 8, 1868.

Chap. 326 AN ACT IN ADDITION TO "AN ACT FOR THE IMPROVEMENT OF THE HARBOR OF BOSTON AND THE COMMONWEALTH'S FLATS THEREIN."

Be it enacted, &c., as follows:

Harbor commissioners may contract for State to fill flats in Boston Harbor.

SECTION 1. The harbor commissioners are hereby authorized to contract in the name of the Commonwealth with any person or persons, or with the city of Boston, for the filling of any portion of the lands or flats in Boston Harbor which lie northerly of South Boston and easterly of Fort Point Channel, and within the exterior line 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 eighteen hundred and sixty-six, and for building wharves, docks, sea-walls, basins, streets, bridges or sewers, and for dredging or doing any work upon or in relation to said flats, and to pay for the same by conveyances of any portion 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 commissioners shall have power to enter into any contracts in regard to the occupation and improvement of said flats which said commissioners 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

—may allow railroad tracks to be laid, &c.

—may settle by arbitration conflicting rights.

—may make contracts in regard to occupation, &c.

Proviso.

occupation of said flats, and building docks, sea-walls, basins, wharves, streets and sewers thereon, adopted by said commissioners, 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.

SECTION 2. Said commissioners may make any contract which they think judicious, with any of the riparian owners in South Boston, and with the Boston Wharf Company, for the purchase or exchange of lands or flats, and they shall have full authority to release for money or other valuable consideration, upon such terms and conditions as they shall deem fit, and convey by deed, with warranty or otherwise, to be duly executed by them in behalf of the Commonwealth, the right, title and interest of the Commonwealth in the whole or any part of said lands or flats; but all sales of lands or flats, unless otherwise ordered by the governor and council, shall be by public auction, and the manner, terms and conditions of such sales shall be prescribed by the governor and council.

—may make contracts with riparian owners for exchange, &c., of flats.

SECTION 3. The sea-wall authorized to be erected under chapter three hundred and fifty-four of the acts of the year eighteen hundred and sixty-seven may be commenced at any point on Fort Point Channel considered expedient by the commissioners, and shall be built on the exterior line laid down on the plan designated in said act, as subsequently modified, or within said line at a distance not exceeding fifty feet therefrom. Said wall may be constructed with openings in the same, filled with sheet pilings or otherwise, between such points as said board shall determine. And said commissioners may erect a suitable temporary bulkhead of wood to retain the dredged material, previous to the construction of said wall, at such a distance in the rear thereof as will not interfere with the construction of said wall and the docks and wharves connected therewith. And the commissioners may use the unexpended balance of the appropriation made in the act aforesaid for these purposes.

Sea-wall, where and how to be built; 1867, 354.

Temporary bulk-head may be erected.

SECTION 4. All contracts for filling section one, as shown upon plan number one, dated the twelfth day of December, in the year eighteen hundred and sixty-seven, annexed to the report of the committee on the Commonwealth flats, near South Boston, appointed under chapter ninety-three of the resolves of the year eighteen hundred and sixty-seven, shall require the whole of that portion of the upper harbor of Boston, colored red upon plan number two, annexed to said report, to be dredged, as nearly as practicable, to the depth

Contracts for filling section one, &c.

of twenty-three feet below mean low-water thereon, and the materials thus obtained to be used in filling said section one.

Contracts for filling sections two and three.

And all contracts for filling sections two and three, as shown upon said plan number one, shall require a portion of said upper harbor to be dredged in the same manner and to the same depth as aforesaid, and the materials thus obtained to be used in filling said sections two and three; and the number of cubic yards of material so required to be dredged and used in filling said sections two and three, respectively, shall bear the same proportion to the respective areas of said sections two and three that the number of cubic yards herein required to be dredged from said locality, colored red, shall bear to the area of said section number one. All said contracts for filling said sections shall require the additional materials therefor to be dredged from the reserve channel, as shown upon said plan number two, and also from such other parts of the harbor or taken from such other sources as said commissioners may deem expedient. And the dredging so done in said upper harbor shall be full compensation for the tide-water displaced by the work authorized under this act: *provided, however*, if it shall appear from hydrographical and physical surveys that injury to the harbor has resulted from the work herein authorized, then such injury shall be repaired, by dredging or otherwise, in such manner and to such an extent as the legislature shall hereafter determine.

Dredging, &c.

Proviso.

Proceeds of sales to be paid into treasury and applied to sinking fund.

SECTION 5. All money received from the sale of lands and flats or otherwise, under this act, shall be paid into the treasury of the Commonwealth, and shall 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.

Eastern Avenue, with bridge over Fort Point Channel, to be public street.

SECTION 6. The city of Boston is hereby authorized to build and lay out as a public street, Eastern Avenue, with a bridge over Fort Point Channel, having suitable draws, said avenue and bridge to be located and constructed at such places and upon such plans and upon such terms and conditions as the harbor commissioners may make, the same to be subject to the approval of the governor and council.

Contracts, &c., subject to approval of governor and council.

SECTION 7. All plans and specifications for the improvement of the flats and for work in connection therewith, and all contracts made in carrying out the authority given by this act shall be subject to the approval of the governor and council.

Money not to be paid, except as provided in Act.

SECTION 8. Nothing herein contained shall authorize said commissioners, by any stipulation or contract, to require the

payment of any money from the treasury of the Commonwealth except as provided in the third section of this act.

SECTION 9. Chapter ninety-three of the resolves of the year eighteen hundred and sixty-seven, also sections three and five of the three hundred and fifty-fourth chapter of the acts of the year eighteen hundred and sixty-seven are hereby repealed. Repeal.

SECTION 10. This act shall take effect upon its passage.

Approved June 9, 1868.

AN ACT RELATING TO INSOLVENT ESTATES OF DECEASED PERSONS.

Be it enacted, &c., as follows:

Chap. 327

SECTION 1. When a commissioner upon the insolvent estate of a deceased person has died, or resigned before the performance of his duties, or has unreasonably neglected to make the return required by law, or has been removed, the probate court may appoint in his stead a new commissioner, and such new commissioner shall have the same powers and perform the same duties in reference to the proof of claims against such estate and the return thereof as if he had been originally appointed: *provided*, that the time for taking proof of claims and making returns thereof shall be extended six months from the appointment of such new commissioner. When commissioner of insolvent estate dies, &c., new one may be appointed.

SECTION 2. Dividends may be ordered and paid to the creditors of such estates whose claims have been proved and allowed, whenever the court may deem it proper, leaving in the hands of the executor or administrator a sum sufficient to pay claims that may probably be proved, a proportion equal to what shall be then paid to the other creditors, which sum shall remain unappropriated in the hands of the executor or administrator until the final dividend is declared, or until the judge orders a distribution. Time for receiving claims and making returns not to exceed six months.
Dividends paid as court orders, leaving sufficient to pay probable claims.

SECTION 3. The second section of the two hundred and seventeenth chapter of the acts of the year one thousand eight hundred and sixty-three is hereby repealed. Repeal.

Approved June 9, 1868.

AN ACT IN RELATION TO THE SETTLEMENT OF PAUPERS.

Be it enacted, &c., as follows:

Chap. 328

SECTION 1. Hereafter, any person of the age of twenty-one years, having the other qualifications mentioned in the fourth, fifth, ninth and twelfth clauses of the first section of chapter sixty-nine of the General Statutes, shall be deemed to have thereby gained a settlement as therein provided, although not a citizen of this or any other of the United States. Settlement, how obtained.

Pauper may be removed to place of last acquired settlement.

SECTION 2. If any person, actually become chargeable as a pauper to any city or town in which he has a settlement, has a settlement subsequently acquired in any place without this Commonwealth, the overseers of the poor of such city or town may cause him to be removed to said place of subsequent settlement, by a written order directed to any person therein designated, who may execute the same.

Chapter 230, Acts of 1865, amended.

SECTION 3. Section one of chapter two hundred and thirty of the acts of the year eighteen hundred and sixty-five, is hereby amended, by striking from the end thereof the words, "and had resided therein for six months next previous to the time of his being mustered into said service," and by inserting the word "and" before the words "an inhabitant," in the last clause left remaining in said section.

Approved June 9, 1868.

Chap. 329 AN ACT RELATING TO PROBATE COURTS IN THE COUNTY OF BERKSHIRE.

Be it enacted, &c., as follows:

Probate courts in Lee and Great Barrington.

SECTION 1. On and after the first day of January, eighteen hundred and sixty-nine, probate courts shall be held in the town of Lee, in the county of Berkshire, on the Wednesdays next after the first Tuesdays of January, March, May, July and September, and at Great Barrington, in said county, on the Wednesdays next after the first Tuesdays in February, April, June, October and December.

Lanesborough.

SECTION 2. On and after the first day of January next, no probate courts shall be held at Lanesborough, in said county.

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

Approved June 9, 1868.

Chap. 330 AN ACT TO INCREASE THE SALARY OF THE POLICE JUSTICE OF SPRINGFIELD.

Be it enacted, &c., as follows:

Salary, \$2,000.

SECTION 1. The salary of the justice of the police court in Springfield shall hereafter be two thousand dollars a year.

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

Approved June 9, 1868.

Chap. 331 AN ACT RELATING TO THE PLACE OF HOLDING THE MEETINGS OF THE STONY BROOK RAILROAD CORPORATION.

Be it enacted, &c., as follows:

Annual meeting to be held in Lowell.

SECTION 1. The Stony Brook Railroad Corporation is hereby authorized to hold its annual and other meetings in the city of Lowell.

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

Approved June 9, 1868.

AN ACT TO REPEAL "AN ACT REQUIRING THE BOSTON AND PROVIDENCE RAILROAD COMPANY TO ERECT A STATION HOUSE IN ROXBURY." Chap. 332

Be it enacted, &c., as follows :

SECTION 1. Chapter three hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven is hereby repealed. Repeal.

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

Approved June 9, 1868

AN ACT IN FURTHER ADDITION TO AN ACT PROVIDING FOR THE MORE SPEEDY COMPLETION OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL. Chap. 333

Be it enacted, &c., as follows :

SECTION 1. For the further prosecution and completion of the Troy and Greenfield Railroad and Hoosac Tunnel, and for the payment of interest upon such scrip as has been or may be issued during the progress of the work, there is hereby appropriated, in addition to the sums heretofore appropriated, two hundred and fifty thousand dollars, to be applied to the completion of said railroad; and three hundred and fifty thousand dollars to be applied to the payment of interest; such sums, 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: *provided*, that the amount of the same may be temporarily advanced from the treasury during the period necessary for the issue and negotiation of scrip, not, however exceeding the period of the present political year. The expenditure of this appropriation, except for payment of interest, shall not be made without the approval of the governor and council; and *provided, further*, that after the first day of October next, no part of this appropriation shall be used in payment for work done in excavating the tunnel, unless the same be done under contracts approved by the governor and council; and they are hereby authorized to contract for the whole work of constructing the Hoosac Tunnel: *provided*, that a contract with satisfactory guarantees, can be made for the completion of the same within a period of seven years and at a cost not exceeding five millions of dollars; and *further provided*, that in case a contract should be made by the governor and council for the completion of the tunnel, there shall be withheld from payment under said contract, a sum not less than one million dollars until the final completion of said work, and the acceptance of the same by the governor and council.

\$250,000 appropriated for prosecution of work, \$350,000 for payment of interest.

Proviso.

Expenditure, except for interest, to be under direction of governor and council.
Proviso.

Contract to be made to complete work in seven years for five million dollars.
One million dollars to be withheld until completion of work.

SECTION 2. The governor and council are hereby authorized to contract with any person or corporation for the completion of the Troy and Greenfield Railroad and Hoosac Tunnel, and to dispose of the interest of the Commonwealth in the same, and in the Southern Vermont Railroad, upon such terms as they may deem for the best interests of the Commonwealth.

Money to be drawn from time to time.

SECTION 3. When a contract is made as provided in the first section of this act, the governor is hereby authorized to draw his warrant on the treasurer of the Commonwealth for such sums as may be required from time to time for the purpose of carrying out the provisions of this act, and the sum of five millions of dollars is hereby appropriated, and the treasurer of the Commonwealth is hereby authorized, upon the warrant of the governor, drawn as aforesaid, to issue scrip or certificates of debt to the amount of said appropriation, which shall be expressed in such currency and shall bear such rate of interest, not exceeding six per centum per annum, as the governor and council may direct, and shall be redeemable in not less than twenty nor more than thirty years from the date thereof, and said treasurer shall sell or otherwise dispose of the same as he may deem proper, subject to the approval of the governor and council.

Treasurer to issue scrip at six percent interest.

When contract is made, board of commissioners to be abolished and engineer appointed.

SECTION 4. When the whole work shall be put under contract, as heretofore provided, the board of commissioners created by chapter one hundred and fifty-six of the acts of the year eighteen hundred and sixty-two shall be abolished, and an engineer to superintend the prosecution of the work shall be appointed by the governor and council, whose compensation shall be fixed by them at a sum not exceeding four thousand dollars per annum. *Approved June 9, 1868.*

Chap. 334 AN ACT TO AUTHORIZE THE SOUTH OF EUROPE STEAMSHIP COMPANY TO RUN ITS SHIPS BETWEEN PORTS IN MASSACHUSETTS AND PORTS IN GREAT BRITAIN OR IRELAND, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

May run ships to any port in Great Britain, &c.

SECTION 1. The South of Europe Steamship Company is hereby authorized to run its ships between any ports in Massachusetts and any ports in Great Britain or Ireland.

May change name.

SECTION 2. If said company runs its ships to ports in Great Britain or Ireland, it may take the name of the Boston, Chicago and Liverpool Steamship Company.

What to be deemed compliance with chapter 104, Acts of 1868.

SECTION 3. If said company within two years from the seventh day of April of the current year, has one or more steamships employed between ports in Massachusetts and ports in Great Britain or Ireland, it shall be deemed a compliance with the provisions of an act approved the ninth

day of April last, entitled "An Act to renew and extend the charter of the South of Europe Steamship Company."

Approved June 9, 1868.

AN ACT IN ADDITION TO AN ACT CONCERNING THE SALEM TURNPIKE AND CHELSEA BRIDGE AND THE SEVERAL TOLL-BRIDGES IN ESSEX COUNTY.

Chap. 335

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized to hire such sums of money as may be necessary to enable them to comply with the provisions of section eight of the act to which this act is in addition.

County commissioners may hire money.

SECTION 2. The first section of the act to which this act is in addition, is hereby amended by adding thereto the following words: "*provided, however,* that said highway shall be subject to all the leasehold and chartered rights and liabilities of the Lynn and Boston, and the Boston and Chelsea Railroad Corporations."

Highway to be subject to leasehold and other rights of Lynn, Boston and Chelsea Railroads.

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

Approved June 10, 1868.

AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE INSTITUTION FOR SAVINGS IN ROXBURY AND ITS VICINITY."

Chap. 336

Be it enacted, &c., as follows:

SECTION 1. The Institution for Savings in Roxbury and its Vicinity, at an annual meeting in December of each year, shall have power to elect a board of sixteen trustees, who shall continue in office one year and until others are chosen and qualified in their stead, and such board of trustees so chosen shall have power to elect a president, three vice-presidents, a secretary, treasurer, board of investment and all such other officers as to them shall appear necessary, which officers so chosen shall continue in office until others are chosen and qualified in their stead; all such officers so chosen shall be sworn to the faithful performance of the duties of their offices respectively, and the treasurer shall give bonds to the satisfaction of the said trustees for the faithful discharge of the duties of his office, and said board of trustees shall also have the power of making by-laws for the more orderly management of the business of the corporation: *provided,* such by-laws are not contrary to the constitution and laws of this Commonwealth.

Trustees to be chosen annually.

—to choose all other officers.

Treasurer to give bonds.

Trustees to make by-laws.

Proviso.

SECTION 2. Such parts of the fourth section of the act passed in the year one thousand eight hundred and twenty-five, entitled, "An Act to incorporate the Institution for Savings in Roxbury and its Vicinity," as are inconsistent with the provisions of this act, are hereby repealed.

Repeal.

Approved June 10, 1868.

Chap. 337 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TRUSTEES OF THE ASHLEY SCHOOL AND CHARITABLE FUND.

Be it enacted, &c., as follows :

May hold property devised or bequeathed to them by late Timothy C. Leonard.

SECTION 1. The trustees of the Ashley School and Charitable Fund are hereby authorized to take, hold and use all money or other property bequeathed or devised to them by the will of Timothy C. Leonard, late of West Springfield, deceased, in the same manner and to the same uses as are set forth in the act approved February sixteenth, in the year eighteen hundred and twenty-five, with respect to the money or the property bequeathed or devised to them by the will of Deacon John Ashley, deceased.

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

Approved June 10, 1868.

Chap. 338 AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations.

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 :—

Elizabeth J. Sawyer.

In the resolve, chapter two in favor of Elizabeth J. Sawyer, the sum of seventy-two dollars.

Rooms secretary board of education and president of senate.

In the resolve, chapter three, relating to the construction of doorways and rooms for the president of the senate and secretary of the board of education, a sum not exceeding two thousand four hundred dollars.

Increase N. Emerton.

In the resolve, chapter four, in favor of Increase N. Emerton, the sum of fifty-two dollars.

James Kane.

In the resolve, chapter five, in favor of James Kane, the sum of one hundred dollars.

John McIntire.

In the resolve, chapter eleven, in favor of John McIntire and wife, the sum of seventy-five dollars, for the present year.

Blind Asylum.

In the resolve, chapter twelve, in favor of the Perkins Institution and Massachusetts Asylum for the Blind, a sum not exceeding nine thousand dollars, in addition to the amount heretofore appropriated, for the current expenses of said institution.

Andrew Falvey.

In the resolve, chapter thirteen, in favor of Andrew Falvey, the sum of seventy-two dollars.

Woburn.

In the resolve, chapter fifteen, in favor of the town of Woburn, the sum of two hundred and twenty-five dollars.

In the resolve, chapter sixteen, in favor of Isaac H. Jacoy, Isaac H. Jacoy.
the sum of fifty dollars.

In the resolve, chapter seventeen, in favor of William Gunn, William Gunn.
Gunn, the sum of two hundred and eighty-nine dollars.

In the resolve, chapter nineteen, in favor of company B, Co. B, 6th Reg't
sixth regiment Massachusetts militia, a sum not exceeding M. V. M.
one hundred dollars and ninety cents.

In the resolve, chapter twenty-one, in favor of Mary Ann Nolan, Mary A. Nolan.
Nolan, the sum of seventy-five dollars.

In the resolve, chapter twenty-two, in favor of the Massa- Eye and Ear In-
chusetts Charitable Eye and Ear Infirmary, the sum of five firmatory.
thousand dollars.

In the resolve, chapter twenty-three, in favor of the state State almshouse,
almshouse at Tewksbury, a sum not exceeding* six thousand Tewksbury.
dollars, payable upon properly approved vouchers filed with
the state auditor.

In the resolve, chapter twenty-four, in favor of the Indus- Industrial School
trial School for Girls, a sum not exceeding one thousand for Girls.
five hundred dollars, payable upon properly approved vouchers,
filed with the state auditor.

In the resolve, chapter twenty-six, in favor of the state State almshouse,
almshouse at Tewksbury, a sum not exceeding five thousand Tewksbury.
dollars, payable upon properly approved vouchers filed with
the state auditor.

In the resolve, chapter twenty-seven, in favor of the New Hospital for
England Hospital for Women and Children, the sum of one Women and
thousand dollars. Children.

In the resolve, chapter twenty-eight, in favor of Loa N. Peabody, Loa N. Peabody.
Peabody, the sum of one hundred dollars.

In the resolve, chapter twenty-nine, in favor of Dora S. Foster, Dora S. Foster.
Foster, the sum of two hundred and sixteen dollars.

In the resolve, chapter thirty-two, in favor of Barnard C. Barnard C. Mar-
Marchant, a sum not exceeding two hundred dollars; and chant.
also the sum of one hundred and four dollars, the latter
payable from the income of the Massachusetts school fund.

In the resolve, chapter thirty-three, in favor of the Massa- State prison.
chusetts state prison, a sum not exceeding eight thousand
two hundred dollars.

In the resolve, chapter thirty-four, in favor of the town of Edgartown.
Edgartown, the sum of twenty-nine dollars and fifty cents.

In the resolve, chapter thirty-five, in favor of Abiah Thomas, Abiah Thomas.
Thomas, the sum of two hundred and twenty dollars.

In the resolve, chapter thirty-six, in favor of the guardian Punkapog In-
of the Punkapog tribe of Indians, a sum not exceeding six dianus.
hundred and fifty-four dollars.

- John Murphy. In the resolve, chapter thirty-eight, in favor of John Murphy, the sum of three hundred and twenty-five dollars.
- Mount Holyoke Female Seminary. In the resolve, chapter thirty-nine, in favor of the Mount Holyoke Female Seminary, the sum of forty thousand dollars.
- Gideon Haynes. In the resolve, chapter forty-two, in favor of Gideon Haynes, a sum not exceeding six hundred dollars.
- School for Idiotic and Feeble Minded Youth. In the resolve, chapter forty-three, in favor of the Massachusetts School for Idiotic and Feeble-Minded Youth, a sum not exceeding fifteen thousand dollars.
- Discharged Soldiers' Home. In the resolve, chapter forty-five, in favor of the Discharged Soldiers' Home, the sum of fifteen thousand dollars.
- Washingtonian Home. In the resolve, chapter forty-eight, in favor of the Washingtonian Home, the sum of six thousand dollars.
- Assistant attorney-general. In the act, chapter ninety-three, establishing the office of assistant attorney-general, a sum not exceeding one thousand three hundred and fifty dollars for the salary of the incumbent of said office for the present year.
- Justice police court, Fitchburg. In the act, chapter one hundred and twenty-four, establishing a police court in Fitchburg, a sum not exceeding nine hundred and seventy-five dollars for the salary of the standing justice of said court for the present year.
- State scholarships. For the support of state scholarships, a sum not exceeding two hundred dollars in addition to the amount heretofore appropriated, and payable from the income of the Massachusetts school fund.
- Legislative committees, expenses. For expenses of legislative committees, a sum not exceeding four thousand dollars, in addition to the amount heretofore appropriated, and the auditor of accounts is hereby authorized to audit the advertising bills of such committees upon the approval of the chairmen thereof or of the sergeant-at-arms.
- Witnesses. For fees of witnesses before legislative committees, a sum not exceeding six hundred dollars in addition to the amount heretofore appropriated.
- Printing and binding for 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 fifteen thousand dollars in addition to the amount heretofore appropriated.
- Blanks, &c., for legislature. For printing blanks and circulars and the calendar of orders of the day for the use of the senate, a sum not exceeding two hundred dollars, and for the use of the house of representatives, a sum not exceeding two hundred dollars; the same to be in addition to the amounts heretofore appropriated.

For the compensation of the state police, a sum not exceeding seventy-one thousand dollars; for travelling expenses of the state police, a sum not exceeding twenty-three thousand and two hundred dollars; and for clerical, contingent and incidental expenses of the constable of the Commonwealth, a sum not exceeding six thousand and five hundred dollars; the same to be in addition to the amounts heretofore appropriated: *provided*, that no part of the sums appropriated by the above act shall be expended for the payment of a greater number of deputies of the state constable than the minimum now established by existing laws; and no member of the state police shall be entitled to receive any fees for travel or attendance as a witness, but all fees earned by the police force shall be paid to the treasurers of the several counties.

State police.

Proviso.

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 seven hundred dollars, and for the salary of said guardian, the sum of one hundred dollars; to the guardian of the Dudley Indians, a sum not exceeding twelve hundred dollars for their support, and for the salary of said guardian, the sum of one hundred dollars; for the salary of the guardian of the Christiantown and Chappequiddic Indians, the sum of one hundred and fifty dollars; for the salary of the guardian of the Punkapog Indians, the sum of forty dollars; to the treasurer of the Marshpee Indians, for the support of certain old state paupers, a sum not exceeding three hundred dollars, payable only upon a detailed account of such expenditure rendered to the state auditor; and the balance to be applicable to the payment of such other expenses on account of Indians as are authorized by statute.

Troy Indians.

Dudley Indians.

Christiantown
and Chappequid-
dic Indians.Marshpee In-
dians.

The following sums shall be allowed and paid:

For costs and court expenses incurred by the insurance commissioner under the provisions of section seventy-seven of chapter fifty-eight of the General Statutes, a sum not exceeding one hundred dollars.

Insurance com-
missioner.

For the engraving and printing of state scrip, a sum not exceeding two thousand dollars, payable from the proceeds of the loan authorized by the legislature of the present year, in aid of the Troy and Greenfield Railroad and Hoosac Tunnel.

Engraving, &c.,
State scrip.

For the restoration of mementos and the re-opening of windows in the senate chamber, in accordance with the senate orders of January twenty-fourth and March fifth of

Alterations in
senate chamber.

the present year, a sum not exceeding six hundred fifteen dollars and sixty-one cents.

Rent, &c., of
house in Tre-
mout street.

For rent of house number one hundred and forty-eight Tremout street, Boston, and for expenses connected therewith, to March thirty-first of the present year, the date at which the Commonwealth vacated said premises, a sum not exceeding two thousand six hundred forty-four dollars and eighty-two cents.

Weights, &c., for
towns.

For the purchase of standard weights, measures and balances for the use of towns entitled to the same, a sum not exceeding nine hundred dollars.

Isaac Flye and
wife.

There shall be allowed and paid to Isaac Flye and his wife, state aid from the first day of April, in the year eighteen hundred and sixty-eight, at the rate of one dollar a week for said Isaac Flye and one dollar a week for his wife.

H. D. Parker.

There shall be allowed and paid to H. D. Parker and Company, the sum of seven hundred and eighty-four dollars and twelve cents.

Oliver Nowell.

There shall be allowed and paid to Oliver Nowell, the sum of twelve hundred and ninety-seven dollars and seventy-nine cents.

Stephen I. New-
man.

There shall be allowed and paid to Stephen I. Newman, the sum of fifty dollars.

Elizabeth W.
Morse.

There shall be allowed and paid to Elizabeth W. Morse, the sum of fifty dollars for state aid; and on and after the first day of May, in the year eighteen hundred and sixty-eight, said Elizabeth W. Morse and her children shall be taken and deemed to be entitled to receive the same amount of state aid as though she had been married to her husband, now deceased, before he was discharged from the volunteer service.

Emily I. Cressy.

There shall be allowed and paid to Emily I. Cressy, the sum of seventy-five dollars for state aid; and on and after the first day of May, in the year eighteen hundred and sixty-eight, said Emily I. Cressy shall be taken and deemed to be entitled to receive the same amount of state aid as if she were a widowed mother.

David E. Black-
stock.

There shall be allowed and paid to David E. Blackstock, eighty dollars; to Simeon H. Davenport, one hundred and twenty dollars; to George P. True, forty dollars; to John B. Morrill, one hundred and twenty dollars; to John B. Mansfield, eighty dollars; to William N. Hoyt, one hundred and twenty dollars; to Abner Gill, one hundred and twenty dollars; to George A. Morrill, eighty dollars; to Daniel M. Curtis, eighty dollars; to Andrew I. Wadleigh, eighty dollars; to Sarah E. Carrier, widow of John F. Carrier, eighty dollars.

John B. Morrill.

John B. Mans-
field.

William N. Hoyt.

George A. Morrill

Daniel M. Curtis.

A. I. Wadleigh.

S. E. Carrier.

The sum appropriated in chapter three hundred and fifty-four of the acts of the year eighteen hundred and sixty-seven is hereby re-appropriated.

For the compensation of senators, a sum not exceeding twenty thousand five hundred dollars, which shall be allowed and paid, to be in addition to a former appropriation. Pay of senators.

For the compensation of representatives, a sum not exceeding one hundred and twenty thousand five hundred dollars, in addition, to be allowed and paid. Pay of representatives.

For the compensation of 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 be allowed and paid. Assistant-clerks of senate and house of representatives.

For the compensation of the door-keepers, messengers and pages of the senate and house of representatives, a sum not exceeding ten thousand four hundred dollars, to be allowed and paid, in addition. Door-keepers, messengers, &c.

For the chaplains of the senate and house of representatives four hundred dollars, in addition, to be allowed and paid. Chaplains.

For the compensation of the lieutenant-governor and council, a sum not exceeding four thousand dollars, in addition, to be allowed and paid. Lieutenant-governor and council.

There shall be allowed and paid 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 the current year. Asylum for Discharged Female Prisoners at Dedham. Proviso.

SECTION 2. This act shall take effect upon its passage. Managers to report to legislature.

Approved June 10, 1868.

AN ACT IN ADDITION TO AN "ACT RELATING TO CERTAIN SINKING FUNDS OF THE COMMONWEALTH."

Be it enacted, &c., as follows:

SECTION 1. The first section of the one hundred and sixty-sixth chapter of the acts of the current year, entitled "An Act relating to certain sinking funds of the Commonwealth," shall not be so construed as to prevent the payment from the proceeds of the coast defence scrip, of the appropriation for the protection and preservation of Cape Cod harbor, at Provincetown, contained in the fortieth chapter of the resolves of the current year; but the same shall be paid Chap. 166, § 1, of Acts of 1868, construed.

Chap. 339

out of the proceeds of said scrip, in pursuance of said resolve.

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

Approved June 10, 1868.

Chap. 340 AN ACT TO AMEND AN ACT TO INCORPORATE THE DUXBURY AND COHASSET RAILROAD COMPANY.

Be it enacted, &c., as follows :

Certain towns may take stock in Duxbury and Cohasset R. R.

SECTION 1. The fifth section of the sixty-fifth chapter of the acts of the year eighteen hundred and sixty-seven is hereby so amended that the towns therein named are authorized to subscribe for and hold stock in the Duxbury and Cohasset Railroad Company whenever a majority of the voters of said towns, respectively, present and voting at legal town meetings duly called for that purpose, shall so vote.

Time for locating, &c., extended.

SECTION 2. The time for locating and constructing the Duxbury and Cohasset Railroad is hereby extended two years beyond the time named in said act.

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

Approved June 10, 1868.

Chap. 341 AN ACT TO AUTHORIZE THE SERGEANT-AT-ARMS TO EMPLOY ADDITIONAL SERVICE IN THE STATE HOUSE.

Be it enacted, &c., as follows :

Engineer at State house.

Salary, &c.

Assistant-watchman and firemen.

The sergeant-at-arms is hereby authorized to appoint an engineer, whose duty it shall be to take charge of the heating and ventilation of the state house, at a salary of fifteen hundred dollars a year, and an assistant-watchman, at a salary of one thousand dollars a year, and not more than two firemen, whose united compensation shall not exceed twelve hundred dollars a year; and the sergeant-at-arms shall be responsible for the fitness and good conduct of the said persons, and he may remove them at his discretion.

Approved June 10, 1868.

Chap. 342 AN ACT TO AUTHORIZE CITIES AND TOWNS TO DISPOSE OF LIQUORS IN THE HANDS OF CITY AND TOWN AGENTS.

Be it enacted, &c., as follows :

Liquors in hands of town agents to be disposed of.

SECTION 1. The mayor and aldermen of the several cities, and the selectmen of the several towns of this Commonwealth, are hereby authorized to dispose of any liquors which may remain in the hands of the several city or town agents of said cities and towns, at the time of the repeal of the eighty-sixth chapter of the General Statutes, to any parties duly licensed to sell and keep the same under the provisions of the one hundred and forty-first chapter of the laws of the year eighteen hundred and sixty-eight, without paying any license therefor.

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

Approved June 10, 1868.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 343

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, and for other purposes, to wit :

Appropriations authorized.

In the resolve, chapter forty-nine, relating to the publication of special laws, a sum not exceeding seven thousand dollars.

Special laws.

In the resolve, chapter fifty-two, in favor of the Springfield Home for friendless Women and Children, the sum of two thousand dollars.

Springfield Home for Women and Children.

In the resolve, chapter fifty-four, relating to the purchase of Schouler's History, a sum not exceeding five thousand dollars.

Schouler's History.

In the resolve, chapter fifty-five, in favor of Indian schools in the district of Marshpee, the sum of seventy-five dollars, payable from the income of the Massachusetts school fund.

Indian schools, Marshpee.

In the resolve, chapter fifty-six, in favor of Indian schools at Gay Head, the sum of one hundred and fifty dollars, payable from the income of the Massachusetts school fund.

Indian schools, Gay Head.

In the resolve in favor of Herman Haupt and Company, the sum of fifty-three thousand dollars.

Herman Haupt & Co.

In the resolve in favor of the Museum of Comparative Zoölogy and the trustees of Williams College, the sum of fifty thousand dollars.

Museum of Zoology and Williams College.

In the resolve in favor of the widow and minor child of John H. Brooks, the sum of one thousand dollars.

Widow of John H. Brooks.

In the resolve in favor of the state almshouse at Monson, a sum not exceeding five thousand dollars, payable upon approved vouchers filed with the state auditor.

State almshouse at Monson.

In the resolve in favor of Gershom B. Weston, the sum of one hundred and fifty dollars.

Gershom B. Weston.

In the resolve concerning repairs and improvements of the state house, a sum not exceeding one thousand dollars, for the compensation and expenses of the legislative committee therein authorized.

Repairs, &c., State house. Legislative committees, expenses

In the act relating to the Charles River and Warren Bridges, a sum not exceeding one thousand dollars, for the compensation and expenses of the commissioners therein authorized.

Charles River and Warren Bridges.

For expenses on account of repairs and improvements in and about the state house, a sum not exceeding five thou-

Repairs, State house.

sand seven hundred dollars, in addition to the amount appropriated in chapter one hundred and eighty-four of the acts of the present year.

Justice police court, Springfield.

In the act establishing the salary of the justice of the police court in Springfield, a sum not exceeding five hundred dollars, in addition to the amount heretofore appropriated for the present year.

Militia laws.

For the publication of the militia laws of the Commonwealth, in accordance with the order of the house of representatives, a sum not exceeding three hundred and fifty dollars.

Ventilation, &c., senate chamber.

For expenses on account of reseating and ventilating the senate chamber, in accordance with the order of the senate, a sum not exceeding three thousand dollars.

Flagstuffs.

For expenses on account of the removal and erection of flagstuffs, as ordered by the legislature, a sum not exceeding one thousand dollars.

Fuel and lights.

For fuel and lights, a sum not exceeding one thousand five hundred dollars, in addition to the amount heretofore appropriated for the present year.

Contingent expenses, senate and house.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding one thousand dollars, in addition to the amount heretofore appropriated for the present year, the same to be subject to the restrictions specified in the former appropriation for this purpose.

Engineer, firemen and assistant-watchman.

In the act relating to an engineer, firemen and assistant watchman for the state house, a sum not exceeding two thousand six hundred dollars.

Pay of senators.

For the compensation of senators, a sum not exceeding four hundred and ten dollars, which shall be allowed and paid, in addition to the appropriations heretofore made.

—of representatives.

For the compensation of representatives, a sum not exceeding two thousand four hundred and ten dollars, which shall be allowed and paid, in addition to the appropriations heretofore made.

Door-keepers, messengers, &c.

For the compensation of door-keepers, messengers and pages to the senate and house of representatives, a sum not exceeding nine hundred and eighty-six dollars, which shall be allowed and paid, in addition to the appropriations heretofore made.

Clerks of senate and house: journals.

To the clerks of the senate and house of representatives, for extra services in the preparation of the journals of the two branches for publication, a sum not exceeding four hundred dollars.

For expenses of the legislative committee on prisons, a sum not exceeding one hundred and thirty-six dollars and eighty cents. Committee on prisons.

For the salary of the constable of the Commonwealth, a sum not exceeding two thousand seven hundred and fifty dollars, in addition to the amount heretofore appropriated for the present year. Constable of the Commonwealth.

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

Approved June 10, 1868.

AN ACT IN RELATION TO THE ELECTION OF SPECIAL COMMISSIONERS FOR THE COUNTY OF SUFFOLK, UNDER THE ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS. *Chap. 344*

Be it enacted, &c., as follows:

SECTION 1. Chapter three hundred and eighteen of the acts of the current year is hereby so amended that the election of special commissioners for the county of Suffolk under the act to regulate the sale of intoxicating liquors, shall be held on the fourth Wednesday of June of the current year. Special commissioners for Suffolk to be elected in June.

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

Approved June 10, 1868.

AN ACT IN ADDITION TO AN ACT IN RELATION TO THE ELECTION AND DUTIES OF OVERSEERS OF THE POOR OF THE CITY OF LYNN. *Chap. 345*

Be it enacted, &c., as follows:

The three hundred and eighth chapter of the acts of the current year, entitled An Act in relation to the election and duties of overseers of the poor of the city of Lynn, is hereby amended by inserting after the words "concurrent vote" in the first section, the words "of the two branches of the city council of said city." Chap. 308, Acts of 1863, amended

Approved June 10, 1868.

AN ACT TO PROVIDE FOR THE DISSOLUTION OR DISMEMBERMENT OF FIRE DISTRICTS IN CERTAIN CASES. *Chap. 346*

Be it enacted, &c., as follows:

SECTION 1. Fire districts formed of portions of more than one town, may be dissolved in the manner hereinafter provided. Fire districts may be dissolved.

SECTION 2. Seven or more voters in any such district may, at any time, file with the clerk of such district an application in writing, requesting him to call a meeting of such district; and he shall immediately thereupon cause such meeting to be called in the manner prescribed by the thirtieth section of the twenty-fourth chapter of the General Statutes; and he shall further set forth in the notification of such meeting, that the same is called to consider the expedi-

Meeting to be called and officers chosen.

ency of dissolving the district. Such meeting shall be organized by the choice of a moderator and clerk.

Property to be divided by a committee of seven voters.

SECTION 3. If a majority of the votes at said meeting shall be in favor of a dissolution of such district, then the property and assets, as well as the debts and liabilities of such district, shall be equitably divided and apportioned between the parts of said district composed of inhabitants of the several towns, in such manner as a committee of seven voters in said district, to be elected by ballot at such meeting, shall agree upon: *provided*, the plan adopted by said committee shall be ratified by said district at a meeting called to consider their report.

Proviso.

If committee cannot agree, county commissioners to decide, &c.

SECTION 4. In case the committee shall be unable to agree upon such division, or their plan fail to be ratified by the district, they shall, within ten days after such inability or failure, notify the county commissioners of the county in which any one of the towns in part composing the fire district is situated, of such disagreement or refusal to ratify, and said commissioners shall forthwith give notice of a time and place to hear and decide the matter in dispute. And said commissioners shall, at said time and place, after hearing such parties as may desire to be heard, make an award in writing upon the whole matter submitted to them.

Part of district comprised in one town may withdraw.

SECTION 5. In case the portion of any fire district composed of parts of several towns, which is comprised in any one town, desires to withdraw from said district, and shall so decide at a meeting of the inhabitants of such town, being legal voters in such district, to be called and warned in the manner provided in the second section of this act, then it shall be lawful for such territorial portion of the district so voting, to withdraw from such district; and they shall be entitled to receive such share of the property of said district, and shall be liable to such portion of the total indebtedness of the same as may be agreed upon between the part of said district so withdrawing and the remainder of the district; and in case no such agreement can be made, then said matters in dispute shall be considered and decided by the county commissioners, in the manner provided in the fourth section of this act.

Division of property.

Approved June 11, 1868.

Chap. 347 AN ACT TO AUTHORIZE RAILROAD CORPORATIONS TO SUBSCRIBE TO THE CAPITAL STOCK OF STEAMSHIP CORPORATIONS DULY CHARTERED BY THE LAWS OF THIS COMMONWEALTH.

Be it enacted, &c., as follows:

Railroad corporations may subscribe five per cent. of capital to steamship stock.

SECTION 1. Any railroad corporation chartered by this Commonwealth shall have authority to subscribe an amount not exceeding five per cent. of its capital stock, to the capital stock of any incorporated line of steamships chartered

under the laws of this Commonwealth for the purpose of carrying freight, passengers and mails, between any port in this Commonwealth and Europe: *provided*, said corporation, at any legal meeting of its stockholders called for that specific purpose, shall elect so to do; and *provided, further*, that such subscriptions are made within six months from the passage of this act. Provisos.

SECTION 2. Any railroad company, not acting under the provisions of the first section of this act, may guarantee the bonds of any corporation, authorized to establish a line of steamboats as aforesaid, to an amount not exceeding five per cent. of the capital stock of said railroad company, upon adequate security therefor, or to issue its own bonds to the same amount, bearing interest at the rate of six per centum per annum, and to secure the same by a mortgage of the railroad equipment and franchise of said company. May guarantee bonds of steamship companies.

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

Approved June 11, 1868.

AN ACT REQUIRING THE EASTERN RAILROAD COMPANY TO ERECT A STATION-HOUSE ON CENTRAL SQUARE IN LYNN.

Chap. 348

Be it enacted, &c., as follows:

SECTION 1. The Eastern Railroad Company is hereby required to erect a new station-house and to maintain the same on said railroad at the central station on Central Square in Lynn, 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. To erect new station-house, Central Square, Lynn
May take land, &c.

SECTION 2. In case of neglect or failure of said corporation to erect such station-house as aforesaid within six months from the passage of this act, the supreme judicial court may, on the application of any twenty-five legal voters in the city of Lynn and notice to said corporation, appoint three commissioners at the expense of said corporation, who shall decide all questions relating thereto, that may arise between the parties; and the said court or any judge thereof shall have full power and authority to make any decisions or pass any orders in the premises that may be suitable, to compel a specific performance of the requirements of this act. S. J. C. may appoint commissioners and compel specific performance of requirements of Act.

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

Approved June 11, 1868.

Chap. 349

AN ACT CONCERNING THE TAXING OF BANK SHARES.

Be it enacted, &c., as follows:

Shares of stock in banks, owned by non-residents, to be assessed where banks are located.

SECTION 1. All the shares of stock in banks, whether of issue or not, existing by authority of the United States or of this Commonwealth, and located within the Commonwealth, owned by non-residents of this Commonwealth, shall be assessed to the owners thereof in the cities or towns where such banks are located, and not elsewhere, in the assessment of all taxes imposed and levied in such place by the authority of law, at the market value of such shares on the first day of May of the year in which the tax shall be assessed, first deducting therefrom the proportionate part of the value of the real estate belonging to the bank, at the same rate, and no greater, than that at which other moneyed capital in the hands of citizens of such city or town, and subject to taxation, is by law assessed.

Proportionate value of real estate to be first deducted.

Tax to be lien upon shares.

SECTION 2. Any tax so assessed shall constitute a lien upon the shares in respect to which such assessment is made, from the first day of May of the year in which the tax is laid till the tax shall be paid.

Collector may distrain, &c., if tax is not paid.

SECTION 3. If any tax so assessed shall not be paid, the collector or other officer authorized to collect taxes, shall levy the same by distraint or by seizure and sale of the shares in respect of which the tax is assessed, in accordance with the provisions of law for the seizure and sale of shares in the capital stock of corporations existing under authority of this Commonwealth, for non-payment of taxes: *provided*, that said collector shall, ten days at least before making such distraint or seizure, demand the amount of tax due and legal charges, at the usual place of business of said bank, by written or printed demand addressed to the stockholder and given to the cashier or other officer of such bank, upon whom service of legal process against such bank may by law be made, and no other demand shall be necessary.

Proviso.

Shares owned by residents to be taxed as heretofore.

SECTION 4. All shares of stock in the banks aforesaid owned by residents of this Commonwealth, shall be assessed to the owners thereof, as provided in chapter two hundred and forty-two of the acts of the year eighteen hundred and sixty-five: *provided*, that no stock insurance corporation, savings bank, or institution for savings, incorporated under the laws of this state, including the Mercantile Savings Institution, in the city of Boston, otherwise taxed under the laws of this state, shall be taxed for its investments in the shares of national banks within this Commonwealth.

Savings banks and stock insurance companies not to be taxed for shares in national banks.

Shares of non-residents to be omitted from the

SECTION 5. Assessors of any city or town in which any national bank or banking association is located, for the pur-

pose of ascertaining the rate at which taxes shall be assessed, shall omit from the valuation upon which the rate is to be based, the value of all shares held by non-residents of this state, and no tax of any city or town shall be invalidated by reason of any excess of the amount thereof over the amount to be raised in consequence of the provisions of this act.

valuation upon which rate is based.

SECTION 6. It shall be the duty of the assessors to make return to the state treasurer, of the assessment of the shares of non-residents of this state in each bank in their respective cities and towns, within ten days after the assessment of the same; and it shall be the duty of the collector of each city or town to use his best endeavors to collect the taxes so assessed. The treasurer of each town or city shall, on or before the first Monday in December of each year, pay over to the state treasurer the amount of such tax so collected, less the cost of assessing and collecting the same. And the state treasurer may offset amounts due and payable by any city or town to the state, under this act, against amounts due from the state to such town or city.

Assessors to make return of assessments to State treasurer.

Treasurer to pay over to State treasurer tax collected, less cost of collecting, &c

SECTION 7. This act shall take effect upon its passage, and shall apply to taxes assessed and collected for the present year, in the same manner and to the same effect as if it had been in force on the first day of May. *Approved June 11, 1868.*

When to take effect, &c.

AN ACT SUPPLEMENTAL TO AN ACT IN FURTHER ADDITION TO AN ACT PROVIDING FOR THE MORE SPEEDY COMPLETION OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Chap. 350

Be it enacted, &c., as follows:

SECTION 1. The Hoosac tunnel shall be constructed with a width sufficient to permit the construction and use of two railway tracks through the same, and a single track shall be properly laid and ready for use through the tunnel, and the contract under the act to which this is supplementary shall include the construction of the same.

Tunnel to be made wide enough for two tracks.

SECTION 2. The governor and council are hereby authorized to appoint such engineers and superintendents of the work on the Hoosac tunnel as they shall deem expedient and necessary, and fix their compensation.

Engineers to be appointed and compensation fixed by governor and council.

SECTION 3. The sum of two hundred and fifty thousand dollars may be expended prior to October first in meeting expenses under contracts already made, and paying off existing liabilities and prosecuting the work on the tunnel, which sum shall be taken from the appropriation heretofore made for the tunnel, and shall constitute a part of the five millions of dollars authorized in the act to which this act is supplementary.

\$250,000 may be used for expenses under existing contracts; to be deducted from \$5,000,000.

Payments to be made as work progresses.

SECTION 4. The contract shall provide for payments by instalments as the work progresses, in such manner, that not less than twenty per centum of each amount due shall be reserved for a final payment on the completion of the same.

Not more than \$1,000,000 to be paid the present year.

SECTION 5. No more than one million dollars shall be appropriated and paid out of the treasury the present year under this act or the act to which this is supplementary.

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

Approved June 11, 1868.

Chap. 351

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE COUNTY SEAT OF THE COUNTY OF BERKSHIRE AT PITTSFIELD AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Clerk's office, &c. to continue at Lenox until new court house is built in Pittsfield.

The provisions of chapter three hundred and twenty-five of the acts of the year eighteen hundred and sixty-eight, entitled an Act to establish the county seat of the county of Berkshire at Pittsfield, and for other purposes, is so far amended as that the offices of the clerk of the courts, the register of probate and the county treasurer of the county of Berkshire, and of the register of deeds for the middle district in said county, with the records and documents pertaining to said offices respectively, shall remain in the court house in Lenox until sufficient accommodation is provided for them in the new court house in Pittsfield, anything in the act to which this act is in addition, to the contrary notwithstanding.

Approved June 11, 1868.

Chap. 352

AN ACT TO INCORPORATE THE MAVERICK BRIDGE COMPANY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Gilbert E. Pierce, Nehemiah Gibson, Samuel Hall, Nathaniel McKay, Charles R. McLean, Jeremiah H. Pote, Abraham S. Foss, their associates and successors, are hereby made a corporation by the name of the Maverick Bridge Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes.

Name.

Powers and duties.

May erect bridge from Boston to East Boston.

SECTION 2. The said corporation is hereby empowered and authorized to erect a bridge over the water between the mainland in the city of Boston, and East Boston, and to purchase or otherwise take and hold such real and personal estate as may be proper for that purpose, except that the property of the East Boston Ferry Company and that now used by them, shall not be so taken, unless the said city shall so direct, and shall permit the said ferry company to run their boats between the landings formerly occupied by the People's Ferry Company, free of charge and keeping the

May take property, except, &c.

same in repair; and in that case said East Boston Ferry Company are hereby authorized to run their ferry between said landings.

The capital stock of this company shall not exceed fifteen hundred thousand dollars, divided into shares of one hundred dollars each.

SECTION 3. The said corporation shall be holden to make compensation to any person or corporation whose real estate shall be taken for the uses aforesaid, and if there shall be a difference of opinion as to the value of the same, the said corporation shall pay therefor such damages as shall be estimated by the board of aldermen of the city of Boston, and either party, if dissatisfied with their estimate, may apply to the superior court next to be held within and for the county of Suffolk, after said estimates are made known to them, and thereupon the same proceedings shall be had as in case of estimating and enforcing payment of damages for laying out ways in said city of Boston.

SECTION 4. The said corporation shall construct the piers of said bridge of such materials, size, shape, direction and position respecting currents and channels, and the said bridge with a draw at right angles with the channel as near as may be, and with such accommodation for the passage of vessels through the same, as the mayor and aldermen of the said city of Boston, on consultation with the harbor commissioners, shall direct or approve; but substantially in conformity to the single draw plan of T. Willis Pratt, or such improvements as may be made thereon; and in all other respects shall construct the same to the approval of said mayor and aldermen; and shall provide and maintain a suitable steam tug-boat, or such other aids to the passage of vessels through the draw of said bridge, and for other purposes, as the said mayor and aldermen shall from time to time direct.

SECTION 5. The said corporation shall be allowed to collect and receive such tolls as the said mayor and aldermen shall from time to time determine: *provided, however*, that the rates of toll shall never, without the consent of said corporation, be so much reduced as to reduce the yearly dividends of said company to an amount less than eight per centum on the amount of capital stock actually invested; except that the same may be so reduced by said mayor and aldermen, if in their judgment the public interests shall require it, the said city making up the amount of said deficiency. Such right to collect and receive tolls to commence on the day when the said bridge shall be opened for public use, and to continue for the term of fifty years next thereafter; and at

Capital stock and shares.

Aldermen to estimate damages for property taken.

Right of appeal to superior court.

Bridge to be built under direction of mayor and aldermen, on consultation with harbor commissioners.

Tolls to be determined by mayor and aldermen.
Proviso.

—to be collected for fifty years.

the place of receiving said tolls, there shall be constantly exposed to view a sign-board, with the said rates of toll fairly and legibly exhibited thereon.

Accounts to be kept, and subject to inspection of mayor and aldermen.

SECTION 6. The said corporation shall cause to be kept regular books of account in which shall be entered full, true, exact and plain statements of all the expenses of building the said bridge, and of furnishing and equipping the same, and also a true and accurate account annually of all receipts and disbursements on account of the same, and of keeping it open and in order for public travel, which books of account shall be at all times open to the inspection of said mayor and aldermen, or of any committee thereof, and a copy of said accounts shall be made annually in the month of January, and under oath of the president and treasurer of said corporation, to the board of aldermen of said city of Boston, to and including the thirty-first day of December in each year, and a duplicate copy of the same annually filed in the office of the secretary of the Commonwealth.

—to be presented annually to aldermen and the secretary of the Commonwealth.

Bridge to be free after the cost of bridge has been re-imbursed to corporation.

SECTION 7. Whenever the receipts of said corporation have re-imbursed to said corporation the moneys expended by them in the construction of said bridge, its furnishings and equipments, and in keeping the same in good repair and condition, with interest on said expenditures at the rate of eight per cent. per annum, the said corporation shall thereupon immediately in writing notify the said board of aldermen of said city of that fact, and shall thereupon offer the said bridge, its furnishing and equipments, to be surrendered to the said city of Boston, to be, and if accepted by the said city the same shall be, forever thereafter maintained as a free bridge by the said city at the public expense.

City may take franchise and build free bridge.

SECTION 8. The said city of Boston is hereby authorized, if they shall so elect and determine, by a majority vote of the two branches of the city council, in concurrence, to assume and take the franchise granted by this act, with all the rights and privileges belonging to the same, and shall thereupon proceed forthwith to construct the said bridge as a free bridge, at its own expense, and for that purpose shall have authority to issue from time to time coupon bonds, notes, scrip, or certificates of debt, as said city council shall, by majority vote thereof, fix and determine.

— may make bridge free by paying cost of same and eight per cent. interest.

SECTION 9. The said city of Boston, by a vote of the city council, as aforesaid, may at any time during the continuance of this charter, purchase and take of said company the said bridge and all the franchise, rights, privileges and property of the said company by paying or offering to pay them therefor

such sum as will re-imburse them the amount of moneys expended by them in and upon said bridge, its furnishings, equipments, and repair, as aforesaid, with eight per cent. interest thereon, and less the net profits of said corporation from tolls, as aforesaid, and for that purpose shall have authority to issue, from time to time, bonds, notes, scrip, or certificates of debt, as herein before provided; and upon such payment, or offer of payment, the said corporation shall forthwith, by proper instruments of title, surrender and convey to the said city the said bridge, with all the franchise, rights, privileges and property to the same appertaining, and the said bridge shall thereafter be maintained and kept by said city as a free bridge, at the public expense, as aforesaid.

—may issue scrip, &c.

SECTION 10. The said city of Boston, by a vote of the city council, as aforesaid, may assume and take, or purchase of said company, the said bridge and other property, as herein before provided, and have and exercise all the rights, powers and authority given to said company by this act, and subject to all the duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the said city council shall from time to time ordain, appoint and direct; and shall have a right to collect and receive the same rates of toll as are allowed by the fourth section of this act to said company: *provided*, that whenever from the tolls collected on said bridge, or from other sources, the said city shall be fully re-imbursed for all outlays and expenditures on account of said bridge, and the operation of the same, then the tolls on said bridge shall cease, and the said bridge shall ever after be maintained by said city as a free bridge.

— may take bridge and collect tolls, &c.

Proviso.

SECTION 11. If said corporation or said city, as the case may be, shall neglect for the space of five years to build and finish the said bridge, then this act shall be void.

Act void unless built in five years.

SECTION 12. Whenever two hundred thousand dollars of said capital stock has been actually paid in in cash, the said corporation may issue its bonds for an amount not exceeding the residue of its capital stock, at a rate of interest not exceeding eight per centum per annum, and not exceeding fifty years to their maturity, and secure the same by a mortgage of the said bridge, furnishings and equipments, and of the franchise and privileges thereto appertaining.

Bonds, how and when may be issued.

SECTION 13. When the said bridge company shall have built the said bridge, they shall offer, in writing, to purchase of the East Boston Ferry Company the boats, with their appurtenances, then in use by them for ferry purposes; and

Company to purchase boats, &c., of East Boston Ferry Co. when bridge is completed.

Commissioners to fix terms if parties disagree.

in case the two parties fail to agree upon the terms of said purchase, the supreme judicial court, in term time or vacation, shall, on the application of either party, appoint three commissioners to appraise the same at their fair valuation for ferry purposes, and shall fix the terms of purchase thereof; and if the same shall be accepted by said ferry company, they shall thereupon cease to run and maintain a ferry between said Boston and East Boston, and the same shall thereafter be run by said bridge company, with all the rights and privileges now had and enjoyed by the said East Boston Ferry Company; but if the said ferry company shall refuse to sell as aforesaid, the said bridge company shall be held to no further obligations hereunder. And if said bridge company shall fail to pay to said East Boston Ferry Company the amount awarded by said commissioners within ninety days after their award shall have been accepted by the said court, then this act shall be void.

Ferry to be run by bridge company.

Money to be paid within ninety days of award.

SECTION 14. This act shall take effect upon its passage.

[Passed in concurrence on the eleventh of June by the Senate and House of Representatives in the manner prescribed by the constitution, upon being returned by the Governor with his objections and without approval.]

Chap. 353

AN ACT CONCERNING THE EAST BOSTON FERRY COMPANY.

Be it enacted, &c., as follows:

May run boats formerly owned by People's Ferry Company.

SECTION 1. The East Boston Ferry Company is hereby authorized to run ferry boats to and from the landings on the main land in Boston and on the island of East Boston, formerly owned by the People's Ferry Company, and now owned by the city of Boston: *provided*, the consent of the board of aldermen of said city be first obtained, and only during the continuance of such consent or any renewal thereof; and *provided, also*, that nothing herein contained shall prevent the Maverick Bridge Company from taking said landings, with their appurtenances, under the provisions of their act of incorporation, and that in the event of their so taking them, neither the said East Boston Ferry Company, their successors or assigns, nor those running a ferry between said landings, shall have any claim for damages therefor, or for any estate, or easement in said landings, or the property formerly used or occupied by said People's Ferry Company.

Subject to consent of aldermen.

Maverick Bridge Co. not prevented from taking landings, &c.

No claims for damages for easement, &c.

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

Approved June 12, 1868.

AN ACT SUPPLEMENTARY TO AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Chap. 354

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, unless otherwise ordered, for the purposes specified in certain acts and resolves of the present year, to wit:

Appropriations authorized.

For the compensation of senators, a sum not exceeding twelve hundred and thirty dollars, which shall be allowed and paid, in addition to the amounts heretofore appropriated.

Pay of senators.

For the compensation of representatives, a sum not exceeding seven thousand two hundred and thirty dollars, which shall be allowed and paid, in addition to the amounts heretofore appropriated.

—representatives

For the compensation of door-keepers, messengers and pages to the senate and house of representatives, a sum not exceeding seven hundred and five dollars, which shall be allowed and paid, in addition to the amounts heretofore appropriated.

Door-keepers, &c.

For expenses of the legislative committee on improvements in Boston harbor and the Commonwealth's flats therein, a sum not exceeding three hundred dollars.

Committee on Boston harbor.

To the widow of James Capen, a sum not exceeding thirty dollars, which shall be allowed and paid, in addition to the amount heretofore appropriated.

James Capen.

For the compensation of the chaplains of the senate and house of representatives, a sum not exceeding thirty dollars, which shall be allowed and paid, in addition to the appropriations heretofore made.

Chaplains.

For the compensation of the assistant-clerks of the senate and house of representatives, a sum not exceeding thirty dollars each, which shall be allowed and paid, in addition to the appropriation heretofore made.

Assistant-clerks of senate and house.

For the compensation of the lieutenant-governor and executive council, a sum not exceeding three hundred dollars, which shall be allowed and paid, in addition to the appropriations heretofore made.

Lieutenant-governor and council.

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

Approved June 12, 1868.

Chap. 355 AN ACT REPEALING A PART OF THE EIGHTY-SEVENTH CHAPTER OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND FIFTY-TWO.

Be it enacted, &c., as follows :

Chap. 87, Acts of 1852, amended.

SECTION 1. So much of chapter eighty-seven of the acts of the year eighteen hundred and fifty-two, entitled "An Act authorizing the Hartford and New Haven Railroad Company to increase their capital stock," as authorizes said company to make any lawful contract and merge or make joint stock with any other railroad company without the limits of this Commonwealth, is hereby repealed.

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

[Passed in concurrence on the twelfth of June by the Senate and House of Representatives in the manner prescribed by the constitution, upon being returned by the Governor with his objections and without approval.]

RESOLVES,

GENERAL AND SPECIAL.

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Chap. 1.

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.

Treasurer may borrow money to meet ordinary demands upon treasury.

Approved February 17, 1868.

RESOLVE IN FAVOR OF ELIZABETH J. SAWYER.

Resolved, That for reasons set forth in the petition of Elizabeth J. Sawyer, of Boston, there be allowed and paid out of the treasury of the Commonwealth to said petitioner, the sum of seventy-two dollars, for state aid, and that on and after the first day of February, in the year eighteen hundred and sixty-eight, said petitioner be taken and deemed to be entitled to receive the same amount of state aid as if she was a widowed mother.

Chap. 2.

Allowance of \$72 for State aid.

After Feb. 1, '68, how entitled to aid.

Approved February 17, 1868.

RESOLVE IN REGARD TO ALTERATIONS IN THE STATE HOUSE.

Resolved, That the sergeant-at-arms be instructed to cause a door-way to be opened from the room now occupied by the president of the senate, to the colonnade in front of the state house; also, a door-way to be opened from the room now occupied by the clerk of the senate, to the room now occupied by the secretary of the board of education, and that the latter room be fitted up for the use of the president of the senate; also, a door-way be opened in the centre of the room west of the library, and that said room be fitted up for the use of the secretary of the board of education.

Chap. 3.

Sergeant at-arms to make certain alterations in the State house.

Approved February 20, 1868.

Chap. 4.Allowance of
\$52.

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 21, 1868.***Chap. 5.**Allowance of
\$100 bounty.

RESOLVE IN FAVOR OF JAMES KANE.

Resolved, For reasons set forth in the petition of James Kane, that there be allowed, and paid out of the treasury of the Commonwealth to said petitioner, the sum of one hundred dollars, for state bounty.

*Approved February 25, 1868.***Chap. 6.**Allowance for
State aid.

RESOLVE IN FAVOR OF LEWIS A. HORTON.

Resolved, That for reasons set forth in the petition of Lewis A. Horton, said petitioner be taken and deemed to be entitled to receive state aid, on account of his child born on the nineteenth day of June, in the year one thousand eight hundred and sixty-seven; said payment to commence from the passage of this resolve.

*Approved March 3, 1868.***Chap. 7.**\$3.50 a week al-
lowed for board
for insane pau-
pers.

RESOLVE IN RELATION TO THE SUPPORT OF STATE LUNATIC PAUPERS.

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 per week, for each of said paupers.

*Approved March 6, 1868.***Chap. 8.**Governor may
issue arms, &c.,
to agricultural
college.

RESOLVE IN RELATION TO THE ISSUE OF ARMS TO THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Resolved, That his excellency the governor be authorized to issue to the president and trustees of the Massachusetts agricultural college, such arms and equipments, for the use of that institution, as in his judgment may be so distributed without detriment to the militia service: *provided*, the said president and trustees shall be held personally responsible for the same.

*Approved March 11, 1868.***Chap. 9.**Allowance of
\$4,000 to re-
publish report.

RESOLVES IN RELATION TO THE REPUBLICATION OF THE REPORT ON THE INVERTEBRATE ANIMALS OF MASSACHUSETTS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, an amount not exceeding four thousand dollars, in addition to the sums appropriated by chapter thirty-two of the resolves of the year eighteen hundred and sixty-seven, for the purpose of completing the republication of the report on the invertebrate animals of Massachusetts authorized by said resolve.

Distribution pre-
scribed.

Resolved, That in addition to the distribution of the copies of said report, provided for in the resolve aforesaid, every

member of the present legislature, who was not also a member of the legislature of the year eighteen hundred and sixty-seven, shall be entitled to one copy; that one copy each shall be furnished to the secretary, treasurer, auditor, attorney-general, adjutant-general, quartermaster-general, surgeon-general, deputy tax-commissioner, insurance commissioner, bank commissioner, the secretary and general agent of the board of state charities, and the secretaries of the boards of education and agriculture; and that the remainder of the edition authorized to be printed, be placed in the state library, to be distributed under the direction of the trustees, to individuals or public institutions, at their discretion.

Approved March 16, 1868.

RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Chap. 10.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of twenty-five hundred dollars to the disabled soldiers' employment bureau; and the same is hereby appropriated. *Approved March 16, 1868.*

Allowance of \$2,500.

RESOLVE IN FAVOR OF JOHN MCINTIRE AND WIFE.

Chap. 11.

Resolved, That for reasons set forth in the petition of John McIntire, there be allowed and paid from the treasury of the Commonwealth, to the petitioner and his wife, the sum of eight dollars a month, for state aid.

Eight dollars a month for State aid.

Approved March 20, 1868.

RESOLVE IN AID OF THE PERKINS INSTITUTION AND MASSACHUSETTS ASYLUM FOR THE BLIND, TO MEET ITS CURRENT EXPENSES.

Chap. 12.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of nine thousand dollars to the Perkins institution and Massachusetts asylum for the blind, to meet the current expenses of that institution, in addition to the amount already appropriated.

\$9,000 for expenses.

Approved March 30, 1868.

RESOLVE IN FAVOR OF ANDREW FALVEY.

Chap. 13.

Resolved, That for reasons set forth in the petition of Andrew Falvey, of Marblehead, there be allowed, and paid from the treasury of the Commonwealth, the sum of seventy-two dollars for state aid; and that on and after the first day of May, in the year one thousand eight hundred and sixty-eight, said petitioner shall be taken and deemed entitled to receive state aid, as provided in chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven, entitled "An Act concerning state aid for disabled soldiers and sailors, and their families, and for the families of the slain."

Allowance of \$72. for State aid.

Approved March 30, 1868.

Chap. 14. RESOLVE IN FAVOR OF THE PERKINS INSTITUTION AND MASSACHUSETTS
ASYLUM FOR THE BLIND.

\$15,000 for building purposes.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the Perkins institution and Massachusetts asylum for the blind, and the same is hereby appropriated, the sum of fifteen thousand dollars for building purposes, including the erection of a workshop and laundry, and for the introduction therein of steam for motive power and for heating purposes: *provided*, that an equal sum be secured for the purpose from private donations, and that no part of said appropriation shall be paid out of the treasury, until the said private donations have been paid.

Proviso.

Approved March 30, 1868.

Chap. 15.

\$225 for rent of armory.

RESOLVE IN FAVOR OF THE TOWN OF WOBURN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the selectmen of the town of Woburn, the sum of two hundred and twenty-five dollars, being the amount paid by said town for rent of an armory for the use of company G, fifth regiment Massachusetts volunteer militia, for the year ending December thirty-first, eighteen hundred and sixty-seven.

Approved April 1, 1868.

Chap. 16.

Allowance of \$50.

RESOLVE IN FAVOR OF ISAAC H. JACOY.

Resolved, That there be allowed and paid to Isaac H. Jacoy, out of the treasury of the Commonwealth, the sum of fifty dollars.

Approved April 1, 1868.

Chap. 17.

Allowance of \$289.

RESOLVE IN FAVOR OF WILLIAM GUNN.

Resolved, For reasons set forth in the petition of William Gunn, of Springfield, there be allowed and paid out of the the treasury of the Commonwealth, to said William Gunn, the sum of two hundred and eighty-nine dollars.

Approved April 9, 1868.

Chap. 18. RESOLVE ON THE PETITION OF BENJAMIN JAMES AND ALPHEUS M.
STETSON.

Deed of Benjamin Dodd to Wm. A. Rea confirmed.

Resolved, For the reasons in said petition set forth, that the deed of release and quitclaim from Benjamin Dodd, as the guardian of Mary Keefe, an insane person, to William A. Rea, bearing date the third day of May, in the year eighteen hundred and fifty-two, and recorded with Suffolk deeds, *liber* six hundred and thirty-two, folio six, releasing and quitclaiming to said Rea, his heirs and assigns, the estate therein described, be and the same is hereby ratified and confirmed so as to be effective as a valid conveyance to the said Rea, his heirs and assigns, at the time of the execution and delivery thereof of all said Mary Keefe's interest in

and title to said estate; and that all and singular the titles now held to said estate, or any part thereof, which are derived by mesne conveyances or otherwise from any deed of the said Rea, or from any conveyance of John Lowell, as the administrator, with the will annexed, of the said Rea, be and they are hereby made and declared to be valid and effectual, to all intents and purposes, as fully as if the said deed of quitclaim of said Dodd to said Rea had at the time of the execution and delivery thereof, conveyed to said Rea in fee all the title which the said Mary Keefe then had in and to said estate.

Deeds of John Lowell, administrator, declared valid, &c.

Approved April 9, 1868.

RESOLVE IN FAVOR OF COMPANY B, SIXTH REGIMENT MASSACHUSETTS VOLUNTEER MILITIA.

Chap. 19.

Resolved, That the officers and soldiers of company B, sixth regiment Massachusetts volunteer militia who, on the last Wednesday in May, in the year eighteen hundred and sixty-five, performed the duty required by the statute for drill, and inspection, shall receive compensation therefor at the rates provided for fall encampment, in section one hundred and forty-five of chapter two hundred and thirty-eight, of the acts of the year eighteen hundred and sixty-four: *provided,* that no compensation shall be paid to any able-bodied officer or soldier who, at his own request, was discharged from service in said company previous to January first, in the year eighteen hundred and sixty-seven.

Allowance for duty on last Wednesday in May, 1865.

Proviso.

Returns to the adjutant-general, of the performance of the said duty, and the mode of payment for the same, shall be made in the manner then prescribed by law for May inspection.

Returns to be made.

Approved April 9, 1868.

RESOLVES IN RELATION TO THE SOLDIERS' NATIONAL CEMETERIES AT GETTYSBURG AND ANTIETAM.

Chap. 20.

Whereas, By an act entitled "An Act to establish and protect national cemeteries," approved February twenty-second, in the year one thousand eight hundred and sixty-seven, congress has adopted a uniform system for the management and care of all the soldiers' national cemeteries throughout the United States, and made provisions for their maintenance: therefore,

Soldiers' national cemeteries.

Resolved, That the Commonwealth of Massachusetts respectfully requests of the state of Pennsylvania the passage of an act empowering the board of commissioners having charge of the soldiers' national cemetery at Gettysburg to transfer all the right, title, interest and care of said soldiers' national cemetery to the United States of America, upon the completion of the same.

Pennsylvania.

Maryland.

Resolved, That in like manner the Commonwealth of Massachusetts requests of the state of Maryland the passage of an act empowering the board of trustees having charge of the Antietam national cemetery at Sharpsburg, to transfer all the right, title, interest and care of said Antietam national cemetery to the United States of America, upon the completion of the same.

Resolved, That the governor be requested to communicate these resolves to the governors of the states of Pennsylvania and Maryland respectively.

Approved April 10, 1868.

Chap. 21.

Allowance of
\$75.

RESOLVE IN FAVOR OF MARY ANN NOLAN, GUARDIAN.

Resolved, That for reasons set forth in the petition of Mary Ann Nolan, guardian of Katy Nolan and Robert Nolan, there be allowed and paid out of the treasury of the Commonwealth, to the said Mary Ann Nolan, guardian as aforesaid, for the benefit of the said Robert Nolan, the sum of seventy-five dollars.

Approved April 10, 1868.

Chap. 22.

Allowance of
\$5,000.

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 under the direction of the trustees thereof for the charitable purposes of said infirmary during the present year; and said trustees shall furnish to the board of state charities a detailed account of the manner in which this appropriation has been expended, as soon as practicable.

Approved April 21, 1868.

Trustees to furnish account of expenditures.

Chap. 23.

Allowance of
\$6,000 for protection from fire.

RESOLVE IN RELATION TO THE STATE ALMSHOUSE AT TEWKSBURY.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of six thousand dollars, to the inspectors of the state almshouse at Tewksbury, to be expended in the erection of cisterns and reservoirs, and the purchase of a steam-pump, hydrants, and other necessary appurtenances, for the better protection of said almshouse from fire.

Approved April 21, 1868.

Chap. 24.

Allowance of
\$1,500 for purchase of land.

RESOLVE IN FAVOR OF THE INDUSTRIAL SCHOOL FOR GIRLS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the industrial school for girls at Lancaster, a sum not exceeding fifteen hundred dollars, for the purchase of land for the use of said institution.

Approved April 21, 1868.

RESOLVE TO AUTHORIZE THE TOWN OF MEDFORD TO PAY CERTAIN BOUNTIES. *Chap. 25.*

Resolved, That the town of Medford is hereby authorized to pay the sum of one hundred and twenty-five dollars to Stillman Rich and William Cheney, respectively, the same being for military bounty. *Medford may pay military bounties*
Approved April 21, 1868.

RESOLVE AUTHORIZING THE PURCHASE OF LAND FOR THE STATE ALMSHOUSE AT TEWKSBURY. *Chap. 26.*

Resolved, That the inspectors of the state almshouse at Tewksbury be authorized to purchase land adjoining the lands of that institution and for the use of the same, at a price not exceeding seventy-five dollars per acre, the whole expenditure not to exceed five thousand dollars. *Land may be bought not exceeding \$75 per acre.*

Approved April 22, 1868.

RESOLVE IN FAVOR OF THE NEW ENGLAND HOSPITAL FOR WOMEN AND CHILDREN. *Chap. 27.*

Resolved, That there be allowed and paid to the New England hospital for women and children, the sum of one thousand dollars, for the purpose of aiding to defray the expenses of those patients in their hospital, who are unable to defray their own expenses: *provided*, that the board of state charities shall have power to visit said hospital, for the purpose of examining into any cases of pauperism; and the board of state charities shall use all reasonable care to collect the cost of 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. *Allowance of \$1,000 to assist poor patients.*
Duties of board of state charities.
Approved April 29, 1868.

RESOLVE IN FAVOR OF LOA N. PEABODY. *Chap. 28.*

Resolved, That there be allowed and paid to Loa N. Peabody the sum of one hundred dollars for state aid, in addition to what she receives under the provisions of chapter one hundred and seventy-two of the acts of the year eighteen hundred and sixty-six. *Allowance of \$100 for State aid.*
Approved April 29, 1868.

RESOLVE IN FAVOR OF DORA S. FOSTER. *Chap. 29.*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Dora S. Foster, of Boston, widow of Captain Daniel Foster, the sum of two hundred and sixteen dollars for state aid; and that on and after the first day of April, eighteen hundred and sixty-eight, said Dora S. Foster 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 \$216 for State aid.*
How entitled to aid after April 1, 1868.
Approved April 29, 1868.

Chap. 30. RESOLVE IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Allowance of \$50,000 for buildings.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the Massachusetts agricultural college, the sum of fifty thousand dollars, for the erection of buildings with necessary appurtenances, to provide for an additional number of students in said college; and the same is hereby appropriated.

Approved May 1, 1868.

Chap. 31. RESOLVE GRANTING TAXES TO THE SEVERAL COUNTIES.

County taxes.

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, eleven thousand dollars; Berkshire, twenty-seven thousand dollars; Bristol, sixty-five thousand dollars; Essex, one hundred and fifteen thousand dollars; Dukes County, four thousand dollars; Franklin, twenty thousand dollars; Middlesex, one hundred and forty-five thousand dollars; Hampshire, twenty-five thousand dollars; Hampden, thirty-two thousand dollars; Norfolk, sixty thousand dollars; Plymouth, thirty-three thousand dollars; Worcester, seventy-five thousand dollars.

Approved May 4, 1868.

Chap. 32. RESOLVE IN FAVOR OF BARNARD C. MARCHANT, GUARDIAN OF CERTAIN INDIANS IN DUKES COUNTY.

Allowance of \$200 for Christiantown Indians.

Resolved, That for reasons set forth in the petition of Barnard C. Marchant, guardian of the Christiantown and Chappaquiddic tribes of the Indians there be allowed and paid out of the treasury of the Commonwealth, to said guardian, the sum of two hundred dollars, or so much thereof as may be necessary for the support of certain members of the 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-eight. 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 May 4, 1868.

Chap. 33. RESOLVE CONCERNING IMPROVEMENTS AT THE STATE PRISON.

\$3,200 for improvements and repairs.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding eight thousand two hundred dollars, for the purposes of making

improvements in the iron doors to the cells of a portion of the state prison, of opening an additional passage to the chapel, and for repairing the floors of the office in the ante-room; 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 May 4, 1868.

RESOLVE IN FAVOR OF THE TOWN OF EDGARTOWN.

Resolved, That for reasons set forth in the petition of the selectmen of the town of Edgartown, there be allowed and paid out of the treasury of the Commonwealth to said town, the sum of twenty-nine dollars and fifty cents.

Approved May 4, 1868.

Chap. 34.

Allowance of \$29.50 to Edgartown.

RESOLVE IN FAVOR OF ABIAH THOMAS.

Resolved, For reasons set forth in the petition of Abiah Thomas, that there be allowed and paid out of the treasury of the Commonwealth, to David R. Greene of the city of New Bedford, for the benefit of Abiah Thomas for the support of Jemima Easton, an Indian of the Deep Bottom tribe, residing in said city, the sum of two hundred and twenty dollars.

Approved May 4, 1868.

Chap. 35.

Allowance of \$220 for support of Jemima Easton.

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, the sum of one hundred dollars; for Sally Burr, of Boston, and her son James Burr, the sum of one hundred dollars; for Rebecca Davis, of Boston, the sum of one hundred dollars; for Charlotte E. Myers, the sum of one hundred and fifty dollars; for Polly Crowd, the sum of one hundred and two dollars; for Isaac Williams, the sum of one hundred and two dollars. Chapter six of the resolves of the year eighteen hundred and forty-five, chapter thirteen of the resolves of the year eighteen hundred and forty-six, and chapter fifteen of the resolves of the year eighteen hundred and fifty-three, are hereby repealed.

Approved May 5, 1868.

Chap. 36.

Allowance for benefit of sundry members of the tribe.

Repeal.

RESOLVE IN RELATION TO A STATUTE OF THE LATE JOHN A. ANDREW.

Resolved, That full consent and permission upon the part of the Commonwealth is hereby given to the application of Jacob Bigelow, William Gray, F. W. Lincoln, junior, Otis

Chap. 37.

Statute of John A. Andrew.

Norcross, William Amory, Samuel H. Walley, Francis Bacon and W. W. Clapp, to place a statue of the late John A. Andrew in a niche in the north-west corner of the doric hall of the state house.

Approved May 6, 1868.

Chap. 38.

Allowance of \$325 for military bounty.

RESOLVE IN FAVOR OF JOHN MURPHY.

Resolved, That for reasons set forth in the petition of John Murphy, 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 May 6, 1868.

Chap. 39.

Allowance of \$40,000.

RESOLVE IN FAVOR OF THE MOUNT HOLYOKE FEMALE SEMINARY.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the trustees of the Mount Holyoke Female Seminary, at South Hadley, the sum of forty thousand dollars.

Approved May 14, 1868.

Chap. 40.

Allowance of \$50,000.

RESOLVE CONCERNING CAPE COD HARBOR AT PROVINCETOWN.

Resolved, That there be allowed and paid out of the coast defence fund, a sum not exceeding fifty thousand dollars, in addition to the sum appropriated in the eighty-sixth chapter of the resolves of the year eighteen hundred and sixty-seven, and the same is hereby appropriated, to be expended agreeably to the provisions of said resolve.

Approved May 19, 1868.

Chap. 41.

Judge of probate for Suffolk may appoint trustee to sell real estate conveyed by deed of Sarah B. Hunting and others.

RESOLVE ON THE PETITION OF LYDIA BARROWS AND ANOTHER.

Resolved, For reasons set forth in the petition of Lydia Barrows and Horace Granville Barrows, that the judge of probate for the county of Suffolk, be and hereby is authorized and empowered to appoint some suitable person as trustee to sell and convey, at private sale, and to execute all necessary deeds and instruments to convey in fee simple to the Boston and Albany Railroad Company, certain real estate situate in the southerly part of the city of Boston, in said county of Suffolk, on the north side of a street called Orange Street, which said estate was conveyed by the deed of Sarah B. Hunting and others, dated November twenty-seven, in the year eighteen hundred and fifty-seven, recorded in the Suffolk registry of deeds, libro seven hundred and twenty-eight, folio ninety-nine, whereto reference may be had; and to re-invest the proceeds thereof in other real estate in said Boston, to be subject to the same uses and ultimate disposal as is provided in the last will and testament of Rufus L. Barrus, of said Boston, physician, deceased, respecting certain real estate situate in the northerly part of the city of Boston, in said county of Suffolk, on a street

called Bennett Street, which said last-mentioned real estate was devised and bequeathed by said last will and testament to Lydia Barrows during her life or widowhood; then to Horace Granville Barrows during his life; and then to the heirs of the said Horace Granville in fee simple; said property being described in said will recorded in the probate office in said county of Suffolk, the same having been sold and the proceeds thereof re-invested in said first-mentioned real estate, under and in accordance with a resolve entitled "Resolve on the petition of Lydia Barrows and another," and approved on the fourth day of May, in the year eighteen hundred and fifty-seven: *provided*, that said trustee shall first give a bond to the judge of probate for said county of Suffolk, with surety or sureties satisfactory to said judge of probate, that he will faithfully execute the powers hereby given to him, to wit: to sell and re-invest as aforesaid.

Trustee to give bond.

Approved May 19, 1868.

RESOLVE IN FAVOR OF GIDEON HAYNES.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Gideon Haynes, warden of the state prison, such sum, not exceeding six hundred dollars, as the governor and council shall determine, for services rendered in the enlargement of the state prison, under chapter eight of the resolves of the year eighteen hundred and sixty-seven.

Approved May 19, 1868.

Chap. 42.

Allowance of \$600 for services.

RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH.

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, the further sum of six thousand dollars, to meet the necessary current expenses of that institution; and for the purpose of adding an infirmary, workshop, and other additional accommodations to said institution, the sum of nine thousand dollars, said last-named amount to be paid upon properly approved vouchers, and to be in addition to the amount appropriated for an infirmary by resolve, chapter thirty-one, of the year one thousand eight hundred and sixty-seven.

Approved May 19, 1868.

Chap. 43.

\$6,000 for current expenses.

\$9,000 for infirmary and workshop.

RESOLVE AUTHORIZING THE COMMISSIONERS OF THE COUNTY OF WORCESTER TO BORROW MONEY.

Resolved, That the commissioners of the county of Worcester are hereby authorized to borrow, on the credit of said county, a sum of money not exceeding ninety thousand dollars, to be expended in building a court house at Fitchburg.

Approved May 25, 1868.

Chap. 44.

\$90,000 for court house in Fitchburg.

Chap. 45. RESOLVE IN FAVOR OF THE DISCHARGED SOLDIERS' HOME.

Allowance of
\$15,000.

Payments to be
made as applied
for.

Surgeon-general
to be trustee and
to visit the
home, &c.

Report to be
made to legis-
lature in Janu-
ary next.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the discharged soldiers' home, located in Springfield Street, 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 fifteen 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; and *provided, further*, that the surgeon-general of this Commonwealth shall be, *ex officio*, an additional trustee on the part of the Commonwealth, and shall have the power to admit to and discharge from said soldiers' home; and it is hereby made his official duty to visit said home and examine the condition of the inmates at least once in four weeks.

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.

Approved May 25, 1868.

Chap. 46. RESOLVE CONCERNING UNIFORMS FURNISHED THE NINTH REGIMENT MASSACHUSETTS VOLUNTEERS IN THE YEAR EIGHTEEN HUNDRED AND SIXTY-ONE.

State agent at
Washington to
prosecute claim
for uniforms.

Resolved, That the governor request Gardner Tufts, Massachusetts state agent in Washington, to bring to the attention of the secretary of war the payment made by enlisted men of the ninth regiment Massachusetts volunteers, to the general government, for a uniform furnished to them by this Commonwealth in the year eighteen hundred and sixty-one, and if it shall be found that the men ought not to have paid for it, means be taken to have the money repaid to the men or to their legal heirs.

Approved May 25, 1868.

Chap. 47. RESOLVE MAKING AN APPROPRIATION FOR THE PURCHASE FOR THE UNITED STATES OF LAND AT POINT ALDERTON.

Allowance of
\$175 for land
for sea-wall.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Brevet Major-General John G. Foster, the sum of one hundred and seventy-five dollars, to be expended by him in the purchase for the United States of certain land at Point Alderton, required for the construction of a sea-wall, and the same is hereby appropriated.

Approved May 26, 1868.

RESOLVE IN FAVOR OF THE WASHINGTONIAN HOME.

Chap. 48.

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.

Report to be made to the legislature.

Approved May 27, 1868.

RESOLVES PROVIDING FOR THE PUBLICATION OF CERTAIN SPECIAL LAWS.

Chap. 49.

Resolved, That the special acts of this Commonwealth, passed from the year one thousand eight hundred and sixty, to the year one thousand eight hundred and sixty-five, both years inclusive, be collated and published under the direction of the secretary of the Commonwealth, in a volume as nearly as may be in conformity with the volumes of the special laws heretofore published, and that a full and complete index of the matter contained therein, be appended to said volume.

Special laws to be published.

Resolved, That two thousand copies of the special laws aforesaid shall be printed, and shall be distributed as follows: One hundred copies for the use of the various offices and committee rooms, and for the two branches of the legislature; two hundred copies for the state library, for duplicates and exchanges; one copy to each city and town in the Commonwealth; one copy to each member of the present legislature; one copy to each public and incorporated library in the Commonwealth, and the remaining copies to be disposed of by the secretary of the Commonwealth to individual purchasers at cost: *provided*, that no copies shall be sold for the purposes of re-sale.

Two thousand copies to be printed and distributed.

Approved June 4, 1868.

Proviso.

RESOLVE AUTHORIZING THE TRUSTEES OF THE NORTHAMPTON LUNATIC HOSPITAL TO EXCHANGE AND CONVEY CERTAIN LAND.

Chap. 50.

Resolved, That for the purpose of straightening the boundary line of land belonging to the Northampton lunatic hospital, and otherwise improving the same, the trustees of said institution be, and they hereby are authorized to exchange with, and convey to Samuel Day, such an amount of land, not exceeding three acres, as they may deem expedient, and receive a conveyance of an equivalent to the Commonwealth.

Boundary line of land to be straightened.

Approved June 4, 1868.

Chap. 51. RESOLVE AUTHORIZING THE COMMISSIONERS OF THE COUNTY OF BERKSHIRE TO LAY OUT A ROAD OVER CERTAIN LANDS OF THE COMMONWEALTH.

Highway may be laid out across Commonwealth's lands in Florida.

Resolved, That the commissioners of the county of Berkshire be and hereby are authorized to lay out and construct a highway over and across the lands belonging to the Commonwealth, situate in the town of Florida: *provided*, that the same be located and constructed to the acceptance of the commissioners on the Troy and Greenfield Railroad and Hoosac tunnel.

Approved June 4, 1868.

Chap. 52. RESOLVE IN FAVOR OF THE SPRINGFIELD HOME FOR FRIENDLESS WOMEN AND CHILDREN.

\$2,000 allowed, upon condition a like amount is raised by private donation.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two thousand dollars, to the Springfield home for friendless women and children: *provided*, 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 June 4, 1868.

Chap. 53. RESOLVE CONCERNING A FISH-WAY OVER OR AROUND THE DAM AT HOLYOKE, ON THE CONNECTICUT RIVER.

\$12,000 appropriated for fish-way over the dam at Holyoke.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, a sum not exceeding twelve thousand dollars, to be expended under the direction of the commissioners appointed under chapter two hundred and thirty-eight of the acts of eighteen hundred and sixty-six, in the construction of a fish-way over or around the dam at Holyoke, on the Connecticut River, in accordance with the provisions of said chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-six.

Approved June 4, 1868.

Chap. 54. RESOLVE TO AUTHORIZE THE PURCHASE AND DISTRIBUTION OF ONE THOUSAND COPIES OF SCHOULER'S HISTORY OF "MASSACHUSETTS IN THE REBELLION."

One thousand copies of Schouler's History to be purchased.

Resolved, That the secretary of the Commonwealth be, and he is hereby authorized and directed to purchase one thousand copies of a "History of Massachusetts in the Rebellion," by William Schouler, late adjutant-general, and cause the same to be distributed, or delivered on call, as follows, namely: to the state library, six copies; to each of the cities and towns of the Commonwealth, each incorporated

Distribution.

library association, and the several colleges and societies designated in the second section of chapter three of the General Statutes, except law library societies, one copy; to each officer, member and clerk of the executive, legislative, educational and military departments of the government, and the reporters for the press in regular attendance upon the legislature, severally, for the present year, one copy; to the library of congress, two copies; and to the libraries of the several states and territories of the United States, one copy each. And any remaining volumes of said book shall be in the custody of the secretary, and may be disposed of in such manner as the committee on printing, for the time being, shall approve.

Approved June 6, 1868.

RESOLVE IN FAVOR OF THE MARSHPEE SCHOOLS.

Chap. 55.

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.

§75 appropriated for schools at Marshpee.

Condition.

Approved June 6, 1868.

RESOLVE IN FAVOR OF SCHOOLS AMONG THE INDIANS OF GAY HEAD.

Chap. 56.

Resolved, That there be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, to the treasurer of the Gay Head district, the sum of one hundred and fifty dollars, to be applied to the support of schools among the Indians of Gay Head during the year eighteen hundred and sixty-eight, and said treasurer shall make a return of the expenditure of said money and the condition of the schools, to the board of education the present year; also that a further sum of fifty dollars be allowed and paid him for the purchase of school books for said schools; and also that the sixty dollars provided for in the General Statutes, chapter thirty-six, section five, be paid to the said treasurer.

§150 appropriated for schools at Gay Head.

Condition.

Approved June 6, 1868.

Chap. 57. RESOLVE CONCERNING THE IMPROVEMENTS AND REPAIRS OF THE STATE HOUSE.

Committee on repairs, &c., at State house, to sit during recess.

Resolved, That a special committee of five members of the house, with such as the senate may join, be appointed, who shall sit during the recess of the legislature, and shall be authorized to investigate all the affairs connected with the repairs and alterations of the state house, with power to examine into all contracts and purchases made therefor, and to send for persons and papers.

Repeal.

Chapter eighty-four of the resolves of the year eighteen hundred and sixty-seven is hereby repealed; but this repeal shall not affect the power or duty of the surviving commissioner to make settlement for work done under said resolve, and it shall be his duty to make a report in writing of his proceedings, and of the expense of the alterations, improvements and repairs in the state house, and of all expenses and payments made under direction of the commissioners in said resolve mentioned, with all payments made to or by them, and of all outstanding, unsettled liabilities and claims on account thereof, on or before the first day of September next, to the committee appointed under authority of this resolve; and said committee shall make a report of their investigations and proceedings to the next general court.

Commissioner to make report to committee.

Committee to report to legislature.

Approved June 8, 1868.

Chap. 58. RESOLVE IN RELATION TO THE RE-ARRANGEMENT OF THE SEATS IN THE REPRESENTATIVES' HALL.

Committee to make changes in the seats in representatives' hall, and to serve without pay.

Resolved, That the speaker of the house of representatives, the sergeant-at-arms and two members of the house, to be appointed by the speaker, shall constitute a commission to serve without pay, to make such change as they may think proper in the arrangement of the seats in the representatives' hall; and a sum not exceeding ten thousand dollars is hereby appropriated to defray the expense of such alterations as may be ordered. For the purposes of this resolve the operation of section twenty-three of chapter two of the General Statutes is hereby suspended. *Approved June 8, 1868.*

\$10,000 appropriated.

Chap. 59. RESOLVE IN FAVOR OF HERMAN HAUPT AND COMPANY.

\$53,000 allowed.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Herman Haupt and Company, the sum of fifty-three thousand dollars, in addition to the sum authorized to be allowed and paid to them by chapter seventy-seven of the resolves of the year eighteen hundred and sixty-seven; such payment to be made upon the terms and conditions contained in said resolve: *provided*, that the amount of said appropriation, together with the amount appropriated under chapter seventy-seven of the resolves of

— to be re-imbursed to treasury from Hoosac Tunnel scrip.

the year eighteen hundred and sixty-seven, shall be re-imbursed to the treasury by issuing scrip for the same as a part of the first issue of scrip, which may be hereafter made in aid of the completion of the Troy and Greenfield Railroad and Hoosac Tunnel; and *provided*, that a receipt in full of all claims of whatever kind or nature on the part of said Herman Haupt and Company be given by said party to the treasurer of the Commonwealth. *Approved June 9, 1868.*

RESOLVE IN FAVOR OF THE STATE ALMSHOUSE AT MONSON.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, the sum of five thousand dollars to the inspectors of the state almshouse and primary school, at Monson, for the purpose of purchasing a new boiler and to make necessary repairs on the buildings and fences, and for grading the yards of the institution. *Approved June 9, 1868.*

Chap. 60.

\$5,000 allowed for repairs, &c., at Monson State Almshouse.

RESOLVE IN FAVOR OF THE WIDOW OF JAMES CAPEN, DECEASED.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of eight hundred dollars to the widow of James Capen, deceased, late a member of the house of representatives, for his services the present session; and the same is hereby appropriated. *Approved June 10, 1868.*

Chap. 61.

\$800 to widow of James Capen.

RESOLVE IN FAVOR OF THE WIDOW AND MINOR CHILD OF JOHN H. BROOKS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth one thousand dollars to the widow and minor child of the late John H. Brooks, of Westfield, in the county of Hampden. *Approved June 10, 1868.*

Chap. 62.

\$1,000 to widow and child of John H. Brooks.

RESOLVE IN FAVOR OF GERSHOM B. WESTON.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to Gershom B. Weston, the sum of one hundred and fifty dollars, to defray the expenses of his sickness while a member of the senate for the present session, and until he is able to return home. *Approved June 10, 1868.*

Chap. 63.

\$150 for expense of sickness.

RESOLVE IN FAVOR OF THE MUSEUM OF COMPARATIVE ZOOLOGY AND WILLIAMS COLLEGE.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to the museum of comparative zoölogy and to the president and trustees of Williams college, each, the sum of seventy-five thousand dollars, to be expended under the direction of the trustees of said institutions respectively: *provided*, that the same shall be payable in yearly instalments of twenty-five thousand dollars to each institution; and *provided, also*, that the instalments as aforesaid shall be

Chap. 64.

\$75,000 each to Museum of Comparative Zo-ology and Williams College, on condition that like amounts be had by private subscription.

payable as soon as, and not before, a like amount is obtained for the same purpose by private subscription.

Approved June 10, 1868.

Chap. 65. RESOLVE FIXING THE COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, THE CHAPLAINS, THE MEMBERS OF THE EXECUTIVE COUNCIL, AND OF THE ASSISTANT-CLERKS OF THE LEGISLATURE.

Pay of members and officers of the legislature.

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 session; to the assistant-clerk of the senate, and the 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. To the clerks of the senate and house of representatives for additional clerical services in preparing the copy of the journals of the two houses, for printing, the sum of two hundred dollars each.

Approved June 10, 1868.

Chap. 66. RESOLVE IN RELATION TO THE COMPENSATION OF THE DOOR-KEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Pay of messengers, &c., of the legislature.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to each of the door-keepers, assistant door-keepers, and 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 present session, and to the chief door-keeper of the senate and house of representatives, one hundred dollars each, in addition.

Approved June 10, 1868.

Chap. 67. RESOLVE IN ADDITION TO A RESOLVE IN RELATION TO IMPROVEMENTS AND REPAIRS OF THE STATE HOUSE.

\$94,000 allowed for improvements and repairs at State house.

Resolved, That the sum of ninety-four thousand dollars be allowed and paid out of the treasury of the Commonwealth for the payments of the debts already contracted for labor and materials in the improvements and repairs of the state house: *provided,* no bill or claim shall be paid until the same shall have been approved by the committee appointed under a resolve passed at the present session, entitled a resolve concerning the improvements and repairs of the state house; and the same is hereby appropriated.

Approved June 11, 1863.

☞ The General Court of 1868 passed three hundred and fifty-two Acts and sixty-seven Resolves, which received the approval of the Governor. In addition to these, an Act to repeal chapter 249 of the Acts of the year 1865, entitled “An Act to establish a State Police,” and “An Act for the Better Enforcement of the Laws,” were laid before the Governor for revision and approval, and were returned by him to the House of Representatives—in which body they originated—with his objections thereto; and being put upon their final passage, in the manner provided by the constitution, two-thirds of the members present, and voting thereon, having voted in the affirmative, the Acts were thereupon sent to the Senate, and being put upon their final passage, two-thirds of the senators present and voting thereon having failed to agree “to pass the same,” they were declared lost, and thereby without force and effect.

“An Act to incorporate the Maverick Bridge Company,” and “An Act repealing a part of the eighty-seventh chapter of the Acts of the year eighteen hundred and fifty-two,” were laid before the Governor, and returned by him to the Senate—where they originated—with his objections thereto, when two-thirds of the members of each branch of the legislature having voted in the affirmative, the same have the force of law.

“An Act to regulate the sale of Intoxicating Liquors” was laid before the Governor, and having failed of his approval, and not having been returned within five days after receiving the same, the legislature not having adjourned in the meantime, said Act acquired the force of law, and has been so certified.

The legislature was prorogued on Friday, June 12, the session having occupied one hundred and sixty-four days.

ACTS OF 1868 CLASSIFIED.

General Statutes, or Acts of a public character, . . .	130
Special Acts, relating to individuals and corporations, . . .	225
	<hr/>
	355

INAUGURAL ADDRESS

OF

HIS EXCELLENCY ALEXANDER H. BULLOCK.

At twelve o'clock on Friday, the third 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

ADDRESS.

*Gentlemen of the Senate and
of the House of Representatives :*

It may well awaken our patriotic pride that we convene, at the beginning of a new year, public servants of a Commonwealth which is distinguished by independence, intelligence and contentment. Here also harmony, confidence and faith in the future prevail. No questions of the relations of the State with the National Union ; no doubts as to what we have done, or as to what we ought to do on the broad field of humanity and patriotism ; no fears of our public credit, which is subjected to little inquiry abroad because it is well sustained at home ; no general or particular apprehension as to our condition, or prospects, or duties, can disturb the reflections appropriate to this day and this occasion.

These facts ought, also, to quicken our sense of responsibility. Whatever we of this generation, as a part in the federal fraternity, have accomplished, and whatever as a local community we have attained, we owe largely to the virtues of our ancestors ; to their example of piety and morals ; to

their devotion to the welfare of the whole country ; to their support of education and philanthropy ; to their consistent practice of liberality and economy in all the affairs of state. We cannot afford to obscure, or forget, or neglect the lessons of our past. They are to us a sacred treasury of resources. The thought of these examples, the imitation of them, varying only to accord with changing time and circumstance, may wisely be a chief influence in our own policy and action.

FREE EDUCATION.

We best give effect to one of the highest of their examples, and we continue a policy which stood first and last with them, by granting a broad and ample support to the interests of popular education. The wisdom and the necessity of this, as an assurance of our civil and political strength among the States, were never more obvious than now. The well ordered finances and the concentrated and intense system of productive labor of the Commonwealth have done much to gain for it a renown in all parts of the world ; and these are dependent upon that mental training which has given to our industry its keenness, its energy and its transmitted life. But, beyond the tangible relations of the material arts, the conditions of our success and reputation at home and abroad depend in chief upon the manifestations of cultivated mind in every sphere of thought and action. This State, now a small spot among the divisions of the map, must rely mainly for a conspicuous part in the influences and forces of a great nation, upon its educated manhood ; educated for statesmanship, and government, and science, and industry. There are no boundaries to circumscribe a Commonwealth in which such culture exists in full development. This conquers prejudices, makes all sections one, and imparts to local history universality.

In calling your attention to our public condition, I rejoice, therefore, that it becomes my duty to state that never before, in periods of peace or of war, have the returns of the department of education been so encouraging as at this time. You will bear in mind that the last year has been one of thoughtfulness and apprehension in relation to finance ; and yet, while the premonitions of financial embarrassments have usually been caught quickly by our towns, at no time before have they exhibited a perception of public difficulty so well matched by an equal readiness for public duty and sacrifice. In no former period have the people of Massachusetts proved themselves so largely just, and considerate, and generous in promoting the cause of education. I do not think that the

returns of any previous year have illustrated such genuine progress. They indicate that the old system is at length reinvigorated by new ideas; and that the State is moving onward and upward, following the ancient example, but reinforcing it with the power of later and better methods.

It appears from the returns of the last year to the secretary of the Board of Education that two hundred and thirty-six thousand pupils have been in attendance in the public schools during an average time of eight months. Of this whole number less than twenty-six thousand were below five or over fifteen years of age. The number of teachers employed during the year has been nearly eight thousand; and the proportion of female teachers, now little short of seven-eighths of the whole, has been constantly increasing. This is a striking fact; not unsatisfactory when we consider that nearly the entire number of pupils in the free schools are between the ages of five and fifteen. We have now reached that stage in our public education when it is settled that instruction from female teachers is hereafter to prevail; and therefore it is that, having on two former occasions invited attention to the subject, I desire again to urge upon the people through their representatives, the absolute importance, as well as the simple justice, of a more liberal measure of compensation for the services of these teachers. The past year has witnessed an increase in this particular of about eight per cent. But the rates paid to female teachers in the whole State do not yet exceed one dollar per day, and fall far below those which the same people who support public schools and believe in them pay to uneducated laborers upon their farms and gardens. We may hail with satisfaction the ratio of increase in this respect which has occurred in the last three years, but not so much for what has yet been attained as for what we are encouraged to expect in the years to come. I am warranted, therefore, in once more urging the transcendent necessity of making larger compensation to the teachers of schools, because it is just, and because it will elevate not them alone, but also the schools and the whole people.

The amount raised by taxation during the year for the support of free education was \$2,355,505.96, an increase from the previous year of \$362,328.57. This is far in advance of any annual increase heretofore realized, and it has been accomplished at a time when the public burdens have begun to be sensibly felt by the citizens. I know not any better way in which to express the measure of sacrifice which the convictions of duty have brought this people to make, than the bare statement that the sum raised by taxes

during the last year for free education averaged nine dollars for each child in the State. If to these we add the returned expenses of private schools, the whole amount becomes \$3,160,665.94; which is equal to more than twelve dollars expended upon every boy and girl between five and fifteen years of age.

Accompanying all this increasing liberality in the support of public schools, there has been exhibited by teachers, and by a large class of citizens who have become interested in this subject, a growing and expanding spirit of inquiry. Methods of instruction, and all the generalities and particulars of the entire system, are subjected to open scrutiny and discussion. In all the callings of life the best modern thinkers are expending their most ingenious and laborious thoughts upon this field of investigation. In the wide range of topics which these inquiries have raised, by no means inconsiderable or unimportant has been that of the discipline and government of the public pupils; I call them public pupils because they are all such; though not taken from home or parentage, yet the wards of the State, under its beneficent and parental care.

One of the questions greatly discussed by the people, and in a large portion of the reports of the committees, has been that of the utility and wisdom of the practice of corporal punishment. Considering that about seven-eighths of all the public instructors are young women, it becomes important to them, and to more than two hundred and thirty-six thousand children in their charge, that the least possible measure of this mode of discipline should be practised. In my semi-annual visits to the four Normal schools, where I have had occasion to counsel three hundred young women going forth to the responsibilities of public teachers, I have not refrained from a free expression of the opinion, which I cherish as a conviction, that a Christian civilization, a just and large humanity, and a progressive policy of education, call for the very general disuse of corporal punishment in the schools of Massachusetts.

FINANCIAL CONDITION AND PROSPECTS.

The financial interests of the State will necessarily command the earnest attention of the Legislature. Never has there been more pressing need of carefulness and deliberation in the application and disposal of public resources, and in the preservation of the State and National credit. The present condition of our own finances will render the demand for wise legislation more than ever imperative.

With the resources at our command, there need be no obstacle nor even embarrassment in the way of prompt and efficient measures to secure the highest welfare of the people, without imposing heavy pecuniary burdens. Having this purpose in view, after thorough inquiry into the whole subject, I am enabled to submit for the consideration of the Legislature the three following propositions:—

First, The funding of all present temporary and floating liabilities;

Second, Such provision as shall not fail to make sure the redemption at maturity of such additional funded debt, together with all present outstanding funded liabilities for the payment of which no provision has heretofore been made;

Third, The establishment of sinking funds to be derived out of resources already at our disposal, and in such amount as, with their accumulations, will secure that result without a resort to taxation.

That these propositions are practicable and can be made available for the accomplishment of the purposes which I have mentioned, will clearly appear from the statement of the present condition of the public debt and resources of the Commonwealth, which I have the honor to submit for the information and action of the Legislature.

The Funded Debt and Provisions for its Redemption.

Of that portion of the funded debt of the Commonwealth, including loans to the Western, Norwich and Worcester, and Eastern Railroad Corporations, and amounting, on the first of January

current, to	\$22,943,760 00
the payment of	21,605,760 00

is amply secured by sinking funds, bonds, mortgages and collaterals, the accumulations of the former being in some instances much more than sufficient for the redemption at maturity of the scrip for which they were established and pledged.

The scrip loaned to the Troy and Greenfield Railroad Corporation, amounting to \$1,720,680, is not included in the foregoing statement of funded debt. The redemption of this scrip was originally provided for in the establishment of the Troy and Greenfield Railroad Loan Sinking Fund, and its securities, now amounting to \$93,454.48, still remain in the custody of the Treasurer and Receiver-General.

The payment of this loan, however, is guaranteed beyond a peradventure in the pledged faith of the Commonwealth, in which is now vested absolute title to the road and its appurtenances. But in accordance with the long established and sound financial policy of Massachusetts, I have no hesitancy in recommending the resuscitation of this sinking fund, to be increased and supplied from such resources as the Legislature may designate, and in such amount as shall insure means for the redemption of past and future issues of scrip for the payment of expenses involved in the completion of the road and tunnel.

That portion of the funded debt for which no special provision has been made, is now	\$1,338,000 00
One of the principal items included in this sum is the Coast Defence Loan, for the redemption of which special provision should be made, amounting to	888,000 00

The Coast Defence Loan was authorized by chapter 118 of the Acts of 1863, and of the proceeds derived therefrom there remains in the treasury, unappropriated, the sum of \$359,062.28. The whole amount expended in the purchase of ordnance, repair and equipment of coast defences, and for the protection of harbors, &c., is thus far \$432,187.72; and of the appropriation of \$100,000 made by the Legislature of 1867 for the protection and preservation of Cape Cod Harbor, at Provincetown, the sum of \$97,000 still remains subject to the requisition of the Commissioners as the work progresses. The amount, therefore, either actually expended or allowed for coast defences and protection of harbors is now \$528,937.72, leaving the unappropriated balance as before stated.

During the year 1866, a portion of the ordnance purchased with this loan was sold, and the proceeds, amounting to \$165,836.58, were paid into the State treasury. In the absence of any provision establishing a sinking fund for the redemption of the Coast Defence scrip, this money was placed to the credit of the ordinary revenue. As a measure tending directly and effectually to strengthen and advance the high credit already attained by Massachusetts at home and abroad, I earnestly recommend that this sum be set apart as the nucleus of a sinking fund pledged for the redemption of this scrip, which matures in 1883. To the fund thus created, enough should be added, either from the unappropriated balance remaining in the treasury to the credit of the Coast Defence Loan, or from the proceeds of re-imburement soon

expected from the United States government for coast defence expenditure, to make an amount which, with its legitimate accumulations, will be sufficient for the desired purpose. If from the three sources above indicated,—the first two of which exhibit nearly \$525,000 in hand,—a Coast Defence Loan Sinking Fund of \$366,000 were now established, the amount at six per cent. interest will redeem the entire loan at maturity, and that without a single dollar of taxation; while of the original assets, a large sum will yet remain applicable to such uses as the Legislature shall see fit to elect.

The Union Loan Sinking Fund, including the increased market value of its securities, is now nearly sufficient for the payment of the Union Fund Loan of \$3,600,000, which matures in various instalments from 1871 to 1878. This fund, as I am confidently assured from official sources, will very soon receive an accession of more than eight hundred thousand dollars from the general government, in further re-imbusement of expenses incurred by Massachusetts on account of the war, upwards of six hundred thousand dollars of which is expected to be allowed in the course of the coming month. With this accession, the fund will be more than half a million of dollars in excess of the sum required for the payment of the Union Fund Loan. But under the provisions of the Acts establishing this fund, its accumulations, however needless, must continue, unless the Legislature shall direct their transfer to some other sinking fund where they may well be applied to the redemption of the public debt.

It is thus apparent that the surplusage from these sources alone, viz. : the Union Loan Sinking Fund and the balance of the proceeds of the Coast Defence Loan remaining after the creation of a Coast Defence Loan Sinking Fund, as before suggested, together with the amount to be re-imbursed by the United States, cannot in all probability be less than *one million of dollars*, an amount which, if merged into a new sinking fund, would, with its certain accumulations, be quite sufficient for the payment, at an early day, of all the present funded and unfunded liabilities of the Commonwealth for which no provision has yet been made. I think no considerate legislator can fail to be impressed with the fact, that if a sinking fund, embracing such means, and pledged for such a purpose, were to be created, the financial interests of the State and of its people would be very materially and successfully promoted.

The Unfunded Debt,

Represented by temporary loans and floating liabilities, amounted on the first of the present month to about . . . \$1,908,120 00

This indebtedness has accrued mainly from large and necessary advances in excess of the issue of scrip to meet expenses incurred, during the last four years, in the prosecution of the work on the Troy and Greenfield Railroad and Hoosac Tunnel; from the re-imbusement of aid furnished by cities and towns to Massachusetts volunteers and their families, for which, in 1864 and 1865, inadequate provision was made in the assessment of the annual State taxes; from large and liberal expenditures authorized by acts of special legislation in excess of previous and well considered estimates, this excess amounting in the year 1867 alone to more than . . . \$844,454 00

from the largely increased interest on the public debt, and from the heavy premium on gold, the former amounting, in 1867, to 1,264,592 48 and the latter to . . . 275,933 93

showing an aggregate of more than *two million three hundred and eighty-four thousand nine hundred and eighty dollars.*

As an additional explanation of the sources from which the present unfunded liabilities have arisen, it may be stated that the interest accruing upon the various loans of the Commonwealth has increased from \$112,773 43 in 1861, to 1,264,592 48 in 1867; while, during the same period, there has been paid from the treasury as premium on gold, upwards of 1,566,480 70 the two items of interest and premium amounting to . . . 6,096,977 30

Of this sum there has been paid as interest on temporary loans, rendered imperatively necessary by the pressing exigencies of war and special legislation, not less than \$935,793.48, which, with the premium on gold, making an aggregate of \$2,494,029.74, could not have been anticipated with any degree of accuracy. Consequently, this heavy and extraordinary outlay has been but partially provided for in the basis of taxation.

It should also be remembered that the exceptional or extraordinary expenditures authorized by acts of special legislation, in excess of previous estimates, amounted, in the

years 1865, 1866 and 1867, to \$1,290,134. These sums include, of course, the additional cost of the legislative sessions, the compensation and expenses for which, in 1867 alone, were upwards of \$284,800 ; also the increase required for the maintenance of other departments and in aid of numerous objects, including among the latter, the amounts authorized for remodelling the State House and for other public buildings, and for improvements in Boston Harbor. The last two alone involve an expenditure of nearly *half a million* dollars ; while the maximum estimate for special allowances provided for in the State tax, was less than \$100,000 (the estimate for the Troy and Greenfield Railroad and Hoosac Tunnel being entirely excluded from this statement.)

Upon careful and critical investigation of the whole subject, I suggest two methods for the retirement or payment of the existing unfunded loans and liabilities, affording, at the same time, effectual and much needed relief from the present burden of taxation.

One of these is the issue of a loan similar to that of 1861, for funding the public debt, the liquidation of such loan to be provided for in the sinking fund already proposed from the surplus accumulations of the funds heretofore named. These surplus amounts will readily furnish sufficient means for a sinking fund, which, with reasonable income from investment, will secure the redemption of at least three millions of scrip within the ordinary limit of maturity.

The other method of relief is the issue of the balance of scrip, amounting to \$479,320, authorized by the provisions of chapter 226 of the Acts of 1854, and by subsequent Acts, for the construction and completion of the Troy and Greenfield Railroad and Hoosac Tunnel. Should this course be adopted, I recommend an addition to the amount by such further issue of scrip on the same account, in accordance with the provisions of chapter 304 of the Acts of 1867, as may be necessary to absorb that portion of the unfunded debt, now amounting to \$2,300,000, which has accrued from advances in excess of former issues of scrip in aid of this enterprise ; such further issue to include also whatever appropriation the Legislature shall see fit to make in this behalf for the present year.

The liquidation at maturity of a loan of this character may be easily provided for in the Troy and Greenfield Railroad Loan Sinking Fund already recommended. With the requisite legislation authorizing the Treasurer and Receiver-General to issue such scrip under the direction of the

Governor and Council, the Ordinary Revenue of the Commonwealth, from which such large advances have been made for this work, may be re-imbursed, and the amount, thus restored to its original and legitimate use may be applied to the payment of ordinary expenses, obviating thereby necessity for heavy taxation.

Of the practicability of either of these methods of relief, there would seem to be no question. The adoption of one or the other must be effectual in the restoration of two or three millions of dollars, which the necessities of the last four years have diverted from the ordinary uses of the government; while, with the aid most certain to accrue from such restoration to the treasury, together with the usual ordinary resources of the Commonwealth, swelling up an aggregate of more than three millions of dollars, it can hardly be possible that the expenditures of the current year will require a State tax exceeding two millions of dollars.

I have all the more confidence in the realization of this result, in the assurance that a loan authorized upon the basis proposed will command approval and favorable negotiation; nor will it increase the funded debt of the Commonwealth, since, during the present year, a large portion of the Western Railroad Loan will mature and be paid, as will also instalments of the Northampton Lunatic Hospital Loan and of the Five and Six Per Cent. Loans of 1861, for all of which provision is made, the cash on hand in the treasury being applicable to the payment of the last two. With the proceeds of the loan recommended, estimated at only two millions, together with the ordinary revenue of the year, say one million two hundred thousand dollars, and a State tax of two millions, with such portion of the cash on hand as may be made applicable to the payment of current expenses, the whole amounting to upwards of five millions of dollars, it will be seen that the treasury will be fully supplied with means with which to meet all estimated ordinary expenditure.

THE STATE CHARITIES.

In company with the Executive Council I have visited the several institutions of public charity as often as official business would permit, and I take pleasure in commending their appearance and general management. The unceasing injunctions to economy and retrenchment, proceeding from the Executive department, and from their own immediate supervisors, have been scrupulously regarded; and till prices regain their former level but little more can be expected, or

in justice to the inmates should be required, in the reduction of expenditure, except through unceasing vigilance in removing at once those who are not justly chargeable to the Commonwealth. And this policy is insisted upon, not from motives of economy alone, though it is the safety-valve of our whole system, but on the broad ground of that comprehensive humanity which recognizes the assurance of an acknowledged and permanent home, in case of disability, as the truest interest and safest protection of the poor. Few of our people know and still fewer appreciate the force of the fact that the number of lunatics and paupers we annually remove from the State is equal to the average number we support, and that any omission or relaxation of effort in this direction would not only nearly double our outlay for current expenses, but would cause a demand at once for new buildings and their costly equipment. For the year 1867, the average number of State paupers in the almshouses, including the inmates of the State Workhouse and Primary School, has been 1,717, maintained at a cost of about \$165,000; and of lunatics supported by the State in the hospitals, a little over 500, costing \$95,000 more; yet during the same period 2,149 have been removed from the Commonwealth at a cost of less than \$10,000. The whole number of these classes removed since 1857 is about 20,000, and the direct consequences have been that no more public institutions have been established, but that one of those then existing has been closed; that the average number of paupers supported in the State Almshouses has been reduced from 2,294 in 1856, to 1,717 in 1867, a decrease of 577, or 25 per cent.; and their cost from \$173,000 in gold in 1856, to \$165,000 in currency in 1867; that the number of State lunatics, notwithstanding the large access chargeable to the rebellion, has not materially increased, and will soon fall below the number of twelve years ago; and that the entire net cost of our State paupers proper, that is, those supported in the State Almshouses and Lunatic Hospitals, and relieved or buried by the cities and towns, does not exceed \$280,000 for the present year. That system surely must have some efficiency which has met the results of twelve years' growth in population, encountered the obstacles arising from civil war and the derangement of the currency, and brought us through all so successfully that its actual cost in gold for the year just expired is less by many thousands than in 1855.

The classification of the inmates of the State Almshouses, designated by law and put in force in the Autumn of 1866, continues to work well in practice. In these Institutions we

have now four classes of persons: 1st, the chronic insane and the imbecile, numbering about 275; 2d, those entering the Almshouses from poverty induced by their own vicious indulgences, and sentenced to the State Workhouse, now averaging about 225; 3d, the children at the Primary School, numbering upwards of 400; and 4th, the paupers proper, of whom we have supported an average of between 700 and 800. This classification is not yet completed, but it is surely if slowly progressing, and we shall soon have virtually in place of the four pauper establishments, one State Almshouse, one Asylum for the Insane, one penal and one educational institution, containing together fewer inmates, and maintained at considerably less expense than under the former plan. That no inconvenience may befall the towns in the Southern and Western sections of the State, temporary accommodations are provided at Bridgewater and Monson, for the few paupers they may have occasion to send thither. The object of this classification, is to separate the virtuous poor and especially the children from contact with the vicious, to give the children proper instruction, and to place them as soon as possible in suitable families, to the end that in social relations and the public school they may forget their pauperism. And the design of our whole system of charities, as administered by its supervising Board, I conceive to be the retaining of every person, as far as may be, in his natural condition in society; if he loses it, his restoration thereto at the earliest moment; if by infirmity of body or mind he cannot regain it, his support by local means in that manner which shall most nearly approach it in the vicinity of his friends, and among familiar associations. Failing all this, the maintenance of a comfortable Almshouse for the honest poor,—whence strangers shall be sent promptly to their homes in other communities—and of a house of toil for the vicious, who shall there be taught that they cannot prey with impunity on the earnings of honorable labor. These principles seem sound in theory, practicable in execution, conducive to the greatest happiness of our dependent classes, and likely to promote a judicious economy.

The closing of the Hospital at Rainsford Island, which was finally accomplished one year ago, has resulted most advantageously to the State. There has been no increase of admissions to the other institutions by reason thereof, and its disuse has occasioned no embarrassment whatsoever. The really sick, who would ordinarily have been sent thither, have been provided for by the authorities of Boston, and the cost of this provision, with the entire outlay for the salary of

the Superintendent, and necessary repairs, falls short of \$8,000; while, previous to the adoption of this policy, the expenditures at the island averaged some \$30,000 a year.

The Lunatic Hospitals have been managed with their usual efficiency, and present no noticeable feature, unless it be the extraordinary increase of the admissions from the general population, which have risen from 508 in 1865 to 662 in 1867. Their cost to the Commonwealth varies with the number of State Lunatic paupers, and with the rate of board, which is fixed yearly by the Legislature. At the present time the number of State Lunatics is 510, the price of board \$3.50 per week, and the annual cost about \$93,000. The necessity for an additional Hospital, which seemed at one time inevitable, has been averted by removals from the State and by the establishment of the Asylum at Tewksbury, whither the surplus of the harmless incurables is transferred, and where they are kindly cared for.

All these institutions have been carefully supervised by the Board of State Charities, whose officers have examined and removed their inmates, looked after the immigration into the Commonwealth, executed the laws of settlement, and performed the other manifold duties assigned by statute to this Board. They have met all their expenses for the year from their receipts, and have paid into the treasury a surplus of over \$5,000.

Institutions of Private Charities.

For the condition and progress of the several Institutions of Charity aided by the State, to an amount exceeding in the aggregate \$80,000, which might perhaps be judiciously lessened, I must refer you, with a single exception, to their Annual Reports.

CORRECTIONS AND REFORMS.

The State Prison.

I am happy to state that the sudden increase of crime co-incident with the close of the civil war has at last culminated, and that a sure but steady decrease has begun. The number of commitments to the State Prison the past year was 128, being less than the average of 38 years, whereas in 1866 it was 247. The expiration of contracts for labor, and their renewal at prices comparatively remunerative, have wrought an entire change in the finances of the prison, which during the past year has earned about \$21,000 over

all expenses. The kindly interest of the excellent warden, manifested in so many efforts for the encouragement of the prisoners to walk in the better way, and for their intellectual and moral culture, has not passed unnoticed. It is due to him to say that he enjoys, as he merits, my entire confidence.

Institutions of Reform.

The institutions of juvenile reform are the Massachusetts Nautical School, the State Reform School for boys at Westborough, and the State Industrial School for girls at Lancaster. The average number in these reformatories was 687 in 1866 and 752 in 1867. Their expenses for the past year are more than \$140,000, an excess of at least \$20,000 over the outlay of the previous year. This increase of juvenile offenders, not only in our institutions where it is limited by the insufficient accommodations, but throughout the community, as well as this fast growing expenditure, is calculated to excite our serious alarm. Already the inmates of these schools approximate in number to the aggregate of our State paupers proper, and exhibit an average cost for each pupil nearly twice as large. It may well be considered whether there is not something radically unsound in our modes of dealing with a question so vital to every community as the preservation of the morals of its youth; and whether a portion of the large and annually growing sum demanded for the cure of a disease already progressed so far, might not be expended more profitably in efforts for its prevention. It is also worthy of inquiry whether the inmates of these establishments perform an amount of labor proportionate to their age and productive capacities. Though of slight consequence to the State in the way of re-imbusement, this is of infinite importance to themselves for the preservation of health and for acquiring power of application and the habit of daily toil. I am impressed with the conviction that we should advance no further in providing for this class of offenders at the expense of the State, either by creating a new establishment, or enlarging any one existing; and that, like other petty criminals, these should be dealt with by the local authorities, who are quite as likely to understand their individual peculiarities, and to manage them with good judgment, economy and humanity.

THE CLARKE INSTITUTION FOR DEAF MUTES.

In my last annual message I had the honor to recommend that provision be made for the instruction of the deaf mutes

of the Commonwealth, within our limits, and to add my conviction that legislative action in this direction would develop rich sources of private beneficence. In response to this suggestion, the Legislature granted an Act of incorporation to the Clarke Institute for Deaf Mutes, located at Northampton, which was organized in July last, and was formally opened for the purposes of instruction on the first day of October.

My anticipations of private assistance were speedily realized; and to a venerable citizen of the Commonwealth, whose name the Institution most appropriately bears, it is indebted for the most liberal endowment ever made to a similar institution upon this continent. In coming years, when we shall have passed away, and our agency in this labor of love shall have been forgotten, successive generations of the silent restored to speech will articulate with gratitude the name of John Clarke, of Northampton, who, in faith, hope and charity, has devoted so large a portion of the accumulation of a life of honorable industry to a work of Christian philanthropy. I have no doubt that other generous citizens of the Commonwealth will respond to this act of munificence, and that before many years shall have elapsed, no child of Massachusetts will be compelled to seek the means of instruction beyond her limits. In company with members of the Executive Council and several officers of the State, I have recently visited this school, which, in recognition of her self-sacrificing devotion to this class of unfortunates, has been intrusted to an enthusiastic and experienced teacher, Harriet B. Rogers.

Although the school had been in operation but a few weeks, the progress of the pupils was not only satisfactory in the highest degree, but excited the admiration of experienced instructors among the visitors. I have no hesitation in urging the Legislature to cherish it kindly; to remove gradually such restrictions in regard to age or continuance of study as a wise caution has at first thrown around them; and to assign to it such an increased proportion of the usual appropriation for deaf mutes as its growing numbers may require, beyond the income of its endowment. In view of the fact that it is an educational institution, and on that ground is intrusted to the supervision of the Board of Education, and because it is the duty of the Commonwealth to furnish to all its children an education at the public expense, I suggest that future appropriations for its aid be drawn from the school fund of Massachusetts to the end that compliance with a public right may not be accounted as public charity.

THE LAWS OF SETTLEMENT.

For some years past urgent representations have been made, not only by men of philanthropic instincts, but of practical knowledge and experience, that the Laws of Settlement of this Commonwealth are neither in accordance with the spirit of the age nor adapted to the present constitution of our society.

The right of settlement or legal residence seems to be based on the theory that contribution by an individual to the public wealth or welfare, and bearing for a specified period his proportion of the common burdens, should entitle himself, his family and posterity to public aid or support in the days of their disability. It is a species of mutual insurance interwoven in the social compact, and no disgrace can properly attach to the enjoyment of its benefits, unless the disability proceed from an unworthy cause. Our earliest settlers brought with them from the mother country this familiar institution, and speedily provided for it in colonial and provincial laws. As in a new country interest and policy demanded the ready acquisition of all the rights of domicile and citizenship they ordained, as the condition of settlement in a town, at first three months' and afterward one year's residence of the individual without being "warned out" of its limits, or receiving public assistance during that period. And this settlement once gained in any town within the colony or province was never to be defeated or lost, save by the gaining of a new settlement in some other town in the same colony or province.

I am informed that, as early as 1639, provision was made for lawfully settling all poor and unsettled persons, and that the first instance of State pauperism, so called, mentioned in the history of Massachusetts, occurred in the time of King Philip's war, when the ruined and houseless inhabitants of the ravaged districts were distributed by the General Court for maintenance among other towns of the colony. So early did our forefathers initiate the principle which has nearly ever since pervaded the legislation of Massachusetts on this subject, and which, in my judgment, can be extended yet farther with advantage,—that it is better that paupers should be chargeable upon towns than upon the State. But after the lapse of a hundred and fifty years, a denser and more varied population and the upheaving of ancient landmarks by the Revolutionary war induced a change, and nearly three-quarters of a century ago new and more stringent regulations were adopted; borrowed in the main from the English code, and constituting substantially our present system. The

principal requisitions to settlement are now residence for ten successive years without receiving public aid, with the payment of all taxes assessed for State, county or town purposes for any five years during that time, or the residing upon one's own real estate for three successive years,—the party always being a citizen and of lawful age. These conditions might have been well suited to the needs of an agricultural and commercial population, secure in its own permanence. But the progress of manufactures among us has developed new and unforeseen relations towards our countrymen from other States, while Immigration has imposed new duties toward our brethren from other lands. Both classes, seeking homes among us, have added largely to our productive energies and material wealth; but for both, the conditions of acquiring settlement are far too onerous. Compelled to follow the ebb and flow of the demand for labor, they can hardly maintain an uninterrupted residence of ten years in a single town; or, if perchance they accomplish it, some wary official will omit to assess them for the fifth time, or abate a tax with ready lenity. Large numbers are thus, in ignorance of their rights, deprived of the residence they are on the point of acquiring,—and after a sober and industrious life, in the infirmity of age, are given over to a State almshouse. Meanwhile our permanent and settled population has been gradually and surely decreasing, its young men having removed southward and westward, and peopled new States from the loins of Massachusetts. And so far has this process advanced of rapid decrease and slow increase of settled residents that competent judges avow their conviction that already our settled population numbers less than one-half of the people of the State.

Thus we are steadily departing from the wise policy of our fathers, by insisting on these rigid regulations, when the century that gave birth to them has passed away, and in declining to recognize the changed circumstances of a new era. We are sundering localities. We are destroying the family relation, breaking up and dispersing households perhaps never to meet again. We are multiplying the number of juvenile offenders, whose disposal and management are already a problem that puzzles our wisest and most experienced men. We are depriving communities of labor, that should be as permanent and available as the natural laws of supply and demand will allow. We are aggregating our poor in huge institutions, intensifying every defect, and violating sanitary laws. We are destroying all their ambition, demoralizing and permanently pauperizing them. In short, we

are infringing just principles of political economy, and piling up a huge burden for the finances of the State.

Moved by these pressing representations of thoughtful, humane and experienced men, I was induced to give the subject such investigation as I was able, but soon discovered that a far-seeing and true-hearted man had trodden the path before me. In his last annual message Governor Andrew earnestly advised a revision of the laws of settlement and proposed specific additions. These, I regret to say, were with one exception defeated in Committee, on the ground that the present statutes had been thoroughly adjudicated and that any change would give rise to embarrassing litigation. But I concur entirely with my predecessor that decisions and precedents and reverence for ancient forms of law must not stand in the way of sound political economy, humanity and morality. I have therefore the honor to renew most of his suggestions, with others which farther inquiry has developed, and bespeak for them your earnest consideration. It will be observed that these propositions point rather to an extension than an alteration of the present statutes, and are not likely to provoke any serious litigation.

1. Aliens, having completed all the other conditions of settlement, except the act of naturalization, shall enjoy the same privileges in that regard as the native born. If the theory is correct that service rendered should entitle to legal residence, no accidents of birth or color or race or sex should bar any from equal rights of acquisition and enjoyment. In limiting this privilege to citizens Massachusetts stands almost if not entirely alone among the States. This should no longer be permitted. In her justice and her charity she should recognize no frontiers but those of humanity itself.

2. A method should be provided whereby single women may gain a settlement. After useful and guileless lives of industry and self-sacrifice, we should not permit them in their advancing age and infirmity, to be torn away from the friends and associations and homes of half a century, to linger out the remnant in a State Almshouse.

3. Cities and towns should be prohibited under penalty from sending to a State Almshouse, or otherwise charging upon the Commonwealth, any person whose paternal settlement is obscure, but who has a well known maternal settlement. I am assured by the officers of our charities that the rights of citizens, in this respect, are not sufficiently protected by the Statutes.

4. I recommend careful inquiry whether the prerequisite of ten years' continuous residence may not safely be reduced

at least to the maximum of the neighboring States. Maine requires but five years' residence, New York but one, and, if my information is correct, the maximum of the others is seven. And further, I suggest whether assessors shall be permitted to prevent the acquisition of a settlement by omission to impose a tax, or abatement of any already laid. I cannot doubt that a great amount of hardship will be averted by these two changes alone.

5. I earnestly recommend a thorough investigation of the expediency of encouraging the towns to assist at home worthy and industrious families which have no settlement, with a partial or full re-imbusement from the State, in the same manner and under the same supervision as that now adopted for the relief of the sick poor therein. It is clear to my apprehension that the grant of a little temporary aid, in the way of fuel or supplies, may save the maintenance of the entire household for months in a public institution.

6. And, finally, I have to call the attention of the Legislature to a remarkable anomaly, which requires their immediate interference for the protection of our own tax-payers. While our settled residents number only a few hundred thousand, we are yet, by our own laws, responsible for the support of all the descendants of every man and woman who has ever gained or derived a settlement within our limits, who must surely be counted by millions. No matter if centuries have elapsed since one of the family set foot on our soil, the obligation is still the same, and wherever they may be scattered over the face of the earth, their sick, their insane, their defectives, their paupers may return to Massachusetts to be supported by the town of original settlement. And although they may have acquired a subsequent settlement in another State, in towns where they will be acknowledged and provided for, yet our own Statutes, as the Attorney-General informs us in a most elaborate and able treatise, forbid us to remove them except with their free consent. Two or three illustrations will suffice. One hundred years ago a resident of a small town in the county of Worcester whose political sentiments, according to tradition, were obnoxious to his fellow-citizens, emigrated to a neighboring State, where he lived and died, and his descendants after him to the fourth generation, all having settlements in that State, and nearly all being owners of the soil. A few years since one of his great-grandsons returned to Massachusetts, became insane, and was sent to a Lunatic Hospital at a cost to the small town above named, whence his ancestor originated, of about twelve hundred dollars up to this time, and of two

hundred dollars a year, in addition, as long as he may live. He cannot legally be returned to his own birthplace and the home of his fathers for four generations. About 1743 a family left a small town in the county of Bristol and gained settlements successively in three other New England States, never returning to reside in Massachusetts. One hundred and eighteen years afterward four idiot members of this family were returned to this State to be supported by the ancestral town at an expense of not less than six hundred dollars a year. A town in the county of Norfolk, by virtue of an ancestral settlement, is now compelled to support a lunatic who escaped a few months since from the Almshouse of his native city, where his legal residence is undisputed. It is just that our people should be relieved of these burdens, which no other State imposes on its citizens. And I therefore recommend the early adoption of a provision allowing such persons to be returned to the place of subsequent settlement.

Aware of my inability to treat, as it deserves, a subject so intricate and delicate, I trust that I have said enough to induce at least the initiation in this Legislature of a more liberal policy toward our industrial classes.

In view of the importance of friendly and harmonious legislation on immigration, pauperism and settlement throughout New England, I have authorized the officers of our charities to confer with the Executives or Legislatures of the other States, and to take measures, if possible, to secure it. New Hampshire has already responded by Resolution of her Legislature, and I should be gratified if our own would formally sanction the individual action of her Executive authorities.

THE MILITIA.

The number of men present at the last fall encampments of the Volunteer militia was five thousand seven hundred and fifty-three; an increase from the attendance in the previous year of nearly seven hundred. It is my opportunity and pleasure to assure you, from my personal observation, that the appearance and service of the force during the five days of camp duty were in the highest degree creditable. One-third of the present number of enrolled men have served the United States in the recent war, and their cheerful enlistment into our volunteer companies entitles them to the grateful appreciation of all citizens. The laws relating to our military system, as they stand since the amendments made by the last Legislature, work apparently well, and no essential revision appears to be necessary.

The change of the period of camp service, from three days to five, has in the single experiment made under it manifested most satisfactory results. Upon a recent occasion of popular demonstration towards a distinguished officer of the army of the United States, Major General Sheridan, nearly five thousand of these men, of their own volition and without pay, performed the duty of escort; and I do not speak with language of extravagance in saying that never before has the militia of Massachusetts, by a thoroughness of discipline and practice, and an entire absence of ostentation, so well justified to every observer the expenditure necessary to maintain this organization for our protection and defence.

The number of companies which now constitute this arm of the public service comprises ninety-two of Infantry, six of Cavalry, and four of Artillery. The amount expended for military bounties and for armories has been nearly ten thousand dollars below the appropriations made by the last General Court.

The annual cost of maintaining such a force as the present, under existing laws, is not far from one hundred and fifty thousand dollars. However large this sum may appear, it is my deliberate judgment, formed in the light of the lessons of experience, and with a full knowledge of the present admirable condition of the force, that no item of public expenditure is better justified than this. I challenge comparison from all the States of an equal amount expended and an equal array of results accomplished.

The public stores in the arsenal at Cambridge are now in excellent condition, and it will be the pleasure of the patriotic officer in charge to exhibit the buildings and military material at any time to the members of the General Court.

TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

In my communication to the Legislature one year ago I stated that under direction of Chapter two hundred and ninety-three of the Acts of 1866 the construction of the railroad between Greenfield and the Tunnel had been contracted for, and that a lease of the same had been executed under the approval of the Executive Council. The road has now been completed as far as Shelburne Falls, a distance of thirteen miles, and the corporations, lessees, have commenced the running of regular trains. It was formally opened two months ago, and the great attendance of people, and the deep interest manifested by them in the first advent of the

locomotive into the valley of the Deerfield, afforded striking proof of the value fixed by the whole population of the North-Western portion of the State upon their new connection with general commerce. The remaining portion of the line, extending from the Falls to the mountain, seventeen miles in length, will be finished in the next summer, and will constitute the completion of a road of thirty miles, built at a fair cost and holding a strong relation to the interests of the whole public.

The progress of the work upon the Tunnel itself, though prosecuted at some points under adverse circumstances, has as a whole been highly encouraging for the future. During the year a contract was made with three experienced men for work on the Central Shaft and the East End, but after a sufficient trial it appeared that the parties would be unable to execute it, and the relinquishment of the contract was accepted by the Governor and Council and operations at those points were resumed by the State.

The prosecution of the work at the Central Shaft was arrested in October by the destruction of the buildings and machinery by fire, which was also attended by a lamentable loss of human life. Measures have been commenced for the earliest replacement of the fixtures, and for the continuance of that excavation. Notwithstanding this and other drawbacks, there was at this point in a period of twelve months an increase of progress over the preceding, of seventy-six feet.

At the West End, which, under a policy initiated by Mr. Brooks, the former chairman of the Commissioners, has been worked upon the contract system for nearly a year and a half by the very efficient contractor, there has been a good advance and reasonable success. The original contract has been repeated upon terms more favorable to the State, and its execution promises every anticipated result.

At the West Shaft, upon the two linear headings, there has been a decrease of advance compared with the corresponding months of the previous year, of one hundred and twelve feet. This loss has come from the great influx of water without a pumping capacity to dispose of it. A policy, in this particular, intended for economy, has in my judgment been found to be erroneous, and I cannot doubt that it would have been a true economy to have provided one year ago at a greater expense for larger and more efficient pumps. But the knowledge of present difficulties has now prepared the Commissioners to meet them with a proper application of power to overcome them. The obstacle of

water can be and will be overcome, and a rate of advance corresponding to the prosperous results realized at the East End may be expected.

At the East End the linear advance has been within the year one thousand and fifty-one feet, showing an increase over the previous year of four hundred and fifty-nine feet. The drills have proved an entire success, and this class of machines will be soon introduced into the West Shaft, where they should accomplish similar results.

The Report of the Commissioners and that of the consulting Engineer will be transmitted to the Legislature at an early day. The consulting Engineer, Mr. Benjamin H. Latrobe, has, during the year, visited the Tunnel of the Alps, and has presented in his report a variety of facts learned there which will be found to possess much interest. That great work has now proceeded nearly twenty-five thousand linear feet, leaving fifteen thousand yet to be accomplished. That enterprise, like our own, was beset with many difficulties in its earlier stages; but by a constantly accelerating progress from year to year, it has attained a result of nearly four thousand feet in the nine months preceding last October. After weighing carefully all the unfavorable as well as the favorable circumstances which surround our own work, it is my firm belief that a similar acceleration may be expected here; and that this undertaking can be finished within the time and cost estimated by Mr. Latrobe in his report for 1866, which will be found stated in my last address to the two Houses.

AGRICULTURE—THE AGRICULTURAL COLLEGE.

The success of farm labor has been signal, notwithstanding the adverse character of the seasons. The display of stock and products at the public fairs in the autumn was gratifying, and the number of people who gave attendance was without parallel in the past years. It is manifest that while the pursuits of trade and the practical arts obey tendencies to centralization in the cities and large towns, yet of the population thus massed together for business a proportion constantly increasing choose homes in the country with the attractions of rural life. Such expend much of their time, their capital, and their faculties upon experimental agriculture and horticulture. The influence of this has been already perceived in the improvement of the quality of stock, and in a larger development of the productive capacity of our soil. Simultaneously, and not less benefi-

cent, has been the effect of this change in the modes of life, of a large and influential class of citizens upon the character of our whole population, creating ties of common interest and sympathy between classes hitherto in many respects widely differing; displacing jealousies by the substitution of good will, and extending harmony through the social and industrial relations of all.

The last General Court added four to the number of incorporated agricultural Societies, making twenty-nine in all. It may well be doubted whether of these there are not now quite enough for their own efficiency and for the public finances. Many of these bodies are already well supplied with means, and scarcely need the aid of bounty from the treasury. I suggest for your consideration, whether a reduction in the amount of the bounties might not wisely be effected by encouraging one-half of the societies in alternate years, and by limiting the patronage of the State to biennial exhibitions instead of annual. Doubtless annual shows would still continue to be held.

The annual report of the Massachusetts Agricultural College will in due time be submitted to the General Court. This institution was established by the Legislature of 1863, upon the foundation of the grant by Congress of three hundred and sixty thousand acres of the public lands. The proceeds of the sale of one-tenth of these were allowed for the purchase of a farm, and two-thirds of the income of the fund obtained by the sale of the remaining nine-tenths was given to the College as an endowment. So far as I am informed, our own is the only State which has applied the gift from Congress to the purposes of education explicitly and wholly in the interest of agriculture. In October last the institution established in the town of Amherst was opened for the reception of pupils, who already number forty-seven, comparing favorably in every respect with the classes in the other colleges of the State. It has been the policy of the trustees, to apply the sum of seventy-five thousand dollars, pledged by the town of Amherst, to the erection of buildings requisite to carry out the experiment; and such buildings have been completed and are now used to their full capacity by the first class that has entered. A plant house has been constructed upon a liberal scale, at a cost of ten thousand dollars, given for that purpose by Mr. Nathan Durfee, a public-spirited citizen of Fall River. The whole sum already invested in the College is \$275,000. A detailed statement of the plans of study and management of the institution, the operations upon the farm, and the general

success thus far of a system of agricultural education which combines theory and practice, will be found in the report of the Trustees.

I am aware that this whole enterprise is in its beginning regarded by many with that kind of incredulity which is too apt to disparage all great experiments; but the College has been established by the Commonwealth, and the magnitude of the amount invested, the public demand for more liberal training of those who will devote themselves to this too long neglected class of industrial pursuits, and the demonstrated tendency of every school of learning in the interest of practical labor to increase the wealth and improve the character of the people, call for the exercise of a large patience and liberality in awaiting and judging the results. The well approved character of the president and other officers of the institution is a guaranty that the experiment will not fail for want of zeal or ability in its friends.

BANKS FOR SAVINGS.

I have been greatly impressed by the results returned to me by the Commissioner of the Institutions for Savings. It appears that in October last the amount of deposits in one hundred and eight savings institutions was more than eighty millions of dollars, \$80,431,583.71; with a surplus of earnings on hand of \$3,172,877.01; making an aggregate of \$83,604,460.72. Of this sum five-eighths have accumulated within the last ten years. This amount exceeds the paid-in capital of all the National banks in Massachusetts by more than three and a half millions of dollars. The increase of deposits during the year has been \$12,699,319.40 against an increase of \$7,795,781.79 in the previous year. The cause of this extraordinary increase may in part be found in the facts, that these institutions have very generally raised their ordinary rate of interest, and that they have paid large extra dividends during the past three years, which they have been enabled to make by reason of their income from National Bank stocks, (one-eighth of which in this Commonwealth they own,) and from interest and premiums upon United States and State securities.

I shall not venture to indulge in conjectures or speculations concerning the future prospects of these institutions, in the present unsettled condition of the financial policy of the federal government. One thing is quite evident; that however others may reason about the national securities and the national credit, there are in Massachusetts three hundred

forty-eight thousand five hundred and ninety-three persons, depositors in the banks of savings, who are by that relation the owners of thirty millions of federal bonds and eleven millions of national bank stocks, which is one-half of the whole of their deposits, and to whom it is of vital importance that the government of the United States should keep good faith with its creditors.

Under the operation of the law relating to the rate of interest, enacted by the last General Court, the savings banks almost without exception have charged seven per cent. upon their loans; and this practice appears to have been entirely satisfactory to borrowers. One result which I commend to the attention of our citizens is expressed by the fact that five millions [5,000,000] have recently been loaned by these institutions upon the security of mortgages of real estate. I hear from many parts of the Commonwealth that there is a drift of opinion in favor of extending the line of loans in this direction; and in my judgment this must be received as one but not an inconsiderable proof of the practical benefits of this change of the laws of usury.

THE INLAND FISHERIES.

I invite your favorable attention to the very interesting report of the commissioners on fisheries. The Lowell and Lawrence fishways were opened last spring with such success that during the summer both salmon and shad were taken near Nashua in New Hampshire, for the first time since 1849. Since their completion, that State, having made successful experiments with spawn, and taken measures to restock the Merrimack with salmon, awaits only the construction of fishways over our mill-dams on the Connecticut, to stock that river also. By the report of the commissioners it appears that the proprietors of the dams at Hadley's and Turner's Falls on the Connecticut, withhold, or positively refuse, that co-operation which the mill-owners of Lawrence and Lowell were glad to afford. I ask your consideration whether it is not possible to overcome by legislation the difficulties which the commissioners recite, arising from the indifference or opposition of the proprietors at Hadley's Falls. The movement to restock the New England rivers with useful fish is one in which all the New England States, except Rhode Island, are engaged, through commissioners who have associated themselves informally into one common board in order to insure harmony of action. In respect to the Merrimack and the Connecticut, its success depends on harmony of legislation between the States traversed by those rivers. Having

pledged ourselves to Vermont, New Hampshire and Connecticut, to co-operate with them for this common object, I cannot but think that those States will have reasonable cause of complaint if we shall neglect to remedy the obstacles on the Connecticut River for which we, as a State, are in part responsible by having incorporated the proprietors who have built the dams; and if, after consideration, it shall seem to you to be impracticable or injudicious to require them to remedy at their own cost the damage to the fisheries which the dams are causing, then I see no other course than to construct a fishway at Hadley's Falls at the expense of the Commonwealth according to the estimate of the commissioners. The State of Connecticut has passed an act prohibiting the taking of shad in the Connecticut River at any season of the year except during the three months following March 15, and prohibiting the taking of salmon there absolutely until March 15, 1872; but on the condition that Massachusetts, at the present session of the General Court, shall prescribe the same limitations on the taking of those fish in that part of the river which lies within our territory. I cordially advise concurrence in this legislation.

I commend to especial attention those portions of the commissioners' report relating to the artificial propagation of fish, and to the experiments of Mr. Seth Green, at Holyoke, which it treats with great earnestness. The subject is one not of mere scientific interest, but of great practical importance to all classes of our people by its bearing on the prices and supply of food. If the results attained by Mr. Green, of increasing the production of fish seventy-fold by artificial breeding are capable of general repetition, it opens a new and very important field of productive industry, of the value of which the commissioners afford significant indications by reference to the value of the inland fisheries of Scotland, Ireland and Wales. In 1863, those countries, with an area about equal to New England, furnished to the London market alone 3,712,016 pounds of salmon, worth more than a million dollars; the fishing-rental of the river Tay alone for 1864 was \$75,000 gold; and these results, considerable though they may appear, have been greatly surpassed in later years during which the artificial breeding of fish has been more extensively and intelligently prosecuted.

STATE AGENCY AT WASHINGTON.

I beg to recommend the renewal of an appropriation for the support of the State agency at Washington. The past year has been the first, since the agency was established, dur-

ing which Massachusetts has had no troops in service in the field ; but with the close of the war arose a large business in the prosecution of our soldiers' claims for bounties, pensions, and arrears of pay, and in the investigations necessary to correct and certify the military records of the adjutant-general's office, which has kept the agency constantly and usefully employed. On December 1, 1866, it had in its charge 2,316 unsettled claims of our soldiers. During the year which ended December 1, 1867, 2,697 additional claims were prosecuted by it, almost all of them being received through the office of the Surgeon-General of the State ; and 1,879 claims were finally settled, on which there were collected from the United States for the claimants \$203,458.41. The number of unsettled claims now in its charge is therefore more than three thousand. During the past year it has also ascertained and certified for the records of the adjutant-general's office the military history of 3,719 men. The total of its expenses for the year has been less than seventy-five hundred dollars. I am satisfied that among all the benevolent expenditures of the State, none is productive of more good at less cost. The amount of money which the agency has saved to poor families of soldiers, who otherwise would have been preyed upon by dishonest claim-agents, exceeds many times the expense of its support, to say nothing of the ease of mind it affords to such poor people by the consciousness that their affairs are in the hands of officers of approved character, responsible to the Commonwealth for their conduct. In other ways also the experience of our State agent at Washington has been availed of, especially in regard to the preparation and settlement of the claims of Massachusetts on the general government for re-imbusement of military outlays, to which I have alluded elsewhere. The time, doubtless, is not far distant, when the agency may be discontinued ; but for the present, I am persuaded that its continuance is needful. I refer you to the report of the Surgeon-General for an account in detail of its business and expenses.

THE PAYMASTER AND BOUNTIES.

At the commencement of the present year I directed the Paymaster's department to be finally discontinued, believing that the payment of any bounties subject to call may reasonably be conducted through the permanent departments of the government ; at the same time employing a single person to complete the records of that office which will be absolutely essential in years to come.

Of the bounties still purporting to be due and uncalled for, a large portion date back two, three, four or more years. Considering the extensive desertions in the last years of the war in connection with the bounty system, and bounty brokerage in its various modes of fraud, it may be reasonably assumed that in a great number of cases those who might have claimed these bounties uncalled for, were deserters, knowing that they have forfeited the allowance to which actual service would have entitled them. In the last two years many instances have occurred of claimants and others ascertaining the names of soldiers having sums of money standing to their credit on the rolls, and then manufacturing evidence upon which to secure the payment of the same. In some cases, when rejected by the Executive, these have been urged upon the Legislature, generally without success. You will permit me to suggest a close scrutiny of any such claims which may be presented during the present session. Desiring to do substantial justice to the soldiers and to the treasury, I have directed the Paymaster to turn over to the Adjutant-General for revision all bounty rolls in his possession which accrued under the jurisdiction of the provost-marshal, all other rolls having been previously transferred for the same purpose. I have also requested the Treasurer to furnish to the Adjutant-General for that purpose a descriptive list of all to whom full or monthly bounties still appear to be due on his unpaid rolls, and not himself to make further payment of the same unless duly certified on new and properly approved rolls. This course will unquestionably accomplish justice to all, and will legitimately close up what remains of this great account.

THE HARBOR OF BOSTON.

Much has been done and still more proposed during the past year for the benefit of Boston Harbor. Immediately after the appointment of the Harbor Commissioners in 1866, they caused surveys to be made by their engineer, Mr. Albert Boschke, to ascertain what ought to be done for the protection and improvement of the lower harbor. These surveys were made with great care. Mr. Boschke's estimate of the expense of the necessary works amounted in the aggregate to something more than a million dollars. The plan of the whole work was approved by Major-General A. A. Humphreys, Chief Engineer of the United States Army, and recommended by the Secretary of War.

At the final session of the last Congress the Harbor Commissioners presented a petition for an appropriation to

protect and improve the outer harbor. The necessity of the aid sought being apparent, Congress granted an appropriation of three hundred and seventy-five thousand dollars for the "preservation and improvements of Boston Harbor." This grant of Congress has enabled Major-General Benham to continue the construction of the sea-wall on the Great Brewster, which it is hoped, will prevent further waste of the island and further extension of the Spit.

Other works, under the skillful superintendence of Major-General J. G. Foster, which will be of the greatest benefit to the lower harbor, have been ingeniously and successfully prosecuted. Two rocks,—known as Tower Rock and Corwin Rock,—very dangerous to ships of great draft, lay in a narrow part of the main ship channel. The entire removal of the Tower Rock to a depth of more than twenty-three feet below low-water, and the partial destruction of the Corwin Rock, have been already effected. The deepening and widening of the main ship channel in another narrow part, by cutting off a portion of Lovell's Island, has also been begun under the charge of the same able officer, and will, together with the destruction of the Corwin Rock as far as necessary, be finished, it is believed, in the ensuing season. For the details of these and other interesting operations, begun and planned to protect and improve the lower harbor, I refer to the Harbor Commissioners' Report. I congratulate the Commonwealth on having secured the co-operation of the United States to such an extent in aid of our navigation.

For the continuation of these important operations, the Secretary of War has recommended to the present Congress an appropriation of \$287,000. There is every reason to hope that the work so well begun will be consummated by the United States, as I am sure we have a right to expect.

Good progress has been made in establishing the basis upon which the projected improvement of the South Boston Flats shall be made. In the year 1866, the Legislature adopted a plan for the improvement of these flats, the execution of which in its essential features would involve a very considerable extension of the wharves on the Boston side of Fort Point Channel, and a filling up of the flats on the south side of the channel, after enclosing them by a sea-wall which would be available in the construction of wharves and docks bordering on the deep water of the harbor. But occupation of the flats in this manner was believed to involve, also, the necessity of large and very expensive excavations in Charles and Mystic Rivers, the most effective tidal reservoirs of Boston

Harbor, to compensate for the water displaced by the proposed filling, and so to preserve the scouring force of the tide. It was feared, if this system of compensation was an inseparable part of the plan, that all the profits to the Commonwealth aside from the improvement itself, would be swallowed up in the necessary measures for preventing the injuries that must result to the harbor from the displacement of so much tide-water. Fortunately, however, for the immediate pecuniary success of this great enterprise, new investigations have been made and a conclusion has been reached, having the high sanction of distinguished scientific men, that an equivalent for compensation for tide-water displaced, much cheaper than compensation in kind can be obtained, 1. By dredging certain portions of the main channel of the harbor to the depth of twenty-three feet below mean low-water and using the material so dredged to fill up the South Boston Flats which lie in close proximity; 2. By the guarantee of the Commonwealth to defray out of the profits of the enterprise the expense of annually removing by dredging such accumulations in the channel as may take place. The income of half a million of dollars it is thought will be sufficient for the complete protection of the harbor, and should such a sum be set aside by the Commonwealth for this object, there will undoubtedly still remain a larger surplus of pecuniary profit accruing to the State. For the purpose of making this improvement the Legislature of the past year authorized the Harbor Commissioners to contract for the construction of a continuous sea-wall on the south side of Fort Point Channel on a line parallel with the line as laid down upon the plan adopted by the General Court. They also provided for the appointment of an engineer who should determine the line of the wall and prepare the plan and specifications for building it. Two hundred thousand dollars were appropriated for the work. By the provisions of the law the location of the line of the wall by the engineer, his plans and specifications, and the contract for the work to be executed by the Board of Harbor Commissioners, were all made subject to the approval of the Governor and Council; while the construction of the work was placed in charge of the engineer under the direction of the board. Under this Act I appointed Mr. George R. Baldwin, an engineer of experience in this kind of work. The Commissioners were also authorized to change the lines of Fort Point Channel as laid down on the legislative plan of 1866, in order that, by conveying the channel nearer the Boston side, the requisite extension of wharves might be reduced to the lowest amount

and the area of improved flats on the other side of the channel enlarged. This change in the line the Commissioners have made.

After considerable discussion before the Executive Council I have approved a line for the wall running fifty feet inside of the outer line of the legislative plan of 1866, and parallel with it,—a space of about fifty feet width being reserved for the construction of platforms at the ends of the wharves that will be built upon this improved land. My reason for approving this line is that the intention of the Legislature, derived from the construction of the statute under which the Executive was to act as well as from the explicit testimony of the members of the Legislature who framed the law, seemed to be that the wall should be built on or near the line approved. If, however, the wall is to be built upon this line the cost will be very much larger than the \$200,000 appropriated for its construction, and the Legislature will be obliged to increase the appropriation, or give to the board of Harbor Commissioners, who are charged with the duty of building this wall, authority to pay for it in land which shall be filled in.

Moreover, in order to make this wall and improved territory available for commercial purposes, the Commissioners should have authority to build, not a continuous wall, but a wall which shall serve as the outer wall of wharves, separated by docks, whenever they may be wanted along the deep water front of the land improved. It is also to be borne in mind that it is important for the security of Boston Harbor that the extension of the wharves on the Boston side of Fort Point Channel should be secured during the progress of these works.

I have thought it advisable not to approve any contracts before the meeting of the Legislature, but to lay the whole matter before you, that you may give the requisite authority to the board having the construction of the wall in charge, for building it in such a manner that it may be available for commerce and of value to the State, and that the means may be provided for paying for it at the cost at which it must be built, either by further appropriation or in land to be created by this improvement.

CAPE COD HARBOR.

By chapter eighty-six of the Resolves of 1867 a sum not exceeding one hundred thousand dollars was allowed and appropriated to the protection and preservation of the Har-

bor at Provincetown, to be expended by Commissioners upon plans approved by the Governor and Council. At an early day the Commissioners provided by the Resolve were appointed and they have since industriously attended to the grave duty assigned to them. Quite recently their report, with plans and models, has been submitted, and it will be transmitted to you for information and for such further action as in your wisdom may seem proper. The eminent engineer who has made the necessary surveys and whose judgment upon the subject is embodied in the report, has now retired from the commission; but his presence as a member of the House of Representatives will enable the Legislature to become familiar with the exigencies of the case. The report presents the urgent necessity of immediate action by somebody, either on the part of the State or the Federal government, for protecting this harbor from the rapid wearing of the sea. I have been constrained to decline any action upon the plans reported, because the estimates of the cost of the work, if carried out in the manner recommended by the Commissioners, exceed by fifty thousand dollars the amount allowed by the Resolve. You will permit me to invite your early attention to the subject; for if the State is to prosecute the undertaking it will be essential, both for the object itself and for economy in attaining it, that contracts for material may be made during the present season.

THE PROHIBITORY LAW.

In a free Commonwealth the will of the people must be acknowledged, respected and obeyed as the supreme law of the land. After ample consideration and free discussion, they have expressed at the ballot box their emphatic disapproval of the prohibitory law, so called, with its present penalties and methods of enforcement. Precisely what policy shall be adopted in its stead they have not so distinctly intimated. But it is to be supposed that the representatives of their own selection, fresh from the popular assemblies, have been made fully aware of the sentiments and desires of their immediate constituents.

Under these circumstances, it would be presumptuous in me, however decided my convictions, to propose and maintain a policy which might conflict with the expressed pleasure of the people.

In response to an order of inquiry addressed to me by the House of Representatives of 1867, I had the honor to state that "It is not for the chief executive magistrate to assume

at his discretion, in one instance to enforce, and in another instance to suspend, existing laws. For this would be virtually to exercise legislative power;" and further, that "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." By the principles expressed in that communication I propose steadfastly to abide; and accordingly I respectfully refer this whole question, so momentous in its relations, and so interesting to the people, to the careful deliberation and wise judgment of their representatives in the General Court.

I must, however, be permitted to record my deliberate conviction that the moral and religious sentiment of our community will not tolerate the absence of all legislative provisions regarding the traffic in intoxicating drinks, but demands its restraint, regulation, control, by positive enactment. And further, that no statute will command the respect and permanent support of the people of Massachusetts, which shall conflict with the paramount claims of industry, sobriety and good order, or be inconsistent with their reputation as an intelligent and Christian Commonwealth.

THE STATE CONSTABULARY.

I shall have the honor to transmit to the Legislature the Report of Major Edward J. Jones, the Constable of the Commonwealth, (a conscientious and efficient officer, who has my confidence,) with the accompanying statistics exhibiting in detail the operations of his force for the past year.

As a magistrate, responsible for the administration of the laws, I cannot pass by in silence this record of faithful service rendered in the execution of an enactment the justice and expediency of which are questioned by so many citizens of intelligence and probity.

The great majority of the Constabulary is composed of veterans of the Army and Navy, many of them disabled in the service of the country and all of them presenting an honorable military record. They have been inured by martial discipline to unquestioning obedience to orders, whether in fulfilling the duties of the camp, or facing the dangers of the field. Hence, doubtless, they have performed the duties assigned them with an exactness and a stringency novel to citizens unfamiliar with military methods and unused to summary proceedings. But it must be remembered that whether in carrying out the specialties of a particular law,

or in encountering the desperate burglar or midnight assassin, or in threading as detectives the intricacies of crime, they have for the most part displayed coolness, alacrity and skill. Then, "since we punish not the sword itself, the instrument of the law," it is unjust that obloquy should fall on those who have discharged their disagreeable and often painful duties with courage and discretion. It is also unjust that they should suffer in the public esteem by reason of the incapacity, infidelity, or rashness of a few, whose counterparts are to be found in all similar bodies, and who were introduced to the Constabulary by the efforts of eminent men both among the friends and opponents of the policy they were expected to enforce. That I should say this much, is due not only to meritorious men, faithful to a public trust under reproach and contumely, but also to the cause of law and order, which must be sustained and vindicated in its dignity and integrity by the support of its administrative officers.

It is well known that my lamented predecessor, when called upon to interpose the power of the Commonwealth in an exigency affecting the right of free speech in the City of Boston, found himself without any civil force whatsoever for the maintenance of public order. In his last special message to the Legislature he took occasion to use the following language in relation to the Constabulary: "I should be unfaithful to the people of Massachusetts, if I omitted to declare the opinion, resulting from five years' experience in executive affairs, that the maintenance of such a civil force, directly responsible to the chief executive magistrate, is of high importance, and will yet prove essential to the Commonwealth. This opinion has no especial connection with any class of legislative enactments. All the laws may be altered or repealed the infractions of which led to this establishment, yet still it would be needful, unless it is deemed best to leave the chief magistrate without power to execute the laws." These words of advice emanating from the clear head and true heart of him who has left us, will doubtless have their due weight with the people of the State and with their representatives; and it will be for your wisdom to determine whether the minimum of this force, as fixed by the original Act establishing it, shall not be retained to aid in the preservation of the public peace and to carry out with efficiency such provisions of law, if any, as you may choose to substitute for those now existing.

NATURAL HISTORY.

Under the provisions of Chapter thirty-two of the Resolves of 1867, I appointed Mr. William G. Binney, one of the best of American naturalists, to edit and arrange the republication of the Report on the Invertebrate Animals of Massachusetts, which had been before authorized by Chapter forty-four of the Resolves of 1865; a work which had been left unfinished by the death of the late Dr. A. A. Gould. No compensation is asked or expected for this important labor. The appropriation of \$4,000 made by Chapter two hundred and eighty-two of the Acts of 1865 was reaffirmed by the Resolve of 1867, and it was provided that the work should be done as nearly as possible in accordance with the plans and views of the original author.

Mr. Binney, who was appointed with the full concurrence of the representatives of Dr. Gould, has entered upon his duties and made informal reports of his progress, from which it appears that an additional appropriation of \$4,000 will be necessary to bring out the work in a style creditable to the State and uniform with the other works of a similar character which we have published, and which have helped to give to this Commonwealth a reputation for liberal culture in other countries. This additional cost results in part from the fact that the original estimates were made some years ago, when everything connected with book-making was much cheaper than now; in part from the fact that the present editor has been able to procure many additional drawings for illustrations which should be included in the work; and somewhat from the fact that the original copperplates on which Mr. Gould depended, cannot be found, although every effort has been made to discover them, and which, unless soon discovered, it will be necessary to replace. If they shall be found the whole of this additional \$4,000 will not be required. I also respectfully suggest further legislation relative to the distribution of the books when published.

THE STATE HOUSE.

The Legislature of the last year provided for a thorough change in the condition of this building, and for additional and more commodious rooms for the committees of its two branches. Improvements had long been needful to the health and comfort of the members of the Legislature and of the various officers and clerks who pass here the business hours of every year. By an inadvertence, the main outlay necessary to the prosecution of the work was not provided

for in any bill of appropriation; but the commissioners rightly judged it to be their duty to proceed at once with the undertaking, relying on the present General Court to appropriate the money. The President of the Senate and the Speaker of the House of Representatives were invested with full powers to direct and carry on the whole work. The late day of the final adjournment of the Legislature postponed the commencement of active operations till July; and consequently the progress which has been made, which I am sure must satisfy if it does not surprise us, has been accomplished within the brief period of six months.

Of the assiduity and fidelity with which the commissioners have performed their duty, it has been my own opportunity to be a daily witness, and it is my pleasure to make public mention of it upon this occasion. The President of the Senate, the Honorable Joseph A. Pond, was suddenly removed by death in October last. The Speaker of the House of Representatives, the Honorable James M. Stone, has therefore been obliged to discharge alone the difficult and responsible task of the commission. I think you will concur with me that he has performed these functions with extraordinary success, and I am confident that no better officer could have been intrusted with the completion of the entire work and the settlement with all the contractors. The State House, thus changed to the great benefit of the public, may reasonably be expected to satisfy the essential wants of the present generation, with only inconsiderable additional expense to repair damages by weather and time.

THE NATION.

The close of the conflict for national unity finds the country perplexed by questions of finance, and confused by the uncertainties of the future. In these embarrassments the people of this Commonwealth, from the wide extent of their commercial relations, inevitably share. But the great principles of civil liberty transplanted to her soil, cherished through the lapse of centuries, and ever maintained by the treasure and the blood of her sons, have been vindicated in the contest. As then, faithful to her traditions, she was the first to assert their supremacy on hostile soil, so may she, as a Christian Commonwealth, be the first to recognize the new duties of a conquered peace. Suffering severely as they must from the waste and material loss of the conflict, her people cannot forget that the work of the warrior is done, and that the duties of the statesman have begun. I am

sure that they will agree with me that no word is to be retracted, no principle compromised. But I am equally sure that they will remember that it is of vital import to our citizens that the waste of war should be repaired, that our productive energies should be fully employed,—every spindle set in motion, every laborer supplied with work. I am confident, too, that in accordance with the teachings of their pious fathers, while fidelity to freedom forbids them to forget, they will admit their duty to forgive, and that magnanimity to the defeated is not necessarily compromise of principle.

We have destroyed involuntary servitude. We have manumitted a race of men and conceded to them equality of civil and political rights. In the exercise of these rights in the proceedings of the conventions in the Southern States, which they have mainly controlled, I believe that, after making due allowances, they have displayed a praiseworthy moderation. It is a sacred duty to insure them protection in the enjoyment of the rights we have guaranteed. But we must also remember that there are millions of the white race who cannot and must not always be retained in the position of abject foes; millions whose productive labor is necessary for the discharge of national obligations which must never be repudiated, and whose good will and co-operation are essential to a complete and thorough re-union. Let us then hear no more of confiscation and attainder for the Southern masses. Let us make an end of illiberal and unfriendly legislation, and while compromising no principle for which we have contended let us restore those lately in rebellion to equality of rights as speedily as is consistent with the national safety.

The present obstacles to re-construction must come to a speedy end, whether interposed by unrepentant rebels, by a President who does not make treason odious, or by those whom his policy has deluded into renewed resistance. The welfare and the will of the people require it. They demand peace; peace from turmoil of mind, as well as from turmoil of war; peace for their finances, for their industry, for their commerce; and, having the determination and the power, there is no mistaking the agency by which they intend to enforce it. If embittered men refuse to accept the boon that is proffered, the responsibility, the shame and the ruinous consequences will be theirs alone. If they are so blind to their own interests as to incite hostility between races, they will find that the nation is strong; that the nation will maintain its guarantees. No rights of loyal men will be surrendered to effect any settlement whatsoever. Equality of rights and universal suffrage are irreversible facts. The

wheels of revolution do not roll backward. In the march of civilization and democratic ideas, this nation takes no backward step.

ULYSSES S. GRANT.

It is the record of history that in great public crises the instinct of a nation points with unerring sagacity to some man of the people whom they adopt at once, in assurance of faith, as their chosen champion and deliverer; and by a natural law this abiding confidence is through its own soothing power the surest guaranty of success.

In this dark hour of national exigency we have need of a leader whose integrity is uncorrupted by political associations and whose patriotism has not permitted him to descend to the arena of partisan warfare; of a tried leader of undaunted courage, who will be swayed neither by popular passion nor sectional prejudice; of a man of cautious reticence, who has no inconsistencies to explain, no policies to maintain, no theories to promulgate; of a leader who comprehends the position and relations of all sections of our common country, and who will bring to the administration of public affairs executive ability, economical ideas, a clear head and an honest heart.

It is manifest that it is the same Providence which brought us safely through the storm of war, that moves this whole people now with singular unanimity to recognize in a plain, unpretending citizen him whose energy, discretion and exalted patriotism will restore peace and prosperity to discordant States and a distracted land. The man for the crisis—the man for the hour—the man of the people—is ULYSSES S. GRANT. Before his pre-eminent fitness for the high office to which a grateful nation would elevate him, let personal preferences yield, let faction subside, that peace, good will and union may once more and forever abide throughout the Republic!

JOHN ALBION ANDREW.

Within a few weeks past the people have been deeply affected by the death of JOHN ALBION ANDREW. His remarkable abilities, his political and professional eminence, his protracted and arduous service in a high public trust during a period of unprecedented difficulties, have caused his death to be universally lamented and have earned for him an enduring place in our history. His honesty and courage, his sagacity and simplicity, his kindness and frankness, his

fidelity to friends and generosity to all, the purity of his life and the patriotism of his principles, have already surrounded his name and memory with testimonials of respect and affection such as are rarely witnessed. The records of the Executive Department of this Commonwealth will bear perpetual testimony to his labors. So great and various duties as fell to him have not happened to any chief magistrate before, and could not have come to any other more safely than to him. In the performance of duty, nothing moved him; he marched directly forward upon the road where that called him. He was "clear in his great office."

But for myself, his breadth, and scope, and genius for public affairs, do not so much affect me on this occasion, as do the personal memories of the hour. It was my fortune, in another office of the State, to be associated with him during the entire term of his administration; to have constant opportunities to observe his methods of faithful service; to witness the play of those private qualities which underlie the official service of a public man; and which, if he be just and generous and great, reach beyond everything contained in his published record. For these, above all things else, it is my pleasure to remember him; a contemporary in years and fellowship; stricken down when if he might have lived, higher honors were awaiting him; but dying in the maturity of fame, and leaving to those who best knew him the recollection of one who was not greater in results than he was youthful and ingenuous in heart, when death overtook him in mid career.

———"Fair example of untainted youth,
Of modest wisdom, and pacific truth;
Just of his word, in every thought sincere,
Who knew no wish but what the world might hear;
Of softest manners, unaffected mind,
Lover of peace, and friend of human kind."

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE,
DURING THE ANNUAL SESSION.

[To the House of Representatives, January 15.]

I have the honor to transmit herewith, for the information
of the General Court,—

1. The Report of the Constable of the Commonwealth.
2. The Report of the State Paymaster. 3. The Report of
the Surgeon-General. 4. The Report of the Commissioners
on Fisheries.

Reports of State
Constable, Pay-
master, Surgeon-
general and Com-
missioners on
Fisheries.

[To the House of Representatives, January 23.]

I have the honor to forward the Report of the Commis-
sioners appointed under the Resolves relating to Cape Cod
Harbor at Provincetown.

Report Commis-
sioners on Cape
Cod Harbor.

Appended thereto will be found a communication from
Professor Benjamin Peirce, Superintendent of the United
States Coast Survey, and the able report of Assistant Henry
L. Whiting, together with a map of the harbor. A model
which accompanied the report of the Commissioners cannot
conveniently be sent in with these documents, but will await
the order of any committee which shall call for it.

[To the Senate, January 24.]

I have the honor to transmit herewith, for the information
of the General Court, the Annual Report of the Board of
Education; also, the report of the officer appointed under
chapter 285, of the Acts of 1867, "in relation to the school-
ing and hours of labor of children employed in manufactur-
ing and mechanical establishments." I desire to commend
to the consideration of the legislature the able and exhaust-
ive report of this officer, which not only presents a full
statement of the results of his investigation into the subject
committed to him within the Commonwealth, but a compar-
ison with the facts as they exist in the manufacturing estab-
lishments of England. And I also transmit the report of

Reports Board of
Education and of
the committee on
schooling and
hours of labor of
children employ-
ed in manufactur-
ing establish-
ments, and Com-
missioner on the
Hoosac Tunnel.

Alvah Crocker, Commissioner in charge of the work at the Hoosac Tunnel, together with a copy of the report of the Consulting Engineer, Benjamin H. Latrobe. Accompanying these documents will also be found the report of Alfred R. Field, Chief Engineer in the construction of the Troy and Greenfield Railroad.

[To the Senate, January 23.]

Sale of certain heavy ordnance to Wm. H. Cilley for \$165,836.58.

In reply to the request of the Senate concerning the sale of heavy ordnance belonging to the Commonwealth, referred to in my last Annual Address to the legislature, I have the honor herewith to transmit a transcript, marked (A,) from the official records of the governor and council, together with the copy of a communication marked (B,) from the treasurer and receiver-general; and also, to refer to the official report of the quartermaster-general, which was printed with Public Document No. 7, of the series of last year.

In June, 1866, overtures were made to me by Mr. William H. Cilley, for the purchase of these munitions. Deeming that it was very desirable for the Commonwealth to sell them, and that such an opportunity might never occur again, I at once entertained his proposal for a negotiation. Accordingly, I appointed his honor the lieutenant-governor, the major-general of the militia and the quartermaster-general an informal commission to conduct the negotiation in my behalf. They reported, on June 26, that they could procure from Mr. Cilley a price nearly equal to the cost of the munitions to the Commonwealth, and submitted a memorandum of an agreement of sale and of terms of payment. This, on June 29, was approved by the governor and council, as appears by the transcript (A,) above referred to. In pursuance of that agreement, the munitions were thereupon delivered to Mr. Cilley as they lay at the State arsenal, at Cambridge, and the stipulated price was paid by him in the draft for one hundred sixty-six thousand two hundred and ten dollars, (\$166,210,) as agreed.

Early in September, deeming it not according to the regular course of business on the part of government for the Commonwealth to be a holder of commercial paper, I requested the executive council to concur with me in instructing the treasurer and receiver-general to sell the draft. A copy of this order in council is annexed to the communication (B) of the treasurer.

In pursuance of that order, he, on September 19, sold the draft to the National Bank of Redemption, the net proceeds of the sale being one hundred sixty-five thousand eight hundred thirty-six $\frac{5}{10}$ $\frac{8}{10}$ dollars, (\$165,836.58,) as appears by his

communication ; by the statement of Mr. W. D. Forbes, the president of that bank, thereto annexed, and by the report of the quartermaster-general for the year 1866, already referred to. That negotiation and sale of the draft I approved according to the terms of the order of the council, and the money passed into the treasury.

I think it proper to add that these munitions were a part of the large purchase of heavy ordnance made by my predecessor during the late war, under the Resolves of the legislature relative to coast defence. He endeavored, ineffectually, in the latter part of the last year of his administration, to sell them ; and I have regarded it as very fortunate for the Commonwealth that the opportunity has since happened to make the sale of so large a part of them. The Armstrong guns, still lying in England, which cost even a larger sum than those already sold, I have made repeated attempts to sell during the last two years ; but thus far, without receiving an offer of price, either in Europe or in this country.

[To the House of Representatives, February 15.]

I have received the copy of an Order adopted by the house of representatives, requesting me to furnish, for the information of the legislature, any communications I may have received in relation to the Hoosac Tunnel, from either of the former chairmen of the board of commissioners, or from any member of said board, or from the consulting engineer of the governor and council. Hoosac Tunnel.

It will be perceived that a literal and exact compliance with this request would involve the transmission of all communications from the persons mentioned received by me in the years 1866, 1867 and 1868, covering private letters as well as official, and making no discrimination as to whether such communications were written before or after the authors of them had retired from office. This material occupies a very considerable space in the files of the executive department ; and to make copies of the whole would require more than a month's time of my clerical force. Many of these communications relate to mere matters of detail, and have been embodied in more concentrated form in the annual reports made by the officers alluded to and heretofore transmitted to the legislature. In some instances these papers are accompanied by elaborate plans made by the highest skill of engineers, which are essential to a complete understanding of the communications ; and these cannot well be spared from the executive files, nor have I at command the clerical skill requisite for the production of dupli-

ates. Unless I shall be otherwise apprised by the house of representatives, I shall deem it a respectful construction of its intent to take it for granted that the Order was not meant to be thus comprehensive.

The correspondence of this department, relating to the Hoosac Tunnel, is both public and private. All the essential public communications, which are held here, have already been forwarded to the general court, either by copies of the originals, or in the form of reports which contain their substance. In addition to these there are many others which were intended as confidential, and which have been so treated by the governor and council. I am constrained respectfully to say that, according to my sense of public duty and of propriety towards individuals, this class of communications ought to be retained upon the executive files without publication, in conformity with the purpose of the writers. But it will be my pleasure at any time to exhibit their contents to any committee of the legislature, having the general subject in charge, which shall desire to obtain from them information concerning the public work referred to.

During the last two years the general court has charged the governor and council with the duty of oversight of this enterprise. It must be apparent, upon reflection, that the execution of such a trust brings the governor and council into relations with the commissioners and the consulting engineer, which at times are quite likely to be in their nature confidential. Especially has this proved to be true whenever personal differences have arisen among those officers. In some such instances the executive has received from those gentlemen communications which are *ex parte* in their character, the promulgation of which might work injustice to others having had no opportunity to reply. Under the recent re-organization of the commission consequent upon the retirement of two of its members, and by the adoption of certain orders in council for the direction and government of the commissioners, it is believed that no further troubles of this kind will arise. Whatever dissensions may have arisen heretofore in the board, whether relating to measures or to persons, I cannot think that the public interests would be promoted by a discussion or publication of them. Still, as I have before intimated in this communication, if it shall seem best to the legislature to institute inquiry or investigation in this particular, the correspondence now resting in this department shall be open to the inspection of the committee to which the subject may be intrusted.

I transmit a copy of one communication received by me from the late chairman of the commission before the passage of the Order of the house of representatives. This was not sent in with the annual reports, for the reason that it was written nearly one month after that gentleman had resigned his office, and it was therefore not regarded as an official paper.

[To the House of Representatives, February 17.]

I have the honor to reply to an Order of inquiry which I have received, requesting me to inform the house relative to the improvements at the State prison, authorized by chapter eight of the Resolves of eighteen hundred and sixty-seven;—whether or not the same have been completed and at what cost.

Improvements at
State prison.

The Resolve referred to placed this work under the direction of the governor and council. Accordingly I appointed a committee of the council to have the whole matter in their charge. By appointment they assigned the practical management of the improvements to the efficient warden of the prison, who has completed them in a manner which reflects upon that officer the highest degree of credit. Upon the first day of the present year he made a report to the committee of the council above referred to. That report furnishes so complete a reply to the Order of the house of representatives that I append a copy of it to this communication.

[To the House of Representatives, February 19.]

I return without my approval the Bill entitled an Act to repeal chapter two hundred and fifty-nine of the Acts of the year eighteen hundred and sixty-five, entitled an Act to establish a State Police, and the Acts and parts of Acts in addition or relating thereto.

State police.

The people of the Commonwealth, dissatisfied with the prohibitory law, uneasy under its unwonted restraints, believing it not only an infringement of personal rights, but of doubtful expediency as a question of ethics, and equally uncertain as to its moral results, have recently recorded their verdict against it by an expression of their will so emphatic and so mandatory that it must be recognized alike by the legislature and by the executive. But in this earnest utterance of their desire for a change of policy in regard to the traffic in intoxicating drinks, I fail to find satisfactory evidence that they also demand an absolute repeal of those enactments which confer upon the chief magistrate of the Commonwealth the power and the means, commensurate with his constitutional

obligations, to execute not merely the objectionable statute I have mentioned, but those other laws devised by a long succession of legislatures to preserve the morals of our community and to protect our tax-paying citizens. Indeed, in the abundant representations which have reached me from all sections of the State, alike from friends and opponents of the prohibitory law, and in my personal knowledge of the efficiency of the State Constabulary in maintaining public order and securing the ends of justice, apart from any specialty of legislation, I find strong reason to believe that the people do not desire a discontinuance of this force.

I invite the attention of the representatives of the people, uninfluenced by prepossession or prejudice, under a sense of the solemn obligations we have assumed for the faithful maintenance of the laws, and of our common responsibility to our constituents of the present time and to the generations to come, to a candid consideration of the fast-changing condition of our social life, and to the new duties thus imposed on us as legislators and citizens of a Christian Commonwealth. A prosperous commerce, progress in the arts, and the increase of manufactures have condensed our population in large towns and cities, intensified vicious inclinations, and multiplied the actual number of crimes. This is apparently the price of public prosperity and wealth. Official records display to the public gaze an alarming increase of offences against person and property; of licentiousness and gambling, as well as of insanity and pauperism that are directly traceable to lives of vice. Private reports made to the executive by his subordinate officers reveal a condition of affairs yet more deplorable. Temptations are increased manifold. Restraints are removed or disregarded. It is immaterial whether this comes from a vicious practice of passing laws with a kind of expectation that they are not to be enforced, or from the actual non-enforcement of the laws, or from both causes combined. The evil exists, and the remedy is apparent. Punishment should be speedy and sure, as speedy and sure as possible, consistent with a proper regard of personal rights and personal liberty.

To deal with this advancing demoralization, the municipal police, however honest or well-disposed, seem to a great extent inadequate. They are engrossed in the execution of local ordinances, or perhaps in some instances are withheld from efficient action by the understood or expressed desire of those in authority. Else why do these haunts of vice exist, with their full and admitted knowledge, earning the wages of iniquity in their very presence? Till this question is satis-

factorily answered we have a right to conclude, either that public sentiment has become demoralized, or that the local force is insufficient for the execution of the laws. And in either case it is apparent that public decency and order, and public justice require the maintenance of an executive body which shall not be controlled by the public sentiments of any locality; which shall be competent in its spirit, its discipline and its numbers to a reasonable and judicious but just and impartial enforcement of the statutes of the Commonwealth.

The experience of the past two years has convinced me of the superior efficiency of the present system in the administration of our criminal laws. In the detection of crime a conspicuous degree of skill and perseverance has been witnessed, and the record of that department of the Constabulary has been marred by no mischievous and disreputable compounding of felony; while in the arrest of desperate offenders a resolute courage has been displayed, which has more than once evoked the respect and admiration of the public. And when we consider the facility of escape afforded to the wrong-doer by our varied means of communication, it is reasonable to suppose that his opportunities for evading justice would be greatly diminished under a central bureau of police whose arm of power would reach at once to every section of the Commonwealth. In view of these facts, I feel that the chief magistrate in his efforts to maintain the supremacy of law, and to abate those pests of society, heretofore comparatively unmolested, which are a snare to the young and inexperienced of our own people and to the stranger sojourning among us, has a right to expect the co-operation of every conscientious legislator and every honorable and law-abiding citizen.

In adverting in my annual message to the expression of the popular will on the question of prohibition, I had the honor to "record my deliberate conviction that the moral and religious sentiment of our community will not tolerate the absence of all legislative provisions regarding the traffic in intoxicating drinks, but demands its restraint, regulation, control, by positive enactment." Events have only confirmed that conviction. Whether the prohibitory law be retained, unaltered or modified, or be replaced by some other form of statute, it will be equally the constitutional duty of the executive to enforce thoroughly and impartially the expressed will of the legislature when it shall have become a law of the Commonwealth. Without such enforcement it cannot command the respect of the people or stand as the settled policy of the State. Under any law of regulation certain rights

will be conferred on licensees for a consideration, and the good faith of the State will require it to make good its guaranty. That any one will seriously claim that this faith can be kept, this equality of right maintained, by the action of the local authorities, I cannot for an instant believe. Our own experience is against it. Positive evidence from abroad contradicts it. In the discussion before the committee of the legislature of eighteen hundred and sixty-seven, the great mind of the leading advocate of more liberal legislation could conceive of no other method of securing equality of right and the public safety than by a power superior to the municipal authorities.

From the State of New York I have official information that the success of the excise law has been due to the placing of the licensing and the enforcing power in a body not directly dependent on local elections, and that without this safeguard the law would have been a failure. And in support of this statement the following facts are adduced. The excise district includes three towns in Queens County, where there is no metropolitan police, but only the local constables. In these towns the law is almost wholly a dead letter. The local authorities will *not* enforce it. As a result, but twenty licenses have been taken out there, though there are one hundred and fifty avowed sellers of liquor. On the other hand, in Richmond County, which is included in the excise district, and is, like the towns of Queens County, a country district, one hundred and forty-two licenses have been taken out there, and there are *no* unlicensed vendors. The reason is, that Richmond County has a metropolitan police, while Queens County has not. This positive testimony from such undoubted authority confirms my conviction that a due regard to public justice and private rights requires that the enforcement of any law of regulation should be committed to officers compensated from the revenue received from licenses, untrammelled by local influences, and responsible directly to the executive of the Commonwealth.

Because, then, I am convinced that the great body of the people of Massachusetts have indicated no desire for the abolishment of the State Constabulary; because, in my judgment, the public interest and safety demand additional means for the sure and speedy detection and punishment of crime; and because, in the event of the passage of any such law of regulation as is obviously expected by the people, the protection of the public, the faith of the State and the rights of individuals should not be imperilled by intrusting its execution to the municipal officers, I am constrained to withhold my approval from this Bill.

[To the Senate, March 13.]

I have the honor to transmit to the General Court certain communications received from the Engineers' Department, Washington, requesting the aid of this Commonwealth in obtaining for the United States the title to tracts of land on Long Island and at Point Alderton, needed for the national defence and for the preservation and improvement of Boston Harbor; and asking a cession of the jurisdiction of the Commonwealth over the same. As these requests relate intimately to the prosecution of work in the harbor which is of great interest to the people of this Commonwealth, I respectfully invite the early attention of the legislature to the subject.

Request of U. S. for cession of jurisdiction.

Boston Harbor.

I also transmit a communication received from the Secretary of the Navy asking a cession of jurisdiction to the United States over certain land in Charlestown adjoining the main entrance to the Navy Yard. Accompanying these papers are plans of the several tracts referred to.

Charlestown Navy Yard.

I forward for the consideration of the legislature two communications received from the Commissioners having charge of the Soldiers' National Cemeteries at Gettysburg, Pennsylvania, and at Sharpsburg, Maryland, requesting action on the part of the several States to transfer the care and supervision of those burial places of Union soldiers, upon their completion, to the United States Government. I respectfully recommend a compliance with this request, and for the reasons in that behalf I beg leave to refer to the accompanying papers.

Soldiers' National Cemeteries.

I also herewith transmit the Annual Report of the Adjutant-General of the Commonwealth for the year eighteen hundred and sixty-seven.

Adjutant-general's report.

[To the House of Representatives, March 19.]

By a Resolve, chapter eighty-five, of the year eighteen hundred and sixty-seven, concerning the "Hutchinson Papers," the Governor was 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 might deem proper to determine the question of title and procure the restoration of the same to the Library of the Commonwealth; and report to the present General Court the results of his action under the Resolve.

Hutchinson Papers in possession of Mass. Historical Society, right of the Commonwealth to.

I inclose herewith copies of the correspondence which has occurred between the Executive and certain officers of the Historical Society relative to this subject. It will be perceived from the communication of Messrs. Ellis, Parker and Washburn that the title of that society to the papers in dis-

pute rests upon allegations which it is not in the power of the Executive to controvert without a thorough investigation, which it is more practicable for the legislature than this Department to pursue.

I therefore respectfully suggest that all the facts necessary to a just conclusion in this matter can be best ascertained upon an investigation made by a legislative committee clothed with power to send for persons and papers, and to examine witnesses under oath. This power seems essential in a case like the present; but the Governor does not possess it under our laws.

[To the House of Representatives, April 17.]

Imprisonment of
Wm. C. Nugent.

In compliance with the request of the legislature, I forwarded to the Secretary of State of the United States a copy of the memorial of Richard Nugent relative to William C. Nugent, an adopted citizen of the United States and of this Commonwealth, and asked the prompt attention of that officer to the case as set forth in the Resolve.

I have received from the honorable William H. Seward, Secretary of State, a reply to my communication, and a copy of the correspondence is hereto annexed.

It will be perceived that before any action of the legislature in relation to this subject, upon representations made to the department, the Secretary of State and the Minister of the United States at London had taken most prompt and honorable measures to procure the release of Nugent, and these efforts appear to have been attended with such success that the person named has been released and is on his way to the United States.

[To the Senate, April 18.]

Boston Dental
College.

I respectfully return to the Senate, in which it originated, the Bill entitled, "An Act to incorporate the Boston Dental College."*

In cordial sympathy with every measure looking to the diffusion of knowledge among the people, I can freely concur in the general purposes of this bill, so far as it tends to developing and perfecting a useful and honorable profession. But in examining its details, I notice a remarkable omission, which does not occur in any similar Act in the legislation of this Commonwealth, so far as I have been able to discover. Its first section grants the "right to confer the degree of doctor of dental surgery," without any of the qualifications or conditions which hitherto, by an unbroken line of pre-

* This Act having been put upon its final passage in the manner provided by the Constitution, two-thirds of the Senators present and voting thereon having failed to "agree to pass the same," it was declared lost, and the Act was subsequently passed in a new draft, and received the approval of the Governor.

edents, have been, by the General Court, attached to analogous grants. It appears upon investigation that the New England Homœopathic Medical College, established in eighteen hundred and sixty-seven, is only permitted "to confer the degree of doctor of medicine, subject to the restrictions and regulations which are adopted and required in conferring the same degrees" by like corporations previously chartered. Also, that the same restrictions, in conferring degrees, are applied to the Worcester Medical Institution, the school of eclectic medicine, chartered in eighteen hundred and forty-nine, and invested with the power of giving degrees in eighteen hundred and fifty-one. And that the Berkshire Medical College, founded in eighteen hundred and twenty-three, is empowered to confer its degrees only "under the same rules and restrictions as are adopted and recognized in conferring degrees of the same nature" by the only medical corporation then existing in the Commonwealth.

But in the bill now before me, this rule of just impartiality, enforced or maintained by successive legislatures for nearly fifty years, in the interest of sound learning and professional competency, and for the protection of all the people of Massachusetts, would seem, perhaps inadvertently, to be entirely ignored. The diploma of the schools is understood to imply that its recipient has completed a prescribed course of study, and has passed an examination deemed to be a suitable test of his fitness to enter upon the duties of his chosen profession. This is recognized by our people as an endorsement of that competency by the men most experienced and most reliable in such departments of professional pursuit. It is a safeguard to the people; too valuable to be trifled with; so indispensable that we cannot afford to attempt to overthrow it. And yet, in the bill which is now returned, this endorsement of professional skill and capacity may, at the mere caprice of the corporation, be conferred upon the student of a day, or be withheld from the patient toiler for years. The reasonable and equal standard adopted in all our schools of medical science is, as it seems to me, inadvertently thrust aside; and uncertain methods are to usurp the place of that steady persistence in professional study which has hitherto been necessary to secure the approbation of experts and the confidence of the intelligent public. I cannot consent by any act of mine to sanction a departure from that thorough training which has given to the scholars of Massachusetts pre-eminence in the land, and to her statesmen, her jurists, and her men of science a reputation not bounded by either ocean, and scarcely dimmed by the lapse of time.

I am happy to believe that the sentiments I have expressed will not only commend themselves to the older and more conservative of our people, but will receive the cordial approval of the young men who have been drilled in our public schools and seminaries of learning, trained to thoroughness and accuracy in our counting-rooms, and inured to skilled labor in our workshops and factories. I therefore deeply regret that a school of science, which may prove so useful to those pursuing its specialty, should include in its organic act a germ of distrust and a certain source of the loss of dignity and prestige. And I can but hope that a reconsideration of the subject will induce its friends to consent to such changes as will tend to elevate it to that position of commanding respect already attained by other schools of medical science.

Because then this bill is not, in my judgment, in the interest of good learning and thorough education; because it will form a precedent which will expose a confiding public to the impositions of partially taught and irresponsible practitioners; because it is unequal in its operation, and will necessitate the conferring upon all similar existing medical corporations of the unrestricted power to grant degrees; and because I believe that the usefulness and standing of the proposed corporation will be greatly impaired by the omission of the usual restrictions, which might however be so modified as to meet its peculiar needs, I am constrained to withhold my approval therefrom in its present form.

[To the House of Representatives, April 23.]

License law.

I have the honor to inform the House of Representatives, in which it originated, that the bill entitled, "An Act to regulate the sale of intoxicating liquors" has to-day become a law of the Commonwealth by its failure to receive the approval of the Governor within the limits of time prescribed by the Constitution.

Having publicly recognized in my annual message the judgment of the people as decisively favoring a change of policy in regard to the traffic in intoxicating drinks, I have no desire to thwart their will as expressed through a General Court elected on this specific issue. I am content that the responsibility for this legislation should rest where it has been placed by the deliberate action of my fellow-citizens; and to remit to them, as the tribunal of final resort, for their approval or reversal, the policy adopted by their immediate representatives.

But I am not content that the withholding my formal assent to this bill shall be construed as a tacit approval of its provisions, or as indifference to the important principles it involves. I desire, by this direct method, to place upon record my earnest conviction that the restrictions it provides are not in accordance with the measure of regulation demanded by the people of the Commonwealth.

I am not unaware that, by a summary and unconditional repeal of existing statutes, it imposes a heavy burden upon the treasury; and that, releasing convicted violators of law in large numbers from the penalties due to their offences, it makes no provision to exclude them from the full privileges of the Act; while a violation of the Act itself not only works a forfeiture of these privileges, but subjects the offender to fine and imprisonment. And further, that it remits to the chances and vicissitudes of municipal action, at annual meetings, that grave and momentous authority of legislating for the whole people of the Commonwealth by their representatives in General Court assembled, which is our constitutional guaranty for the enactment of laws impartially affecting and restraining all.

While I am not insensible to these and other minor but yet serious objections, I feel that there is another, which, in the magnitude of the threatened evil, overshadows all. The fourth section of the bill throws open public bars and tippling houses in every quarter of the State. It leads into temptation the young and the weak; it spreads a snare for the stranger and the unwary. It replaces thrift with waste; and the peace of quiet neighborhoods with boisterous and reckless disorder. It is destructive to the influences of the family and the fireside; adverse to good morals; and repugnant to the religious sentiment of the community.

To a measure like this, which as a citizen I could not support, as the Chief Magistrate of the Commonwealth I cannot affix my signature in approval; and declining to return it with my objections, for the reasons I have given, I refer it to the judgment and the conscience of all the people of Massachusetts.

[To the House of Representatives, May 9.]

I herewith return without my approval the bill entitled

State Constabulary.

“An Act for the better enforcement of the laws.”

This bill only differs from a previous proposition to repeal the Acts and parts of Acts establishing the State Constabulary, in that it proposes to substitute for that effective body of State officers a special corps in each county “for the better enforcement of the laws.”

Having set forth distinctly in my communication to the House of Representatives of the nineteenth of February last, my judgment as to the superior efficiency of the present system, and my objections to its abandonment, I deem it unnecessary to repeat them here, especially as they have failed to satisfy the House of Representatives upon a full opportunity to reconsider and revise the bill then laid before me. It only remains to state concisely those objections to the present substitute proposed which compel me to withhold my assent from the measure.

It contemplates the appointment of a special force of deputy sheriffs in each county, not however to exceed ten, who shall devote their time and efforts to the prevention and detection of crime, and the prosecution and conviction of violators of any of the laws of the Commonwealth. These officers are to be selected and controlled by the respective sheriffs: their number only is to be regulated by the Governor and Council, subject to the limitation just mentioned. For the purposes named I deem this force altogether inadequate in numbers and efficiency. Even should the appointment of the maximum number be directed by the Governor and Council, it would allow in the larger counties but one officer to a population of more than twenty thousand, for the duties of prevention, detection, prosecution and conviction. And yet it is in these counties that the aggregation of population is accompanied by a disproportionate increase of vice and a multiplication of crimes. But further, being simply local officers, and limited in their action by county lines, they would be without that advantage of mutual communication and assistance which renders a State force, directed by a central bureau, even though no larger numerically, so formidable and effective by its ability to unite its clues of information, combine its counsels and mass its men. It should not be forgotten that the limitation of a detective force to narrow confines impairs its efficiency, and furnishes to offenders increased facilities for eluding or baffling the officers of the law; while from a *State Constabulary* there can readily be organized a corps of picked men, who can render service with advantage in any section of the Commonwealth.

But there is yet another element of confusion. The proposed force is virtually elective; for the sheriffs, who hold the appointing power, are chosen by a mere plurality of votes in their several counties. It can hardly be denied that upon sundry enactments, defining certain acts as crimes, and affixing thereto the penalties of fine and imprisonment,

there are grave differences of opinion according to localities; and it is only reasonable to suppose, what municipal experience for the past few years has fully confirmed, that the action of the appointing officer and of his deputies will be more or less influenced by the sentiments of his own local constituents as expressed at the ballot-box. Hence will inevitably arise, in some sections of the State, a laxity, and in others, a rigor of execution, which will thwart that just and impartial administration of the laws which is the constitutional right of every citizen. If, as is unfortunately the case in some other communities, it should ever happen here that the turbulent element should prevail in any of our electoral districts, the condition of the occupancy of public position will be a virtual pledge to nullify the laws of the Commonwealth.

To give up the present force for one thus constituted, appears to me a substitution of division for union, of weakness for strength, and as exceedingly unlikely to result in a "better enforcement of the laws." Indeed it is not impossible that, in the approach for the past two years to their thorough and impartial execution by the energy of a compact and homogeneous force, the outcry of convicted violators of law and wrong-doers, hampered in their nefarious work, may have been hastily and erroneously construed by some as the demand of a majority of the people for a change in the instruments of enforcement. But in the voice of the press, and in the representations and appeals which have come to me from all quarters of the State, I find a confirmation of my judgment, previously expressed to the legislature, that the people do not desire the discontinuance of the present force. The admonitions which reach us from the other States, and their persistence in retaining the constabulary power where it cannot be controlled or affected by the vote of the large cities and towns, ought not to be lightly regarded by us. And for myself, I trust the time is far distant when throughout the borders of Massachusetts the strong arm of a government of the people will fail to secure for every citizen, however humble, the same assurance of protection and personal safety that awaits him as a sojourner in imperial France, or as a traveller through any city or village of the mother country.

Passing by other considerations of moment, I object to this bill that it detracts from the powers conferred for the common welfare upon the Executive Department of the Commonwealth, taking therefrom practically the means of enforcing general laws, and vesting them in local officers,

who are responsible only to their immediate constituents and not to the whole people. It is no relief to this state of facts that the fourth section of the bill confers upon the Governor certain powers over "the municipal force in any place;" for that will indeed be an "emergency" when the Chief Magistrate of the Commonwealth shall be compelled to assume in person the duties of a chief of local police. A careful examination of this section, which is borrowed in the main from the fifth section of the Act to establish a State Police passed in 1865, proves that it has been materially changed from the intent of the original.

As the point that a municipal force alone is insufficient for the execution of the laws appears to be conceded in this bill, I am unable to see why administrative efficiency should be impaired by distributing the executive power among fourteen distinct officers, having no mutual relations or system of co-operation; and if fourteen executive heads are better than three hundred and thirty-five, why one central bureau, exerting a uniform action over and in behalf of the entire State, should not be preferred to fourteen.

But viewing this measure apart from its general bearings, and with special reference to recent legislation, I am strengthened in my conviction of its want of adaptation to the existing exigency. A law purporting to regulate the traffic in intoxicating drinks is now upon the statute book. It is received with distrust by a large portion of the people; and I feel bound, so far as it rests upon me as a magistrate, to insist that a statute like this shall be executed under every safeguard provided by existing laws; by the special force whose experience qualifies them for the task, and as far as possible in the interests of sobriety and good order, until the people of the State shall have an opportunity once more to pronounce their judgment. Changes of systems of police involve at all times grave responsibilities and should not be undertaken without the weightiest cause. I am not convinced that such cause has been shown, or that a force which will be virtually created in the heat of the next general election will be likely to secure any better enforcement of the law than is secured by the present State Constabulary.

In view of the objections previously communicated to the legislature; because I believe that the force proposed to be substituted for the State Police is inadequate in number, inefficient in administrative powers through a lack of co-operation and centralization, and mischievous in its tendencies through a dependence upon local constituencies whose varying verdict will embarrass and prevent an impartial admin-

istration of the laws; and because I am satisfied that the rightful prerogatives of the Executive Department are thereby infringed to the sacrifice of the best interests of the people, to the injury of good morals, and the detriment of law and order,—I have withheld my approval from the bill.

[To the House of Representatives, June 4.]

I transmit herewith the Report of the Commissioner appointed under Resolve of 1867, chapter 84, on alterations, repairs and improvements of the State House. This Report was forwarded to the executive rooms in my absence on official business, on Monday, the first instant, and my engagements, as well as absence a portion of the time since, have delayed its transmission to the legislature till now.

Repairs and improvements of State House.

The work has been prosecuted by the Commissioner with fidelity and ability, and the improvements made are such as to commend themselves to favor.

Much has been accomplished which was not embraced in the original plans contemplated by the Resolve, and it will be perceived that an additional appropriation will be required to cover the expense of the same of \$94,320.88.

[To the Senate, June 11.]

I herewith return to the Senate, in which it originated, a Bill entitled "An Act to incorporate the Maverick Bridge Company," which I am unable to approve. The late period of the session at which this very important measure has been enacted—at a time, too, when numerous other enactments of great importance are presented to the Executive for revision, the consideration of which requires time for proper investigation—prevents me from making to your honorable body so full a statement of the reasons which compel my dissent from this bill as would otherwise have been possible. Passing by, therefore, various minor objections to details of the bill, which, under other circumstances, I should suggest to your attention, the main reasons which compel my dissent are briefly these:

Maverick Bridge Company.

First. I am not satisfied that the proposed structure will not lessen the depth of water in the ship channels of the harbor by shifting the places of deposit of the material which is brought down by the tidal and river currents; and without being so satisfied, I can under no possible circumstances approve of its erection.

I am advised by Professor Benjamin Peirce, the Director of the United States Coast Survey, (whose capacity to pass an intelligent judgment on the question is indisputable, and who, as a citizen of Massachusetts, long residing in the

immediate vicinity of Boston, can have none but the true interest of the commercial capital at heart,) that such, in his opinion, will be the result. And I am further advised that such also is the opinion of other eminent scientific authorities. I have no need to enlarge on the detriment which the structure will produce to the welfare and importance, not only of Boston and Massachusetts, but of all New England, if it shall be erected and be found to cause such an effect. The local benefits which it would confer would be but slight compensation for the misfortune of shoaling, by ever so few inches, our harbor channels.

Second. I am advised by large deputations of eminent merchants of Boston and its vicinity, that the proposed structure will injure the maritime commerce of the capital in various ways, among which are the following:

(1.) By lessening the anchorage ground in the harbor, which is already very limited.

(2.) By diminishing the area of wharfage at and near both termini of the bridge. And I desire to call your attention to the fact that the bill does not designate the points of termination of the bridge on either side of the harbor, but leaves to the option of the corporators the selection of them anywhere along a line of several hundred yards on each shore.

(3.) By diverting foreign commerce to other localities, perhaps to other ports, as the wharves now principally devoted to that branch of our trade, which is carried on in vessels of the greatest draught, are situated above any line on which it is probable that the bridge would be built.

(4.) By the diminution of all the various and extensive trade along the shores of Boston, Charlestown, Chelsea and Cambridge, which lie above the bridge, certain to result from interposing such an obstacle, which, according to this bill, is not to be raised to a height sufficient to permit the free passage of any class of vessels, but is to be traversed by them only by means of a draw.

Third. I am informed by the commandant of the Navy Yard at Charlestown, that certainly the interests, and, in his opinion, the rights, of the United States in that establishment, will be infringed by such a structure.

Fourth. The Harbor Commissioners of the Commonwealth, and the distinguished military and civil engineers who are engaged on the public works in the harbor, are unanimous in condemning the project as injurious on the foregoing and on other grounds; and to their judgment, in a matter so directly within the province of their investigation, I am

constrained to render great deference, since I cannot regard it other than intelligent and impartial.

It is said that there are grave constitutional objections also to the assumption of power by the legislature of a State to authorize such an erection over navigable waters. But in the light of the decision of our Supreme Judicial Court, in the case of the Commonwealth *vs.* The Proprietors of the New Bedford Bridge, 2 Gray's Reports, pp. 346, 347, I do not doubt our right and power over the subject, provided our enactments do not interfere with the regulations of Congress; and neither can I doubt the right and power of Congress to interpose at its discretion, and overrule the legislation of the State. Nor have I doubt that, if this bill shall, by your action, become a law, the interposition of Congress will be sought; and, even if the structure were otherwise unobjectionable, I respectfully suggest whether, as the interests and rights of the Federal Government, not only as the guardian and regulator of commerce, but as itself the actual owner of an immense property at Charlestown and Chelsea and Watertown, are directly affected by the question, it would not be a suitable course to seek first the opinion of Congress as a guide to the legislation of the Commonwealth.

Suggestions have been made from respectable and intelligent sources, that this measure has been precipitated, and that the Executive sanction should be withheld from the bill in order to make delay, because the merchants of Boston have not believed that it was a serious project, and therefore have neglected to remonstrate with the legislature concerning it as they otherwise might have done, and as it is represented they will do in the future. I hardly need to remark that to such suggestions I give no consideration, and that they deserve none; in the first place, as conveying an unjustifiable imputation on your honorable body; and in the next place, because no class in the community has any right to appeal to the Executive for protection against its own negligence. I rest no objections to the bill on such grounds.

But, in reference to a matter of such vast importance, which affects directly or indirectly the value of at least a hundred million dollars' worth of property along the shores of Boston and neighboring cities; enhancing it in some quarters, diminishing it in others; which brings us into positive conflict with the Navy Department of the United States, and into possible conflict with Congress; which is disapproved by the Harbor Commissioners and the engineers employed in the harbor of Boston; which is condemned by

certainly a large part of the mercantile community as, on the whole, more injurious than beneficial, apart from any consideration of its effect on the depth of water in the channels; and which, more than all, in the judgment of competent scientific authorities, will result in shoaling the whole harbor; I am unable to give my approval without further discussion and further information to enlighten my judgment than is now possible without delay.

I fully appreciate the local benefits which are expected to result from it to East Boston. I wish for the prosperity of that locality, that it were possible to attain those benefits in some other way than at the risk of great injury to a community embracing more than the whole of this Commonwealth, and of which the people of East Boston are but a small fraction. But as, after such investigation as I have been able to make, such injury seems to be a probable result of the measure, I cannot give it my assent.

If, upon reconsideration, the General Court shall be led to give such weight to these opinions as to concur in a postponement of the enterprise, I trust that I may not be considered to exceed the limits of Executive revisal in respectfully suggesting that the bill be referred to the next legislature; and that a commission be specially appointed, or the duty imposed on some existing commission, to investigate meanwhile and report next January upon all the grounds on which the project is now either opposed or advocated. Possibly also Congress, at its present session, might think advisable to appoint a commission in behalf of the United States to act in concurrence with our own. And if, in the light of the report of such a joint commission, the objections which it has been my duty to set forth, shall be shown to be groundless, the measure can then be carried into effect with confidence in its beneficial results.

[To the Senate, June 12, 1868.]

I return, without my approval, the bill entitled, "An Act repealing a part of the 87th chapter of the Acts of the year 1852."

This bill provides that "so much of the Act of the year 1852, entitled an Act authorizing the Hartford and New Haven Railroad Company to increase their capital stock, as authorizes said company to make any lawful contract, and merge or make joint stock with any other railroad company, without the limits of this Commonwealth, is hereby repealed." The Hartford and New Haven Railroad Company is a corporation holding charters and valuable franchises under both the State governments of Massachusetts and Connecticut. The

main trunk of its road is sixty-two miles long, and extends from New Haven, in Connecticut, to Springfield, in this State. It has also three or more branches. Six miles only of the whole road lie within this State.

Over that portion of the road which lies in Connecticut, our State, prior to 1852, had no control, and, of course, could obtain none by adverse legislation. In that year, the papers before me indicate that the corporation asked of the Legislature of Massachusetts authority to consolidate with any railroad company owning a branch of said road, or "with any other connecting line without the limits of Massachusetts, in such manner as might be authorized by the General Assembly of Connecticut." The legislation thereupon adopted seems to be in the nature of a contract. The company are to have the authority asked for, in consideration of opening their charter controlling that portion of the road lying in Connecticut, and thereafter becoming "subject to all the general laws of this Commonwealth to the same extent as if their road were wholly therein."

This legislation could not become binding upon the company, as to the portion of their road lying in Connecticut, without their consent; but by accepting the Act, it became binding upon them as a contract; and I am not informed that complaint is made that they have not faithfully observed its requirements. I respectfully submit for the reconsideration of the Legislature, whether the repeal which this bill proposes to effect of that portion of the Act which was favorable to the company and conferred franchise upon it, while we retain the benefits secured to our Commonwealth by the acceptance and adoption of the Act on the part of the company, is consistent with public faith and honor, or with our constitutional obligations.

The Act of 1852 confides to the General Assembly of Connecticut the regulation of such Acts of consolidation or merger as may be had within the limits of that State. Such, it appears to me, is the only just construction of that law. The policy of consolidating continuous roads has been adopted by us in reference to our own most important line of railroad; and although a considerably longer section of that road was in the State of New York than the six miles of the road of this company in our State, we acted upon the reasonable expectation that the consolidation at Worcester would be permitted by the State of New York, subject only to such fair regulations as we should adopt; and the comity of our sister State verified our anticipations. By the Act of 1852, we specially committed the regulation of such

consolidation or merger as might be had by the road now in question, with roads in the State of Connecticut, to the General Assembly of that State. Such consolidation has, since that Act, been so regulated by that General Assembly in two or three instances; and I am informed that a proposal for consolidation with the New York and New Haven Railroad Company is under consideration by a committee of that Assembly. Will it be consistent with the comity which we expected and received from the State of New York under similar circumstances, and which States so intimately related (especially in railroad system and necessities,) as Massachusetts and Connecticut, ought to extend to each other, if we now adopt this bill, and thereby substantially declare our want of confidence in the discretion and careful legislation of the General Assembly of Connecticut over a subject as fully within their jurisdiction as the consolidation of the Boston and Worcester, and the Western Railroad Companies, was within ours, and which we, by the Act of 1852, seem to have specially referred to them?

The returns made by this company, since the Act of 1852, indicate that consolidation has been had with some branch roads in Connecticut. Important contracts for consolidation with another branch road are said to have been made, which are not completed. Without such knowledge as should govern my official action in this particular, I submit to your reconsideration that this bill, if otherwise unobjectionable, should have guarded the corporations which might be affected by it against unnecessary injury, by reserving all rights acquired by this, and other companies, under Acts of merger or consolidation heretofore had, or under such agreements for consolidation as have been heretofore made.

Whether the effect of this measure on the interests of stockholders be favorable or adverse, (which in questions vitally affecting the general interest, should not be too closely regarded by public-spirited and patriotic legislators,) it cannot fail to postpone that unity of interest between Boston and New York which is demanded for our commercial welfare, and by the spirit of our time, and which has already been aimed at by this Commonwealth in the railroad connection between Boston and Albany.

Because then this bill, in my judgment, tends to make the public welfare subservient to individual advantages; and because it seems to me to impair the sanctity of contracts, and to infringe that comity which should always be observed between neighboring States, I am compelled to withhold my approval therefrom, and to submit it to the careful reconsideration of the legislature.

CHANGE OF NAMES.

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 Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties.]

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1867.			
January 21,	Susannah Odessa Benedict,*	Susannah Odessa Tune,	Boston.
" 21,	Addie Maria Eldridge,*	Agnes Lee Calder,	Plymouth, N. H.
February 4,	William Henry Chase,*	William Henry Nutter,	Boston.
" 4,	Matthew Lynch,	Matthew Leeds,	Boston.
" 11,	James Henry Sutherland,	William Henry Bartholomew,	Durham, C. E.
" 25,	Mary Donovan,*	Idia Olivia McCurdy,	Boston.
" 25,	Nellie Maria Huntress,*	Nellie Everett Perkins,	Haverhill,
March 25,	Willie Edwin Loomis,*	Willie Edwin Harding,	Chelsea.
" 18,	Hiram Bingham Chamberlain,	Frank Hiram Chamberlain,	Boston.
April 15,	Adelaide Russell,*	Mildred Miers Fox,	Chelsea.
" 20,	John Norris Page,	John Paige Prescott,	Boston.

CHANGE OF NAMES.

357

May 13,	Emma Allen Battelle,*	Emma Theresa Harriman,	Taunton.
June 10,	George Washington Murphy,	George Washington Freeman,	Boston.
" 10,	Henry Augustus Smith,	Henry Smith Waldron,	Boston.
" 17,	Miriam White Cary,	Miriam White Priest,	Boston.
" 26,	Albert Burroughs Short,	Albert Burroughs,	Boston.
August 12,	Carrie Susannah Savage,*	Elizabeth Davis Stowell,	Danvers.
" 12,	Mary Ellen Thorp,*	Mary Ellen Martin,	Boston.
" 26,	Edward Francis Blaisdell,*	Frank Blaisdell Wilder,	Boston.
" 26,	Euphemia Fenno Tudor,	Fenno Tudor,	Boston.
" 26,	Charles Frederic Young,*	William Henry Haley,	Boston.
September 2,	John Prince Larkin Thorndike,	John Larkin Thorndike,	Boston.
" 9,	Mary Alice Croker,	Elizabeth Kennedy,	Boston.
October 8,	Mary Adams Blancher,*	Mary Blancher Kingsbury,	Cambridge.
" 8,	Samuel Hinckley,	Samuel Parker Hinckley,	Boston.
" 8,	Eva Jackson,*	Eva Andrews,	Montreal, C'da.
" 8,	Abby Maria Smith,	Caroline Maria Smith,	Boston.
November 11,	Ellen Watson,*	Ellen Watson Johnson,	Boston.
December 30,	Walter Charles Nickerson,*	Walter Charles Johnson,	Boston.

* Minor, name changed by reason of adoption.

CHANGE OF NAMES.

ESSEX COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1867.			
March 5,	Frank Reed,*	Frank Carr Stearns,	Lynn.
April 9,	Mary B. Hinkley,*	Mary B. Burgess,	Gloucester.
“ 16,	Nellie Chapman,	Nellie M. Roundey,	Marblehead.
May 11,	Easter Ellen McGraw,*	Easter Ellen Parker,	Lawrence.
“ 11,	Sarah Jane McGraw,*	Sarah Stevenson,	Lawrence.
“ 11,	Samuel McGraw,*	Samuel Battye,	Lawrence.
“ 21,	Kingsley G. Norton,*	Evander Sherman Brummitt,	Danvers.
June 4,	Linette Adams,*	Susan Williamenor Smith Thomas,	Lynn.
“ 4,	Jane Theresa Weeks,*	Mary Marshall,	Rockport.
July 16,	Edgar Warren Barrett,*	Charles Henry Vincent,	Lynn.
“ 16,	Sarah Elvina Migreault,*	Sarah Alvina Charon,	Lawrence.
August 6,	Sarah Maria Adams,*	Sarah Alley Aborn,	Lynn.
“ 6,	— Luffkin,*	James Frederic Haskell,	Essex.
“ 6,	Walter S. Noyes,*	Walter S. Buxton,	Salem.
September 17,	Lizzie Howard Chase,	Lizzie Howard Chase Folsom,	Georgetown.
“ 17,	Amanda Welch,	Amanda Gertrude Smiley,	Lynn.

CHANGE OF NAMES.

359

MIDDLESEX COUNTY.

January 8, .	Alice Dascomb,*	. . . . .	Alice Maria Cleland, .	. . . . .	Natick.
February 12,	Charles Greenough Lincoln,*	. . . . .	Greenough Lincoln Bill,	. . . . .	Framingham.
" 12,	George Edward Lincoln,*	. . . . .	George Edwin Parmenter,	. . . . .	Waltham.
" 12,	Oliver Craven Phillips,*	. . . . .	Oliver Craven Parker,	. . . . .	Woburn.
" 26,	Joseph Allen Smith,*	. . . . .	William Jason Tolman,	. . . . .	Newton.
" 26,	Ada F. Williams,*	. . . . .	Myrtle Madaline Bullard,	. . . . .	Hudson.
March 12,	Fred W. Jenness,*	. . . . .	Fred Wellman Jenness,	. . . . .	Lowell.
" 26,	Walter Aiken,*	. . . . .	Frederick Willis Patterson,	. . . . .	Charlestown.
" 26,	George Rice,	. . . . .	George Elliman Rice,	. . . . .	Lexington.
April 2,	Maria A. Burns,	. . . . .	Maria Arnold French,	. . . . .	Lowell.
" 23,	Margaret Jane Woods,*	. . . . .	Margaret Jane Hodge,	. . . . .	Lowell.
" 23,	Susie Carr,*	. . . . .	Nellie Eliza Morse,	. . . . .	Lowell.
May 14,	Ellen Bean,*	. . . . .	Edna Gertrude Parker,	. . . . .	Lowell.
" 14,	Sarah E. Rogers,	. . . . .	Sarah Evelyn Atkins,	. . . . .	Cambridge.
June 4,	John Keenan,*	. . . . .	John Birkenhead,	. . . . .	Lowell.
" 25,	James Thomas Penn,*	. . . . .	James Thomas Lord,	. . . . .	Chelmsford.
" 25,	Arthur Bemis,*	. . . . .	Arthur Greenwood,	. . . . .	Marlborough.
August 13,	Edgar Ames Dean,*	. . . . .	William Edgar Holmes,	. . . . .	Holliston.

* Changed by reason of adoption.

CHANGE OF NAMES.

MIDDLESEX COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1867.			
August 13,	George Edward Dixon,*	Joseph Dixon Lane, Junior, .	Lowell.
“ 13,	Annette E. Wallace,*	Nettie Jennie Gibson,	Marlborough.
“ 13,	Mary Elizabeth Belcher Patten,	Mary Florence Patten,	Waltham.
“ 13,	William Durant Ballard,	William Ballard Durant,	Cambridge.
“ 27,	Mary Ann Flavin,*	Mary Ann Flynn,	Marlborough.
September 10,	Albert Heidenrich,*	Herbert Reed Brigham,	Marlborough.
“ 10,	Freddie Heidenrich,*	Feddie Ellsworth Wilkins,	Marlborough.
“ 10,	Flora Holt,*	Annie Florence Whitney,	Natick.
October 1,	Ella Jane Hemphill,*	Ella Hemphill Perry,	Marlborough.
“ 8,	Chastina Cullis Gould,*	Chastina Cullis Holbrook,	Charlestown.
“ 22,	Benjamin Roundy,*	Benjamin Richmond,	Melrose.
“ 22,	Cora E. Whittemore,*	Cora Maria Newhall,	Malden.
November 12,	Bessie Lena Robbins,*	Harriet Folsom,	Somerville.
December 10,	Mary Heald Underhill,	Mary Heald Dix,	Woburn.
“ 24,	Franklin Augustus Keene,*	Franklin Augustus Young,	Cambridge.
“ 24,	Nellie Fairbank,*	Nellie Hammond,	Wayland.

CHANGE OF NAMES.

WORCESTER COUNTY

January 1, .	Frances Taylor, .	. . . . .	Addie La Francis Sessions,	. . . . .	Worcester.
February 5,	Julia Emma Sullivan, .	. . . . .	Emma Julia Meriam, .	. . . . .	Worcester.
“ 5,	Frederic Tatman Sullivan, .	. . . . .	Frederic Tatman Meriam, .	. . . . .	Worcester.
“ 5,	Sarah Ellen Browning,	. . . . .	Sarah Ellen Boyce, ;	. . . . .	Spencer.
“ 5,	Mary Lizzie Hymes, .	. . . . .	Mary Lizzie Jaquith, .	. . . . .	Ashburnham.
March 5, .	(Name unknown,) .	. . . . .	Helen Eliecc Flint, .	. . . . .	Ashburnham.
“ 5, .	(Name unknown,) .	. . . . .	Anna Evances Hubbard,	. . . . .	Holden.
“ 5, .	Sarah G. Kittredge, .	. . . . .	Sarah G. Osborn, .	. . . . .	Harvard.
“ 5, .	Cora Luella Thresher, .	. . . . .	Cora Luella Harwood, .	. . . . .	Barre.
“ 5, .	Mary Lizzie Nichols, .	. . . . .	Lillie Estelle Sheldon, .	. . . . .	Worcester.
“ 5, .	George Henry Sauger, .	. . . . .	George Henry Lackey,	. . . . .	Milford.
April 2,	Charles W. O. Bailey, .	. . . . .	Charles William Cook,	. . . . .	Lunenburg.
May 7, .	(Name unknown,) .	. . . . .	Flora Estella Lakin, .	. . . . .	Paxton.
“ 23, .	Delia Ellsworth Lane, .	. . . . .	Delia Mary Lane,	. . . . .	Ashburnham.
“ 21, .	Mary Blake, .	. . . . .	Ella Josephine Haskell,	. . . . .	Harvard.
June 4,	Cora Ella Holbrook, .	. . . . .	Cora Ella Hunt, .	. . . . .	Milford.
“ 4,	Minnietta May Hymes,	. . . . .	Minnietta May Bean, .	. . . . .	Ashburnham.
“ 4,	Agnes Arabella Aldrich,	. . . . .	Agnes Aldrich Barry, .	. . . . .	Worcester.

* Changed by reason of adoption.

CHANGE OF NAMES.

WORCESTER COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1867.			
June 4,	Cynthia Rosella Bartlett,	Cynthia Rosella Page,	Lunenburg.
" 11,	Mary Ella Ainsworth,	Ella M. Bowker,	Athol.
July 2,	Eva Arabella Randall,	Eva Arabella Lord,	Templeton.
" 2,	Alice Eldora Randall,	Alice Eldora Lord,	Templeton.
" 2,	Frederick Howard Randall,	Frederick Howard Lord,	Templeton.
September 3,	Fidelle Asenath Edwards,	Fidella Asenath Temple,	Worcester.
" 3,	Ella Slate Edwards,	Ella Slate Woodruff,	Worcester.
October 1,	Joseph Malbeuf,	Joseph Bonneville,	Worcester.
November 5,	Frank T. Miller,	Frank T. Little,	Phillipston.
" 5,	Josephine Rich,	Nellie Maria Johnson,	Templeton.
" 5,	Anna Mabel ———,	Anna Mabel Sly,	Worcester.
December 3,	Rose Alma Worthing,	Mina Florence Revere,	Worcester.
" 3,	Caroline A. Hiscox,	Caroline A. Grayson,	Worcester.
" 3,	Harriet Elizabeth Swain,	Harriet Elsie Warner,	Harvard.

HAMPSHIRE COUNTY.

January 1,	Nettie Grace Dodge,*	Nettie Grace Searle,	Northampton.
February 5,	Luther Eaton,*	Frederick Arthur Cronell,	Southampton.
April 2,	Nellie P. Bray,*	Nellie Parsons,	Northampton.
August 20,	Clara R. Watson,*	Clara R. Bardwell,	Granby.
July 2,	Mertie Frances,*	Mertie Frances Hall,	Northampton.
June 4,	Edward Whiting Harris,	Edward Harris Bell,	Southampton.

HAMPDEN COUNTY.

March 5,	Sarah Ella Roberts,*	Sarah Ella Hendrick,	Holyoke.
" 5,	Francis P. Miles,*	Francis Plimpton Keyes,	Springfield.
May 7,	Ellen Clifford,*	Nellie Emma Moore,	Springfield.
" 7,	Willie A. Knox,*	Willie A. Burdick,	Blandford.
July 2,	Joseph Loveglen,*	Joseph Francis Runell,	Holyoke.
November 5,	Mary Celinda Roberts,*	Annie Elizabeth Nevers,	Springfield.
" 5,	Nameless,*	Cora Taylor Smith,	West Springfield.
December 14,	Hattie Annie Bailey,*	Hattie Annie Lyman,	Chester.

* Changed by reason of adoption.

FRANKLIN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1867.			
February 12,	Matthew Nunney,*	Matthew Nunney Barlow,	Buckland.
August 6,	Henry Bryan,*	Wm. Henry Smith,	Whately.

* Changed by reason of adoption.

BERKSHIRE COUNTY.

March, 5,	Martha Elliott,	Carrie Elliott Warner,	Pittsfield.
June 4,	Lillie M. Brown,	Lillie May Harder,	Williamstown.
November 12,	Emma Louisa Savage,	Emma Louisa Chickering,	Pittsfield.
December 3,	Carrie Bell,	Carrie Bell Denning,	Hinsdale.

NORFOLK COUNTY.

February 9,	— Tripp,	Flora Estella Pond,	Foxborough.
June 29,	Job Ramsbottom,	Job Wilson,	Walpole.
“ 29,	Mary Elizabeth Ramsbottom,	Mary Elizabeth Wilson,	Walpole.
“ 29,	John Arthur Ramsbottom,	John Arthur Wilson,	Walpole.

CHANGE OF NAMES.

June 29,	Anna Florence Ramsbottom,	Anna Florence Wilson,	Walpole.
" 29,	Eleanor Ramsbottom,	Eleanor Wilson,	Walpole.
April 13,	Francis Cragin,	Francis Henry Fullerton Cragin,	Roxbury.
May 25,	Almira B. Noyes,	Almira B. Allen,	Roxbury.
August 20,	Sada Hall,	Lillia Reeves,	Walpole.
" 31,	Mary Ellen Lines,	Mary Ellen Shaw,	Braintree.
" 24,	Frederick Ellis Simpson,	Frederick Ellis Broad,	Milton.
October 1,	Lottie L. Clapp,	Lottie C. Beal,	Cohasset.
" 5,	Etta M. Loomis,	Gertrude Maria Bruce,	Franklin.
" 19,	William James Todd,	William James Wright,	Brookline.
" 19,	Charles Francis Todd,	Charles Francis Wright,	Brookline.
" 19,	John Wright Todd,	John Russell Wright,	Brookline.
November 9,	William Everett Wortman,	William Everett Morton,	Randolph.
" 16,	Samuel Maddock,	Thomas Blanchard,	Canton.
" 23,	Mary Elizabeth Todd,	Mary Elizabeth Wright,	Brookline.
" 23,	— Daniels,	Mary Ann Metcalf,	Franklin.
December 14,	Frances L. Mansfield,	Mary Louisa Austin,	Roxbury.
" 14,	Mary Celia Conlan,	Emily Clara Barnard,	Roxbury.

BRISTOL COUNTY.

Date of Decree.	Original Name.	Name Deceed.	Residence.
1867.			
January 4,	Edward Richardson,	George Edward Richardson,	Easton.
February 1,	Clarence M. Allen,	Clarence M. Allen,	New Bedford.
April 5,	Mary Elizabeth Tucker,	Mary Elizabeth Compton,	New Bedford.
June 7,	Alexander Bathurst Fuentes Wood,	Alexander Bathurst Wood,	New Bedford.
September 6,	Anna Handy,	Anna Otis Bunn,	Fall River.
“ 6,	Cora Evelin Tripp,	Cora Evelin Remington,	Taunton.
October 18,	Ira Haskell,	Winifred Jane Newcomb,	Taunton.
“ 18,	Adela Francis Sherry,	Adela Francis Porter,	Taunton.
December 6,	William Donney,	Aloysius Rooney,	Taunton.

PLYMOUTH COUNTY.

January 14,	Carrie Holmes,*	Carrie Holmes Paty,	Plymouth.
“ 28,	Eliza Roach,*	Eliza Jane Rowe,	No. Bridgewater.
March 11,	Addie Augusta Henderson,*	Marcia Ripley Cobb,	Kingston.
“ 25,	Harriet Frances Perry,*	Clara Maud St. Clair,	No. Bridgewater.

April 8,	Noah Torrey Hathaway,	Walter Lloyd Hathaway,	Abington.
December 9,	Annie C. Peirce,*	Annie P. Raymond,	Plymouth.

* Changed by reason of adoption.

BARNSTABLE COUNTY.

April 19,	Millie Freenan,	Millie Washburn Young,	Orleans.
May 21,	Matilda Adelaide Lavendar,	Sophronia Adelaide Lecount,	Provincetown,
" 21,	John Thompson,	John Thompson Gage,	Harwich.
October 16,	Rosalia King,	Angie Thomas Whelden,	Provincetown.

NANTUCKET COUNTY.

1866.			
September 13,	William Henry Rogers,	Wm. Henry Jones,	Nantucket.
1867.			
March 14,	Benjamin M. Hussey,	James S. Hussey,	Nantucket.
August 26,	Ida Cora Dupung,	Alice Cushman,	Nantucket.

No application for change of name has been made to the Judge of Probate for the County of Dukes County.

THE
CIVIL GOVERNMENT

OF THE
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR

1868.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
ALEXANDER H. BULLOCK,
GOVERNOR.

AUGUSTUS G. BULLOCK, *Private Secretary.*

HIS HONOR
WILLIAM CLAFLIN,
LIEUTENANT-GOVERNOR.

COUNCIL—(BY DISTRICTS.)

I.—JOHN S. BRAYTON.
II.—CHARLES ENDICOTT.
III.—A. K. P. WELCH.
IV.—PETER HARVEY.

V.—ROLAND G. USHER.
VI.—THOMAS TALBOT.
VII.—CHARLES ADAMS, JR.
VIII.—HORATIO G. KNIGHT.

OLIVER WARNER,

SECRETARY OF THE COMMONWEALTH.

CHARLES W. LOVETT, *1st Clerk.* BENJAMIN C. PIPER, *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, *Assistant Attorney-General.*

HENRY S. BRIGGS,

AUDITOR.

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—GEORGE O. BRASTOW.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Tracy P. Cheever, . . .	Chelsea.
Second " . . .	Alonzo M. Giles, . . .	Boston.
Third " . . .	Augustus O. Allen, . . .	Boston.
Fourth " . . .	A. M. McPhail, Jr., . . .	Boston.
Fifth " . . .	Samuel D. Crane, . . .	Boston.
Sixth " . . .	Melville E. Ingalls, . . .	Boston.
First Essex, . . .	William Schonler, . . .	Lynn.
Second " . . .	William Sutton, . . .	South Danvers.
Third " . . .	Moses T. Stevens, . . .	Andover.
Fourth " . . .	Charles C. Dame, . . .	Newburyport.
Fifth " . . .	J. Scott Todd, . . .	Rowley.
First Middlesex, . . .	O. H. P. Smith, . . .	Charlestown.
Second " . . .	George O. Brastow, . . .	Somerville.
Third " . . .	Knowlton S. Chaffee, . . .	Cambridge.
Fourth " . . .	Lee Claflin, . . .	Hopkinton.
Fifth " . . .	Daniel Needham, . . .	Groton.
Sixth " . . .	James Oliver, . . .	South Reading.
Seventh " . . .	Benjamin F. Clark, . . .	Chelmsford.
First Worcester, . . .	Lucius W. Pond, . . .	Worcester.
Second " . . .	Jonathan D. Wheeler, . . .	Grafton.
Third " . . .	Frederick D. Brown, . . .	Webster.

District.	Name of Senator.	Residence.
Fourth Worcester, .	John G. Mudge, . . .	Petersham.
Fifth " . . .	Francis B. Fay, . . .	Lancaster.
First Hampden, .	Henry Alexander, Jr., . . .	Springfield.
Second " . . .	Henry Fuller, . . .	Westfield.
Hampshire, . . .	Edmund H. Sawyer, . . .	Easthampton.
Franklin, . . .	Silas N. Brooks, . . .	Bernardston.
Berkshire, . . .	Samuel W. Bowerman, . . .	Pittsfield.
Berksh'e & Hampshire,	Marshall Wilcox, . . .	Lee.
First Norfolk, . . .	William Gaston, . . .	Roxbury.
Second " . . .	George Penniman, . . .	Milton.
Third " . . .	Clark Partridge, . . .	Medway.
First Plymouth, . . .	Gershom B. Weston, . . .	Duxbury.
Second " . . .	Edward Crocker, . . .	N. Bridgewater.
Norfolk & Plymouth, .	Edward Avery, . . .	Braintree.
First Bristol, . . .	Harrison Tweed, . . .	Taunton.
Second " . . .	Robert C. Pitman, . . .	New Bedford.
Third " . . .	S. Angier Chace, . . .	Fall River.
Cape, . . .	Chester Snow, . . .	Harwich.
Island, . . .	Erasmus Gould, . . .	Falmouth.

STEPHEN N. GIFFORD, *Clerk.*BENJAMIN C. DEAN, *Assistant-Clerk.*HENRY MORGAN, of Boston, *Chaplain*.JOHN MORISSEY, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—HARVEY JEWELL.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Dexter A. Tompkins, Hodgdon F. Buzzell, S. F. Whitehouse, .	Boston. " "
2d,	Boston, Ward 2,	{ Dennis Cawley, Jr., . John M. Tobin, . Murdock Matheson, .	Boston. " "
3d,	Boston, Ward 3,	{ Charles R. Train, . Thomas J. Gargan, . James L. Locke, .	Boston. " "
4th,	Boston, Ward 4,	{ Hiram S. Shurtleff, . Dexter S. King, . Daniel H. Whitney,	Boston. " "
5th,	Boston, Ward 5,	{ Ellis W. Morton, . John P. Ordway, . Otis Rich, .	Boston. " "
6th,	Boston, Ward 6,	{ Harvey Jewell, . Linus M. Child, . John J. Smith, .	Boston. " "
7th,	Boston, Ward 7,	{ Patrick A. Collins, . Chas. H. Blanchard, Thomas J. Fay, .	Boston. " "
8th,	Boston, Ward 8,	{ Noah M. Gaylord, . P. Ambrose Young, . Nathaniel C. Nash, .	Boston. " "
9th,	Boston, Ward 9,	{ Newell A. Thompson, Edward H. Pierce, .	Boston. "
10th,	Boston, Ward 10,	{ James A. Fox, . Noble H. Hill, .	Boston. "

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, . }	George F. Williams, Charles W. Wilder, Hubbard W. Tilton,	Boston. " "
12th,	Boston, Ward 12, . }	J. W. F. Willson, . Henry Souther, .	Boston. "
13th,	{ Chelsea, . . . } { North Chelsea, . . . } { Winthrop, . . . }	Samuel Freeman, . Thomas H. Carruth, Charles Bird, Jr., .	Chelsea. " North Chelsea.

COUNTY OF ESSEX.

1st,	{ Salisbury, . . . } { Amesbury, . . . } { West Newbury, . . . }	J. R. Huntington, . James G. Tewksbury,	Amesbury. W. Newbury.
2d,	{ Haverhill, . . . } { Bradford, . . . }	Charles W. Chase, . S. K. Towle, . . . John Perley, . . .	Haverhill. " Bradford.
3d,	{ Lawrence, . . . } { Methuen, . . . }	Wm. H. P. Wright, Albert Blood, . . . John K. Tarbox, . . .	Lawrence. " "
4th,	{ Andover, . . . } { North Andover, . . . }	John A. Wiley, . . .	N. Andover.
5th,	{ Georgetown, . . . } { Groveland, . . . } { Boxford, . . . }	Roscoe W. Gage, . . .	Boxford.
6th,	{ Newburyport, . . . } { Newbury, . . . }	G. W. Jackman, Jr., Geo. W. Woodwell, Rufus Adams, . . .	Newburyport. " "
7th,	{ Ipswich, . . . } { Rowley, . . . }	Joseph Ross, . . .	Ipswich.
8th,	{ Gloucester, . . . } { Essex, . . . }	Benjamin F. Cook, . Josiah O. Friend, . Leonard McKenzie,	Gloucester. " Essex.
9th,	Rockport, . . .	Moses Pool, . . .	Rockport.

COUNTY OF ESSEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
10th,	{ Beverly, . . . } { Manchester, . . . } { Hamilton, . . . }	Joseph Wilson, . John Lee, . . .	Beverly. Manchester.
11th,	{ Danvers, . . . } { Wenham, . . . }	Edwin Mudge, .	Danvers.
12th,	Peabody,* . . .	J. Warren Stevens, .	Peabody.
13th,	{ Salem, Wards 1, 2 } { and 3, . . . }	George H. Peirson, . William H. Burbeck,	Salem. Salem.
14th,	Salem, Wards 4 and 6,	Thomas S. Waters, .	Salem.
15th,	{ Marblehead, and } { Ward 5, Salem, . }	William B. Brown, . Stephen C. Felton, .	Marblehead. Marblehead.
16th,	{ Lynn, Ward 4, and } { Nahant, . . . }	William W. Kellogg,	Lynn.
17th,	Lynn, Wards 2 and 5,	William Howland, .	Lynn.
18th,	{ Lynn, Ward 3, and } { Swampscott, . . . }	Eben N. Wardwell, .	Swampscott.
19th,	{ Lynn, Wards 1, 6 } { and 7, . . . }	Benjamin Proctor, .	Lynn.
20th,	{ Saugus, . . . } { Lynnfield, . . . } { Middleton, . . . } { Topsfield, . . . }	Jacob P. Towne, .	Topsfield.

COUNTY OF MIDDLESEX.

1st,	Charlestown, Ward 1,	Thos. Cunningham, .	Charlestown.
2d,	Charlestown, Ward 2, {	Rufus A. White, . William Sherburne, .	Charlestown. Charlestown.
3d,	Charlestown, Ward 3, {	Caleb Rand, . . . George H. Long, . . .	Charlestown. Charlestown.
4th,	{ Somerville, . . . } { Malden, . . . }	John A. Hughes, . John Runey, . . . George P. Cox, . . .	Somerville. Somerville. Malden.

*Name of South Danvers was changed to Peabody, April 13, 1868.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	Medford, . . .	James A. Hervey, .	Medford.
6th,	{ Arlington, . . . } { Winchester, . . . }	Joseph S. Potter, .	Arlington.
7th,	{ Cambridge, Ward 1, } " " Ward 5, }	Richard H. Dana, Jr.,	Cambridge.
8th,	{ Cambridge, Ward 2, } " " Ward 4, }	John Livermore, . John McDuffie, . Curtis Davis, . . .	Cambridge. Cambridge. Cambridge.
9th,	Cambridge, Ward 3,	Anson P. Hooker, .	Cambridge.
10th,	{ Newton, . . . } { Brighton, . . . }	George E. Allen, . George E. Bridges, .	Newton. Newton.
11th,	{ Watertown, . . . } { Belmont, . . . }	Henry M. Clarke, .	Belmont.
12th,	Waltham, . . .	Royal S. Warren, .	Waltham.
13th,	Natick, . . .	Willard Mann, .	Natick.
14th,	{ Holliston, . . . } { Sherborn, . . . }	Francis E. Cushing, .	Holliston.
15th,	{ Hopkinton, . . . } { Ashland, . . . }	William Seaver, .	Ashland.
16th,	Framingham, . . .	George Phipps, .	Framingham.
17th,	Marlborough, . . .	Hugh R. Bean, .	Marlborough.
18th,	{ Hudson, . . . } { Stow, . . . } { Boxborough, . . . } { Littleton, . . . }	Francis W. Warren,	Stow.
19th,	{ Acton, . . . } { Sudbury, . . . } { Wayland, . . . }	Willard Wheeler, .	Sudbury.
20th,	{ Concord, . . . } { Lincoln, . . . } { Weston, . . . }	Charles H. Fiske, .	Weston.

HOUSE OF REPRESENTATIVES.

377

COUNTY OF MIDDLESEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Lexington, . . . } { Bedford, . . . } { Burlington, . . . } { Carlisle, . . . }	John C. Blasdel, .	Lexington.
22d,	Woburn, . . .	David D. Hart, .	Woburn.
23d,	{ Stoneham, . . . } { Wakefield,* . . . } { Melrose, . . . }	Levi S. Gould, . James F. Mansfield, .	Melrose. Wakefield.
24th,	{ Reading, . . . } { North Reading, . . . } { Wilmington, . . . }	Nathan P. Pratt, .	Reading.
25th,	{ Chelmsford, . . . } { Billerica, . . . } { Tewksbury, . . . }	Dudley Foster, .	Billerica.
26th,	{ Lowell, Ward 1, . . . } { " Ward 2, . . . } { " Ward 6, . . . }	Benjamin J. Williams, James B. Francis, .	Lowell. "
27th,	Lowell, Ward 3, .	Oliver W. Smith, .	Lowell.
28th,	Lowell, Ward 4, .	Josiah Gates, . .	Lowell.
29th,	Lowell, Ward 5, .	William McFarlin, .	Lowell.
30th,	{ Dracut, . . . } { Tyngsborough, . . . } { Dunstable, . . . } { Westford, . . . }	Geo. W. Heywood, .	Westford.
31st,	{ Groton, . . . } { Pepperell, . . . }	Levi Wallace, . .	Pepperell.
32d,	{ Townsend, . . . } { Ashby, . . . } { Shirley, . . . }	Jonathan Pierce, .	Townsend.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } { Winchendon, . . . }	Windsor N. White, .	Winchendon.
2d,	{ Royalston, . . . } { Athol, . . . }	Jeremiah A. Rich, .	Royalston.

* Name of South Reading was changed to Wakefield, February 25, 1868.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—Continued.

District.	Town or Ward.	Names of Representative.	Residence.
3d,	{ Gardner, . . . } { Templeton, . . . }	Charles Heywood, .	Gardner.
4th,	{ Petersham, . . . } { Dana, . . . } { Phillipston, . . . } { Hubbardston, . . . } { Barre, . . . } { Hardwick, . . . } { New Braintree, . . . }	William Mixer, . J. Otis Hale, . . .	Hardwick. Hubbardston.
5th,	{ Westminster, . . . } { Fitchburg, . . . } { Lunenburg, . . . } { Leominster, . . . }	George E. Towne, . Otis T. Ruggles, . Howard M. Lane, .	Fitchburg. " Leominster.
6th,	{ Lancaster, . . . } { Bolton, . . . } { Harvard, . . . }	Solomon H. Howe, .	Bolton.
7th,	{ Clinton, . . . } { Berlin, . . . } { Northborough, . . . }	Chas. W. Worcester,	Clinton.
8th,	{ Sterling, . . . } { West Boylston, . . . } { Boylston, . . . }	Wallace McFarland,	West Boylston.
9th,	{ Rutland, . . . } { Holden, . . . } { Princeton, . . . } { Oakham, . . . }	P. A. Beaman, .	Princeton.
10th,	{ Worcester, Ward 1, } { " Ward 2, } { " Ward 3, } { " Ward 8, } { Paxton, . . . }	A. G. Walker, . Delano A. Goddard, Warren Williams, .	Worcester. " "
11th,	{ Worcester, Ward 4, } { " Ward 5, } { " Ward 6, } { " Ward 7, }	Edward S. Stebbins, James S. Woodworth, P. A. Thompson, .	Worcester. " "
12th,	{ Grafton, . . . } { Shrewsbury, . . . }	J. H. Wood, . . .	Grafton.
13th,	{ Westborough, . . . } { Southborough, . . . }	Samuel Appleton, .	Southborough.

HOUSE OF REPRESENTATIVES.

379

COUNTY OF WORCESTER—Concluded.

District.	Town.	Name of Representative.	Residence.
14th,	{ Northbridge, . . . } { Upton, . . . }	William Knowlton, .	Upton.
15th,	{ Milford, . . . } { Mendon, . . . } { Blackstone, . . . } { Uxbridge, . . . }	Isaac H. Stearns, . Moses Farnum, . Charles Wing, .	Milford. Blackstone. Uxbridge
16th,	{ Douglas, . . . } { Webster, . . . } { Dudley, . . . } { Oxford, . . . } { Sutton, . . . } { Millbury, . . . }	Lament B. Corbin, . Silas Dunton, . . William D. Jones, .	Oxford. Millbury. Douglas.
17th,	{ Auburn, . . . } { Leicester, . . . } { Spencer, . . . } { Charlton, . . . } { Southbridge, . . . }	Joseph H. Hathaway, Lory S. Watson, .	Charlton. Leicester.
18th,	{ Sturbridge, . . . } { Brookfield, . . . } { North Brookfield, . . . } { West Brookfield, . . . } { Warren, . . . }	Amasa C. Morse, . Joseph B. Lombard,	Sturbridge. Warren.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . } { Huntington, . . . } { Northampton, . . . } { Southampton, . . . } { Westhampton, . . . }	William F. Arnold, . Edward H. Lathrop,	Northampton. Huntington.
2d,	{ Chesterfield, . . . } { Cummington, . . . } { Goshen, . . . } { Middlefield, . . . } { Plainfield, . . . } { Worthington, . . . }	Richmond Kingman,	Cummington.
3d,	{ Hadley, . . . } { Hatfield, . . . } { Williamsburg, . . . }	Henry S. Porter, .	Hatfield.
4th,	{ Amherst, . . . } { South Hadley, . . . }	Horace Ward, . .	Amherst.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Belchertown, . . . } { Granby, . . . } { Pelham, . . . }	Philo Chapin, . . .	Granby.
6th,	{ Enfield, . . . } { Greenwich, . . . } { Prescott, . . . } { Ware, . . . }	Henry Bassett, . . .	Ware.

COUNTY OF HAMPDEN.

1st,	{ Monson, . . . } { Brimfield, . . . } { Holland, . . . } { Wales, . . . }	Joel B. Williams, . . .	Monson.
2d,	{ Palmer, . . . } { Wilbraham, . . . }	William R. Sessions,	Wilbraham.
3d,	{ Springfield, Ward 1, } { " " Ward 2, } { " " Ward 3, }	Charles L. Shaw, . . . Tilly Haynes, . . .	Springfield. "
4th,	{ Springfield, Ward 4, } { " " Ward 6, }	George Walker, . . .	Springfield.
5th,	{ Springfield, Ward 5, } { " " Ward 7, } { " " Ward 8, }	John Severson, . . .	Springfield.
6th,	{ Holpoke, . . . } { Chicopee, . . . } { Ludlow, . . . }	Edwin N. Snow, . . . Ezra H. Flagg, . . .	Chicopee. Holyoke.
7th,	{ Granville, . . . } { Southwick, . . . } { Agawam, . . . } { West Springfield, . . . } { Longmeadow, . . . }	Ralph S. Brown, . . . Charles A. Fox, . . .	Granville. W. Springfield.
8th,	Westfield, . . .	William G. Bates, . . .	Westfield.
9th,	{ Chester, . . . } { Blandford, . . . } { Montgomery, . . . } { Russell, . . . } { Tolland, . . . }	Thaddeus K. DeWolf,	Chester.

COUNTY OF FRANKLIN.

District.	Town.	Name of Representative.	Residence.
1st,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . }	John D. Flagg, .	Orange.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	Frederick W. Field,	Leverett.
3d,	{ Greenfield, . . . } { Colrain, . . . } { Leyden, . . . } { Bernardston, . . . } { Gill, . . . } { Northfield, . . . } { Erving, . . . }	George W. Potter, . Thomas J. Field, .	Greenfield. Northfield.
4th,	{ Deerfield, . . . } { Shelburne, . . . } { Whately, . . . } { Conway, . . . } { Ashfield, . . . } { Hawley, . . . }	Henry S. Ranney, . Samuel T. Field, .	Ashfield. Shelburne.
5th,	{ Buckland, . . . } { Charlemont, . . . } { Heath, . . . } { Rowe, . . . } { Monroe, . . . }	Roger H. Leavitt, .	Charlemont.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	Fred. A Morey, .	Williamstown.
2d,	{ Adams, . . . } { Cheshire, . . . } { Clarksburg, . . . } { Florida, . . . } { Savoy, . . . }	Shepard Thayer, . Jonas A. Champney,	Adams. Cheshire.
3d,	{ Dalton, . . . } { Pittsfield, . . . } { Richmond, . . . }	Thomas F. Plunkett, Henry H. Cook, .	Pittsfield. Richmond.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Becket, . . . } { Hinsdale, . . . } { Peru, . . . } { Washington, . . . } { Windsor, . . . }	Charles J. Kittredge,	Hinsdale.
5th,	{ Lenox, . . . } { Stockbridge, . . . } { West Stockbridge, . . . }	Mason Van Dusen, .	Stockbridge.
6th,	{ Lee, . . . } { Monterey, . . . } { Otis, . . . } { Tyringham, . . . }	Alanson Crittenden, .	Otis.
7th,	{ Alford, . . . } { Egremont, . . . } { Great Barrington, . . . } { Mount Washington, . . . }	Edward A. Hulbert,	Gt. Barrington.
8th,	{ New Marlborough, . . . } { Sandisfield, . . . } { Sheffield, . . . }	Andrew J. Freeman,	N. Marlboro'.

COUNTY OF NORFOLK.

1st,	Dedham,* . . .	John R. Bullard, .	Dedham.
2d,	West Roxbury, . . .	Charles A. Hewins, .	West Roxbury.
3d,	{ Roxbury,† Ward 2, . . . } { " " Ward 3, . . . } { " " Ward 4, . . . } { " " Ward 5, . . . }	William Seaver, . George M. Hobbs, . Isaac H. Meserve, .	Roxbury. " "
4th,	Roxbury, Ward 1, . . .	Charles Stanwood, .	Roxbury.
5th,	Dorchester,* . . . {	Edw. H. R. Ruggles, John H. Robinson, .	Dorchester. "
6th,	Quincy,	John Quincy Adams,	Quincy.

* Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11.

† Annexed to Boston in 1867. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

COUNTY OF NORFOLK—Concluded.

District.	Town.	Name of Representative.	Residence.
7th,	Braintree, . .	E. Watson Arnold,*	Braintree.
8th,	Weymouth, . .	Alvah Raymond, Jr., Henry Newton, .	Weymouth. “
9th,	Randolph, . .	Daniel Howard, .	Randolph.
10th,	Stoughton, . .	Orlando B. Crane, .	Stoughton.
11th,	{ Canton, . . . } { Milton, † . . . } { Walpole, . . . } { Sharon, . . . }	James Capen, ‡ Joseph Leavitt, .	Sharon. Canton.
12th,	{ Foxborough, . . } { Wrentham, . . . } { Medway, . . . }	Leander S. Daniels, . James T. Ford, .	Medway. Wrentham.
13th,	{ Franklin, . . . } { Bellingham, . . }	Henry E. Pond, .	Franklin.
14th,	{ Needham, . . . } { Medfield, . . . } { Dover, . . . }	George K. Daniell, .	Needham.
15th,	Brookline, . .	Thomas Parsons, .	Brookline.

COUNTY OF BRISTOL.

1st,	Attleborough, . .	Willard Blackinton,	Attleborough.
2d,	{ Mansfield, . . . } { Norton, . . . }	Augustus Lane, .	Norton.
3d,	{ Easton, . . . } { Raynham, . . . }	John H. Swain, .	Easton.
4th,	Taunton, . . .	Jeremy B. Dennett, Walter S. Sprague, . Nathan S. Williams,	Taunton. “ “

* Mr. Edward Avery was chosen in this district at the general election, but having been also elected a Senator, sent in his resignation to the House, and Mr. Arnold was elected in his place.

† Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11.

‡ Mr. Capen's death was announced in the House May 22. The vacancy was not filled.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Seekonk, . . . } { Rehoboth, . . . } { Dighton, . . . } { Berkley, . . . }	William A. King, .	Rehoboth.
6th,	{ Somerset, . . . } { Swanzey, . . . } { Freetown, . . . }	Job M. Leonard, .	Somerset.
7th,	Fall River, . . .	{ Abraham G. Hart, . } { Weaver Osborn, . } { Iram Smith, . . . }	Fall River. " "
8th,	Westport, . . .	Ezra P. Brownell, .	Westport.
9th,	Dartmouth, . . .	William Barker, Jr.,	Dartmouth.
10th,	{ New Bedford, Wards } { 1, 2 and 3, . . . }	Oliver H. P. Brown, Joseph W. Cornell, .	New Bedford. "
11th,	{ New Bedford, Wards } { 4, 5 and 6, . . . }	James B. Wood, . William H. Reynard,	New Bedford. "
12th,	{ Fairhaven, . . . } { Acushnet, . . . }	Lewis S. Judd, .	Fairhaven.

COUNTY OF PLYMOUTH.

1st,	{ Cohasset, . . . } { Scituate, . . . }	John Manson, . .	Scituate.
2d,	{ Hingham, . . . } { Hull, . . . }	David Cushing, 2d, .	Hingham.
3d,	{ South Scituate, . . . } { Hanover, . . . } { Hanson, . . . }	Morton V. Bonney, .	Hanover.
4th,	{ Marshfield, . . . } { Pembroke, . . . } { Halifax, . . . }	William Whiting, .	Pembroke.
5th,	{ Duxbury, . . . } { Kingston, . . . }	Eden Wadsworth, .	Duxbury.

HOUSE OF REPRESENTATIVES.

385

COUNTY OF PLYMOUTH—Concluded.

District.	Towns.	Name of Representative.	Residence.
6th,	{ Plymouth, . . . } { Carver, . . . } { Plympton, . . . }	Charles H. Drew, . Josiah S. Hammond,	Plymouth. Plympton.
7th,	{ Wareham, . . . } { Marion, . . . }	George Sanford, .	Wareham.
8th,	{ Mattapoisett, . . . } { Rochester, . . . } { Lakeville, . . . }	Eleazer Richmond, .	Lakeville.
9th,	Middleborough, .	Levi A. Abbott, .	Middleboro'.
10th,	{ Bridgewater, . . . } { West Bridgewater, . . }	Simeon Perkins, .	Bridgewater.
11th,	{ East Bridgewater, . . } { North Bridgewater, . . }	C. C. Bixby, . . Irving Bates, . .	N. Bridgewater. E. Bridgewater.
12th,	Abington, . . . }	Walter B. Studley, . Dan Packard, . .	Abington. “

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . } { Sandwich, . . . } { Falmouth, . . . } { Yarmouth, . . . }	Heman B. Chase, . Alvah Holway, . Lemuel B. Simmons,	Yarmouth. Sandwich. Barnstable.
2d,	{ Dennis, . . . } { Harwich, . . . } { Brewster, . . . }	Samuel H. Gould, . Seth Crowell, . .	Brewster. Dennis.
3d,	{ Chatham, . . . } { Orleans, . . . }	Ensign B. Rogers, .	Orleans.
4th,	{ Eastham, . . . } { Wellfleet, . . . } { Truro, . . . } { Provincetown, . . . }	Henry Shortle, . John H. Bangs, . .	Provincetown. Eastham.

HOUSE OF REPRESENTATIVES.

DUKES COUNTY.

District.	Towns.	Name of Representative.	Residence.
One.	{ Edgartown, . . . } { Tisbury, . . . } { Chilmark, . . . } { Gosnold, . . . }	Charles Bradley, .	Tisbury.

COUNTY OF NANTUCKET.

One,	Nantucket, . . .	William H. Waitt, .	Nantucket.
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WILLIAM S. ROBINSON, *Clerk.*JOHN MORISSEY, *Sergeant-at-Arms.*WILLIAM A. CRAFTS, *Asst. Clerk.*WILLIAM R. ALGER, *Chaplain.*

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

REUBEN A. CHAPMAN,* *of Springfield.*

ASSOCIATE JUSTICES.

EBENEZER R. HOAR, *of Concord.*

HORACE GRAY, JR., *of Boston.*

DWIGHT FOSTER, *of Boston.*

JOHN WELLS, *of Chicopee.*

JAMES D. COLT,† *of Pittsfield.*

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 GEORGE T. BIGELOW, resigned, December 31, 1867.

† Vice REUBEN A. CHAPMAN, appointed Chief Justice, Feb. 7, 1869.

JUDICIAL DEPARTMENT.

JUDGES OF PROBATE AND INSOLVENCY.

ISAAC AMES, Boston,	SUFFOLK.
GEORGE F. CHOATE, 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.

WILLIAM C. BROWN, Chelsea,	SUFFOLK.
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. GILLET, Westfield,	WESTERN.
SAMUEL T. SPAULDING, Northampton,	NORTH-WESTERN.

* Resigned June 30, 1868. Vacancy not yet filled.

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, Sup. Jud. Court,	} SUFFOLK, and by app't of Justices, for COM- MONWEALTH.
J. A. WILLARD, Boston, Superior Ct., Civil T.,	
F. 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.
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Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
July 1, 1868. }

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.

I N D E X .

A.

	Page.
Abatement of Nuisance in City of Boston, authorized,	195
Academy of Science, Peabody, Trustees of, incorporated,	93
Adams, Town of, may hold certain Railroad Stock,	164
Adams and Williamstown, Towns of, may establish Union Graded School,	54
Address, Inaugural, of Governor,	293
Adjustable Car Company, Boston and Chicago, incorporated,	152
Advisory Board of Women for Industrial School, established,	120
Agawam Bridge, time for building extended,	221
Agricultural College, Massachusetts, in favor,	280
“ “ “ issue of arms to,	274
Agricultural Society, New England, in Boston, incorporated,	53
Albany Street Freight Railway Company, incorporated,	82
Alewives in Ipswich River and Wenham Pond, to protect,	122
“ in Mystic River and Pond, Act of 1867, amended,	99
Almshouse, State, at Monson, in favor,	289
“ “ at Tewksbury, purchase of land for, authorized,	279
“ “ “ relating to,	278
American Powder Company, name established,	60
“ Steamship Company, charter amended,	175
Amesbury, Town of, may hold certain Street Railroad Stock,	221
Andover Bridge, made public highway,	224
Andrew, John A., Statue of, relating to,	281
Andrews, B. H., Executor, deed to Kimball & Sargent, confirmed,	101
Animals, Invertebrate, republication of Gould's report on,	274
“ for prevention of cruelty to,	155
“ “ “ “ “ Mass. Society, incorporated,	68
Annual Meetings of Railroad Corporations, where to be held,	87
Antietam, National Cemetery at, relating to,	277

APPROPRIATIONS:

<i>For Maintenance of Government during current year,—</i>	
Legislative, Executive, Secretary's Treasurer's, Auditor's, At- torney-General's, Tax-Commissioner's, Agricultural, Educa- tional and Military Departments, Board State Charities, Com- missioners and State House,	3

APPROPRIATIONS—Continued.

	Page.
<i>For Maintenance of Government, additional,—</i>	
Supreme Judicial, Superior, Probate and Insolvency, Municipal and Police Courts, and District-Attorneys,	9
<i>From Funds and Incomes, viz.:</i> Charles River and Warren Bridge Fund and Essex Bridge tolls; Rogers Book, Todd Normal School, Indian School, and Agricultural College, incomes,	14
<i>Expenses authorized in 1867 and previous years, etc.:</i> Charitable, Reformatory and Correctional, Military and Miscellaneous,	21
<i>Expenses of current year, certain:</i> Almshouses, Hospital at Rainsford Island, Lunatic Paupers, State Prison, Reform and Nautical Schools; Charitable, Reformatory and Correctional, etc.,	31
<i>For Maintenance of Government, further additional,—</i>	
Legislative, Executive and Agricultural Departments, State Printing, Military, State House, Contingent and Incidental Expenses and Miscellaneous,	37
<i>From Moiety of Income of School Fund applicable to Educational purposes:</i> Board of Education, Normal Schools, State Scholarships, Teachers' Institutes and Associations, American Institute and Indian Schools,	50
<i>Expenses of current year, certain:</i> Almshouses, Hospital at Rainsford Island, Lunatic Paupers, Reform and Nautical Schools; Charitable, Reformatory and Correctional, Military and Miscellaneous,	138
<i>Expenses of current year, certain:</i>	252, 259, 271
Cape Cod Harbor at Provincetown, preservation of,	281
Capen, James, in favor widow of,	289
Disabled Soldiers' Employment Bureau, in favor,	275
Fish-way at Holyoke, for construction,	286
Gould's report on Invertebrate Animals, re-publication of,	274
Hall of Representatives, for re-arrangement of seats,	288
Land at Point Alderton, purchase of,	284
Massachusetts Agricultural College, in favor,	280
" Asylum for the Blind, in favor,	276
State House, improvements and repairs,	290
Troy and Greenfield Railroad and Hoosac Tunnel,	249
Aqueduct Corporation, Jamaica Pond, additional powers granted to,	136
" " Lynn, may issue bonds and extend works,	217
" " Salem and Danvers, concerning,	220
Arlington and Lexington Street Railway Company, incorporated,	30
Arms, issue of, to Massachusetts Agricultural College,	274
Ashley School, Trustees of may hold certain property,	252
Assessment of Taxes, relating to,	155
" " on Bank Shares, relating to,	264
" " on Estates, omitted in annual taxation,	238

INDEX.

iii

	Page.
Assignments in Bankruptcy, Registers of Deeds to record, . . .	206
Assistant-Attorney-General, office established, . . .	73
" Clerk, Municipal Court, Boston, civil business, salary of, . . .	123
" District-Attorneys, salaries, when payable, . . .	8
Association for benefit of Needle Women, incorporated, . . .	129
" Boston Skating Rink, incorporated; capital, . . .	118, 180
" " Young Men's Christian, additional estate, . . .	190
" Brookline Hibernian, incorporated, . . .	9
" Cambridge Land and Building, incorporated, . . .	153
" Catholic Lyceum, in Boston, incorporated, . . .	130
" Haverhill Odd Fellows' Hall, incorporated, . . .	190
" Lowell Young Men's Christian, incorporated, . . .	18
" Martha's Vineyard Camp Meeting, incorporated, . . .	132
" Massachusetts Spiritualist, incorporated, . . .	97
" Music Hall, of Worcester, incorporated, . . .	99
" Roman Catholic Cemetery, in Malden, incorporated, . . .	158
" Roxbury Young Men's Christian, incorporated, . . .	144
" West Newbury Chapel, incorporated, . . .	100
" Young Men's Christian, of Worcester, incorporated, . . .	223
Asylum for the Blind, Massachusetts, in favor, . . .	275, 276
Attachment, earnings of Debtor's Wife and Children exempted from, . . .	82
Attleborough Mutual Fire Insurance Company, charter extended, . . .	83
Attorney-General, Assistant, office established, . . .	73

B.

Bank, Cambridge Savings, name established, . . .	51
" East Abington Savings, incorporated, . . .	73
" Essex Savings, in Lawrence, may hold real estate, . . .	103
" Fall River Savings, may hold additional estate, . . .	20
" Gardner Savings, incorporated, . . .	185
" Georgetown Savings, incorporated, . . .	185
" Hyannis Savings, incorporated, . . .	102
" Lawrence Savings, incorporated, . . .	44
" Lynn Five Cents Savings, may hold real estate, . . .	35
" Newburyport Savings Institution, may hold real estate, . . .	182
" Roxbury and Vicinity Savings Institution, charter amended, . . .	251
" Shelburne Falls Five Cents, may hold real estate, . . .	182
" South Boston Savings, may hold real estate, . . .	53
" South Weymouth Savings, incorporated, . . .	33
" Webster Five Cents Savings, incorporated, . . .	52
" Worcester North Savings Institution in Fitchburg, incor- porated, . . .	186
Bank Shares, taxation of, concerning, . . .	264
Bankruptcy, Assignments under United States laws, Registers of Deeds to record, . . .	206
Banks, Savings, investments of, relating to, . . .	164
" " names of officers, when to be published, . . .	37

	Page.
Banks, Savings, taxation of deposits in,	233
“ State, redemption of circulation, relating to,	154
Baptist Society, Sandi-field, incorporated, and acts confirmed,	90
Baptists, Free, Massachusetts and Rhode Island Yearly Meeting, in- corporated,	84
Barnstable County, Probate Courts in, time of holding,	146
Barnstable, Town of, Sea-Fowl in, to protect,	122
“ “ Trout in Jones' Mill Creek, to protect,	210
Barrows, Lydia and Horace G., on petition of,	282
Bay State Steamboat Company, may hold real estate in Newport,	233
Bayley Hat Company, organization confirmed,	126
Benevolent Fraternity of Churches in Boston, Executive Committee incorporated,	70
Benevolent Society, Dedham Irish, incorporated,	193
“ “ Howard, charter amended,	141
Berkshire County, Commissioners may lay out road over State's lands in Florida,	286
Berkshire County, Pittsfield made County Seat; meetings of Com- missioners, when held; removal of County Officers; Commis- sioners may borrow money for erection of Court house, etc.,	242, 266
Berkshire County, Probate Courts in, where held,	242, 248
Betterment of Estates in Boston, concerning,	194
“ “ in cities, relating to,	60
Bills of Exchange, notices of non-acceptance, etc., in Boston, re- specting,	190
Birds, Sea-Fowl in waters of Barnstable, to protect,	122
“ “ “ of Tisbury, to protect,	125
“ Woodcock, time for taking prescribed,	99
Blackinton, Village of, union graded school in, authorized,	54
Blasting of Rocks in the City of Boston; relating to,	150
Blind, Massachusetts Asylum for, in favor,	275, 276
Board of Publication, Congregational, and Massachusetts Sabbath School Society, united,	34
Board of Women, Advisory, to Trustees Industrial School, estab- lished,	120
Bolton, Town of, part annexed to Hudson,	62
Bonds in Civil Suits, relating to,	208
Bonds in hands of State Treasurer, stamping of, repeal,	200
Boston, City of, abatement of Nuisance, preservation of public health in, “ “ Blasting of Rocks in, relating to,	195 150
“ “ may lay out Eastern Avenue as public street,	246
“ “ and Lake Ontario, cheap transportation between,	184
“ “ land in, ceded to United States,	241
“ “ Overseers of Poor, relating to,	137
“ “ private ways in, relating to,	149
“ “ Streets in, alteration and improvement, assessment of estates,	194
“ “ Tenement and Lodging-Houses in, regulation of,	200

INDEX.

v

	Page.
Boston, City of, and West Roxbury may improve Stony Brook and tributaries,	161
Boston and Albany Railroad Company, State Loan to,	235
“ Barre, and Gardner Railroad, time for construction,	27
“ and Chelsea Railroad Company, relating to,	251
“ and Chicago Adjustable Car Company, incorporated,	152
“ Chicago and Liverpool Steamship Company, relating to,	250
“ Children’s Aid Society, charter amended,	119
“ Clinton and Fitchburg Railroad Company, may hold certain railroad stock,	143
“ Corn Exchange, incorporated,	44
“ Dental College, incorporated,	193
“ Harbor and Commonwealth Flats in, improvement of,	244
“ Hartford and Erie Railroad Company, concerning,	116
“ and Hingham Steamboat Company, capital and estate,	30
“ “ “ “ may build wharf in Hull,	177
“ and Maine Railroad Company, concerning,	92, 142
“ “ “ “ location in North Andover and Bradford, may increase capital,	19
“ Musicians’ Relief Fund Society, incorporated,	119
“ New Church Union, name changed,	159
“ and Providence Railroad Company may hold certain railroad stock,	143
“ and Providence Railroad Company, station in Mansfield,	20
“ “ “ “ station in Roxbury, repeal,	249
“ and Sandwich Glass Company, concerning,	229
“ Skating Rink Association, incorporated, capital increased,	118, 180
“ Theological Seminary, name established,	8
“ Water Power Company, concerning,	196
“ and West Roxbury Railroad Company, name established, etc.,	88
“ Yacht Club, incorporated,	87
“ Young Men’s Christian Association, may hold additional estate,	190
Boundary Line, Bolton and Hudson, established,	62
Bounties, certain, Town of Medford may pay,	279
“ to re-enlisted soldiers, Town of North Bridgewater may pay,	141
Bowditch Mills in Salem incorporated,	159
Boylston Donations, Trustees of, may hold additional estate,	137
Bradford, Town of, location of Boston and Maine Railroad in,	19
Bridge, Agawam, time for building extended,	221
“ between Boston and East Boston, building of authorized,	266
“ Charles River, relating to,	239
“ Chelsea, made public highway,	224, 251
“ Deerfield River, made public highway,	215
“ of Fitchburg Railroad Company over Charles River, concerning,	178
“ across North River, in South Scituate, construction authorized,	144
“ in Somerset, County Commissioners of Bristol may build,	152

	Page.
Bridge, Warren, relating to,	239
Bridge Corporation, Agawam, concerning,	221
“ “ Maverick, incorporated,	266
“ “ Sunderland, Town of, may hold stock in,	115
“ Proprietors, Malden, concerning,	225
Bridge and Turnpike Company, Chelsea Beach and Saugus, incor- porated,	68
Bridges, Public, cities and towns may take land for protection of,	189
“ Toll, in Essex County made public highways,	224, 251
Brigade Inspectors, pay of,	207
Bristol County, Commissioners of, may construct highway and bridge in Somerset,	152
Broadway Railroad Company, name changed,	180
Brookline and Back Bay Street Railway Company, charter extended, Brookline Hibernian Association, incorporated,	110 9
Brooks, John H., widow and minor child of, in favor,	289
Builders' Mutual Fire Insurance Company in Boston, incorporated,	17
Building and Land Association, Cambridge, incorporated,	153
Bureau of Employment for Disabled Soldiers, in favor,	275

C.

Cambridge, City of, may issue additional water bonds,	17
“ Gas Light Company, may increase capital,	143
“ Land and Building Association, incorporated,	153
“ Savings Institution, name changed to Bank,	51
Camp Meeting Association, Martha's Vineyard, incorporated,	132
Canal, Quincy, repeal of Act incorporating proprietors of,	129
Cape Cod Harbor at Provincetown, appropriation for, relating to,	257
“ “ “ “ concerning,	282
Cape Cod Railroad Company, may construct wall across Cohasset Narrows,	229
“ “ “ “ may extend road,	187
“ “ “ “ relating to,	96, 101
Cape Cod Central Railroad Company, mortgage of property con- firmed,	54
“ “ “ “ “ sale of franchise and pro- perty confirmed, etc.,	101
Capen, James, in favor widow of,	289
Car Company, Boston and Chicago Adjustable, incorporated,	152
Cars, Railroad Passenger, lighting of,	208
Catholic Cemetery Association in Malden, incorporated,	158
“ Lyceum Association, in Boston, incorporated,	130
Cavalry Musicians, relating to,	207
Cemeteries at Gettysburg and Antietam, Soldiers', relating to,	277
Cemetery Association, Roman Catholic, in Malden, incorporated,	158
Cemetery in Dorchester, Public, relating to,	55
“ Forest Hills, Proprietors of, incorporated,	45

INDEX.

vii

	Page.
Chair Company, Walter Heywood, incorporated,	85
Challenging of Jurors by Commonwealth, Act of 1867 repealed,	57
Change of Names of Persons,	356
Chapel Association, West Newbury, incorporated,	100
Chapel of the Good Shepherd, Trustees of, incorporated,	90
Chaplains of Legislature, compensation of,	290
Chappequiddic Indians, Guardian of, in favor,	280
Charitable Eye and Ear Infirmary, Massachusetts, in favor,	278
Charitable Fund, Ashley, Trustees may hold certain property,	252
Charles River Navigation Company, charter revived,	179
Charles River and Warren Bridges, relating to,	239
Charlestown, City of, land in ceded to United States,	183
“ “ may fill certain flats and lay out streets,	184
“ “ Poor's Fund, income,	219
“ Water Works, Town of Somerville may connect with,	151
Cheap Transportation between Boston and Lake Ontario, commission on,	184
Chelsea Beach and Saugus Bridge and Turnpike Company, incor- porated,	68
Chelsea Bridge, made public highway,	224, 251
Cheshire and Chesterfield, Towns of, may hold certain railroad stock,	164
Cheshire Railroad Company, may hold certain railroad stock,	143
Chicopee Manufacturing Company, may increase capital,	71
Children of Debtor, earnings exempted from attachment,	82
“ Friendless, Springfield Home for, in favor,	286
“ New England Hospital for, in favor,	279
“ Pauper, Overseers of Poor not to remove from State,	199
Children's Aid Society, Boston, charter amended,	119
Chilmark, Town of, may hold certain railroad stock,	97
Christian Association, Boston Young Men's, may hold additional estate,	190
“ “ Lowell Young Men's, incorporated,	18
“ “ Roxbury Young Men's, incorporated,	144
“ “ Worcester Young Men's, incorporated,	223
Christiantown Indians, Guardian of, in favor,	280
Church, Methodist Episcopal, First in North Andover, concerning,	85
“ “ Theological Seminary of, name changed, etc.,	8
Church Union, Boston, name changed,	159
Churches, Benevolent Fraternity of, in Boston, incorporated,	70
“ Methodist Episcopal, in Natick, sale of estate,	103
Circulating Notes of State Banks, relating to redemption of,	154
Cities, may dispose of Liquors remaining in hands of Agents,	258
“ may take land for protection of Public Ways and Bridges,	189
“ Streets of, concerning the laying out, alteration and improve- ment,	60
City Mission Society in New Bedford, Ladies', incorporated,	18
City of New Bedford, charter amended,	165
“ Newburyport, charter amended,	184

	Page.
Civil Government, list of State, district and county officers, . . .	369
Civil Suits, bonds in, relating to,	208
Clark, Malachi, may drive piles in Fort Point Channel,	125
Clerk of Senate, tenure of office fixed,	30
Clerks, Assistant, of Legislature, compensation of,	290
Club, Boston Yacht, incorporated,	87
Coast Defence Scrip, proceeds of, how applied,	257
“ “ Sinking Fund, established,	127
Cohasset Mutual Fire Insurance Company, charter extended,	19
Cohasset Narrows, sea-wall across, Cape Cod Railway Company may build,	229
College, Boston Dental, incorporated,	193
“ Massachusetts Agricultural, in favor,	280
“ “ “ issue of arms to,	274
“ Williams, in favor,	289
Commissioners, Boston, Hartford and Erie Railroad, additional powers to,	117
Commissioners, County, of Berkshire, may borrow money for court house, etc.,	243
“ “ “ may lay out road over State’s lands in Florida,	286
“ “ of Bristol, may construct highway and bridge in Somerset,	152
“ “ of Essex, may borrow money,	251
“ “ of Hampden, may construct dikes in West Springfield,	65
“ “ of Plymouth, may construct highway and bridge over North River,	144
“ “ of Worcester, may borrow money,	283
“ Lee and New Haven Railroad, appointment,	230
“ on transportation between Boston and Lake Ontario,	184
“ License, in Suffolk and Nantucket Counties, 108, 228, 234, 261 Water, of New Bedford, concerning powers of,	44
Committee on improvements of State House, appointment, duties,	288, 290
Commonwealth, Flats of, in Boston Harbor, for improvement,	244
“ Investments and Securities of, regulated,	57
“ right of, to challenge Jurors, repeal,	57
“ Witnesses for, in criminal cases, concerning,	57
Company B Sixth Regiment Militia, in favor,	277
Congregational Parish of Franklin, First, Town may pay, for Common,	181
“ “ of Orange, First, name changed,	128
“ Sabbath School and Publishing Society, established,	34
“ Society, Rollstone, in Fitchburg, incorporated,	121
Congress, Senators and Representatives of State in,	390
Connecticut River, Fish-way at Holyoke, for construction,	286
Connecticut River, Salmon and Shad Fishery in, regulated,	100
Conway, Town of, may hold certain Railroad Stock,	222
Corn Exchange, Boston, incorporated,	44

INDEX.

ix

	Page.
Corporation of Trustees First Methodist Episcopal Church in North Andover, name established, etc.,	85
Cotton Company, Naumkeag Steam, may increase capital,	116
Cotton Mills, Rockport Steam, may re-organize,	84
Council, Executive, compensation of members,	290
County Commissioners of Berkshire, may borrow money for court house, etc.,	243
“ “ “ may lay out road over State’s lands in Florida,	286
“ “ of Bristol, may construct highway and bridge in Somerset,	152
“ “ of Essex, may borrow money,	251
“ “ of Hampden, may construct dikes in West Springfield,	65
“ “ of Plymouth, may construct highway and bridge over North River,	144
“ “ of Worcester, may borrow money,	283
County Taxes, granted,	280
Court, Municipal, of Boston, salary of assistant-clerk civil business,	123
“ “ of Worcester, established,	146
“ Police, of Fitchburg, established,	98
“ “ of Springfield, salary of Justice,	248
“ “ of Worcester, abolished,	149
“ Superior, October term for Hampden County, changed,	183
“ Supreme Judicial, law term established at Salem,	128
Courts in Berkshire County, relating to,	242, 248
Courts, Police, jurisdiction as to Hawkers and Peddlers,	17
“ Probate, in Barnstable County, time of holding,	146
“ “ in Berkshire County, relating to,	242, 248
“ “ fees of witnesses in, established,	71
“ “ in Middlesex County, times and places of holding,	157
“ “ in Norfolk County, times and places of holding,	157
“ “ in Plymouth County, terms at North Bridgewater, established,	128
Criminal Suits, witnesses for Commonwealth in, concerning,	57
Cruelty to Animals, for more effectual prevention of,	155
“ “ Massachusetts Society for prevention of, incorporated,	68
Cummington, Town of, may hold certain railroad stock,	164
Curtis, George, may build railroad track in Hanover,	99
Cutlery Company, Turner’s Falls, incorporated,	158

D.

Deaf Mutes, Education of, concerning,	150
Debt for constructing Troy and Greenfield Railroad and Hoosac Tunnel to be funded,	42
Debtor, earnings of wife or children of, exempted from attachment,	82

INDEX.

	Page.
Dedham, Dorchester and Milton, part of, incorporated as Hyde Park,	104, 128
" Gas Light Company, may extend pipes into Hyde Park,	181
" Irish Benevolent Society, incorporated,	193
" and West Roxbury Railroad, name and western terminus changed,	88
Deerfield River Bridge made public highway,	215
Dental College, Boston, incorporated,	193
Deposit Company, Worcester Safe, incorporated,	60
Deposits in Savings Banks, taxation of,	233
Destitute, Temporary Home for, estate of,	160
Dike across Pamet River in Truro, authorized,	122
Dikes in West Springfield, construction authorized,	65
Disabled Soldiers' Employment Bureau, in favor,	275
Disabled Soldiers and Sailors, State aid for, continued,	88
" " " State aid for, repeal,	91
Discharged Soldiers' Home, in favor,	284
Dispatch Company, Pneumatic, may convey passengers,	154
Distribution of unclaimed portions Personal Estates of deceased persons,	209
District-Attorneys and Assistants, Salaries, when payable,	8
Districts, Fire, dissolution provided for in certain cases,	261
Dodd, Benjamin, Guardian, deed to William A. Rea, confirmed,	276
Door-keepers of Legislature, pay of,	290
Dorchester, Dedham and Milton, part of, incorporated as Hyde Park,	104, 128
Dorchester, Public Cemetery in, relating to,	55
Drawbridge, Fitchburg Railroad Company may maintain, over Charles River,	179
Dukes County, Treasurer of, Salary established,	73
Duxbury and Cohasset Railroad Company, certain towns may hold stock in, etc.,	258

E.

Earnings of wife and minor children of Debtor exempted from attachment,	82
East Abington Savings Bank, incorporated,	73
East Boston Ferry Company, concerning,	266, 270
East Walpole Branch Railroad Company, incorporated,	28
Eastern Avenue, City of Boston may lay out as public street,	246
Eastern Railroad, D. and R. A. Smith may connect with, at New- buryport,	188
Eastern Railroad Company, to establish flag station at "Knight's Crossing," Newbury,	72
" " " to erect Station-house on Central Square, Lynn,	263
" " " may extend the Lawrence Branch Road,	92
" " " sale of Rockport Railroad to, confirmed,	49
Eastern Steamship Company, incorporated,	241

INDEX.

xi

	Page.
Eastham, Town of, may hold stock in Cape Cod Railroad Company,	187
Easton Jemima, payment for her support authorized,	251
Edgartown, Town of, in favor,	281
" " may hold certain railroad stock,	97
Education of Deaf Mutes, concerning,	150
Elections of Town Officers in 1868, legalized,	188
Electric Gas Lighting Company, incorporated,	153
Emerton, Increase N., in favor,	274
Employment Bureau, Disabled Soldiers', in favor,	275
Engineer at State House, appointment authorized,	258
Equitable Marine Insurance Company, Provincetown, charter revived and extended,	15
Essex Bridge, made public highway,	224
Essex County, Law Term S. J. Court for, established at Salem,	128
" " Masters in Chancery for, additional number author- ized,	141
" " Toll Bridges in, made public highways,	224, 251
Essex Merrimack Bridge, made public highway,	227
Essex Savings Bank in Lawrence, may hold real estate,	103
Estate, Real, relating to mortgages of,	146
Estates in Boston, benefitted by alteration of streets, how assessed,	194
" encumbered by executory devises, etc., sale and investment of,	208
" Insolvent, of deceased persons, relating to,	247
" omitted in annual taxation, assessment of taxes upon,	238
" Personal, of deceased persons, distribution of unclaimed por- tions,	209
Europe, South of, Steamship Company, charter extended,	86
" " " " may change name and line,	250
Everett Insurance Company, charter revived,	91
Everett, Otis, and others may build wharf in Boston,	186
Evidence of payment of Succession Taxes, to perpetuate,	101
Exchange, Boston Corn, incorporated,	44
Executive Committee of Benevolent Fraternity of Churches in Bos- ton, incorporated,	70
Executive Council, members of, compensation,	290
Eye and Ear Infirmary, Massachusetts Charitable, in favor,	278

F.

Fall River, certain corporations in, may hold stock in Union Print Works,	71
Fall River Savings Bank, may hold additional estate,	20
Falmouth, Town of, may hold certain railroad stock,	97
Falvey, Andrew, in favor,	275
Families of soldiers and sailors, State aid for, continued,	88
" " " State aid for, repeal,	91
Farmers' and Merchants' Mutual Fire Insurance Company in Wor- cester, charter extended,	18

	Page.
Feeble-Minded Youth, Massachusetts School for, in favor, . . .	283
Fees of Witnesses in Probate Courts, established, . . .	71
Female Seminary, Mount Holyoke, in favor, . . .	282
Females' Refuge, Penitent, in Boston, real estate of, . . .	154
Ferry Company, East Boston, concerning, . . .	266, 270
Fire Department of Lowell, Engineers, how removed, . . .	69
“ “ of Worcester, concerning, . . .	145
Fire Districts, dissolution provided for in certain cases, . . .	261
Firemen at State House, appointment authorized, . . .	258
First Congregational Parish of Franklin, Town may pay; for Common, . . .	181
“ “ “ and Society of Orange, name changed, . . .	128
First Methodist Episcopal Church in Natick, sale of estate confirmed, . . .	103
“ “ “ “ of North Andover, concerning, . . .	85
First National Fire Insurance Company of Worcester, incorporated: capital, . . .	121, 191
Fish in Ipswich River and Wenham Pond, certain, right to take suspended, . . .	122
Fish in Mystic River, Act of 1867 concerning, amended, . . .	99
“ Smelts, to protect, . . .	135
“ Trout in Jones' Mill creek, Barnstable, to protect, . . .	210
“ “ in Merrill Pond, Wendell, to protect, . . .	209
“ “ in Grist-mill Pond, Wareham, to protect, . . .	89
Fishery in Connecticut River, regulated, . . .	100
Fishway at Holyoke on Connecticut River, authorized, . . .	286
Fitchburg, Police Court of, established, . . .	98
Fitchburg Railroad Company, may construct branch road in Waltham, . . .	82
“ “ “ may maintain a wharf and drawbridge, . . .	178
Five Cents Savings Bank, Lynn, may hold real estate, . . .	35
“ “ “ “ Shelburne Falls, may hold real estate, . . .	182
“ “ “ “ Webster, incorporated, . . .	52
Flats in Charlestown, certain, filling authorized, . . .	184
“ of Commonwealth in Boston Harbor, improvement of, . . .	244
“ at Long Island, United States may purchase, . . .	212, 213
Florida, Town of, road over Commonwealth's lands in, authorized, . . .	286
Forest Hills Cemetery, Proprietors of, incorporated, . . .	45
Fort Point Channel, Malachi Clark may drive piles in, . . .	125
Foster, Dora S., in favor, . . .	279
Franklin, Town of, may pay for Common, . . .	181
Free Baptists, Massachusetts and Rhode Island, yearly meeting of, incorporated, . . .	84
Freight Railway Company, Albany Street, incorporated, . . .	82
“ “ “ South Boston, incorporated, . . .	130
Friendless Women and Children, Springfield Home for, in favor, . . .	286
Friendship Lodge in Cambridge, incorporated, . . .	35
Fuel Company, New England Liquid, incorporated, . . .	25
Fund, Ashley, Trustees may hold certain property, . . .	252
Fund, Poor's, in Charlestown, income of, . . .	219
Funding of debt for constructing Troy and Greenfield Railroad, . . .	42

INDEX.

xiii

	Page.
Funds of Commonwealth, securities of, Treasurer may transfer,	57
" " Sinking, Coast Defence and Union Loan, relating to,	127, 257
Funds, Howard, in West Bridgewater, Trustees of, incorporated,	26
Furnace Company, Magee, may extend wharf in Chelsea,	176

G.

Gardner Savings Bank, incorporated,	185
Gas Light Companies, stock and dividends of,	227
Gas Light Company, Cambridge, may increase capital,	143
" " Dedham, may extend pipes into Hyde Park, etc.,	181
" " Roxbury, may increase capital,	36
Gas Lighting Company, Electric, incorporated,	153
Gay Head Indians, Schools of, in favor,	287
Genealogical Society, New England Historic, may increase estate,	84
Georgetown Savings Bank, incorporated,	185
Gettysburg and Antietam National Cemeteries, relating to,	277
Gilley, Mary A., and others, may extend wharf in Marblehead,	176
Glass Company, Boston and Sandwich, concerning,	229
Good Shepherd, Chapel of, in Boston, Trustees incorporated,	90
Goshen, Town of, may hold certain railroad stock,	164
Gould's Report on Invertebrate Animals, republication of,	274
Governor, Inaugural Address of,	293
" Special Messages of,	333
Graves End Branch Street Railway Company, Lynn, incorporated,	20
Great Barrington Water Company, incorporated,	218
Grist-mill Pond in Wareham, Trout in, to protect,	89
Gunn, William, in favor,	276

H.

Hadley, Town of, may hold certain street railway stock,	61
Hall of Representatives, re-arrangement of seats in,	288
Hampden County, Commissioners of, may construct dikes in West Springfield,	65
" " October term of Superior Court for, changed,	183
Hanover Branch Railroad, George Curtis may connect with, in Han- over, by track,	99
Harbor of Boston and Commonwealth Flats therein, improvement of,	244
" Cape Cod, at Provincetown, concerning,	282
" " " payment of appropriation for,	257
" of Provincetown, Pilotage in, concerning,	135
Hartford and New Haven Railroad Company, relating to,	272
Harvard Skating Rink Company, incorporated,	88
Hat Company, Bayley, organization confirmed,	126
Haupt, Herman, and Company, in favor,	288
Haverhill Bridge, made public highway,	224
Haverhill Odd Fellows' Hall Association, incorporated,	190

	Page.
Hawkers and Peddlers, jurisdiction of Courts over illegal sales by,	17
Haynes, Gideon, in favor,	283
Health, Public, for preservation of, in City of Boston,	195
“ “ “ “ provisions of law extended,	123
Heywood, Walter, Chair Company, incorporated,	85
Hibernian Association, Brookline, incorporated,	9
High Schools, General Statutes relating to, amended,	164
Highway in Florida, County Commissioners of Berkshire may lay out,	286
“ in Somerset, County Commissioners may lay out,	152
“ in South Scituate and Marshfield, construction authorized,	144
Highway, Public, Deerfield River Bridge laid out as,	215
Highways, Public, Chelsea Bridge, etc., and bridges in Essex County may become,	224
“ “ Mill-dam and other Roads near Boston, may be- come,	210
Hingham and Boston Steamboat Company, capital and estate,	30
Historic-Genealogical Society, New England, may increase estate,	84
History of “Massachusetts in the Rebellion,” Schouler’s, purchase and distribution,	286
Hollis Street Meeting House in Boston, Proprietors of, relating to,	89
Holyoke, Town of, construction of Fish-way at,	286
Holyrood School, trustees of, incorporated,	25
Home for the Destitute, Temporary, may hold additional estate,	160
“ Discharged Soldiers’, in favor of,	284
“ for Friendless Women and Children, Springfield, in favor,	286
“ Washingtonian, in favor,	285
Hoosac Tunnel, T. & G. Railroad, additional for completion of,	249, 265
“ “ debt of construction to be funded,	42
Horton, Lewis A., in favor,	274
Hospital, State Lunatic, at Northampton, exchange of land at,	285
“ for Women and Children, New England, in favor,	279
Hospitals, State Lunatic, support of inmates,	274
Hotel Company, Lexington, incorporated,	36
“ “ in Newton, incorporated,	35
“ “ Prospect, in Reading, incorporated,	29
House Company, Newton, incorporated,	35
Houses in Boston, tenement and lodging, regulation of,	200
Howard Benevolent Society, charter amended,	141
Howard Funds in West Bridgewater, trustees of, incorporated,	26
Hudson, Town of, part of Bolton annexed to,	62
Hull, Town of, sale of Parsonage Lands in, authorized,	216
Hyannis Savings Bank, incorporated,	102
Hyde Park, Town of, incorporated,	104, 128

I.

Idiotic Youth, Massachusetts School for, in favor,	283
Incompatibility of certain judicial offices, relating to,	21

INDEX.

XV

	Page.
Indians, Christiantown and Chappequiddic, in favor Guardian of,	280
“ Gay Head, Schools of, in favor,	287
“ Punkapog, certain, in favor,	281
Industrial School, State, Advisory Board of Women established,	120
“ “ “ in favor,	278
Infirmary, Massachusetts Charitable Eye and Ear, in favor,	278
Insolvent Estates of deceased persons, relating to,	247
Inspection of Milk, relating to,	189
Inspectors, Brigade, compensation of,	207
Institute of Technology, Massachusetts, may confer degrees,	182
Institute, Young Men’s Literary, of Plymouth, incorporated,	157
Institution for the Blind, Massachusetts, in favor,	275, 276
Institution for Savings in Cambridge, name changed,	51
“ “ “ in Newburyport and vicinity, real estate of,	182
“ “ “ in Roxbury and vicinity, charter amended,	251
“ “ “ Worcester North, incorporated,	186
Institutions for Savings, investments of, relating to,	164
“ “ “ names of officers, publication of,	37
“ “ “ taxation of deposits in,	233
INSURANCE COMPANIES :	
Attleborough Mutual Fire, charter extended,	83
Builders’ Mutual Fire, in Boston, incorporated,	17
Cohasset Mutual Fire, charter extended,	19
Equitable Marine, Provincetown, charter revived and extended,	15
Everett, charter revived,	91
First National Fire, of Worcester, incorporated,	121, 191
Massachusetts Live Stock, in Boston, incorporated,	16
Merchants’ and Farmers’ Mutual Fire, of Worcester, charter extended, etc.,	18
Naumkeag Mutual Fishing, in Salem, incorporated,	102
New England Mutual Marine, may increase estate,	30
North American Fire, of Boston, relating to,	191
Worcester Mutual Fire, charter amended,	188
Insurance Companies, Fire and Marine, taxation and returns of,	126, 207
“ “ relating to,	233
Intoxicating Liquors, Sale of, regulated,	107, 228, 234, 261
Invertebrate Animals of Mass., Gould’s Report on, republication,	274
Investment of Estates incumbered by executory devises, etc.,	208
Investments by Savings Banks, relating to,	164
Investments and Securities of Commonwealth, regulating,	57
Ipswich River, Shad and Alewives in, right to take suspended,	122
Irish Benevolent Society, Dedham, incorporated,	193
Iron Company, Mount Hope, may increase capital,	21

J.

Jacoy, Isaac H., in favor,	276
Jamaica Pond Aqueduct Corporation, additional powers to,	136

	Page.
James, Benjamin, and Alpheus M. Stetson, Resolve on petition of, . . .	276
John Russell Manufacturing Company, incorporated, . . .	216
Joint-Stock Insurance Companies, relating to, . . .	233
Jones' Mill Creek, Barnstable, Trout in, to protect, . . .	210
Judicial Offices, certain, declared incompatible, . . .	21
Jurisdiction over Lands in Boston ceded to United States, . . .	241
" " in Charlestown ceded to United States, . . .	183
Jurors, challenging of, repeal of Act 1867 concerning, . . .	57
Justice Police Court of Springfield, salary of, increased, . . .	248

K.

Kane, James, in favor,	274
Kimball, Abraham, and Winthrop Sargent, deed to, confirmed, . . .	101
Knight's Crossing in Newbury, flag station required at, . . .	72

L.

Ladies' City Mission Society in New Bedford, incorporated, . . .	18
Lake Ontario and Boston, cheap transportation between, . . .	184
Land and Building Association, Cambridge, incorporated, . . .	153
Land in Charlestown ceded to United States, . . .	183
Land at Point Alderton, purchase of, authorized, . . .	284
Land for State Almshouse at Tewksbury, purchase authorized, . . .	279
Land and Wharf Company, Oak Bluffs, incorporated, . . .	51
Lands in Boston, City may take, for purpose of improving drainage, . . .	195
" " ceded to United States, . . .	241
Lands injurious to health to be deemed nuisances, . . .	123
" at Long Island, United States may purchase, . . .	212, 213
" Parsonage, in Hull, sale authorized, . . .	216
" rights of Railroad Corporations to take, Act of 1864 repealed, . . .	45
" Towns may take, for protection of public ways and bridges, . . .	189
Lawrence Branch of Eastern Railroad, extension authorized, . . .	92
" Bridge, made public highway, . . .	224
" City of, sidewalks in, concerning, . . .	116
" Savings Bank, incorporated, . . .	44
Laws, Special, publication provided for, . . .	285
Lead Company, Salem, incorporated, . . .	8
Lee and New Haven Railroad, aid granted for construction of, . . .	230
" " " reduction of stock, . . .	233
Legislature, Door-keepers, Messengers and Pages, pay of, . . .	290
" Members, Chaplains and Assistant-Clerks, pay of, . . .	290
Lexington Hotel Company, incorporated, . . .	36
License Commissioners for Suffolk and Nantucket Counties election of,	107, 228, 234, 261
Lighting of Railroad Passenger Cars, relating to, . . .	208
Liquid Fuel Company, New England, incorporated, . . .	25
Liquors, Intoxicating, in hands of Town Agents, disposal of, . . .	258
" " Sale of, regulated, . . .	107, 228, 234, 261

	Page.
Literary Institute, Young Men's, of Plymouth, incorporated, . . .	157
Live Stock Insurance Company, Massachusetts, incorporated, . . .	16
Loan to Western Railroad Company, extended,	235
Lodge, Friendship, in Cambridge, incorporated,	35
Lodging-Houses in Boston, for regulation of,	200
Long Island, lands on, United States may purchase,	212, 213
Lowell Fire Department, Engineers of, how removed,	69
Lowell, John, administrator, deed of, declared valid,	276
Lowell Young Men's Christian Association, incorporated,	18
Lunatic Hospital at Northampton, exchange of land at,	285
" Hospitals, State, support of inmates,	274
Lyceum Association, Catholic, in Boston, incorporated,	130
Lyceum, Salem, may mortgage real estate,	143
Lynn Aqueduct Company, may issue bonds and extend works,	217
Lynn and Boston Railroad Company, may mortgage property,	8
" " " " relating to,	225, 226, 251
Lynn, City of, Overseers of Poor, election and duties,	223, 261
" Five Cents Savings Bank, may hold real estate,	35
" Station House on Central Square, Eastern Railroad Co. to erect,	263

M.

Machine Works, Whitin, incorporated,	107
Magee Furnace Company may extend wharf in Chelsea,	176
Malden Bridge, Proprietors, concerning,	225
Malicious Trespasses, penalties for,	238
Mansfield and Framingham Railroad Company, certain companies may hold stock in,	143
Mansfield, West, Passenger Station, change of location,	20
MANUFACTURING CORPORATIONS:	
American Powder Company, name established,	60
Bayley Hat Company, organization confirmed,	126
Boston and Chicago Adjustable Car Company, incorporated,	152
Boston and Sandwich Glass Company, concerning,	229
Bowditch Mills, in Salem, incorporated,	159
Cambridge Gas Light Company, may increase capital,	143
Chicopee, may increase capital,	71
Dedham Gas Light Company, may extend pipes into Hyde Park, etc.,	181
Electric Gas Lighting Company, incorporated,	153
John Russell, incorporated,	216
Magee Furnace Company, may extend wharf in Chelsea,	176
Marshpee, may hold additional estate,	95
Massachusetts Powder Works, name changed,	60
Mechanics' Mills in Fall River, incorporated,	180
" " " " may build wharf,	215
Mount Hope Iron Company, may increase capital,	21
Naumkeag Steam Cotton Company, may increase capital,	116

MANUFACTURING CORPORATIONS—Continued.	Page.
Neptune Woolen, incorporated,	118
New England Liquid Fuel Company, incorporated,	25
North Andover Mills, relating to,	129
Rockport Steam Cotton Mills; may reorganize,	84
⁴ Roxbury Gas Light Company, may increase capital,	36
Salem Lead Company, incorporated,	8
Suffolk, may increase capital,	59
Suffolk and Tremont Mills, incorporated,	91
Tremont Mills, may increase capital,	59
Tudor Company, incorporated,	181
Turner's Falls Cutlery Company, incorporated,	158
" " Paper Company, incorporated,	191
Union Print Works of Fall River, incorporated,	70
Walter Heywood Chair Company, incorporated,	85
Wamsutta Mills, may increase capital,	144
Washburn and Moen, incorporated,	27
Whitin Machine Works, incorporated,	107
Manufacturing Corporations in Fall River, certain, may hold stock in Union Print Works,	71
Marchant, Barnard C., Guardian of Indians, in favor,	280
Marshfield, Town of, highway and bridge in, authorized,	144
" " may hold certain railroad stock,	258
Marshpee Manufacturing Company, may hold additional estate,	95
" Schools, in favor,	287
Martha's Vineyard Camp Meeting Association, incorporated,	132
Massachusetts Agricultural College, in favor,	280
" " " issue of arms to,	274
" Asylum for the Blind, in favor,	275, 276
" Charitable Eye and Ear Infirmary, in favor,	278
" Institute of Technology, may confer degrees,	182
" Live Stock Insurance Company, incorporated,	16
" New Church Union, name established,	159
" Powder Works, name changed,	60
" and R. I. Yearly Meeting of Free Baptists, incor- porated,	84
" Sabbath School Society and Congregational Board of Publication, united,	34
" School for Idiotic Youth, in favor,	283
" Society for Prevention of Cruelty to Animals, incor- porated,	68
" Spiritualist Association, incorporated,	97
Masters in Chancery, additional number for certain counties,	141
Maverick Bridge Company, incorporated,	266
McIntire, John, and wife, in favor,	275
Mechanics' Mills in Fall River, incorporated,	180
" " " " may build wharf,	215
Medford, Town of, may pay certain bounties,	279
Meeting-House in Hollis Street, Boston, Proprietors of,	89

INDEX.

xix

	Page.
Meeting-House, New South, in Boston, Proprietors and estate,	69
Meetings of Railroad Corporations, Annual, place of holding,	87
Melrose and South Reading Horse Railroad, extension,	193
Merchants' and Farmers' Mutual Fire Insurance Company, charter extended, etc.,	18
Merrill Pond in Wendell, Trout in, to protect,	209
Merrimack Valley Horse Railway Company, capital, acts legalized,	160
Messages of Governor to Legislature, Special,	333
Messengers of Legislature, pay of,	290
Methodist Episcopal Church, First, of North Andover, concerning,	85
" " " Theological Seminary of, name changed,	8
Methodist Episcopal Churches in Natick, sale of estate,	103
Middlesex County, additional Masters in Chancery for,	141
" " Probate Courts in, times and places of holding,	157
Middlesex Railroad Company, relating to,	240
Milford and Woonsocket Railroad Company, may lease road,	28
" " " " " may mortgage property,	160
MILITARY :	
Arms, issue of, to Massachusetts Agricultural College,	274
Bounties to re-enlisted Soldiers, North Bridgewater may pay,	141
Bounties to Stillman Rich and William Cheney, Medford may pay,	279
Brigade Inspectors, relating to,	207
Company B, Sixth Regiment Militia, in favor,	277
Musicians of Cavalry, relating to,	207
Ninth Regiment, Uniforms furnished in 1861, concerning,	284
Soldiers, and families of, State aid for continued,	88
" " " " § 3, ch. 136, 1867, repealed,	91
" Settlement of, relating to,	247
Milk, sale and inspection of, relating to,	189
Mill-dam Road, Boston, may become public highway,	210
Mills, Bowditch, in Salem, incorporated,	159
" Mechanics', in Fall River, incorporated,	180
" " " may build wharf,	215
" North Andover, relating to,	129
" Rockport Steam Cotton, may reorganize,	84
" Suffolk and Tremont, in Lowell, incorporated,	91
" Tremont, may increase capital,	59
" Wamsutta, may increase capital,	144
Milton, Dorchester and Dedham, parts incorporated as Hyde Park,	104, 128
Minor Children of a Debtor, earnings exempted from attachment,	82
Minors, removal from State, by Overseers of Poor, forbidden,	199
Mission Society in New Bedford, Ladies', incorporated,	18
Money, Treasurer may borrow, in anticipation of revenue,	273
Morse, Sidney B., may build wharf in Boston,	186
Mortgages of Real Estate, relating to,	146
Mount Holyoke Female Seminary, in favor,	282
Mount Hope Iron Company, may increase capital,	21
Municipal Court of Boston, salary of assistant-clerk, civil business,	123

	Page.
Municipal Court of Worcester, established,	146
Murphy, John, in favor,	282
Museum of Comparative Zoölogy, in favor,	289
Music Hall Association, Worcester, incorporated,	99
Musicians of Cavalry, relating to,	207
Musicians' Relief Fund Society, Boston, incorporated,	119
Mutual Fire Insurance Companies, relating to,	233
Mutual Fire Insurance Company, Attleborough, charter extended,	83
" " " " Builders', in Boston, incorporated,	17
" " " " Cohasset, charter extended,	19
" " " " Merchants' and Farmers', Worcester, charter extended, etc.,	18
" " " " Worcester, charter amended,	188
Mutual Fishing Insurance Company, Naumkeag, incorporated,	102
Mutual Marine Insurance Company, New England, estate of,	30
Mystic River and Pond, Fish in, Act of 1867 concerning, amended,	99
Mystic River Railroad, time extended for location and construction,	20

N.

Names of Persons, change of,	356
Nashua and Lowell, and Stony Brook Railroad Companies, contract between,	136
Natick, Methodist Episcopal Churches in, sale of estate,	103
National Cemeteries at Gettysburg and Antietam, relating to,	277
National Fire Insurance Company of Worcester, First, incorporated,	121, 191
Naumkeag Mutual Fishing Insurance Company, incorporated,	102
Naumkeag Steam Cotton Company, may increase capital,	116
Navigation Company, Charles River, charter revived,	179
Needle Woman's Friend Society, may increase estate,	102
Needle Women, Association for benefit of, incorporated,	129
Negotiable Instruments, notices of non-acceptance or non-payment, how given in Boston,	190
Neptune Woolen Manufacturing Company, incorporated,	118
New Bedford, City of, Charter amended,	165
" " Water Commissioners of, powers,	44
New Bedford City Mission Society, Ladies', incorporated,	18
" and Taunton Railroad Company, may hold certain stock,	143
New Church Union, Boston, name changed,	159
New England Agricultural Society, in Boston, incorporated,	53
" " Historic-Genealogical Society, may increase estate,	84
" " Hospital for Women and Children, in favor,	279
" " Liquid Fuel Company, incorporated,	25
" " Mutual Marine Insurance Company, may increase estate,	30
New London Northern Railroad Co., may have line of steamboats, etc.,	179
New South Meeting-House in Boston, Proprietors and estate of,	69
Newbury, Town of, Eastern Railroad Co. to establish flag-station in,	72
Newburyport Bridge, made public highway,	224

INDEX.

xxi

	Page.
Newburyport, City of, Charter amended as to School Committee, . . .	184
“ “ may hold certain Street Railroad stock, . . .	221
“ Institution for Savings, may hold real estate, . . .	182
“ and Plum Island Street Railway Company, incorporated, . . .	72
Newton House Company, incorporated, . . .	35
Ninth Regiment, Uniforms furnished, in 1861, concerning, . . .	284
Nolan, Mary Ann, guardian, in favor, . . .	278
Nonantum Horse Railroad Company, incorporated, . . .	119
Norfolk County, Probate Courts in, times and places of holding, . . .	157
North American Fire Insurance Company, relating to, . . .	191
North Andover Mills, relating to, . . .	129
“ “ Town of, location of Boston and Maine Railroad in, . . .	19
North Bridgewater, Town of, may pay bounties to re-enlisted soldiers, . . .	141
North River, Bridge over, in South Scituate and Marshfield, . . .	144
Northampton, Hadley and Amherst Street Railway Co., capital, . . .	217
“ “ “ “ “ Town of Hadley may hold stock in, . . .	61
Northampton and Shelburne Falls Railroad Co., Town of Conway may hold stock in, . . .	222
Northampton, Town of, may hold certain railroad stock, . . .	164
Notes, Bills of Exchange, etc., notices of non-payment, how given in Boston, . . .	190
Nuisance in city of Boston, for abatement of, . . .	195
Nuisances, certain lands injurious to health to be deemed, . . .	123

O.

Oak Bluffs Land and Wharf Company, incorporated, . . .	51
Odd Fellows' Hall Association, Haverhill, incorporated, . . .	190
Offices, certain judicial, declared incompatible, . . .	21
Officers of Savings Banks, publication of names, . . .	37
“ Town, elections of, in 1868, legalized, . . .	188
Old Colony and Newport Railway Company, may hold certain stock, . . .	143
“ “ “ “ “ relating to, . . .	96
Overseers of Poor of Boston, personal estate of, . . .	137
“ “ of Lynn, election and duties of, . . .	223, 261
“ “ forbidden to remove minors from State, . . .	199

P.

Pages of Legislature, compensation of, . . .	290
Palmer, Town of, acts at annual meeting, March, 1868, legalized, . . .	89
Paper Company, Turner's Falls, incorporated, . . .	191
Parish, First Congregational, of Franklin, Town may pay for Common, . . .	181
“ “ “ of Orange, name changed, . . .	128
Parsonage Lands in Hull, sale authorized, . . .	216
Passenger Cars, Railroad, lighting of, . . .	208

	Page.
Pauper Children, Overseers of Poor forbidden to remove from State,	199
Paupers, Settlement of, relating to,	247
" State Lunatic, relating to support of,	274
Payment of Succession Taxes, for perpetuating evidence of,	101
Peabody Academy of Science, Trustees of, incorporated,	93
Peabody, Loa N., in favor,	279
Peabody, Town of, name of South Danvers changed to,	95
Pedlers, illegal sales by, jurisdiction of courts over,	17
Penitent Females' Refuge in Boston, estate of,	154
Penobscot Steamship Company, incorporated,	132
Perkins Institution for the Blind, in favor,	275, 276
Personal Estates of deceased persons, distribution of unclaimed portions,	209
Personal Liberty, provisions of law respecting, repealed,	21
Piles in Fort Point Channel, Malachi Clark may drive,	125
Pilotage in Provincetown Harbor, concerning,	135
Pittsfield, Town of, made county seat of Berkshire County,	242, 266
Plainfield, Town of, may hold certain railroad stock,	164
Plymouth County, Commissioners may lay out highway and bridge,	144
" " Probate Courts in, terms at North Bridgewater established,	128
Plymouth, Town of, may hold certain railroad stock,	97
Plymouth and Vineyard Sound Railroad Company, name established, etc.,	95
Pneumatic Dispatch Company, may convey passengers,	154
Point Alderton, purchase of land at, authorized,	284
Police Court of Fitchburg, established,	98
" " Springfield, salary of Justice,	248
" " Worcester, abolished,	149
Police Courts, jurisdiction as to Hawkers and Pedlers,	17
Poor, Overseers of, in Boston, personal estate,	137
" " in Lynn, election and duties,	223, 261
" " forbidden to remove minors from the State,	199
Poor's Fund in Charlestown, income of,	219
Powder Works, Mass., name changed to American Powder Co.,	60
Preservation of Public Health, provisions of law for, extended,	123
Print Works, Union, of Fall River, incorporated,	70
Prison, State, concerning improvements at,	281
Private Ways in City of Boston, relating to,	149
Probate Courts in Barnstable County, times of holding,	146
" " in Berkshire County, relating to,	242, 248
" " Fees of Witnesses in, established,	71
" " in Middlesex County, times and places of holding,	157
" " in Norfolk County, " " "	157
" " in Plymouth County, terms at North Bridgewater,	128
Promissory Notes, notice of non-payment, in Boston, how given,	190
Proprietors of Forest Hills Cemetery, incorporated,	45
" of Hollis Street Meeting-House, Boston, relating to,	89

INDEX.

xxiii

	Page
Proprietors of New South Meeting-House in Boston, concerning, . . .	69
“ of Quincy Canal, repeal of Act incorporating, . . .	129
“ of Tremont Mills, may increase capital, . . .	59
Prospect Hotel Company, in Reading, incorporated, . . .	29
Providence and Worcester Railroad Company, capital, branch road, .	192
Provincetown Equitable Marine Insurance Company, charter extended,	15
Provincetown Harbor, Pilotage in, concerning, . . .	135
“ “ for protection of, . . .	282
Provincetown, Town of, may hold certain railroad stock, . . .	187
Public Cemetery in Dorchester, relating to, . . .	55
Public Health, for preservation of, provisions of law extended, .	123
“ “ “ in City of Boston, . . .	195
Public Ways and Bridges, Towns may take land for protection of, .	189
Publication of Gould's Report on Invertebrate Animals, . . .	274
“ of Names of Savings Bank Officers, . . .	37
“ of Special Laws, provided for, . . .	285
Publishing Society, Congregational, established, . . .	34
Punkapog Indians, in favor,	281

Q.

Quincy Canal, repeal of Act incorporating,	129
--	-----

R.

RAILROAD CORPORATIONS :

Albany Street Freight, incorporated,	82
Arlington and Lexington Street, incorporated,	30
Boston and Albany, State Loan to,	235
Boston, Barre and Gardner, time extended for construction, . .	27
Boston and Chelsea, relating to,	251
Boston, Clinton and Fitchburg, may hold certain railroad stock,	143
“ Hartford and Erie, concerning,	116
Boston and Maine, concerning,	92, 142
“ “ location in N. Andover and Bradford, may increase capital,	19
Boston and Providence, passenger station in Mansfield, . . .	20
“ “ may hold certain railroad stock,	143
“ “ Station-house in Roxbury, repeal of Act requiring,	249
Boston and West Roxbury, name established, etc.,	88
Broadway, name changed,	180
Brookline and Back Bay Street, charter extended, etc., . . .	120
Cape Cod, may construct sea-wall across Cohasset Narrows, . .	229
“ may extend road,	187
“ relating to,	96, 101
“ Central, mortgage of property confirmed,	54

RAILROAD CORPORATIONS—Continued.	Page.
Cape Cod Central, sale of franchise and property confirmed, etc.,	101
Cheshire, may hold certain railroad stock,	143
Dedham and West Roxbury, name and western terminus changed,	88
Duxbury and Cohasset, certain towns may hold stock in, etc., .	258
East Walpole Branch, incorporated,	28
Eastern, D. & R. A. Smith may connect with road at Newbury- port,	188
“ to establish flag station at “Knight’s Crossing” in Newbury,	72
“ to erect station house on Central Square, Lynn,	263
“ may extend the Lawrence Branch road,	92
“ sale of Rockport Railroad to, confirmed,	49
Fitchburg, may construct Branch road in Waltham,	82
“ may improve wharf and drawbridge,	178
Graves End Branch Street, in Lynn, incorporated,	20
Hanover Branch, George Curtis may connect with road in Hanover,	99
Hartford and New Haven, relating to,	272
Lee and New Haven, aid granted for construction of road,	230
“ “ “ may reduce capital stock,	233
Lynn and Boston, may mortgage property,	8
“ “ relating to,	225, 226, 251
Mansfield and Framingham, certain companies’ may hold stock,	143
Melrose and South Reading Horse, extension of road,	193
Merrimack Valley Horse, capital, acts legalized,	160
Milford and Woonsocket, may lease its road,	28
“ “ may mortgage property,	160
Middlesex, relating to,	240
Mystic River, location and construction of road, time extended,	20
Nashua and Lowell and the Stony Brook, contract between,	136
New Bedford and Taunton, may hold certain railroad stock,	143
New London Northern, may establish line of steamboats,	179
Newburyport and Amesbury Horse, certain towns may hold stock in,	221
Newburyport and Plum Island Street, incorporated,	72
Nonantum Horse, incorporated,	119
Northampton, Hadley and Amherst Street, may reduce capital,	217
“ “ “ “ Town of Hadley may hold stock in,	61
“ and Shelburne Falls, Town of Conway may hold stock in,	222
Old Colony and Newport, may hold certain railroad stock,	143
“ “ relating to,	96
Plymouth and Vineyard Sound, name established, etc.,	9
Providence and Worcester, may increase capital and build branch road,	192

RAILROAD CORPORATIONS—Concluded.	Page.
Providence and Worcester, Milford and Woonsocket Company may lease road to,	28
Rockport, sale of road to Eastern R. R. Company, confirmed,	49
Sheffield, Town of Sheffield may hold stock in,	151
South Boston, name established,	180
South Boston Freight, incorporated,	130
South Reading Branch, concerning,	134
Southern Midland, property and rights vested in Boston, Hart- ford and Erie Company,	117
Springfield Street, incorporated,	52
Stony Brook, meetings of, where held,	248
“ “ and the Nashua and Lowell, contract between,	136
Taunton Branch, may hold certain railroad stock,	143
Troy and Greenfield, additional for completion of road,	249, 265
“ “ debt for construction of road to be funded,	42
Turner's Falls Branch, location and construction of road,	27
Union, may increase capital,	44
Vermont and Massachusetts, may hold certain railroad stock,	143
Vineyard Sound, location and construction of road,	71
“ “ name changed, etc.,	95
Wakefield, Melrose and Malden, incorporated,	133
Waltham and Newton Street, may reduce capital, etc.,	126
Ware River, Town of Ware may hold stock in,	163
Wayland and Sudbury Branch, incorporated,	24
West Amesbury Branch, incorporated,	142
Western, State Loan to, extended,	235
Westfield Street, incorporated,	119
Williamsburg and North Adams, certain towns may hold stock in,	164
Railroad Corporations, annual meetings of, where to be held,	87
“ “ may hold stock of steamship companies, etc.,	262
“ “ rights of to take land, Act of 1864 repealed,	45
“ “ stock and dividends of,	227
“ “ transportation of animals by, regulated,	155
Railroad Passenger Cars, lighting of, concerning,	208
Railroad Track in Hanover, George Curtis may build,	99
“ “ in Newburyport, D. & R. A. Smith may build,	188
“ Troy and Greenfield, additional for completion of,	249, 265
“ “ “ debt of construction to be funded,	42
Rea, William A., deed to, from Benjamin Dodd, Guardian, confirmed,	276
Real Estate, Mortgages of, relating to,	146
Reed, Benjamin T., may build wharf in Somerset,	178
Refuge, Penitent Females', in Boston, real estate of,	154
Registers of Deeds to record Assignments in Bankruptcy under United States laws,	206
“ “ to record receipts for succession taxes,	101
Relief Fund Society, Boston Musicians', incorporated,	119
Report on Invertebrate Animals, Gould's, republication of,	274

INDEX.

xxvii

SAVINGS BANKS AND INSTITUTIONS—Continued.	Page.
Fall River, may hold additional estate,	20
Gardner, incorporated,	185
Georgetown, incorporated,	185
Hyannis, incorporated,	102
Lawrence, incorporated,	44
Lynn Five Cents, may hold real estate,	35
Newburyport and Vicinity, may hold real estate,	182
Roxbury and Vicinity, charter amended,	251
Shelburne Falls Five Cents, may hold real estate,	182
South Boston, may hold real estate,	53
South Weymouth, incorporated,	33
Webster Five Cents, incorporated,	52
Worcester North, incorporated,	186
Savings Banks and Institutions, investments of, relating to,	164
“ “ “ taxation of deposits in,	233
Savings Banks, Officers of, publication of names,	37
Savoy, Town of, may hold certain railroad stock,	164
Sawyer, B. Addison, may build wharf in Haverhill,	192
“ Elizabeth J., in favor,	273
School, Ashley, Trustees of, may hold certain property,	252
“ Holyrood, in Lowell, Trustees of, incorporated,	25
“ for Idiotic Youth, Massachusetts, in favor,	283
“ State Industrial, Advisory Board of Women established,	120
“ “ “ in favor,	278
“ Union Graded, Towns of Adams and Williamstown may establish,	54
School Committee of Newburyport, relating to,	184
Schools, High, General Statutes relating to, amended,	164
“ Indian, Christiantown and Chappequiddic, in favor,	280
“ “ at Gay Head, in favor,	287
“ Marshpee, in favor,	287
“ Union, relating to establishment of,	199
Schouler's History of “Massachusetts in the Rebellion,” purchase and distribution,	286
Scituate, Town of, may hold certain railroad stock,	258
Sea-Fowl in waters of Barnstable, protection of,	122
“ “ of Tisbury, protection of,	125
Sea-Wall across Cohasset Narrows, Cape Cod Railroad Co. may construct,	229
Second Methodist Episcopal Church in Natick, may sell estate,	103
“ Universalist Society of Orange, name established,	128
Securities in custody of State Treasurer, stamping of, repeal,	200
“ and Investments of Commonwealth, regulating,	57
Seminary, Mount Holyoke Female, in favor,	282
“ Theological, of Methodist Episcopal Church, name, etc.,	8
Senate, Clerk of, tenure of office fixed,	30
Sergeant-at-Arms may employ additional service in State House,	258

	Page.
Sergeant-at-Arms may make alterations in State House,	273
Settlement of Paupers, relating to,	247
Shad in Connecticut River, time for taking, prescribed,	100
" in Ipswich River and Wenham Pond, right to take suspended,	122
" in Mystic River and Pond, Act of 1867 concerning, amended,	99
Sheffield, Town of, may hold certain railroad stock,	151
Shelburne Falls Five Cents Savings Bank, may hold real estate,	182
Shepard, Otis, may build wharf in Dorchester,	223
Sidewalks in the City of Lawrence, concerning,	116
Simmons, Joseph, may build wharf in Somerset,	177
Sinking Funds of State, Coast Defence and Union Loan, relating to	127, 257
Sixth Regiment of Militia, Company B., in favor,	277
Skating Rink Association, Boston, incorporated: capital increased,	118, 180
" " Company, Harvard, incorporated,	88
Smelts, time and manner of taking, prescribed,	135
Smith, D. and R. A., may connect with Eastern Railroad in New- buryport,	188
SOCIETIES :	
Boston Children's Aid, charter amended,	119
Boston Musicians' Relief Fund, incorporated,	119
Congregational Sabbath School and Publishing, established,	34
Dedham Irish Benevolent, incorporated,	193
First Congregational, of Orange, name changed,	128
First Methodist, of North Andover, name changed, etc.,	85
Howard Benevolent, charter amended,	141
Ladies' City Mission, in New Bedford, incorporated,	18
Massachusetts, for Prevention of Cruelty to Animals, incorpo- rated,	68
Massachusetts Sabbath School, and Congregational Board of Publication united,	34
Needle Woman's Friend, may increase estate,	102
New England Agricultural, in Boston, incorporated,	53
" " Historic-Genealogical, may increase estate,	84
Rollstone Congregational, in Fitchburg, incorporated,	121
Sandisfield Baptist, incorporated and acts confirmed,	90
Second Universalist, of Orange, name established,	128
Soldiers, disabled, and families of slain, State aid for, continued,	88
" " " " " " " sect. 3, chap. 136, 1867, repealed,	91
Soldiers, re-enlisted, Town of North Bridgewater may pay bounties to, settlement of, relating to,	141 247
Soldiers' Employment Bureau, in favor,	275
" Home, Discharged, in favor,	284
" National Cemeteries at Gettysburg and Antietam, relating to,	277
Somerset, Town of, Highway and Bridge in, authorized,	152
Somerville, Town of, supply of water for,	151
South Boston Freight Railway Company, incorporated,	130
" " Railroad Company, name established,	180

INDEX.

xxix

	Page.
South Boston Savings Bank, may hold real estate,	53
South Danvers, Town of, name changed to Peabody,	95
South of Europe Steamship Company, charter extended,	86
“ “ “ “ may change name and line,	250
South Reading Branch Railroad Company, concerning,	134
South Reading, Town of, name changed to Wakefield,	27
South Scituate, Town of, highway and bridge in, authorized,	144
South Weymouth Savings Bank, incorporated,	33
Southern Midland Railroad, property and rights vested in Boston, Hartford and Erie Co.,	117
Special Laws, certain, publication provided for,	285
Special Messages of Governor to Legislature,	333
Spiritualist Association, Massachusetts, incorporated,	97
Springfield Home for Friendless Women and Children, in favor,	286
Springfield, Police Court of, Salary of Justice increased,	248
Springfield Street Railway Company, incorporated,	52
Stamping of Bonds by State Treasurer, repeal,	200
State Aid for Soldiers and Sailors and their families, continued,	88
“ “ “ “ “ “ sect. 3, chap. 136, 1867, repealed,	91
State Almshouse at Monson, in favor,	289
“ “ at Tewksbury, purchase of land for, authorized,	279
“ “ “ relating to,	278
State Banks, redemption of circulation, relating to,	154
State House, certain alterations in, to be made,	273
“ “ Engineer, Fireman and Assistant Watchman at, appoint- ment of authorized,	258
“ “ improvements and repairs of, concerning,	288, 290
State Industrial School for Girls, Advisory Board of Women,	120
“ “ “ “ in favor,	278
State Loan to Western Railroad Company, extended,	235
“ Lunatic Hospitals, support of inmates, relating to,	274
“ Prison, improvements at, concerning,	280
“ Tax of \$2,000,000, assessed on cities and towns,	74
Station House, B. & P. Railroad, in Roxbury, Act requiring repealed, “ “ at Lynn, Eastern Railroad Company required to build,	249
“ “ in Newbury, Eastern Railroad Company to build,	72
Statue of John A. Andrew, relating to,	281
Steam Cotton Company, Naumkeag, may increase capital,	116
“ “ Mills, Rockport, company may reorganize,	84
Steamboat Company, Bay State, may hold real estate in Newport,	233
“ “ Boston and Hingham, capital and estate,	30
“ “ “ “ may build wharf in Hull,	177
Steamboats, New London Northern Railroad, may have line of,	179
Steamship Companies, certain, Railroad Corporations may hold stock in, etc.,	262
Steamship Company, American, charter amended,	175
“ “ Boston, Chicago and Liverpool, relating to,	250

	Page.
Steamship Company, Eastern, incorporated,	241
“ “ Penobscot, incorporated,	132
“ “ South of Europe, charter extended,	86
“ “ “ “ may change name and line,	250
Stetson, Alpheus M., and Benjamin James, resolve on petition of,	276
Stony Brook Railroad Company, may amend certain contract	136
“ “ “ “ meetings of, where held,	248
Stony Brook and tributaries, Boston and West Roxbury may improve,	161
STREET RAILWAY CORPORATIONS :	
Albany Street Freight, incorporated,	82
Arlington and Lexington, incorporated,	30
Boston and Chelsea, relating to,	251
Boston and West Roxbury, name established, etc.,	88
Broadway, name changed to South Boston Railroad Company,	180
Brookline and Back Bay, charter extended, etc.,	120
Dedham and West Roxbury, name and western terminus changed,	88
Graves End Branch, in Lynn, incorporated,	20
Lynn and Boston, may mortgage property,	8
“ “ relating to,	225, 226, 251
Melrose and South Reading, may extend road,	193
Merrimack Valley, capital: acts legalized,	160
Middlesex, relating to,	240
Newburyport and Amesbury, certain towns may hold stock in,	221
Newburyport and Plum Island, incorporated,	72
Nonantum, incorporated,	119
Northampton, Hadley and Amherst, Town of Hadley may hold stock in,	61
“ “ “ reduction of capital,	217
South Boston, name established,	180
South Boston Freight, incorporated,	130
Springfield, incorporated,	52
Union Railway Company, may increase capital,	44
Waltham and Newton, may reduce capital, etc.,	126
Westfield, incorporated,	119
Streets in Boston, alteration and improvement of, amendatory Act,	194
“ “ private, naming of,	149
Streets in Charlestown, certain, authorized,	184
“ of Cities, laying out, alteration and improvement of,	60
Succession Taxes, evidence of payment, to perpetuate,	101
Suffolk County, Masters in Chancery for, additional number authorized,	141
Suffolk County, License Commissioners of, election,	107, 228, 234, 261
Suffolk Manufacturing Company, may increase capital,	59
Suffolk and Tremont Mills, incorporated,	91
Sunderland, Town of, may hold stock in Bridge Company,	115
Superior Court, October term for Hampden County, changed,	183
Supreme Judicial Court, law term at Salem, established,	128
Swampscott, Town of, Lynn Aqueduct Company may extend pipes into,	217

T.

	Page.
Taunton Branch Railroad Company, may hold certain railroad stock,	143
Tax, State, of \$2,000,000 assessed on Cities and Towns, . . .	74
Taxation of Bank Shares, concerning,	264
“ of deposits in Savings Banks,	233
Taxes, assessment of, relating to,	155
“ County, granted,	280
Taxes on Estates omitted in annual taxation, assessment of, . . .	238
“ on certain Insurance Companies, explanatory Act,	126, 207
Taxes, Succession, evidence of payment, to perpetuate,	101
Technology, Massachusetts Institute of, may confer degrees, . . .	182
Telegraph Companies, stock and dividends of,	227
Temporary House for the Destitute, may hold additional estate, . .	160
Tenement and Lodging-Houses in Boston, for regulation of,	200
Theological Seminary Methodist Episcopal Church, name, etc., . . .	8
Thomas, Abiah, in favor,	281
Thrasher, William E., may build wharf in Somerset,	178
Tisbury, Town of, may hold certain railroad stock,	97
“ “ Sea-Fowl in waters of, to protect,	125
Toll Bridges in Essex County made public highways,	224, 251
Town of Hyde Park, incorporated,	104, 128
“ of South Danvers, name changed to Peabody,	95
“ of South Reading, name changed to Wakefield,	27
Town officers, elections of, in 1868, legalized,	188
Towns of Bolton and Hudson, line between established,	62
Towns may dispose of liquors remaining in hands of agents,	253
“ may take land for protection of public ways and bridges, . . .	189
“ may establish Union Schools,	199
Track, Railroad, in Newburyport, D. & R. A. Smith may build, . . .	188
Transportation between Boston and Lake Ontario, Commission on, . .	184
“ of cattle by railroad corporations, regulated,	155
Treasurer of Commonwealth, may borrow money in anticipation of revenue,	273
“ “ may transfer stocks of State Funds to meet liabilities,	57
“ “ stamping of bonds by, repeal,	200
Treasurer of Dukes County, salary established,	73
Tremont Mills, Proprietors of, may increase capital,	59
“ and Suffolk Mills, incorporated,	91
Trespasses, Malicious, relating to,	238
Trial Justices, jurisdiction, as to Hawkers and Pedlars,	17
Trout in Grist-Mill Pond, Waltham, to protect,	89
“ in Jones' Mill Creek, Barnstable, to protect,	210
“ in Merrill Pond, Wendell, to protect,	209
Troy and Greenfield Railroad, debt of construction to be funded, . .	42
“ “ “ additional for completion of	249, 265
Truro, Town of, may construct Dike across Pamet River,	122
Truro, Town of, may hold stock in Cape Cod Railroad Company, . . .	187

	Page.
Trustees of the Ashley School, may hold certain property, . . .	252
“ of Boylston Donations, may hold additional estate, . . .	137
“ of Chapel of the Good Shepherd, in Boston, incorporated, . .	90
“ of First Methodist Episcopal Church in North Andover, name,	85
“ of Holyrood School, incorporated,	25
“ of Howard Funds, in West Bridgewater, incorporated, . . .	26
“ of Industrial School, Advisory Board of Women, established,	120
“ of Lunatic Hospital at Northampton, may exchange land, . .	285
“ of Peabody Academy of Science, incorporated,	93
“ of Poor's Fund in Charlestown, Act incorporating, amended,	219
“ of Salem Lyceum, may mortgage real estate,	143
“ of Theological Seminary of Methodist Episcopal Church, name changed, etc.,	8
Tudor, Mrs. Fenno, may build wharf in Nahant,	175
Tudor Company, incorporated,	181
Turner's Falls Branch Railroad, location and construction, . . .	27
“ “ Cutlery Company, incorporated,	158
“ “ Paper Company, incorporated,	191
Turnpike and Bridge Company, Chelsea Beach and Saugus, incor- porated,	68
Turnpike, Salem, made public highway,	224, 251

U.

Unclaimed portions Personal Estates of deceased persons, distribution,	209
Uniforms furnished Ninth Regiment in 1861, concerning,	284
Union, Boston New Church, name changed,	159
“ Loan and Coast Defence Sinking Funds, relating to,	127
“ Graded School, Towns of Adams and Williamstown, may establish,	54
“ Print Works of Fall River, incorporated,	70
“ Railway Company, may increase capital,	44
“ Schools, establishment authorized,	199
United States, jurisdiction over land in Boston, ceded to,	241
“ “ “ “ “ in Charlestown, ceded to,	183
“ “ may purchase lands on Long Island in Boston Harbor, 212,	213
“ “ purchase of land at Point Alderton for,	284
United States Taxes, Succession, to perpetuate evidence of payment, .	101
Universalist Society in Orange, Second, name established,	128

V.

Vermont and Massachusetts Railroad Company, may hold certain stock,	143
Vineyard Sound Railroad Company, location and construction of road,	71
“ “ “ “ name changed, etc.,	95

INDEX.

xxxiii

W.

	Page.
Wakefield, Melrose and Malden Railroad Company, incorporated, . . .	133
“ Town of, name of South Reading changed to, . . .	27
Walter Heywood Chair Company, incorporated, . . .	85
Waltham, Branch Railroad in, Fitchburg Railroad Company may construct, . . .	82
Waltham and Newton Street Railway Company, capital, etc., . . .	126
Wamsutta Mills, may increase capital, . . .	144
Ware, Town of, may hold stock of Ware River Railroad Company, . . .	163
Wareham, Town of, Trout in Grist-Mill Pond, to protect, . . .	89
Wareham and Sandwich, sea-wall between, construction authorized, . . .	229
Warren Bridge, relating to, . . .	239
Washburn and Moen Manufacturing Company, incorporated, . . .	27
Washingtonian Home, in favor, . . .	285
Watchman, Assistant, at State House, employment authorized, . . .	258
Water, supply for City of Cambridge, additional Act, . . .	17
“ “ for City of Salem, additional Acts, . . .	58, 220
“ “ for Town of Great Barrington, . . .	218
“ “ for Town of Somerville, . . .	151
Water Commissioners of New Bedford, powers of, . . .	44
Water Company, Great Barrington, incorporated, . . .	218
“ “ Jamaica Pond, additional powers to, . . .	136
“ “ Lynn Aqueduct, may issue bonds and extend pipes, . . .	217
Water Power Company, Boston, concerning, . . .	196
Wayland and Sudbury Branch Railroad Company, incorporated, . . .	24
Ways and Bridges, Public, towns may take land for protection of, . . .	189
Ways, Private, in City of Boston, naming of, . . .	149
Webster Five Cents Savings Bank, incorporated, . . .	52
Wellfleet, Town of, may hold stock in Cape Cod Railroad Company, . . .	187
Wendell, Town of, Trout in Merrill Pond, to protect, . . .	209
Wenham Pond, Shad and Alewives in, right to take suspended, . . .	122
West Amesbury Branch Railroad Company, incorporated, . . .	142
West Mansfield Passenger Station, change of location authorized, . . .	20
West Newbury Chapel Association, incorporated, . . .	100
West Roxbury, Town of, may improve Stony Brook and tributaries, . . .	161
West Springfield, Town of, construction of dikes in, . . .	65
Western Railroad Company, State Loan to, extended, . . .	235
Westhampton, Town of, may hold certain railroad stock, . . .	164
Westfield Street Railway Company, incorporated, . . .	119
Weston, Gershom B., in favor, . . .	289
Wharf in Boston, Fitchburg Railroad Company may use, . . .	178
“ “ Otis Everett and others may build, . . .	186
“ “ Sidney B. Morse may build, . . .	186
“ in Chelsea, Magee Furnace Company may extend, . . .	176
“ in Dighton, Charles E. Whitmarsh may extend, . . .	176
“ in Dorchester, Otis Shepard may build, . . .	223
“ in Fall River, Mechanics' Mills may build, . . .	215
“ in Falmouth, Vineyard Sound Railroad Company may build, . . .	96

	Page.
Wharf in Haverhill, B. Addison Sawyer may build,	192
“ in Hull, Boston and Hingham Steamboat Company may build,	177
“ in Marblehead, Mary A. Gilley and others may extend,	176
“ in Nahant, Mrs. Fenno Tudor may build,	175
“ in Somerset, B. T. Reed and W. E. Thrasher may build,	178
“ “ Joseph Simmons may build,	177
Wharf Company, Oak Bluffs, in Edgartown, incorporated,	51
Whitin Machine Works, incorporated,	107
Whitmarsh, Charles E., may extend wharf in Dighton,	176
Wife of a Debtor, earnings exempted from attachment,	82
Williams College, in favor,	289
Williamsburg and North Adams Railroad Company, certain towns may hold stock in,	164
Williamsburg, Town of, may hold certain railroad stock,	164
Williamstown and Adams, Towns of, may establish union graded school,	54
Windsor, Town of, may hold certain railroad stock,	164
Witnesses for Commonwealth, in criminal cases, concerning,	57
“ in Probate Courts, Fees of, established,	71
Woburn, Town of, in favor,	276
Women, Advisory Board of, to Trustees Industrial School, established,	120
Women and Children, New England Hospital for, in favor,	279
“ “ Friendless, Springfield Home for, in favor,	286
Woodcock, time for taking, prescribed,	99
Woolen Manufacturing Company, Neptune, incorporated,	118
Worcester County, Commissioners of, may borrow money,	283
Worcester, Fire Department of, concerning,	145
“ Municipal Court of, established,	146
“ Music Hall Association, incorporated,	99
“ Mutual Fire Insurance Company, charter amended,	188
“ North Savings Institution, incorporated,	186
“ Police Court of, abolished,	146
“ Safe Deposit Company, incorporated,	60
“ Young Men's Christian Association, incorporated,	223
Worthington, Town of, may hold certain railroad stock,	164

Y.

Yacht Club, Boston, incorporated,	87
Yearly Meeting of Free Baptists, Massachusetts and Rhode Island, in- corporated,	84
Young Men's Christian Association, Boston, may hold additional estate,	190
“ “ “ “ Lowell, incorporated,	18
“ “ “ “ Roxbury,	144
“ “ “ “ Worcester, incorporated,	223
“ “ Literary Institute of Plymouth, incorporated,	157

Z.

Zoölogy, Museum of, in favor,	289
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